

# RULE

<b>Subject</b>	<b>Sick Leave Pool</b>	Page 1 of 4
<b>Authority</b>	F.S. 1012.865	<b>Number:</b> 6HX14-2.51
<b>History</b>	3/27/91, 02/16/94, 11/20/96, 8/19/98, 4/19/06, 1/16/08	
<b>Source</b>	Human Resources	

**A. MEMBERSHIP:**

1. Any full-time employee of State College of Florida, Manatee - Sarasota will be eligible for membership in the Sick Leave Pool after one year of employment, provided that the employee has accrued sick leave equivalent to the number of days attainable in a year of employment (administrators and career employees - 12 days, 10 month employees - 10 days, faculty - 8 days, etc.) except as noted in A.7.
2. An eligible employee may join the Pool only during open enrollment periods that will occur during the last ten days of April and October of each year. An employee joining the Pool shall hereinafter be referred to as a "member."
3. An employee who declines or otherwise delays membership into the Pool after their first available opportunity, and who decides to join at a later date, or who reinstates, will then be subject to a six (6) month waiting period before applying for use of leave from the pool.
4. A contribution of two days (or the hourly equivalent) from the employee's personally accumulated sick leave is required of each individual requesting membership in the Sick Leave Pool.
5. Once a member of the Sick Leave Pool, the employee will remain a member as long as the employee is not suspended or removed from the Pool, has not retired or resigned (hereinafter shall be referred to as "separated") from the College, contributes to the replenishing of the Pool, or is vested as described in section 7.a-c. below.
6. Employee membership in the Sick Leave Pool will at all times be voluntary. A member who wishes to terminate membership must notify the Director, Human Resources in writing. A member who voluntarily terminates membership, or who is suspended or removed from the Pool, will not be refunded days (or the hourly equivalent) contributed to the Pool.
7.
  - a. A re-hired employee of SCF, who was previously a member of the SCF Sick Leave Pool, and who upon separation from SCF transferred his/her sick leave or received a pay-out for unused sick leave, is eligible for membership in the Sick Leave Pool under the same conditions as stated in A.1. through A.5. above.
  - b. A re-hired employee of SCF, who was previously a member of the SCF Sick Leave Pool, and who upon separation from SCF did not transfer his/her sick leave or receive pay out for unused sick leave, is eligible for membership in the SCF Sick Leave Pool at the first open-enrollment period following their new hire date. The two days (or hourly equivalent) contribution from the employee's personally accumulated sick leave will not be required.
  - c. A current employee of SCF, who was previously a member of the SCF Sick Leave Pool, and who voluntarily terminated membership in the Pool, or could not contribute to the replenishment, may rejoin the Pool by reinstatement or as a new member as follows:

- i. Reinstatement: A current employee may be reinstated in the Pool after satisfying the qualifications as described in A.1., A.2., and A.3 above, and making all previous contributions required for reimbursement retroactive to the member's exit from the Pool.
  - ii. New Member: A current employee may join as a new member, satisfy only the qualifications as described in A.1. through A.3. above, and make no retroactive reimbursements.
8. A new employee of SCF, who was a member of a Sick Leave Pool with an eligible employer, and who transfers accrued sick leave to SCF is eligible to apply for the SCF Sick Leave Pool at the first open enrollment period after their hire date. A contribution of two days (or the hourly equivalent) will be required.

**B. REPLENISHMENT:**

1. Additional one-half (1/2) day contributions are required every other year to ensure the solvency of the Pool. Contributions are allocated equally among all members and are automatically transferred from a member's sick leave account at the beginning of each fiscal year that is designated as a contribution year after ten (10) days written notice to the member. (This contribution shall hereinafter be referred to as the "replenishment contribution.") Even years are designated as contribution years. During the first year of membership, members are required to make the initial two-day contribution but are not required to contribute to the replenishment of the Pool.
2. Except as provided in B.1. above, replenishment contributions are required of all members.
3. Any member who does not have an adequate number of days to contribute to the replenishing of the Pool will be terminated from the Pool. An employee may rejoin as provided in A..7c.i. and ii. above.
4. In the event the Pool balance falls below 100 hours, the replenishment contribution will be deducted from each member's account immediately following a ten (10) day written notice. The contribution will be deducted as regularly scheduled the next even numbered year.

**C. USE:**

1. All leave drawn from the Pool by a member must be used for that member's personal illness, accident or injury (i.e., a condition that has rendered a person temporarily or permanently disabled and unable to perform the essential functions of the job). Leave from the Pool cannot be used for cosmetic surgery that is not necessitated by illness, accident or injury. A congenital defect, which manifests itself while the employee is a member of the Sick Leave Pool, may be a condition eligible for use of Pool benefits.
2. Disabilities resulting from pregnancy or childbirth as specified by the member's physician as required in section E.1 of this rule are eligible medical conditions for using Pool benefits. The Pool may not be used for childcare.
3. A maximum of 60 days may be withdrawn by a member of the Sick Leave Pool during any 12 month period measured from the day the member first uses the Pool. Documentation from the attending physician certifying the member's inability to work is required to initiate Pool benefits - Recertification documentation from the attending physician certifying the member's continuing inability to work is required every 30 days to continue Pool benefits. The maximum number of days a member may use benefits from the pool is 120 during a ten-year period following the member's first use of the Pool. The maximum 120 day benefit will be restored in the event the member does not use benefits from the Pool for a ten-year period following the member's last draw from the Pool.
4. A member may only use Pool benefits during the employee's regularly scheduled workdays. A contractual member may only use the Sick Leave Pool during the period covered by the base contract.
5. A member receiving Workers' Compensation payments is not eligible to use the Pool

6. A member may be required to recontribute leave if there is a finding of abuse. Use of Pool benefits by any member who is thereafter compensated by any third party shall constitute an obligation for which the Pool has a right of reimbursement from the compensated member in a dollar amount equal to the leave used for replenishment of the Pool. This right of reimbursement shall survive any termination of the member's employment with the College.
7. A member may use leave from the Pool in increments of no less than one-half day.
8. If a reimbursement contribution is required during a member's use of the Pool, the contribution will be deducted from the member's Pool benefit.

#### **D. ACCRUAL OF REGULAR LEAVES:**

A member utilizing the Sick Leave Pool will continue to accrue sick leave and vacation leave, if applicable; once accrued, however, that newly accrued sick and vacation leave (up to 10 vacation days) must be exhausted before additional days from the Pool are used.

#### **E. APPLICATION:**

1. Use of leave from the Pool will require, in all cases, an Application for Sick Leave Pool Benefits completed by the member, and a letter from the employee's treating physician. The application must be submitted to the Coordinator of Benefits no later than ten (10) working days following the exhaustion of the member's sick leave, and/or the required vacation leave, if eligible, provided, however, the ten (10) working days time limit may be extended for good cause at the reasonable discretion of the Sick Leave Pool Advisory Committee. The letter must certify that the member is unable to perform the essential functions of the job, and estimate the anticipated duration of the disability. The physician will be provided a copy of the member's job description.
2. If the disability continues past the anticipated duration, and the member wishes to continue using leave from the Pool, another Application and recertification from the member's treating physician will be required (see paragraph C.3).
3. A member is not eligible to use leave from the Sick Leave Pool until all of the member's sick leave and the first 10 days of vacation leave, if applicable, is depleted.

#### **F. ADMINISTRATION:**

1. The Sick Leave Pool program will be monitored by a standing Sick Leave Pool Advisory Committee composed of nine voting members. The Sick Leave Pool Advisory Committee will serve in an advisory capacity to the Director, Human Resources and the President. Specific membership will include three career employees/professional support staff, three faculty/other professionals, and three administrators, elected from the membership of the Pool at large. Membership on the committee will be for staggered two-year term(s). The Director, Human Resources will serve as chair of the committee and will have voting rights only if serving as one of the elected administrators on the committee. Vacancies in the Sick Leave Pool Advisory Committee will be filled by reverting to the next member with the greatest number of votes received from the Pool at large during the general election.
2. Duties and responsibilities of the Committee include, but are not limited to, the following:
  - a. reviewing, updating, interpreting and making recommendations regarding rules for the Sick Leave Pool as set forth above;
  - b. reviewing all Applications for Sick Leave Pool Benefits. Convening as a group and casting a vote approving or denying member's use of the Pool. Majority vote shall determine approval or denial of benefits.

- c. investigating any suspected or alleged abuse of Sick Leave Pool benefits by members of the Pool and recommending action in the event of a finding that abuse by a member has occurred. Disciplinary actions may include the requirement to repay leave or forfeit pay, as well as to subject the member to suspension from the Sick Leave Pool. The member will also be subject to discharge or other disciplinary action as deemed appropriate by the Director, Human Resources and the President, acting consistently with the policies and procedures of the College;
- d. monitoring trends in the participation and use of the Sick Leave Pool in order to assure its continued viability and capacity to meet the members' needs for extended sick leave.