

**Florida A & M University  
Office of Human Resources**

**HR OPERATING POLICY-PROCEDURE**

**Procedure No. HR-3007**

<b>Subject: Sick Leave Pool</b>	
<b>Authority: 1001.74 Florida Statutes</b>	<b>Effective Adopted Date: 07/01/1999</b>
<b>Revision(s)</b>	<b>06/27/1996; 3/2017</b>
<b>Related References</b>	
<b>Purpose</b>	Establishing and maintaining a Sick leave Pool

**1.0 General Information**

**2.0 Definitions**

**3.0 Responsibilities**

**A. Sick Leave Pool Committee and Administrator**

1. An administrator and a five person committee will be jointly responsible for the administration and operation of the Sick Leave Pool.
2. Records generated from the administration of the Sick Leave Pool are subject to the provisions of Florida Statutes 119.07 governing the inspection, examination, duplication of and exemptions of Personnel Records.

**B. Appointment of the Sick Leave Pool Committee**

1. The President or President's designee should appoint an employee from each division of the University and two alternates to serve on the Sick Leave Pool Committee. The committee should elect a chair of the committee. The Sick Leave Pool Committee members and alternates should be appointed to serve two-year terms. All terms should begin on the date of appointment and end two years from that date. Former and current committee members may be reappointed to additional terms.
2. Each committee member and alternate should be eligible to participate in the Sick Leave Pool and must have elected to do so.
3. If a member resigns from the committee for any reason during his/her term, an alternate should serve the remainder of the term.
4. All decisions of the committee should be made by a minimum of three committee members. If a committee member is not available to vote, an alternate should substitute for the committee member for the purpose of voting on the matters that are before the committee.

**C. Responsibilities of the Sick Leave Pool Committee**

1. The responsibilities of the Sick Leave Pool Committee members should include, but not be limited to:

- a. Meeting with the administrator on a monthly basis or as needed.
  - b. Reviewing the provisions of this policy and recommending to the administrator changes to the policy and its administration, as needed.
  - c. Approving or disapproving, by majority vote, requests for Sick Leave Pool usage.
  - d. Approving or disapproving, by majority vote, the non-continuation of members of the Sick Leave Pool.
  - e. Authorizing the Administrator to deduct leave from Sick Leave Pool members' accounts.
2. The responsibilities of the alternate members should include, but not be limited to:
- a. Meeting with the committee during regularly scheduled meetings.
  - b. Serving in the absence of a regular committee member.
  - c. Serving in instances where a possible conflict of interest precludes another member from voting.
  - d. Serving, for the remainder of the term, when a vacancy arises due to the resignation of a committee member or the termination of a committee member's employment.

**D. Appointment and Responsibilities of the Sick Leave Pool Administrator**

1. The Administrator of the Sick Leave Pool should be the Director of Human Resources/Personnel Relations or designee. The Administrator is not required to be a member of the Sick Leave Pool and does not have a vote on issues that come before the Committee.
2. The responsibilities of the Sick Leave Pool Administrator should include, but not be limited to:
  - a. Receiving applications for membership, determining eligibility for membership and processing applications from University employees who elect to participate in the Sick Leave Pool.
  - b. Convening the Sick Leave Pool Committee; making available to the committee the requests for Sick Leave Pool usage; and reviewing the sick leave accounts of all participating employees at designated intervals or upon the request of the committee.
  - c. Maintaining accurate and reliable records regarding all functions of the Sick Leave Pool, including membership, deductions, contributions, usage and other transactions or decisions made by the committee and the administrator.
  - d. Scheduling and conducting open enrollment periods.
  - e. Notifying and seeking authorization from the Sick Leave Pool Committee to deduct sick leave hours from each member's sick leave balance.

- f. Deducting sick leave hours from participating employees' sick leave accounts and notifying employees of the deductions.
- g. Initiating reviews to this Policy as directed by or in conjunction with the committee.
- h. Canceling membership of employees who elect to withdraw their membership in the Pool or who are expelled from the Sick Leave Pool.
- i. Investigating alleged abuse of the Sick Leave Pool.
- j. Maintaining a current roster of the members of the Sick Leave Pool.
- k. Ensuring that the pool contains sufficient hours to grant leave to employees whose requests have been approved.
- l. Transferring pool membership to another State agency in accordance with Florida Statutes 110.121(9).

**E. Appointment of the Sick Leave Pool Appeals Board**

- 1. The President or President's designee should appoint a Sick Leave Pool Appeals Board consisting of an individual from the President's Executive Council, and one employee each from the Faculty, Administrative & Professional and University Support Personnel System compensation plan who are members of the Sick Leave Pool. The Sick Leave Pool Appeals Board should elect a chair of the Board.
- 2. Members of the Sick Leave Pool Appeals Board should be appointed to serve two-year terms. All terms should begin on the date appointed and end two years from that date.

**F. Responsibilities of the Sick Leave Pool Appeals Board**

- 1. The Sick Leave Pool Appeals Board should review or hear discussions or issues regarding requests for Sick Leave Pool benefits that were denied by the Sick Leave Pool Committee.
- 2. The Sick Leave Pool Appeals Board should review or hear issues regarding the expulsion of members from the Sick Leave Pool or membership cancellation.
- 3. The Sick Leave Pool Appeals Board should convene as soon as practicable after notification by the Sick Leave Pool Administrator of the receipt of an issue from a requesting member as indicated in Section II. F. of this memorandum.
- 4. The decisions of the Sick Leave Pool Appeals Board is final and binding on all parties.

**4.0 General Procedures**

**4.1 Eligibility Criteria for Membership in the Sick Leave Pool** - To be eligible to join the Sick Leave Pool, an employee should meet the following criteria:

- A. Be employed in a full-time or part-time salaried (non-OPS) position with Florida A&M University;
- B. Have been continuously employed for one year without a break in service with the State University System or agency of the State of Florida in a position which earned sick leave credits; and,

C. Have an accumulated sick leave balance at the time of application and approval for membership in the pool or at the close of the open enrollment period as follows:

1. Full-time employees - at least 64 hours
2. Part-time employees - accumulated balances proportionate to 64 hours based on the employee's F.T.E.

#### **4.2 Application Periods for Sick Leave Pool Membership**

A. Membership applications should be accepted during open enrollment periods conducted annually or at such other times as prescribed by the Sick Leave Pool Committee.

B. Employees should apply for membership in the Sick Leave Pool during the appropriate periods indicated below:

1. An employee who is currently eligible for membership should apply within 30 days of the effective date of this policy or during a subsequent open enrollment period.
2. An employee who is transferring to the University from a State of Florida governmental agency or university may transfer from the exiting agency Sick Leave Pool to the University Sick Leave Pool within thirty days of the beginning date of employment with the University. The employee is required to make a contribution of eight (8) hours of sick leave if being employed on a full-time basis and proportionate to eight (8) hours if employed part-time.

An employee transferring from an agency with which the University has a reciprocal agreement for the transfer of Sick Leave Pool hours will not be required to contribute eight (8) hours upon transferring membership into the University pool.

Certification that the employee was a member of the transferring agency's Sick Leave Pool will be requested by the University Personnel Office.

3. An employee who is transferring to the University from another State of Florida governmental agency or university and who was not a member of that agency's Sick Leave Pool may apply for membership in the University Sick Leave Pool within 30 days of the beginning date of employment with the University if he/she meets the eligibility criteria for membership.
4. An employee who has one year of eligible service with the State but does not have at least 64 hours of accumulated sick leave at the initial open enrollment period of the Sick Leave Pool, may reapply during a subsequent open enrollment period if such employee has accumulated the minimum hours required for participation.
5. An employee who completes the first year of eligible service at a point other than during an open enrollment period and who has an accumulated sick leave balance of at least 64 hours will have thirty (30) calendar days after the first day of eligibility to apply for membership in the Sick Leave Pool.

The employee is responsible in determining the time he/she becomes eligible for membership in the Sick Leave Pool and to apply for membership in the same.

#### **4.3 Procedures to Enroll in the Sick Leave Pool**

- A. Application to enroll in the Sick Leave Pool should be made on form FAM, UPO 427, which can be obtained in the University Personnel Office, and submitted to the Administrator of the Sick Leave Pool.
- B. The Sick Leave Pool Administrator will notify the employee when membership in the Sick Leave Pool is granted.

#### 4.4 Membership Terms and Conditions

- A. It is expected that under normal and reasonable circumstances that members of the Sick Leave Pool will maintain an accrued sick leave balance in a sufficient amount to facilitate withdrawal of contributions.
- B. Membership and participation in the Sick Leave Pool should at all times, be voluntary on the part of the employee. An employee may withdraw from the Pool at any time however, the hours of sick leave contributed to the pool by such employee can not be withdrawn from the pool.
- C. Sick Leave Pool contributions for the benefit of a specific individual, position or illness should not be accepted. No member may donate sick leave to the pool under any other conditions, except the amount required from all members.
- D. A full-time member of the Sick Leave Pool should contribute no more than 16 hours of sick leave (a proportionate amount for a part-time employee) during a 12-month period.
- E. Uses of Sick Leave Pool Benefits

Sick leave granted from the Sick Leave Pool may be used under the following conditions:

1. A member will be eligible to apply for Sick Leave Pool benefits on the first day of the third (3rd) month following his/her enrollment in the pool.
2. A full-time member who has exhausted all annual, compensatory, and sick leave may apply for Sick Leave Pool benefits up to 240 hours in any 12-month period pursuant to the provisions of this policy. Sick Leave Pool credits may be drawn from the Sick Leave Pool by a part-time employed member on a prorata basis.

In the event that a member of the Sick Leave Pool, is unable to make application for use of benefits, the application may be made by a person who is legally authorized to transact such matters on the member's behalf.

3. A full-time member whose application for Sick Leave Pool benefits has been approved by the Sick Leave Pool committee may be eligible for up to 120 hours of sick leave credits on any one request. Sick Leave Pool credits may be drawn from the Sick Leave Pool by a part-time member on a prorata basis. An extension of sick leave hours may be requested but the total number of hours withdrawn from the pool should be limited to a maximum of 240 hours (or less if employed part-time) in any 12 month period.
4. Sick Leave Pool benefits may be approved for an illness, accident or injury that requires the member to be absent from work 10 or more consecutive workdays after exhaustion of all leave balances. If less than 10 workdays are required, approval to withdraw sick leave pool hours should not be granted. If 10 or more consecutive workdays are required, approval may be granted for the use of sick leave benefits, beginning on the first day of absence after the participant's leave has been exhausted.

5. A member who uses sick leave from the pool is not required to reimburse such sick leave to the pool except as otherwise provided in FAMU Rule 6C3-10.140, F.A.C. of this policy.
6. A member who is granted a job-connected or compulsory Disability Leave-of-Absence as defined in BOR Rule 6C-5.920, F.A.C. and applicable collective bargaining agreements, may apply to withdraw sick leave pool benefits within the limits established by this policy.
7. During a job-connected personal illness, accident or injury covered by workers' compensation, a participant who expects to be absent 10 or more consecutive workdays as indicated in Section VI. E. 4. above may apply to use Sick Leave Pool benefits. A participant may be granted the amount of leave necessary to receive salary payments that will supplement the workers' compensation payments. The total payments received by the employee should be limited to the regular salary being received prior to the occurrence of the illness or injury.

In no case should the participant's salary and workers' compensation benefits exceed the amount of the participant's regular salary.

8. Medical certification of the illness or injury for which the use of sick leave is requested must accompany the application for sick leave credits. The statement should be provided by a qualified medical practitioner who will also specify the period of absence required or anticipated. The participant may be required by the committee to furnish supplemental or more detailed information from the medical practitioner. All documentation from such practitioner should be in writing and shall bear the original signature of the practitioner.

Additionally, any documentation must specify the period of total disability.

F. **Restrictions on the Use of Sick Leave Pool Benefits.** The following restrictions on the use of Sick Leave Pool benefits should apply:

1. A member who is on a **Leave of Absence Without Pay** for reasons other than personal illness, accident or injury will not be eligible for Sick Leave Pool benefits.
2. Sick leave withdrawn from the pool should only be used by a member for the member's personal illness, accident or injury. The occurrences or situations described below (listing is not all inclusive) should not be considered as a personal illness, accident or injury for the purpose of this policy and should not entitle a member to withdraw hours from the Sick Leave Pool:
  - a. Cosmetic surgery except as a result of an illness, accident or injury covered by the member's health insurance plan;
  - b. Illness or injury to a member of the employee's family.
  - c. Normal childbirth and the recovery there from; however, complications requiring hospitalization or a period of extremely limited activity (complete bed rest) necessary for the safety of the mother or unborn child shall be an eligible illness.
  - d. An intentional self-inflicted injury.

- e. Individuals who suffer an illness, accident or injury due, to their commission of a felony or illegal involvement in, connection with or association with the same shall not be entitled to withdraw hours from the sick leave pool.
- f. War or act of war.
- g. Marital, recreational, educational or speech therapy.

#### **4.5 Maintenance of the Sick Leave Pool**

- A. Hours contributed to the Sick Leave Pool should be maintained in a single account.
- B. The Sick Leave Pool will be activated when a minimum of 480 hours are donated by eligible employees who agree to participate in the pool.
- C. When two or more applications are pending simultaneously and the pool does not contain sufficient hours to grant the total amount of leave that the committee approves for all applicants, the committee should grant leave to the applicants on a prorated basis or withdraw a sufficient number of hours from each member's sick leave balance to grant the requests or to replenish the pool, as determined by this policy.
- D. The pool should be considered to be depleted when the total credits in the pool equal 120 hours or less. Upon depletion of the hours in the Sick Leave Pool, the Administrator should notify the pool members that they will be required to contribute additional hours of sick leave to the pool.
- E. If a member's sick leave balance is less than eight (8) hours (or proportionate amount, if part-time) at the time the pool is depleted, the member should be required to contribute the total hours accumulated and shall be required to contribute the remainder as soon as the member has accrued additional sick leave credits. The member should not be allowed to use the sick leave credits until the required number of hours has been contributed to the pool.
- F. When a member's sick leave balance is insufficient to support the withdrawal of hours for a required contribution to the Sick Leave Pool, the Administrator should determine the reason for the employee's depleted leave balance. The reason shall be provided to the Sick Leave Pool Committee for a decision regarding the continuation of the employee's membership in the pool.

#### **4.6 Procedures to Withdraw Membership from the Sick Leave Pool**

- A. A member may withdraw from the pool at any time by written notice or by memorandum to the Sick Leave Pool Administrator. Withdrawal terminates the employee's entitlement to use sick leave credits from the pool and the employee automatically forfeits any prior contributions. Contributions should also be forfeited upon separation from employment for any reason.