



## Sick Leave

Responsible Officer: Associate Vice Chancellor for Employee Benefits and Services

Sponsoring Office: Office of Employee Services

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Errors or changes to: [policyoffice@utsystem.edu](mailto:policyoffice@utsystem.edu)

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## **POLICY STATEMENT**

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Employees of The University of Texas System Administration (UT System Administration) who are appointed at least twenty hours per week for a period of at least four and one-half months and who are not in a position that requires student status as a condition for employment earn and may use sick leave beginning on the first day of eligible employment and on the first day of each succeeding month thereafter, regardless of whether they are paid on a monthly or hourly basis.

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## **RATIONALE**

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To provide for administration of sick leave.

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## **SCOPE**

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All offices of UT System Administration

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## **WEBSITE ADDRESS FOR THIS POLICY**

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<http://www.utsystem.edu/policy/policies/int135.html>

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## **RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS**

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UT System Administration Policies & Standards	Other Statutes, Policies & Standards
<a href="#">INT128, <i>Other Leave</i></a>	<a href="#">Texas Government Code , §§ 661.033-036, §§ 661.201-.206, and § 661.904</a>

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## **CONTACTS**

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If you have any questions about UT System Administration Policy INT 135, *Sick Leave*, contact the following offices:

<b>Subject</b>	<b>Office Name</b>	<b>Telephone Number</b>	<b>Email/URL</b>
Human Resources/ Employee Benefits	Office of Employee Services	512-499-4587	<a href="mailto:esc@utsystem.edu">esc@utsystem.edu</a>

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## **DEFINITIONS**

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None

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## **RESPONSIBILITIES**

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### **Employee**

- Requests sick leave in advance from the supervisor using a leave request form. If unable to request leave in advance, notifies the supervisor as soon as possible and submits a leave request form upon return.
- Keeps the supervisor informed of his or her condition.
- If the sick leave absence is for more than three consecutive workdays, provides a doctor's certificate to the supervisor showing the cause or nature of the condition.
- Records the time away from work on the electronic timesheet as "Sick Leave" or "Sick Leave-FML".
- Contacts their prior state agency or institution to obtain information on leave accruals if they have previous state employment.

### **Office of Employee Services**

- Verifies an employee's sick leave hours with the department prior to the employee's transfer to another state agency or institution.

### **Supervisor**

- Approves or disapproves leave requests after considering department staffing requirements.
- Reviews and approves employee's electronic timesheet.

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## **PROCEDURES**

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### **1.1 Leave Accrual**

Eligible employees will earn sick leave beginning on the first day of employment and on the first day of each succeeding month thereafter.

Eligible full-time employees accrue sick leave at the rate of eight hours. Eligible part-time employees accrue sick leave on a proportionate basis. An employee who works for any part of a calendar month accrues sick leave for the entire month.

Employees do not earn sick leave when they are in an ineligible status, including when on leave without pay for an entire calendar month.

If an employee is on any type of paid leave which extends into the next month, the employee is not eligible to use leave accruals credited while on paid leave until the employee returns to work.

If an employee is on any type of paid leave which extends into the next month and then subsequently separates from employment before returning to work, the employee is not entitled to leave accruals credited while on paid leave.

## **1.2 Use of Sick Leave**

Sick leave may be taken when an employee is prevented from performing his or her duties due to sickness, injury, or pregnancy and confinement. It may also be used when an employee is needed to care for and assist a member of the employee's immediate family who is ill. The following persons are considered to be members of the employee's immediate family:

- an individual who resides in the same household as the employee and is related to the employee by kinship, adoption or marriage; or
- a foster child of the employee who resides in the same household as the employee and who is under the conservatorship of the Texas Department of Family and Protective Services; or
- a minor child of the employee, regardless of whether the child lives in the same household.

Sick leave for members of an employee's family who do not reside in the same household may only be taken to provide care to a spouse, child, or parent of the employee who needs such care and assistance as a direct result of a documented medical condition. An employee who is the legal guardian of a child by court appointment may use sick leave to care for the child.

Sick leave cannot be used to provide care for an employee's parent-in-law who does not live in the same household.

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 the physician. 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.

An employee on vacation who would otherwise be entitled to sick leave can request to use sick leave in lieu of vacation.

Employees may use up to eight hours of sick leave each fiscal year to attend parent-teacher conferences for the employee's children who are in pre-kindergarten through

twelfth grade (See INT128, *Other Leave*).

If an employee's sick leave absence is for more than three consecutive workdays, the employee must provide to the supervisor a doctor's certificate or some other written statement from the doctor showing the cause or nature of the condition. An employee may be required to submit documentation that an absence of any duration was necessary and due to illness or injury. An employee who is found to have obtained sick leave pay under false pretenses is subject to termination.

Medical certification that the employee is physically fit to return to work and perform the essential elements of the job may be required.

### **1.3 Payment, Restoration, or Transfer of Sick Leave When an Employee Separates from Employment**

An employee who transfers directly from one state agency to another without a break in service will have his or her sick leave balance transferred.

An employee who separates from a state agency will have his or her sick leave balance restored if reemployed by a different state agency within twelve months after the end of the month in which the employee separated.

An employee who separates from a state agency and returns to employment with the same state agency within twelve months after the end of the month in which the employee separated must have a break in employment of at least thirty calendar days before his or her sick leave balance can be restored.

An employee laid off under a formal reduction-in-force will have his or her sick leave balance restored if reemployed by the state within twelve months after the end of the month in which the employee separated.

An employee who moves from a position within UT System Administration that accrues sick leave to another internal position that does not accrue sick leave will have his or her accrued sick leave balance frozen. If the employee returns to a leave-eligible status, he or she may begin using the previous sick leave balance and resume accruing sick leave.

In the case of the death of an employee who has an accrued sick leave balance, his or her estate will be paid for one-half of the accumulated sick leave balance or 336 hours, whichever is less. The payment shall be calculated at the rate of compensation being paid the employee at the time of death.

### **1.4 Negative Leave Balances**

Negative leave balances are not permitted and cannot be carried over from one calendar

month to the next. An employee must be placed on leave without pay for any unearned leave taken. Upon separation, any unearned sick leave taken by the employee will be deducted from the employee's final paycheck. The employee will be placed on leave without pay at the end of employment in order to have deductions made for overdrafts of sick leave.

## **2. Procedures**

2.1 Employee requests sick leave in advance from the supervisor using a leave request form. If unable to request leave in advance, notifies the supervisor as soon as possible and submits a leave request form upon return.

2.2 Supervisor approves or disapproves leave requests after considering department staffing requirements.

2.3 Employee keeps the supervisor informed of his or her condition.

2.4 If absent for more than three consecutive workdays, employee will provide the supervisor a doctor's certificate or some other written statement from the doctor showing the cause or nature of the condition. Employee may be required to submit documentation that an absence of any duration was necessary and due to illness or injury.

2.5 Medical certification that the employee is physically fit to return to work and perform the essential elements of the job may be required.

2.6 Employee records the time away from work on the electronic timesheet as "Sick Leave" or "Sick Leave-FML".

2.7 Supervisor reviews and approves employee's electronic timesheet.

2.8 If an employee has previous state employment, the employee contacts their prior state agency or institution to obtain information on leave accruals.

2.9 The Office of Employee Services verifies an employee's sick leave hours with the department prior to the employee's transfer to another state agency or institution.

2.10 Payroll vouchers are prepared for payment of sick leave to the estate of deceased employees in compliance with state law.

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## **FORMS AND TOOLS / ONLINE PROCESSES**

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None

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## **APPENDIX**

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None

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Keywords: sick leave, sick, leave, sick time, time off, absence, HR, human resources, maternity leave

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