



Smith County Personnel Policy

SUBJECT: BENEFITS

TITLE: SICK LEAVE POOL

I. PURPOSE

The Smith County Commissioners Court approved the establishment of the Sick Leave Pool program within the County to allow an employee to voluntarily transfer sick leave time earned by the employee to a County Sick Leave Pool. Tex. Loc. Gov't Code § 157.072(a).

II. SCOPE

The Smith County Sick Leave Pool is designed to provide additional sick leave hours to an eligible employee who has, because of a catastrophic injury or illness, exhausted all his or her accrued paid leave and compensatory time to which the employee is otherwise entitled. Tex. Loc. Gov't Code § 157.075.

III. DEFINITIONS

- A. **“Administrator”** means the person designated by the Smith County Commissioners Court to administer the County’s Sick Leave Pool program. Tex. Loc. Gov’t Code § 157.071(1).
- B. **“Employee”** means a County employee with twelve (12) or more months of continuous employment in a full-time position with the County. Tex. Loc. Gov’t Code § 157.071(2).
- C. **“Catastrophic injury or illness”** means a severe personal illness, injury or physical or mental condition suffered by the employee that involves continued treatment by a medical care provider for chronic or long-term medical conditions that are incurable or so serious that the employee has been absent from his her place of work on paid leave, accrued compensatory time, or leave

Approved By: Commissioner Court Date: 12-00-06
Revised By: Commissioners Court Date: 09-21-09

without pay for a period of five (5) consecutive working days due to the catastrophic injury or illness. *See* Tex. Loc. Gov't Code § 157.073(c).

IV. ADMINISTRATION OF THE COUNTY SICK LEAVE POOL

The Personnel Director shall be responsible for administration of the Sick Leave Pool.

Responsibilities include:

Development and maintenance of the Smith County Sick Leave Pool policy;

Development and maintenance of the Sick Leave Pool procedures, forms, and other materials;

Adhering to the Texas Local Government Code regarding employee contributions and requests for withdrawals from the County Sick Leave Pool;

Maintenance of the County Sick Leave Pool balance; and

Serving as the Sick Leave Pool Administrator.

Pool Membership

In order to become a member of the Smith County Sick Leave Pool, an employee shall contribute a minimum of eight (8) hours of accrued sick leave when they first join and a minimum of eight (8) hours each year after, in order to maintain eligibility.

Tex. Loc. Gov't Code § 157.073(a)(1)-(2).

Contributions to the Pool

- A. All contributions to the Sick Leave Pool are strictly voluntary.
- B. Yearly enrollment is conducted in January.
- C. An employee may contribute a minimum of one (1) day, up to a maximum of five (5) days accrued sick leave each fiscal year.
- D. An employee may contribute sick leave to the Pool by submitting a completed Sick Leave Pool Donation Request form to the Administrator.
- E. Days donated to the Sick Leave Pool will not reflect as "sick days used" on personnel attendance records.

Approved By: Commissioners Court Date: 12-00-06
Revised By: Commissioners Court Date: 09-21-09

- F. “Days Donated” become the property of the Smith County Sick Leave Pool. **All donations will remain in force and cannot be returned even upon cancellation of membership.**

Requesting Sick Leave from the Pool

- A. An employee who meets the eligibility requirements outlined in Section IV of this policy will be considered eligible to receive Sick Pool leave.
- B. A request for Sick Pool leave must be submitted to the Administrator in writing using the prescribed forms.
- C. To apply for use of time from the Sick Leave Pool, an eligible employee must complete a Withdrawal Application form and a Statement of Illness/Injury form and submit the completed forms to the Administrator. The Statement of Illness/Injury form must be completed by both the employee and a physician or other licensed medical practitioner.
- D. The Administrator may require the employee to provide additional information or documentation to determine whether to approve a request for withdrawal of Sick Pool leave.
- E. All documents submitted to the Administrator for the purpose of evaluating eligibility for Sick Pool leave are confidential and will be maintained as such in the Administrator’s files.
- F. If an eligible employee is critically ill and unable to file an application for sick leave from the Sick Leave Pool, a representative may submit the application on the employee’s behalf.
- G. If the Administrator determines an employee to be eligible to receive leave from the Sick Pool, the Administrator shall request the transfer of time from the Sick Pool to the employee. The time credited to the employee may be used in the same manner as accrued sick leave. Tex. Loc. Gov’t Code § 157.075(b).H. The maximum number of days granted each fiscal year to an employee will not exceed the lesser of one-third (1/3) of the total amount of time in the Sick Leave Pool or ninety (90) days.
- I. Sick Pool leave requested for stress related illness will be granted for hospitalized days only.
- J. Sick Pool leave will not be granted when an employee is receiving workers’ compensation or long-term disability benefits.

Catastrophic Injuries and Illnesses

The Smith County Commissioners Court has express authority to determine what injuries and illnesses are classified as catastrophic. Tex. Loc. Gov’t Code § 157.073(c).

Approved By: Commissioners Court Date: 12-00-06
Revised By: Commissioners Court Date: 09-21-09

Examples of injuries and illnesses generally considered severe enough to be catastrophic include, but are not limited to:

1. Stroke with residual paralysis or weakness;
2. Incapacity due to complications from pregnancy or childbirth;
3. Major surgery (i.e., hysterectomy, mastectomy, heart bypass, prostate);
4. Cancer;
5. Hepatitis; and
6. Broken Hip.

For the purposes of this policy, examples of injury or illness **not** classified as catastrophic include, but are not limited to:

1. Elective Surgery;
2. Broken limb;
3. Cold/allergy; and
4. Pregnancy with minor or no complications.

Reasons Why Requests May Be Denied

The Sick Pool Administrator will notify the employee in writing as to whether the use of Sick Pool Leave is approved or denied. If denied, the reason for denial will be indicated. Reasons why use of Sick Pool leave may be denied include, but are not limited to, one or more of the following:

1. Employee has not been continuously employed with Smith County for at least twelve (12) months;
2. Employee has not been absent for a period of five (5) consecutive working days due to the catastrophic event;
3. Employee still has accrued time in his or her paid leave and compensatory time balance;
4. Employee has not suffered a catastrophic injury or illness as specified in this policy;
5. Employee has already used the maximum Smith County Sick Pool leave allowable for the current fiscal year;
6. The injury, illness, or condition was obtained in the course of employment with an organization other than Smith County;
7. Employee was injured in the course of Smith County employment and is currently receiving workers' compensation benefits;

Approved By: Commissioners Court Date: 12-00-06
Revised By: Commissioners Court Date: 09-21-09

8. Employee is currently receiving long-term disability benefits; and/or
9. Insufficient leave time is available in the Sick Leave Pool.

Leave Granted

Any granted, unused Sick Pool Leave will revert to the Pool in the event of:

1. Employee's return to work in a full-duty status;
2. Employee's return to work in a light-duty, modified-duty, or alternate-duty status;
3. Employee's non-disability or disability retirement; or
4. Employee's death.

Use of Sick Pool Leave is not intended for postponing retirement or separation from county employment.

An employee absent on Sick Pool Leave is treated for all purposes as if the employee is absent on earned sick leave and will continue to accrue vacation leave, sick leave, and longevity, provided the employee returns to work following the Sick Pool leave.

The estate of a deceased employee is not entitled to payment for unused Sick Pool leave transferred to the employee from the Smith County Sick Leave Pool.

The Commissioners Court may terminate the County Sick Leave Pool Program at any time for any reason.

Approved By: Commissioners Court Date: 12-00-06
Revised By: Commissioners Court Date: 09-21-09