

31.03.02.C0.01 Sick Leave

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Procedure Statement

Texas A&M University-Corpus Christi provides sick leave to eligible employees in accordance with state law.

Reason for Procedure

This procedure establishes uniform administration of sick leave.

Definitions

Immediate family – an individual who resides in the same household as the employee and is related by kinship, adoption, or marriage; a foster child of the employee who resides in the same household as the employee and who is under the conservatorship of the Department of Protective and Regulatory Services; and a minor child of the employee, regardless of whether or not the child lives in the same household.

Additional definitions are provided in the related statutes and policies cited below.

Procedures and Responsibilities

1. GENERAL

Regular employees are eligible to apply for sick leave with pay, sick leave without pay, sick leave pool hours, sick leave pool donation hours, family and medical leave, and parental leave subject to the restrictions and requirements of system policies and regulations. A regular employee is defined as an employee who is budgeted by name for 50 percent or more time for at least four and one-half months, excluding students employed in positions that require student status as a condition for employment.

2. CONFIDENTIALITY

All documents containing medical information are to be handled in the strictest of confidence and in compliance with the Texas A&M University System Records Retention Schedule. Supervisors must be sensitive to the desire of an employee to have medical information held confidential by the immediate supervisor. Any documents related to a serious health condition should be provided by the employee to Human Resources. Handling of such documents by coworkers and other offices should be avoided. It is a supervisor's responsibility to keep administrative superiors informed about personnel absences and resulting departmental consequences and needs.

3. SICK LEAVE APPLICATION, DOCUMENTATION, AND APPROVAL

3.1. Sick leave with or without pay for an employee must be approved by his or her supervisor, subject to auditing by Human Resources for compliance with system policies and regulations and consistent interpretation and applications of those policies and regulations.

3.2. An employee who must be absent from duty because of illness or injury will notify the supervisor or have the supervisor notified as soon as possible. Upon return to duty, the employee will promptly submit an Electronic Leave Request to the appropriate supervisor for approval.

3.3. When an absence from work due to an employee's or family member's medical condition exceeds three (3) continuous working days, on the fourth day the employee will provide a physician's statement indicating the reason for the absence and the estimated date of recovery, or some other documented statement of the facts concerning the illness that is acceptable to the supervisor.

3.4. Upon notification of a serious health condition, Human Resources will send the employee information about the Family Medical Leave Act (FMLA) and a request for the FMLA certification form.

3.5. Additional guidelines specifically related to faculty sick leave usage are found in section 4 of this procedure.

4. FACULTY SICK LEAVE USAGE

A faculty member at an institution of higher education as defined by Section 61.003 Education Code, must submit prescribed leave forms for all sick leave the faculty member takes if the absence occurs during the normal workday, even if no classes are missed.

4.1. For sick leave purposes, the faculty workday is divided into time periods and scheduled events. The two (2) time periods are morning (midnight to noon) and afternoon/evening (noon to midnight). Time periods include regularly scheduled teaching duties on Saturday and Sunday. Each time period is considered to be four

(4) hours in length. Events include classes, office hours, meetings, and other administratively assigned activities.

- 4.2. If a faculty member misses all scheduled events or assigned activities in a calendar day, she/he will be charged with eight (8) hours of sick leave. If a faculty member has scheduled events/activities for both time periods, but misses all the events/activities in just one of the periods, the faculty member will be charged with four (4) hours of sick leave.
- 4.3. If a faculty member misses only a portion of the events scheduled for a particular period, the faculty member will be charged with a percentage of the time missed. For instance, if the faculty member misses office hours in the afternoon, but meets his/her evening class, he/she missed two (2) of the scheduled events for the time period, and will therefore be charged with two (2) hours of sick leave.
- 4.4. If a full-time faculty member misses all scheduled events for the work week (Monday through Sunday), the faculty member will be charged with 40 hours of sick leave even if the faculty member did not have 40 hours of scheduled events. If a faculty member misses a full semester, he/she will be charged with 40 hours per calendar week of the semester.
- 4.5. Deductions for eligible part-time faculty will be based on the proportion of their appointments.

5. USE OF AVAILABLE SICK LEAVE

- 5.1. Sick leave may be used when medical condition, injury, pregnancy, or confinement prevents the employee from reporting to work or when the employee is needed to care for a member of his/her immediate family member, as defined above, who is ill. Sick leave may be taken to care for minor children of the employee who are ill regardless of where they live.
- 5.2. An employee's use of sick leave for family members not residing in the employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, non-minor child, or parent (but not parent-in-law) of the employee who needs such care and assistance as a direct result of a documented medical condition.
- 5.3. An employee who is the parent of a child who is a student attending a grade from pre-kindergarten through 12th grade may use up to eight (8) hours of sick leave each fiscal year to attend educational activities of his or her children. A parent in this section means a person standing in parental relation. Educational activity means a school-sponsored activity, including a parent-teacher conference, tutoring, a volunteer program, a field trip, a classroom program, a school committee meeting, an academic competition, and an athletic, music, or theater program. The employee must provide reasonable advance notice of need for this leave.

6. SICK LEAVE POOL

An employee who exhausts all available leave because of a catastrophic illness or injury of the employee or an immediate family member may be eligible for sick leave pool benefits. Also, an employee may be eligible to use sick leave pool benefits because of a previous donation of sick leave time to the pool during that fiscal year. An employee should contact Human Resources to apply for sick leave pool benefits or to make donations to the pool. For more information, see System Regulation *31.06.01, Sick Leave Pool Administration*.

7. SICK LEAVE DONATION

Upon exhausting all eligible leave, an employee may receive a sick leave donation from another employee. The donation and use of a sick leave donation must be processed in accordance with System Regulation *31.06.02, Sick Leave Donation*.

8. SICK LEAVE WITHOUT PAY

After exhausting all eligible paid leave, an employee who is unable to return to work may be granted sick leave without pay when warranted by medical circumstances, subject to the provisions outlined in System Regulations *31.03.02, Sick Leave* and *31.03.04, Leave of Absence without Pay*.

9. FAMILY AND MEDICAL LEAVE ACT (FMLA)

9.1. Under certain circumstances, employees may take up to twelve (12) weeks of leave under FMLA during a fiscal year because of the following reasons:

- (a) the birth of a child,
- (b) the adoption, or placement for foster care, of a child,
- (c) to care for a child, spouse, or parent with a serious health condition,
- (d) a serious health condition of the employee, or
- (e) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

Family and medical leave runs concurrently with paid and unpaid leave. For more information, see System Regulation *31.03.05, Family and Medical Leave*.

9.2. An employee's absences of three (3) or more days or frequent absences involving the employee's or a family member's serious or chronic medical condition, requires that the employee be advised of his/her rights under the FMLA. A notice of FMLA eligibility must be given to the employee within five (5) business days of the employer being notified of a potential FMLA event. The employee's supervisor is responsible for notifying the Human Resources Leave Administrator

of the employee's leave to ensure that the employee is advised of his/her rights under the FMLA within the prescribed time period.

10. PARENTAL LEAVE

Under certain circumstances, employees are entitled to parental leave of absence for the birth of a child or the adoption, or placement for foster care, of a child under three (3) years of age. For more information, see System Regulation *31.03.05, Family and Medical Leave*.

Related Statutes, Policies, or Requirements

[34 Texas Administrative Code § 5.44 Payments for Accrued Vacation and Sick Leave to the Estates of Deceased State Employees](#)

[Texas Government Code, Chapter 661](#)

System Regulation [31.03.02, Sick Leave](#)

System Regulation [31.03.05, Family and Medical Leave](#)

System Regulation [31.03.04, Leave of Absence without Pay](#)

System Regulation [31.06.01, Sick Leave Pool Administration](#)

System Regulation [31.06.02, Sick Leave Donation](#)

System Regulation [61.99.01, Retention of State Records](#)

Contact Office

Contact for clarification and interpretation: Director of Human Resources
(361) 825-2630