



WINDHAM SCHOOL  
DISTRICT

**NUMBER:** WBP-07.49 (rev. 1)  
**DATE:** December 17, 2020  
**PAGE:** 1 of 5  
**SUPERSEDES:** WBP-07.49  
April 17, 2015

# WINDHAM BOARD POLICY

---

**SUBJECT:** SICK LEAVE POOL  
**AUTHORITY:** Tex. Educ. Code § 19.04  
**REFERENCE:** Tex. Gov't Code §§ 661.001–.008  
**APPLICABILITY:** Windham School District (WSD)

## **EMPLOYMENT AT WILL CLAUSE:**

This policy **does not** constitute an employment contract or a guarantee of continued employment. The WSD reserves the right to change the provisions of this policy at any time.

Nothing in this policy limits the superintendent's authority to establish or revise human resources policy. This policy guides the operations of the WSD and **does not** create a legally enforceable interest for employees or limit the superintendent's authority to terminate a noncontract employee at will.

## **POLICY:**

The WSD shall administer a Sick Leave Pool to benefit employees of the WSD who suffer a catastrophic illness or injury or who must take a leave of absence to care for an immediate family member who has suffered a catastrophic illness or injury.

## **DEFINITIONS:**

“Catastrophic Illness or Injury” is a medical condition that causes severe organ dysfunction or threatens life or a severe injury to the spine, spinal cord, brain, skull, or organ.

“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 catastrophic illness or injury.

“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 associated with an illness or injury. This written statement must include diagnosis and prognosis of the illness or injury; and, if the statement is for the care of an immediate family member, the type and duration of assistance required from the employee. This statement shall be dated within 15 calendar days of the submission date for Sick Leave Pool.

“Release to Return to Work” is a written statement from an attending licensed practitioner that identifies a date the employee may return to work and identifies restrictions or limitations and whether they are temporary or permanent. If no restrictions or limitations are identified, the return to work will be considered to be unconditional.

“Sick Leave Pool” is a fund that comprises accrued sick leave voluntarily donated by WSD employees to benefit WSD employees who suffer, or have an immediate family member who suffers, a catastrophic illness or injury, as defined by this policy.

“Sick Leave Pool Administrator” is the Human Resources administrator or designee.

## **DISCUSSION:**

The purpose of the Sick Leave Pool is to provide additional paid sick time, after exhausting all accrued leave (sick, personal, and compensatory), to employees who are on a leave of absence as the result of catastrophic illness or injury to themselves or an immediate family member. Requests for withdrawal from the Sick Leave Pool fund will be reviewed and awarded in the order in which they are received. In the event sick time hours in the Sick Leave Pool fund become exhausted, requests for use of Sick Leave Pool hours will be denied until the fund has donations sufficient to cover requests.

## **PROCEDURES:**

- I. Donating to the Sick Leave Pool
  - A. Donations to the Sick Leave Pool are voluntary; however, donated sick leave hours cannot be recalled by the contributor.
  - B. Only WSD local sick leave time (non-discretionary) may be donated to the Sick Leave Pool.
  - C. Donations must be made in eight-hour increments.
  - D. Employees may elect to donate the minimum eight hours each year between September 1 and October 31.

- E. New employees may elect to donate eight hours local sick leave during their first 90 days of employment.
- F. Separating or retiring employees may elect to donate accrued local sick leave hours to the Sick Leave Pool as soon as they provide written notice of their intent to resign or retire.
- G. A Human Resources representative will be responsible for verifying the availability of donation hours and transferring the donated hours into the Sick Leave Pool. A copy of the donation form will be provided to employees upon request.
- H. Employees who donate to the Sick Leave Pool may not specify the recipient of their contributed hours.

## II. Withdrawing from the Sick Leave Pool

### A. Eligibility Requirements

1. Must be a full-time employee who has worked for the WSD a minimum of 12 months immediately preceding the catastrophic illness or injury;
2. Must have donated a minimum of eight hours accrued sick leave for the current school year;
3. Must have suffered, or an immediate family member must have suffered, a catastrophic illness or injury, as defined by this policy;
4. Must have exhausted all accrued leave and compensatory time; and
5. Must not have withdrawn from the Sick Leave Pool fund for the same catastrophic illness or injury.

\*For eligibility purposes, provisionally approved Sick Leave Pool hours that extend into a new school year will be applied to the school year in which they were approved.

### B. Limitations on Sick Leave Pool Withdrawals

1. The maximum amount of Sick Leave Pool withdrawals granted to an employee per qualifying catastrophic illness or injury is 20 days;
2. Employees may not be granted Sick Leave Pool hours for more than three qualifying catastrophic illnesses or injuries;
3. The estate of a deceased employee is not entitled to payment for unused Sick Leave Pool hours;

4. Sick Leave Pool hours will not be granted as the result of a work-related illness or injury that is covered through workers' compensation;
5. Multiple WSD employees may not be granted Sick Leave Pool hours concurrently for the same catastrophic illness or injury;
6. If an employee qualifies for intermittent leave, as defined in WBP-07.48, "Family and Medical Leave," Sick Leave Pool hours may be used intermittently for up to 12 consecutive months from the onset date of the catastrophic illness or injury; and
7. Requests for Sick Leave Pool hours are reviewed by a Human Resources representative on a first-come, first-served basis.

C. Application for Sick Leave Pool Hours

1. The employee must notify Human Resources by submitting the HR Services online form.
  - a. If the employee is unable to submit the HR Services form, they, or an immediate family member, must notify the employee's immediate supervisor that they, or an immediate family member, have suffered a catastrophic illness or injury, as defined by this policy.
  - b. If the supervisor is notified that their employee, or employee's immediate family member, has suffered a catastrophic illness or injury and is unable to submit the HR Services online form themselves, the supervisor will be responsible for submitting the HR Services form on behalf of the employee.
2. The Licensed Practitioner's Statement, as defined by this policy, must be submitted to Human Resources in order to be considered for withdrawal from the Sick Leave Pool fund.

D. Return to work

1. Employees must present a release to return to work with or without reasonable accommodation prior to performing any work for the WSD. Failure to return to work by the next business day from the release to return to work date could exhaust all the employee's leave entitlements and result in termination of employment with the WSD.
2. Any unused Sick Leave Pool hours granted to an employee will be returned to the Sick Leave Pool.

E. Appeal

Employees who disagree with the decision of the Sick Leave Pool administrator may appeal the decision in writing to the WSD superintendent. The decision of the superintendent is final and is not grievable.

\*Signature on file

Patrick O'Daniel, Chairman

Windham School District Board of Trustees