

**THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN  
OFFICE OF HUMAN RESOURCES  
POLICY AND PROCEDURES MEMORANDUM**

**SICK LEAVE**

**DATE:** April 20, 2007

**1. PURPOSE**

The purpose of this policy is to provide for the administration of sick leave for employees of The University of Texas of the Permian Basin.

**2. POLICY**

**2.1 Eligibility**

An employee appointed twenty hours per week or more and for four and one-half months or more and is not in a position that requires student status as a condition for employment is eligible to earn and use sick leave beginning on the first day of eligible employment. Eligible employees paid on an hourly basis are also entitled to sick leave with full pay and accrue sick leave at the same rate as employees paid on a monthly basis.

**2.2 Leave Accrual**

Eligible employees will earn sick leave beginning on the first day of state employment and on the first calendar day of each succeeding month of state employment.

Eligible full-time employees, i.e., those who work 40 hours per week, accrue sick leave at the rate of eight hours for each month or fraction of a month of service. Eligible part-time employees, i.e., those who work 21 to 39 hours per week, accrue sick leave on a proportionate basis.

Employees do not earn sick leave when they are in an ineligible status, including leave without pay, for an entire calendar month. An employee who transfers from a leave-eligible status to an ineligible status will, at the time of the transfer, have his or her accrued sick leave balance "frozen." If the employee returns to a leave eligible status, he or she may begin to use the previous sick leave balance and to accrue sick leave.

**2.3 Use of Sick Leave**

Sick leave with pay may be taken when an employee is prevented from performing duties due to sickness, injury, or pregnancy and confinement. It may also be used when an employee is needed to care for a member of the employee's immediate family who is ill. The following persons are considered to be members of the employee's immediate family:

- An individual who resides in the same household as the employee and is related to the employee by kinship, adoption or marriage; or
- A foster child of the employee who resides in the same household as the employee and who is under the conservator ship of the Texas Department of Family and Protective Services; or
- A minor child of the employee, regardless of whether the child lives in the same household.

Sick leave may be used by the employee for the period following delivery and recovery associated with the birth of a child to the extent certified by the physician. Sick leave for members of an employee's family who do not reside in the same household may only be taken to provide care to a spouse, child, or parent of the employee who needs such care as a direct result of a documented medical condition. Sick leave cannot be used for an employee's parent-in-law who does not live in the same household.

An employee on vacation who would otherwise be entitled to sick leave can request to use sick leave in lieu of vacation.

Employees may use up to eight hours of sick leave each calendar year to attend parent-teacher conferences for the employee's children who are in pre-kindergarten through twelfth grade. (See Policy and Procedures Memorandum "Other Leave")

#### **2.4 Payment, Restoration, or Transfer of Sick Leave When an Employee Separates from Employment**

An employee who transfers directly from one state agency to another will have his or her sick leave balance transferred, provided the employment is uninterrupted.

An employee separated from state employment will have his or her sick leave balance restored if reemployed by a different state agency within twelve months of the month of termination.

An employee who terminates employment with a state agency and returns to employment with the same state agency within twelve months of the month of termination must have a thirty-day break in employment before his or her sick leave balance can be restored. Thus, an employee who terminates from an institution and returns to employment with the same institution, must have a thirty-day break (calendar days) for restoration of sick leave to occur. However, an individual who returns to work for another institution would not need to have a thirty-day break for restoration of sick leave.

An employee laid off under a formal reduction-in-force will have his or her sick leave balance restored if reemployed by the state at any time within twelve months of the month of termination.

Faculty members must submit prescribed leave forms for all sick leave used (even though no classes were missed) if the absence occurred during the normal workday for regular employees.

Any unearned sick leave advanced and taken by an employee will be deducted from the employee's final paycheck on the basis of one working day for each unearned sick leave day taken.

An employee may retain any accrued vacation or sick leave and is entitled to be credited with those balances on return to state employment from military duty. Leave earned while in a state-paid status is credited to the employee's balance when the employee returns to active state employment.

An employee called to active military duty during a national emergency is entitled to an unpaid leave of absence. The employee continues to accrue state service credit for purposes of longevity pay while on military duty but does not accrue vacation or sick leave during an unpaid leave of absence. The employee may retain any accrued vacation or sick leave and is entitled to be credited with those balances on return to state employment from military duty. Leave earned while in a state-paid status is credited to the employee's balance when the employee returns to active state employment.

In the case of death of an employee who has an accrued sick leave balance, his or her estate will be paid for one-half of the accrued sick leave balance or 336 hours, whichever is less. The payment will be based on the number of sick leave (and vacation leave) days accrued, counting forward, starting the day after the date of death. If an official state holiday falls within this period, the number of days for which the estate is entitled to be paid is increased by the number of holidays that fall within this period. The payment will be calculated at the rate of compensation being paid the employee at the time of his or her death.

### **3. PROCEDURES**

- 3.1** An employee must report promptly by telephone to his or her supervisor the reason for the absence, and keep the supervisor informed of his or her condition.
- 3.2** If the absence is for more than three consecutive workdays, the employee will provide the supervisor a doctor's certificate showing the cause or nature of the illness, or some other written statement that is acceptable to the supervisor.
- 3.3** An employee may be required to submit documentation that any absence was necessary and due to illness or injury. Medical certification that the employee is physically fit to return to work and perform the essential elements of the job may be required. An employee who is found to have obtained sick leave pay under false pretenses is subject to discharge.
- 3.4** Employees are responsible for timely and accurately completing the required application for sick leave and should show the time away from work as "Sick Leave" on time reports and records.
- 3.5** The supervisor is responsible for maintaining accurate records of employee sick leave usage and ensuring that the Weekly Time Report in the Electronic Time

System accurately reflects the employee's use of leave before approving that record each week.

- 3.6** The Office of Human Resources is responsible for verifying an employee's sick leave hours with the department prior to the employee's transfer to another institution or state agency.
- 3.7** Negative balances of sick leave for employees cannot be carried forward from one month to the next. An employee must be placed on leave without pay for hours overdrawn on sick leave.
- 3.8** Payroll vouchers will be prepared in the Office of Human Resources/Payroll to make payments to the estates of deceased employees for accrued sick leave balances. Payment is calculated at the rate of compensation paid the employee at the time of death (employee's annual rate divided by 2080 work hours per year). Payment must be made for one-half of the balance, or 336 hours, whichever is less.

#### **4. AUTHORITY**

*Texas Government Code*, §§ 661.033-036, §§ 661.201-.206, § 661.904

#### **5. APPLICATION**

This policy applies to The University of Texas of the Permian Basin.