

SICK LEAVE

A. Purpose

The purpose of this policy is to provide administration of sick leave for employees of The University of Texas Rio Grande Valley (UTRGV).

B. Persons Affected

This policy applies to any employee who is appointed to work at least twenty (20) hours per week for a period of at least four and one-half months. For purposes of this policy, faculty must be appointed for at least fifty percent (50%) time for at least four and one-half (4.5) continuous months. Students employed in positions that require student status as a condition of employment are not covered by this policy.

C. Definitions

1. A documented medical condition - for purposes of using sick leave, exists when the employee submits a licensed practitioner's certification to the employee's supervisor as to the nature of the sickness, injury, or confinement due to pregnancy.
2. Duty day - means an employee's last physical day on the job prior to separation from employment.
3. An employee's confinement due to pregnancy - for purposes of using sick leave, means inability to perform duties caused or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery. The employee seeking to use sick leave to cover the impairment must provide a licensed practitioner's certification that the impairment causes the employee to be unable to work. Sick leave may not be used in conjunction with parental leave or family and medical leave once an employee has recovered from temporary impairment related to pregnancy or confinement.
4. An immediate family member - is defined as those individuals who live in the same household as the employee and are related by kinship, adoption, or marriage; or are foster children certified by the Texas Department of Child Protective and Regulatory Services; and an employee's minor child regardless of whether the child lives in the same household.
5. A licensed practitioner's certification - is a document signed by a licensed physician, nurse practitioner, or other health care professional, competent within their scope of practice to make a medical evaluation of the employee's sickness, injury or confinement due to pregnancy.
6. Sick Leave Abuse - occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging an absence to sick leave. Abuse may also occur when an employee establishes a pattern of sick leave usage over a period of time such as the day before or after a holiday, on Mondays or Fridays, after paydays, any one

specific day, half-day, or a continued pattern of maintaining zero or near zero leave balances.

7. *Sickness or injury* - for purposes of using sick leave, includes an absence required for medical, dental, or optical examination or treatment; or for physical therapy and laboratory work or tests as ordered by a licensed practitioner.

D. Policy

UT Rio Grande Valley provides paid sick leave to eligible employees in accordance with state law.

1. *Permitted Uses of Sick Leave:*

- a. *Employee's Medical Condition* - Sick leave may be taken when an employee is prevented from performing duties because of sickness, injury, or confinement due to pregnancy.
- b. *Care of Immediate Family* - Sick leave may be taken when an employee needs to care for an immediate family member who is ill because of sickness, injury, or confinement due to pregnancy.
- c. *Care of Family Who Do Not Reside in the Same Household* - An employee's sick leave used to care for family who do not reside in the same household is strictly limited to the time necessary to provide care to the employee's spouse, child or parent who needs such care as a direct result of a documented medical condition. An employee who is the legal guardian of a child by court appointment may use sick leave to care for the child. Sick leave cannot be used to provide care for an employee's parent-in-law who does not live in the same household.
- d. *Educational Activity* -- An employee may use up to a total of eight (8) hours of sick leave total each fiscal year to attend educational activities for the employee's children who are attending a grade from pre-kindergarten through 12th grade. For purposes of this leave, an "educational activity" means a school-sponsored activity, including a parent-teacher conference, tutoring, a volunteer program, a field trip, a classroom program, a school committee, an academic competition, and an athletic, music, or theater program. The eight (8) hours are in aggregate and does not apply to each individual child in the employee's family. The employee must give reasonable advance notice of the employee's intention to use the sick leave to attend an educational activity.
- e. *Use and Exhaustion* - Sick leave cannot be used before it accrues. If an employee exhausts all sick leave, any further absence caused by sickness, injury or confinement due to pregnancy must be charged to other accrued paid leave. If all other accrued leave is exhausted, the employee will be placed on leave without pay. If the sickness, injury, or confinement due to pregnancy is catastrophic, the employee may apply for hours from the sick leave pool. See HOP ADM 4-604, Sick Leave Pool.

2. *Accrual and Credit:*

- a. *Accrual* - Full-time employees will accrue eight (8) hours of sick leave for each month or fraction of a month of employment. Part-time employees will accrue sick leave on a basis proportional to their appointment.
- b. *Credit* - Credit for accrual will be given and posted to an employee's leave record on the first day of employment and on the first day of each succeeding month of employment. If an employee is on paid leave on the first day of the month, the sick leave accrual will be credited for that month but will not be available for use until after the employee returns to work. If an employee is on unpaid leave on the first day of the month, the sick leave accrual will not be credited for that month nor will it be available for use until after the employee returns to work.
- c. *Non-accrual* - Employees do not accrue sick leave for any full calendar month in which the employee is on leave without pay. Employees called to active duty during a national emergency by a reserve branch of the Armed Forces of the United States do not accrue sick leave during such service. See HOP 4-607, Military Duty Leave.

E. Procedures

1. *Employee Responsibilities:*

- a. *Notification* - An employee who must be absent from work because of sickness, injury, or confinement due to pregnancy will notify the supervisor, or have the supervisor notified, at the earliest possible time on or before the first day of absence. If an employee expects to be absent for more than three (3) work days, the employee or the employee's representative will notify the supervisor at the beginning of each work week, unless other specific notification arrangements are made that are acceptable to the supervisor. It is the responsibility of the employee to report the need for leave involving a serious or chronic health condition that would necessitate the employee being absent from work for three (3) or more days to the Office of Human Resources. See ADM 4-608, Family and Medical Leave.
- b. *Failure to Notify Supervisor* - An employee's repeated pattern of failing to notify the supervisor when absent will be grounds for disciplinary action. Except in cases of an emergency or when other specific notification arrangements have been made in agreement with the employee's supervisor, three (3) consecutive days of absence without notice is job abandonment and is cause for immediate dismissal from employment.
- c. *Certification*
 - i. *Continuous Absence of Three (3) Days or Less* - For an employee to be eligible to use accrued sick leave during a continuous period of three (3) work days or less, the employee may be required by the supervisor to provide a licensed practitioner's certification showing the cause or nature of the condition or another written statement of the facts for the sick leave

that is acceptable to the supervisor. This certification or statement is submitted to the supervisor upon the employee's return to work.

- ii. *Continuous Absence of More Than Three (3) Days* - For an employee to be eligible to use accrued sick leave during a continuous period of more than three (3) work days, an employee shall send to the employee's supervisor a licensed practitioner's certification showing the cause or nature of the condition or another written statement of the facts for the sick leave that is acceptable to the supervisor. This certification or statement is sent to the supervisor during the period of absence. It is the responsibility of the supervisor to report the need for leave involving a serious or chronic health condition that would necessitate the employee being absent from work for three (3) or more days to the Office of Human Resources. See ADM 4-608, Family and Medical Leave.
- d. *Falsification of Certification* - Falsification of a licensed practitioner's certification is grounds for dismissal from employment.
- e. *Reporting* – Upon return to work after sick leave use, the employee, other than faculty, shall accurately complete their time report noting the sick leave used, and submit the report in a timely manner for approval to the supervisor. Submitting a time report that includes sick leave use constitutes an application to the supervisor for approval of sick leave use.

Faculty members must report all sick leave even though no classes were missed if the absence occurs during a faculty member's teaching schedule. The employee is also responsible for avoiding sick leave abuse (defined in Section C).

2. *Supervisor and Department Responsibilities:*

- a. When considering the approval of sick leave use, the supervisor shall review any licensed practitioner's certification or other written statement submitted regarding the sick leave. The supervisor must verify that the employee has accurately recorded the leave and sign the appropriate time report approving the sick leave used. It is the responsibility of the supervisor to report the need for leave involving a serious or chronic health condition that would necessitate the employee being absent from work for three (3) or more days to the Office of Human Resources. See ADM 4-608, Family and Medical Leave.
- b. The department shall maintain the monthly Report of Vacation and Sick Leave of all employees who take sick leave.
- c. When an absence from work is caused by an employee's medical condition and is in excess of three (3) working days, the employee's supervisor shall require that, immediately upon the employee's return to work, the employee submit to the supervisor a licensed practitioner's certification or other written statement that the employee was required to be absent from duty because of sickness, injury, or confinement due to pregnancy and the date that the employee is able to return to work. The certification must also specify what limitations, if any, exist to the

employee's ability to perform his or her job duties or pose a threat to the safety of the employee or others. If limitations exist, the supervisor shall contact the Office of Human Resources.

3. *Conditions for Restoration of Sick Leave Balances Upon Re-Employment:*

- a. *Restoration after Formal Reduction in Force* - Employees separated from employment under a formal reduction in force policy will have their paid sick leave balance restored if re-employed by the state within twelve (12) months of termination.
- b. *Restoration and Re-employment with Another State Agency* - Employees who are separated for reasons other than a formal reduction in force and are re-employed by a different state agency will have their paid sick leave balance restored if re-employed within twelve (12) months of termination.
- c. *Restoration and Re-employment with Same State Agency*. Employees who are separated for reasons other than a formal reduction in force and are re-employed by the same state agency will have their paid sick leave balance restored if re-employed within twelve (12) months of termination and if they have a break in service of at least thirty (30) calendar days from the date of termination.

4. *Employee Transfers With No Break in Service:*

- a. *Transfers within UTRGV* - Accrued sick leave balances for employees transferring with no break in service within UTRGV are automatically transferred to the new department.
- b. *Transfers to UTRGV* - Employees transferring with no break in service to UTRGV from another state of Texas agency or higher education institution can request that their accrued sick leave be transferred to UTRGV.
- c. *Transfers to Another State of Texas Agency or Higher Education Institution* - UTRGV employees transferring with no break in service to another state of Texas agency or higher education institution can request that their accrued sick leave be transferred to the new workplace.

5. *Payment to an Estate:*

- a. A deceased employee's estate is entitled to payment for one-half (1/2) of the employee's accrued sick leave balance, or 336 sick leave hours, whichever is less, if the employee had at least six (6) months of continuous state employment at the time of death.
- b. The amount paid to the estate will be at the employee's compensation rate at the time of death but will not include longevity or hazardous duty pay.

6. *Delegation of Authority* - Authority is hereby delegated to the department head or designee to approve sick leave use and require medical certification when needed.

G. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

Texas Government Code §§ 661.201-661.206, 661.033-661.034, Leave

The University of Texas Board of Regents' Rules and Regulations Rule 30201, Leave Policies