

COUNTYWIDE SICK LEAVE POOL POLICY

GUIDELINES

The Commissioners' Court has authorized a countywide voluntary sick leave pool ("Pool") for eligible employees with a catastrophic illness or disability. The administration of the "Pool" shall be by the Pool Administrator who will be responsible for developing procedures for the operation of the pool including developing forms for contributing leave to, or requesting leave from the sick pool. The Commissioners' Court is responsible for issuing interpretations and clarifications of the "Pool".

In the event of an adverse decision by the Pool Administrator, an employee will have the option to have the decision reviewed by the Benefits committee. Commissioners' Court will appoint members of the Benefits Committee. The composition of the committee will be each member of Commissioners' Court will be permitted to appoint one member of the committee. Each year the committee will select a chairman from its membership.

7.208 A: Eligibility/Definitions

- a. Pool Administrator: The Human Resources Director or an appointed designee for Hidalgo County.
- b. Eligible Employee: An employee of Hidalgo County with 12 or more months of continuous employment with the county, or precinct, who is paid from the general fund of the county, from a special fund of the county, or from special grants paid through the county.
- c. To become a member of the "Pool", an eligible employee must transfer three (3) days of accrued sick leave time and sign a statement provided by the Pool Administrator stating the employee's desire to voluntarily join the "Pool" and authorizing the Pool Administrator to deduct the days from the earned sick leave of the employee and to transfer the sick leave to the pool as if the employee had used the time for personal purposes. The

membership shall be for a period of one year, from January 1 to December 31.

- d. Eligible employees shall contribute at least three days and no more than five accrued sick leave each year during the month of November (open enrollment). New employees are eligible to join/contribute during the anniversary of their first year of employment and then during open enrollment to maintain membership in the "Pool".
- e. If an eligible employee withdraws from the countywide "Pool", or opts not to renew the annual membership, and that employee later wishes to rejoin, the employee will have to transfer three days of accrued sick leave to the pool.
- f. An employee is not considered a member until the sick leave days are transferred to the pool.
- g. An eligible employee, or employee's spouse or immediate supervisor may apply to the Pool Administrator to draw time from the "Pool" as provided in Section 7.211. If the Pool Administrator determines that the employee is eligible, the Pool Administrator shall credit the approved days to that employee who may use the time in the same manner as sick leave earned by the employee in the course of employment with the County.
- h. Employees who either retire or resign from county employment may, at their option, donate not more than 10 days of accrued sick leave time to the "Pool".
- i. "Pool" benefits may be used for a catastrophic illness or injury of the employee as defined in Section 7.209.
- j. An employee who incurs a catastrophic illness or injury is eligible to use time from the "Pool" if the employee has exhausted all paid leave and compensatory time to which that employee is otherwise entitled.
- k. In any calendar year, an eligible employee may not use time from the "Pool" in an amount that exceeds the lesser of one-

third of the total amount of time in the pool or 90 days. An eligible employee may not request time in increments of more than 30 days. The Pool Administrator shall determine the exact amount of time that an eligible employee may draw from the "Pool".

- l. An employee absent on assigned sick leave is treated for all purposes as if the employee were absent on earned sick leave. For purposes of this policy, "Pool" days allocated shall be drawn based on the employee's 'standard work day' and pay rate immediately prior to the catastrophic illness or injury. An employee does not earn Sick Leave, Annual Leave, or any other form of paid leave while the employee is paid from the "Pool". However, allocated days shall be included in computing an employee's length of service with the county.
- m. If an employee who has received benefits from the "Pool" returns to work and becomes ill again with the same or different illness, the employee may apply for additional days, not to exceed thirty (30) days. The Pool Administrator shall determine the exact amount of time that an eligible employee may draw from the "Pool".
- n. If the sick leave available through the "Pool" falls below the number of days equal to two times (2x) the number of participating members at any time, each member shall contribute one sick leave day in order to retain membership of the "Pool". This would be considered an emergency allocation to bring the pool up to the amount of hours needed.

7.209 A 'catastrophic illness or disability' is an employee's extended critical illness, surgery, injury, or temporary disability due to illness or injury. To qualify as a catastrophic illness, an employee:

- a. must be unable to perform the duties of his or her position for a prolonged period of time;
- b. must require the services of a licensed medical practitioner for a prolonged period of time; and,
- c. is expected to have an extended absence from work for treatment or recovery after the employee has exhausted all accumulated available paid leave and compensatory time, irrespective of the form of such leave.

7.210 "Pool" is not available for:

- a. Elective procedures or procedures that could be scheduled at a time more compatible with work responsibilities without detriment to the employee's health; or,
- b. Pregnancies without complications.

7.211 An eligible employee wishing to draw from the countywide "Pool" must submit written request to the Pool Administrator. The request must include:

- a. A completed Hidalgo County Request for Extended Sick Leave;
- b. A physician's report describing the catastrophic illness or injury;
- c. Expected dates of absence from work for the catastrophic illness or injury;
- d. The anticipated number of "Pool" days needed by the employee as recommended by the physician.

A pool request is generally not submitted until an employee is close to exhausting all paid leave and compensatory time.

7.212 A "Pool" allocation for an employee terminates on the earliest of:

- a. The date the employee returns to work; or
- b. The effective date of any termination of the employee, including the termination due to the employee's death; or

- c. The contributed days are exhausted; or
- d. The employee has used the allowable amount of time from the "Pool" unless the Pool Administrator has approved the use of additional time.

Unused "Pool" days are credited back to the countywide "Pool".

7.213 An employee's use of "Pool" time shall be included in the computation of any benefits available to an employee under the Family and Medical Leave Act. Use of the "Pool" shall run concurrent with family and medical leave.