

## **SICK LEAVE POLICY**

### **1. General**

Temple College, hereinafter referred to as “the College”, recognizes that employees and members of an employee's immediate family may become sick or injured and that a period of time off with pay may be granted to employees. Paid sick leave is a benefit provided by the College to enable eligible employees the opportunity to continue on paid status during an employee's illness or disability or that of an employee's immediate family member. Sick leave can only be used for the specific purposes defined within this policy and is not to be used in the same manner as earned annual leave. Employees who are eligible for and accrue sick leave should make every attempt possible to accrue sick leave to ensure continued pay in cases of extended illness or injury.

### **2. Eligible Employees**

An employee whose status is designated at a 1.0 FTE or part-time exempt (Professional) and part-time non-exempt (Classified) staff members designated at a 0.80 FTE or greater will accrue sick leave hours based upon their individual full or part-time status. Full-time is defined as a 1.0 Full Time Equivalency (FTE) and is equal to working 40 hours per week or equivalent to instructing 15 equated semester hours per long semester-based upon a 9 or 10 month faculty contract. The calculations may be used interchangeably. Part time is defined as a 0.8 FTE up to 0.99 FTE on a regular basis and is approximately equal to working 32 to 39.9 hours per week or equivalent to instructing 12 to 14.99 equated semester hours per long semester. The calculations may be used interchangeably. Part-time instructors working less than a 0.8 FTE based upon a standard 15 equated semester hour load or a 40 hour workweek are not eligible for sick leave accrual. Part-time instructors working less than a 1.0 FTE will be charged the substitute teacher rate when their absence is due to illness. A faculty member who is hired on a 12 month contract is subject to the same duty reporting requirements as a 12 month professional contract employee and accrues sick leave in the same manner.

Grant funded employees will earn the same sick leave accrual as eligible, regular status College employees, subject to grant funds availability. Grant funded employees' accrued sick leave benefits may not be paid prior to or after the grant expiration date, subject to grant provision or authorized leave approval. Grant funded employees who are hired or transferred to a College funded position will not be allowed to transfer their accrual of sick leave hours from their Grant funded position to the College funded position.

There may be instances in which a college position is partially funded by grant funds. The grant funds must be sufficient to cover the cost of the usage of leave and costs will be assessed against the grant if an employee transfers to another fully funded college position, or; if the position reverts to a fully funded college position.

**See Exhibit 51500A for a listing of eligible positions**

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### **3. Sick Leave Accruals**

Sick leave is accrued and posted to an eligible employee's sick leave account at the end of each month at the rate of eight (8) hours per month. Part-time (0.8 FTE to 0.99 FTE) exempt (Professional) and non-exempt (Classified) employees will earn a prorated amount of sick leave for each month worked. For example: a person working part-time on a 0.8 FTE basis will earn 6.5 hours (rounded to the nearest quarter hour) for each month worked and pro-rated further for each partial month worked, see paragraph 2, above, or Exhibit 51500A to determine eligibility. Eligible exempt (Professional) and non-exempt (Classified) employees who begin working on any day other than the 1<sup>st</sup> day of the month will receive a pro-rated sick leave accrual amount for the first month worked.

If a new contractual faculty member begins work in January, May, June, July, or August the accruals will start on the day the faculty member reports to work. This is based on the contractual start date, and may be prorated dependent upon the day of the month the faculty member reports to work.

Temporary, full-time faculty members who are paid from the Part-time/Overload Faculty Salary Schedule and are designated as full time (1.0 FTE) for that semester will accrue sick leave monthly for each long semester worked up to the accrual limit for temporary full-time faculty but will not accrue any sick leave during the summer semester. Nine (9) month or greater contractual faculty members will accrue sick leave during the summer semester for each month or partial month they are instructing up to the 1,040 hour accrual limit which is discussed in the next paragraph.

Unused sick leave shall accrue in an eligible employee's individual accrual account up to a total of 1,040 hours. Unused sick leave shall accrue in a temporary full-time faculty member's accrual account up to a total of 32 hours. Employees new to the College must have reported for duty before the provisions of the sick leave policy can be applied. Sick leave is accrued only during time actually worked and during paid sick leave, annual leave, holidays, jury duty, and paid leaves of absence. Sick leave may not be taken until it is accrued. Faculty members who have accrued sick leave hours during a temporary full-time appointment and are subsequently hired to a regular full-time position will be allowed the transfer of accrued sick leave hours up to the 32-hour accrual limit.

When a regular full-time or regular part-time employee has accrued the maximum permissible sick leave amount of 1,040 hours and is absent for reasons specifically provided for in this policy, the number of hours absent shall be subtracted from the number of hours accrued. The employee may then begin to accrue sick leave until the employee once again has the maximum permissible hours of accrued sick leave. Temporary, full-time faculty members are subject to the same terms listed in this paragraph but are also subject to the 32-hour cap.

If an employee does not have any sick leave accrued and a request for sick leave is made, the employee allows the College to deduct this time from their compensatory time accruals, annual leave accruals, and personal leave for faculty, with compensatory

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time being deducted first. If the employee does not have any amount accrued in any account, the employee will not be paid for any time off and the time taken will be considered as leave without pay.

#### **4. Immediate Family**

Immediate family for purposes of this policy is defined to include spouse or domestic partner, child, mother, father, sister, brother, mother-in-law, father-in-law, grandchildren, and grandparents. A child includes a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis.

#### **5. Authorized Use of Sick Leave**

Sick leave is to be used for the specific purposes defined below:

- **Personal Illness or Injury**

Time off due to personal illness or injury (including disability due to pregnancy and childbirth), prescheduled doctor and dentist appointments, and other related medical conditions will be charged to sick leave.

- **Illness of an Immediate Family Member**

Sick leave because of an illness or injury of an immediate family member of the employee will be allowed on the same basis as an employee's personal illness or injury.

- **Parent-Teacher conference**

Texas Government Code 661.206: Up to eight (8) hours of sick leave per fiscal year (September 1 through August 31) may be used for attendance at a parent-teacher conference for the employee's children, provided the employee is the parent of (or a person standing in legal parental relation to) a child who is a student attending a grade from prekindergarten through 12th grade. An employee shall give reasonable advance notice of their intention to use sick leave to attend a parent-teacher conference. Reasonable in this instance is defined as two (2) days or more before the conference.

- **Quarantine**

Time off due to the quarantine of an employee's household will be charged to sick leave.

- **Partial Work Days Due to Illness or Injury**

Partial days not worked due to an illness or injury will be charged to sick leave.

- **Pandemic or Epidemic**

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Time off due to a declared pandemic or epidemic will be charged to sick leave.

Sick leave will be charged as follows: Employees who are regularly scheduled to work five days per week will be charged accordingly, based on work week schedule assigned, for each day absent, i.e., employees who are regularly scheduled to work four days per week will be charged ten hours for each day absent. In both cases employees who are absent for a working week will be charged with forty hours of sick leave. Sick leave will be charged in fifteen-minute increments.

### Special Rules Applicable to Public Agency Employees

An exempt employee of a public agency may have his or her pay reduced or may be placed on unpaid leave for absences due to personal reasons of less than one full day when leave is not used by the employee because:

- Permission to use leave has not been sought or permission has been sought and denied;
- the employee's accrued leave has been exhausted; or
- the employee chooses to use leave without pay;

provided that the employee is paid according to a pay system established by statute, ordinance or regulation or by a policy or practice established pursuant to the principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the public agency employee's pay to be reduced for such absences. *US Department of Labor, elaws, FLSA Overtime Security Advisor: <http://www.dol.gov/elaws/esa/flsa/overtime/cr10.htm>*

### **6. Faculty Sick Leave Notification and Reporting:**

Texas Government Code Sec. 661.203-Faculty at Institutions of Higher Education: A faculty member at an institution of higher education must submit a prescribed leave form for all sick leave the faculty member takes if the absence occurs during the normal workday for regular employees, even if no classes are missed.

For purposes of this policy a class/lab is defined as an online, hybrid, web-enhanced, and/or lecture class/lab. Faculty who miss instructing a scheduled class or classes are expected to report the time missed to the proper department chair or division director.

Faculty who miss an entire class day, days, or on extended leave shall be charged sick leave based upon the individual faculty member's workweek schedule. Faculty who miss a partial day shall be charged sick leave hours equal to the actual scheduled class time or office hours missed in 15 (fifteen) minute increments.

For example, if a faculty member misses all of Monday but only the first scheduled class on Tuesday and the faculty member's workweek schedule is Monday through Thursday, then that faculty member will be charged 10 hours for Monday plus time for class/office hours missed on Tuesday.

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Faculty on leave can be expected to make reasonable accommodation for substitute instructors. At a minimum, this should include providing a syllabus and basic lesson plan for the class to the substitute or Department Chair.

## **7. Workers' Compensation Pay, Short Term Disability, and Long Term Disability**

If an eligible employee is receiving Workers' Compensation payments or has subscribed to and is receiving short term disability or long term disability payments, the employee may not use any form of leave accrual which includes sick leave accrual to supplement the payment received by any one of these insurance categories.

## **8. Payment of Sick Leave Accrual after Employment Separation**

Upon separation from the College, any employee who has served the College on a full-time basis for at least 10 years, the last six years before separation must be continuous full-time service, will receive a maximum payment of one month's salary. Part-time exempt and non-exempt staff are allowed the payment of one month's salary upon separation provided there is at least 173.33 hours of sick leave accrued. The calculation of one month's salary is as follows: the full-time employee's final yearly salary divided by 12 with the result as the final payment. A lesser amount will be paid to employees who do not have at least 173.33 hours of sick leave accrued in their individual sick leave accrual account at the time of employment separation. Temporary full-time or part-time Faculty members will not be paid for any accrued sick leave upon work separation.

## **9. Sick Leave Before Retirement/Employment Separation**

As of April 30, 2012, employees will no longer be permitted to use Sick Leave as a block of time taken off prior to retirement or employment separation. If there is a medically certified reason that falls within Section 5 of this policy, the employee may be allowed to take this leave but will be asked to submit a request for sick leave along with a physician's certification why this leave may be granted. The request and doctor's certification must be taken to the Associate Vice President, Resource Management. The request may be subject to a second opinion by a physician selected and paid for by the College before the leave may be granted. The College President is the final authority in this matter and will finalize the request with the President's written approval and accompanying signature.

## **10. Alternative Provision for Temporary Disability**

If a temporary disability prevents the performance of an employee's regular duties, taking sick leave is not the only alternative. Instead, the department chair/supervisor, in consultation with the College president and the Associate Vice President, Resource Management, may temporarily reassign the employee to other duties which do not affect the disability. The reassignment should be within the same general location with comparable job duties, job requirements, and should not affect the employee's pay scale. A physician's statement, indicating that the employee is capable of performing

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the reassigned job without adverse effect on the temporary disability or the safety of others, is required. If no alternative is found, the employee will be placed on sick leave, provided the employee has sick leave accruals.

### **11. Approvals**

Employees must report any unplanned absence due to illness or injury to his or her immediate department chair/supervisor before the start of the employee's regularly scheduled work shift. Department chairs/supervisors have discretion to take emergency situations into account if the employee is unable to call before the start of his or her shift. Failure to report an absence and to request sick leave that is not in accordance with this policy may be cause for denial of the leave requested after the fact and may include disciplinary action.

### **12. Physician's Statement**

The College reserves the right to require a physician's statement at any time regarding an eligible employee's illness or injury or Family and Medical Leave (FMLA) request. Department chairs/supervisors may also request a physician's statement for sick leave used for pre-scheduled doctor's appointments or to care for an ill or injured family member upon the employee's return from sick leave. If the request for sick leave is due to an employee's own illness, the department chair/supervisor may request documentation certifying whether or not the employee is physically able to return to work, the date the condition commenced, and the expected duration of the condition which includes a return date. If the request for sick leave is to care for an immediate family member (defined above), the department chair/supervisor may request documentation from a doctor signifying the employee must use sick leave to care for that family member and the expected duration which includes a return date. The employee will be required to provide a physician's statement to their department chair/supervisor for all absences longer than five (5) working days. The physician's statement must be forwarded to Human Resources and will be kept in the employee's medical file.

### **13. Sick Leave Abuse**

The College may refuse to pay sick leave if it is determined or discovered before or after sick leave use that a claim for sick leave was fraudulent and may take disciplinary action up to termination for sick leave abuse.

### **14. While on Annual Leave**

An illness which occurs during an eligible employee's annual leave may be charged to sick leave. In this case, a Physician's statement verifying the period of illness is required.

### **15. While on Holiday**

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When a holiday falls during the time an eligible employee is on sick leave, the holiday will be charged to holiday pay and not to sick leave.

#### **16. While on Administrative Leave**

When a decision for administrative leave falls during the time an eligible employee is on sick leave, the day or time during the day designated as administrative leave will be charged to administrative leave and not to sick leave.

#### **17. Reinstatement After Lay-Off**

The unused sick leave balance as of the date the employee is separated will be reinstated upon the employee's request for those employees who are recalled from layoff within 185 calendar days of the date of the action.

#### **18. Rehire**

Employees rehired and reporting to work within or on the 120th calendar day after employment separation will, upon the first day the employee has reported to work, resume sick leave accrual at the rate in effect at the time of separation, but will not be given credit for unused sick leave at the time of their separation. Employees rehired or reinstated after the expiration of time limits specified in this section are considered as new hires.

#### **19. Job Reinstatement**

An employee returning from approved sick leave, family and medical leave, and disability leave may return to his or her job. Employees returning from at least a five (5) working day absence for medical reasons must provide a physician's statement certifying that they are physically able to return to work with or without limitations. If limitations are identified, they must list the date of return and the specific limitation. In addition, if there is a concern regarding whether an employee is medically able to return, a department chair/supervisor may request a return-to-work physician's statement for illnesses less than five (5) working days.

#### **20. Confidentiality**

All Human Resource staff members, the eligible employee's immediate department chair/supervisor or any other person who may have been granted access by the employee to the employee's medical records must keep medical information private. Any information that is communicated to other departments or supervisors without the consent of the employee, subjects the staff member or department chair/supervisor to disciplinary action up to dismissal. Any employee who does not receive permission to access medical records and is found to have accessed another employee's medical records or medical information will be subject to disciplinary action up to and including discharge. In addition, the employee will be reported to the Department of Health and

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Human Services (DHHS), Office for Civil Rights (OCR) for violation of the Health Insurance Portability and Accountability Act (HIPAA).

## **21. Record Keeping**

The Human Resource (HR) Office will maintain documentation for each employee's leave hours accrued or taken. This information will remain in the HR office for as long as the employee remains employed at Temple College and for four (4) years after employment or in accordance with grant requirements, whichever is greater. Employees may view their leave accruals by logging in to their individual account in TConnect.