

Family Leave for Non-exempt Staff (Operating Staff)

A. Employee Benefits

11. Earned Time

11.5 Sick Leave Pool

11.5.1 Description. The Sick Leave Pool is intended to provide additional security by allowing staff members the opportunity to exchange Earned Time Hours for Sick Pool Hours at the equivalent rate of three Sick Pool Hours for each hour of Earned Time. Each institution establishes a one-month period each year for "open enrollment" in the Sick Leave Pool. In addition, an employee who completes his/her initial introductory period will then be allowed a 30 day period to convert accrued Earned Time Hours to Sick Pool Time.

11.5.2 Sick Pool Time is used for extended periods of illness or injury and is not eligible for pay off at retirement or termination. Earned Time benefits accrue only during the initial three weeks (15 working days) of each separate use of the Sick Leave Pool.

11.5.3 Usage of Sick Pool Days commences with the sixth consecutive day of absence from work due to illness or injury. A physician's report must accompany the request to use Sick Pool Time. Periodic updates from the staff member's physician may be required.

11.5.3.1 The Human Resources Office may grant an exception to the policy that requires the usage of the equivalent of five (5) Earned Time days before being permitted access to the Sick Pool when either of the following circumstances occur: (1) when an employee returns to work after using Sick Pool Time but is disabled again within 10 working days, or (2) when the disability is certified by a physician to be the same as for the original use or from the same cause as the original Sick Pool usage.

11.5.4 It is not necessary to use up all Earned Time days before using Sick Pool Time. The staff member may continue to use Sick Pool Time until his/her accrued Sick Pool Time is exhausted or until no longer disabled.

11.5.5 The maximum Sick Pool Time a staff member may accumulate is the equivalent of 150 days (1,125 hours for staff on a 37.5 hour work week and 1,200 hours for those on a 40-hour work week). A staff member may add to his/her Sick Pool Time once each fiscal year according to the procedures adopted by each individual institution.

11.5.6 The use of the Sick Pool may indicate the need for Family Medical Leave. After three months of absence from work, the staff member should contact the System Human Resources Office for information concerning long-term disability (see [USY V.A.15, 17](#)).

11.5.7 Exhaustion of Earned Time/Sick Pool. A staff member on an approved absence who has used all Earned Time and Sick Pool Time will be placed on leave without pay. If the illness/injury qualifies for FMLA leave, benefits will continue for the period of the Family Medical leave (see [USY V.A.17](#)). Other continuance of benefits during a leave without pay is set forth in [USY V.A.21](#).

11.5.8 Position Status. When there is supporting medical documentation of a staff member's absence due to illness or injury, the University System will normally not terminate an individual from his/her position for six months from the first date of absence. For those individuals in their initial introductory period, the position will not be held unless the disability is due to pregnancy or covered by worker's compensation.

11.5.9 Return to Work. Following a period of absence due to illness/injury, medical documentation supporting the staff member's ability to perform the essential functions of the job is **required prior to returning to work (see USY V.C.12.2.1)**.

11.5.10 Use of Sick Pool for Family Leave. Operating Staff with at least one year of benefits-eligible service may use up to a maximum of 10 days of accrued sick pool time per fiscal year (75 hours for staff on a 37.5 hour work week and 80 hours for staff on a 40-hour work week, pro-rated for staff working part-time) for family leave. This leave may be used for medical appointments, illness, or medical needs of an immediate family member; prenatal or postnatal care; or for purposes of caring for a new baby or adoptive/foster child after placement. Access to the sick pool for use of family leave does not require the prior use of five earned time days. (Use of one earned time day is required for extended bereavement leave. See USY A. 11.5.10.2 below.)

11.5.10.1 Immediate family member is defined as spouse, parent, legally dependent child, or any person living in the staff member's household.

11.5.10.2 Extended Bereavement Leave. After supervisory notification and the use of one earned time day, a staff member may use family leave for extended bereavement leave in the event of the death of an immediate family member. Bereavement leave follows the same parameters described in USY.V.A.18.

11.6 Record keeping. The institution is responsible for maintaining accurate records that verify the usage and current Earned Time/Sick Pool leave balances of each staff member.

