



WINDHAM SCHOOL
DISTRICT

NUMBER: WBP-07.49
DATE: April 17, 2015
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SUPERSEDES:

WINDHAM BOARD POLICY

SUBJECT: SICK LEAVE POOL

AUTHORITY: Texas Education Code § 19.04; Texas Government Code §§ 661.001-661.008

APPLICABILITY: Windham School District (WSD)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The WSD reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the superintendent's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the WSD and **do not** create any legally enforceable interest or limit the superintendent's authority to terminate an employee at will.

POLICY:

The WSD shall administer a sick leave pool to benefit employees of the WSD who suffer a catastrophic injury or illness or who take leave due to an immediate family member's catastrophic injury or illness. The pool is designed to provide an emergency backup to regular sick time. It is not designed to provide an additional 20 days of sick time for elective procedures to employees who use their sick and discretionary time monthly.

DEFINITIONS:

"Catastrophic injury or illness" is a severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose sick leave compensation from the state for the employee.

“Emergency Medical Condition” is a sudden onset of a medical condition such as a heart attack, stroke, or serious injury or injuries sustained in an accident.

“Immediate Family” includes those individuals who reside in the same household with an employee and are related by kinship, adoption, or marriage, as well as foster children certified by the Texas Department of Protective and Regulatory Services. Minor children of an employee, whether or not living in the same household, shall be considered immediate family for the purposes of the sick leave pool. An employee’s use of pool leave for family members not residing in their household is strictly limited to the time necessary to provide care and assistance to a spouse, adult child, or parent who needs such care and assistance as a direct result of a documented medical condition.

“Licensed Practitioner” is a doctor of medicine or doctor of osteopathy, other than a hospital resident or intern, who is acting within the scope of license.

“Licensed Practitioner’s Statement” is a written statement from an attending licensed practitioner that identifies the medical fact(s) associated with the injury or illness; the expected duration of the injury or illness; and, if the statement is for the care of a family member, the type and duration of assistance required from the employee and projected date that the employee’s assistance shall no longer be required. This statement shall be dated within 30 calendar days of the requested leave.

“Pool Leave” is sick leave that is covered by withdrawals from the sick leave pool.

“Prolonged Period of Time” shall be a period of 30 calendar days or more.

“Release to Return to Work” is a written statement from an employee’s attending licensed practitioner that identifies a date the employee may return to work and lists any restrictions or limitations and whether they are of a temporary or permanent nature. If no restrictions or limitations are listed, the release shall be considered an unconditional release to return to work.

“Sick Leave Pool” is a collection of accrued sick leave voluntarily contributed by WSD employees to benefit WSD employees who suffer a catastrophic injury or illness or who are required to take leave due to an immediate family member’s catastrophic injury or illness.

“Sick Leave Pool Administrator” is the director of the Division of Human Resources or designee.

PROCEDURES:

- I. Contributing to the Sick Leave Pool
 - A. Contributions are strictly voluntary; however, any sick leave days donated shall not be reinstated.
 - B. Only WSD local sick leave time (non-discretionary) may be contributed to the sick leave pool.

- C. Contributions shall be made in whole day (eight hour) increments.
- D. Active employees may contribute a minimum of one local sick leave day between September 1 and October 31.
- E. New employees may contribute a minimum of one local sick leave day during the first three months of employment. A sick leave pool donation form shall be provided to all new employees within one week of being hired.
- F. An employee who is separating or retiring may donate any accrued local sick leave days to the sick leave pool.
- G. The Division of Human Resources representative shall verify that the days to be contributed are available and shall transfer the number of donated days into the sick leave pool. The representative shall provide a copy of the contribution form to the employee (upon request).
- H. Employees who contribute to the sick leave pool may not stipulate that their contributions be used by a specific person.

II. Withdrawing from the Sick Leave Pool

A. Eligibility

In order to be eligible to withdraw from the sick leave pool, an employee shall meet all of the following eligibility criteria.

The employee shall:

1. Be a full-time employee who has worked for the WSD a minimum of 12 months immediately preceding the medical leave;
2. Have contributed a minimum of one local sick day for the current school year; and
3. Have suffered (or a member of the employee's immediate family shall have suffered) a catastrophic illness or injury that forces the employee to exhaust all accrued leave and compensatory time, and the employee is subject to loss of wages.

B. Limitations

1. The maximum amount of pool leave granted to an employee per school year shall be determined by length of service:
 - a. Employees with less than 10 years of service with the WSD on September 1 of the current school year, who contributed to the sick

leave pool that year, shall be granted up to 20 pool leave days for that particular school year.

- b. Employees with 10 years of service or more with the WSD, who contributed to the sick leave pool that year, shall be granted up to 30 pool leave days for that particular school year.

NOTE: For eligibility purposes, provisionally approved pool leave hours that extend into the new school year shall be applied to the school year in which they were originally approved.

2. Employees may not have previously accessed pool leave for the same catastrophic injury or illness.
3. Employees may not access the sick leave pool for more than three consecutive school years.
4. The estate of a deceased employee shall not be entitled to payment for unused pool leave days.
5. Requests for sick leave from the sick leave pool shall be considered by the sick leave pool administrator on a first-come, first-serve basis.
6. Multiple family member employees of WSD may not access the sick leave pool concurrently for a common family member's catastrophic illness or injury as defined in this policy.
7. If an employee qualifies for intermittent leave, as defined in WBP-07.48, "Family and Medical Leave," pool leave may be used intermittently for 12 consecutive months from the approval date.

C. Application for Pool Leave

1. The employee shall submit the application for withdrawal form through the employee's immediate supervisor to the sick leave pool administrator.
2. The statement completed by the attending health care provider, citing the need for employee's absence from duty, shall be attached to the application for withdrawal.

D. Return to work

1. Employees who are released to return to work are expected to report to duty on their next regularly scheduled workday. Failure to do so may result in disciplinary action.

2. Any unused pool leave granted to an employee returns to the sick leave pool.

E. Appeal

Employees who disagree with the decision of the sick leave pool administrator may appeal the decision to the WSD superintendent. The decision of the superintendent is final and is not grievable.

Signature on file _____
Oliver J. Bell, Chairman
Windham School District Board of Trustees