

1. Title

Sick Leave

2. Policy

Sec. 1 Policy Statement. The University of Texas System Administration will comply with the sick leave provisions established by the State of Texas.

Sec. 2 Purpose. To provide administration of sick leave.

Sec. 3 Eligibility. Employees of U. T. System Administration who are appointed at least 20 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.

Sec. 4 Leave Accrual.

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

4.2 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.

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

4.4 If an employee is on any type of paid leave that 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.

4.5 If an employee is on any type of paid leave that 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.

Sec. 5 Use of Sick Leave.

- 5.1 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:
- (a) an individual who resides in the same household as the employee and is related to the employee by kinship, adoption, or marriage;
 - (b) 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
 - (c) a minor child of the employee, regardless of whether the child lives in the same household.
- 5.2 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.
- 5.3 Sick leave cannot be used to provide care for an employee's parent-in-law who does not live in the same household.
- 5.4 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.
- 5.5 An employee on vacation who would otherwise be entitled to sick leave can request to use sick leave in lieu of vacation.
- 5.6 Employees may use up to eight hours of sick leave each fiscal year to attend school sponsored educational activities for the

employee's children who are in pre-kindergarten through 12th grade (see INT128, *Other Leave*). School sponsored activities includes parent-teacher conference, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, athletic, music, or theater programs.

- 5.7 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.
- 5.8 Medical certification that the employee is physically fit to return to work and perform the essential elements of the job may be required.

Sec. 6 Payment, Restoration, or Transfer of Sick Leave When an Employee Separates from Employment.

- 6.1 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.
- 6.2 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 12 months after the end of the month in which the employee separated.
- 6.3 An employee who separates from a State agency and returns to employment with the same State agency within 12 months after the end of the month in which the employee separated must have a break in employment of at least 30 calendar days before his or her sick leave balance can be restored.
- 6.4 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 12 months after the end of the month in which the employee separated.
- 6.5 An employee who moves from a position within U. T. 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.

- 6.6 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.

Sec. 7 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.

Sec. 8 Procedures.

- 8.1 Employee requests sick leave in advance from the supervisor using a leave request form. If unable to request leave in advance, the employee notifies the supervisor as soon as possible and submits a leave request form upon return.
- 8.2 Supervisor approves or disapproves leave requests after considering department staffing requirements.
- 8.3 Employee keeps the supervisor informed of his or her condition.
- 8.4 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.
- 8.5 Medical certification that the employee is physically fit to return to work and perform the essential elements of the job may be required.
- 8.6 Employee records the time away from work on the electronic timesheet as "Sick Leave" or "Sick Leave-FML."

- 8.7 Supervisor reviews and approves employee's electronic timesheet.
- 8.8 If an employee has previous State employment, the employee contacts his/her prior State agency to obtain information required for leave accruals.
- 8.9 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.
- 8.10 Payroll vouchers are prepared for payment of sick leave to the estate of deceased employees in compliance with State law.

3. Definitions

None

4. Relevant Federal and State Statutes

[Texas Government Code Sections 661.033-.036, 661.201-.206, and 661.904](#)

5. Relevant System Policies, Procedures, and Forms

[INT128, Other Leave](#)

6. System Administration Office(s) Responsible for Policy

Office of Employee Services

7. Dates Approved or Amended

February 1, 2006
November 30, 2009
November 14, 2012
July 1, 2013