I. Title
   *Sick Leave*

II. Policy
Sick leave is provided to benefit-eligible UTMB employees in order to allow time away from work when the employee’s health condition prevents the employee's performance of duty or when the employee is needed to care for and assist a member of the employee's immediate family due to a health condition.

Employees who are parents of children attending a grade from pre-kindergarten through 12th grade are also allowed to use up to eight (8) hours of sick leave for school sponsored educational activities each fiscal year. School sponsored activities include parent–teacher conferences; tutoring; volunteer programs; field trips; classroom programs; school committee meetings; academic competitions; and athletic, music, or theater programs.

Sick leave may be used by an employee for the period following delivery and recovery associated with the birth of a child to the extent certified by a health care provider. A father may use sick leave only if the child is ill or to care for his spouse while she is recovering from childbirth. Sick leave may be used for the adoption of a child under the age of three but is limited to the amount of sick leave that would be necessary to recover from pregnancy and childbirth.

UTMB complies with applicable federal and state laws and regulations, and strives to maintain an environment, which does not discriminate against applicants or employees on the basis of race, color, national origin, sex, age, religion, disability, sexual orientation, gender identity or expression, genetic information, or veteran status.

III. Immediate Family Defined
Immediate family is defined as those individuals who reside in the same household 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 the employee, whether or not living in the same household, will be considered immediate family for purposes of regular sick leave. An employee's use of sick leave for family members not residing in that employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child, or parent of the employee who needs such care and assistance as a direct result of a documented health condition.

IV. Accruals
Eligible employees accrue sick leave beginning on the first day of employment and ending on the last day worked.

Sick leave accumulates at the rate of eight (8) hours for each month or fraction of a month's employment for full-time regular employees. Employees working twenty (20) hours or more per week but less than
forty (40) hours will accrue on a proportionate basis. The proportionate rate is calculated by the percentage of time appointed times eight hours.

V. Using Sick Leave Accruals
A. Sick leave may be granted when accrued by an employee, but **may not be advanced prior to accrual**.

B. An employee must submit a leave request in advance and in accordance with institutional policy and departmental reporting procedures. Please see IHOP 03.01.05 Attendance Policy, section VI for advanced notice requirements set forth by each business entity. The employee may be required to provide verification of an appointment or planned hospitalization.

C. In the case of unscheduled sick leave, an employee must notify their supervisor in accordance with departmental call-in procedures. Immediately upon returning to work, the employee must submit a Kronos leave request with the appropriate leave type for approval.

D. An employee who calls in sick on three (3) consecutive workdays is required to present a physician's statement verifying the illness and clearing the employee to return to work.

E. A second opinion may be required at the expense of the department. In such cases, the choice of the second physician must be acceptable to the department. If required, an additional medical opinion may be requested and must be acceptable to both parties.

F. In case of absences of three (3) consecutive workdays or more, the employee or supervisor must report the absence to Human Resources – Employee Leave Management for appropriate action related to the Family Medical Leave Act.

VI. Donation of Sick Leave
A. An employee may donate sick leave to another benefit – eligible employee at UTMB if:
   - the recipient of the donation meets the eligibility requirements to use sick leave;
   - the recipient of the donation has exhausted his or her own sick leave; and
   - the recipient of the donation has exhausted any time that he or she is eligible to withdraw from the sick leave pool.

B. An employee who receives donated sick leave may use the donated sick leave only for absences due to his or her own health condition that prevents the employee's performance of duty or when the employee is needed to care for and assist a member of the employee's immediate family due to a health condition.

C. An employee may not provide or receive remuneration or a gift in exchange for donated sick leave.

D. An employee wishing to donate sick leave and the employee receiving the sick leave donation will complete and submit the required online forms for processing and approval by Human Resources – Employee Leave Management and Finance – Payroll Services.
E. The dollar value of the donated sick leave will be included in the donor’s taxable income for the pay period during which the donation is made, and UTMB will withhold taxes from the donor’s paycheck unless the donation is between spouses. If the donation is between spouses, the donor’s income will not include the dollar value of the donated sick leave. The donor’s earnings must be sufficient to cover the taxes in order for the donation to be executed.

F. Donated sick leave hours that are not used by the recipient cannot be returned to the donor employee’s available sick leave balance. The donation is irrevocable once executed.

G. Donated sick leave hours cannot be:
   - used to attend school sponsored educational activities;
   - donated to another UTMB employee;
   - donated to the UTMB sick leave pool;
   - reinstated if the recipient separates from UTMB employment and is subsequently reemployed by the State within twelve (12) months of separation;
   - transferred if the recipient transfers to another state agency; or
   - paid to the recipient’s estate if the recipient dies.

H. Notwithstanding the above – referenced exclusions, donated sick leave must be used in accordance with other applicable UTMB policies and procedures.

VII. Accrual Carryover
A. Accruals of sick leave may be carried forward from one fiscal year to the next with no limit to the number of days accrued.

B. All unused accumulated vacation hours exceeding the maximum carry forward limits will be credited to the employee's sick leave balance as of the first day of the next fiscal year.

VIII. Employee Eligibility Change
An employee who changes from an eligible to an ineligible status will have all sick leave frozen until the employee returns to an eligible status or terminates employment.

IX. Exhausting Sick Leave
Employees who have exhausted all leave accruals but are still unable to return to work may be eligible to apply for additional sick leave hours as described in Policy 3.6.11, Sick Leave Pool.

X. Sick Leave Abuse
Abuse of sick leave will be grounds for disciplinary action, which may include termination. (See Policy 3.1.9, Discipline, Dismissal and Appeal for Classified Employees.)

XI. Reinstatement of Sick Leave
A. Employees separated from employment with the State under a formal reduction-in-force policy will have their sick leave balance restored if reemployed by the State within twelve (12) months of separation.

B. Employees separated for other reasons will have their sick leave balance restored if reemployed by the State within twelve (12) months of separation, provided there has been a break in service of at least one (1) month since separation.
XII. Death Benefits
The estate of the deceased employee is entitled to payment for one-half of accrued sick leave or 336 hours, whichever is less, if the employee had continuous employment with the State for at least six (6) months.

XIII. Related UTMB Policies and Procedures
IHOP – 03.01.05 - Attendance
IHOP - 03.06.11 - Sick Leave Pool
IHOP - 03.06.09 - Family & Medical Leave
IHOP - 03.01.09 - Discipline, Dismissal and Appeal for Classified Employees

XIV. Dates Approved or Amended

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XV. Contact Information
Human Resources – Employee Leave Management
(409) 747-4645
hr.leavemgmt@utmb.edu