

# Polk State College Procedure

Subject	Reference	Date	Number
Sick Leave Pool	FS 1001.64 F.S. 1012.865 DBOT 3.09	8/9/10	6080

## I. Purpose

Polk State College recognizes that members of its faculty and staff may occasionally experience a serious sickness or injury without having enough leave available to cover the necessary time off. Florida Statute 1012.865 (6) gives State colleges the authority to create and manage Sick Leave Pools for the benefit of full time employees and provides rules for their management. The purpose of this procedure is to establish a sick leave pool following state guidelines for the following:

1. Membership
2. Sick Leave Pool procedures
3. Replenishment
4. Use
5. Application
6. Administration

## II. Procedure

### A. MEMBERSHIP:

1. Any full-time employee of Polk State College will be eligible for membership in the Sick Leave Pool after one year of employment, provided that the employee has accrued six (6) days of sick leave in his/her sick leave account except as noted in A.6.b. and A.7.
2. Employee membership in the Sick Leave Pool is strictly voluntary. Eligible employees may join the Pool only during open enrollment periods that will occur during April and October of each year. An employee joining the Pool shall hereinafter be referred to as "member."
3. A contribution of two days (16 hours) from the employee's personally accumulated sick leave is required of each individual requesting membership in the Sick Leave Pool.
4. Once a member of the Sick Leave Pool, the employee will remain a member as long as the employee is not suspended, removed from the Pool, has not retired or resigned (hereinafter shall be referred to as "separated") from the College and contributes to the replenishing of the Pool.

5. Members may terminate their membership at any time. A member who wishes to terminate membership must notify the Director, Human Resources in writing. A member who voluntarily terminates membership, is suspended, retires or is removed from the Pool, will not be refunded days contributed to the Pool.
6.
  - a. A rehired employee of PSC, who was previously a member of the PSC Sick Leave Pool, and who upon separation from the College 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 the College, who was previously a member of the PSC Sick Leave Pool, and who upon separation from PSC did not transfer his/her sick leave or receive pay out for unused sick leave, is eligible for membership in the PSC 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 the College, who was previously a member of the PSC 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. and A.2. above, and making all previous contributions required for reimbursement retroactive to 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.
7. A new employee of college, who was a member of a Sick Leave Pool with an eligible employer, and who transfers accrued sick leave to PSC is eligible to apply for the PSC 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 contributions will be required as necessary to ensure the solvency of the Pool. The amount of the contribution will be set by the Sick Leave Pool Advisory Committee) but will not be less than one-half (1/2) day and not be more than four (4) days of sick leave per member. Contributions will be allocated equally among all members and will be automatically transferred from a member's sick leave account at the next pay day that falls at least ten (10) days after written notice is sent to the membership. (This contribution shall hereinafter be referred to as the "replenishment contribution.")

2. 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.6.c.i. and ii.

**C. USE:**

1. Members may apply for benefits from the Sick Leave Pool prior to exhausting their personal sick leave account. However, no sick leave from the Sick Leave Pool may be used until the employee exhausts all of their sick leave, personal leave, vacation leave and compensatory time.
2. All leave drawn from the Pool by a member must be used for that member's serious personal illness, accident or injury (i.e., a condition that has rendered a member temporarily or permanently disabled and unable to perform the essential functions of the job). Leave from the Pool cannot be used for cosmetic or other elective 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.
3. Disabilities resulting from pregnancy or childbirth are eligible medical conditions for using Pool benefits. However, the Pool may not be used for childcare. Leave from the Pool may not be used to extend maternity leave beyond the duration as specified by the member's physician as required in section E.1. of this rule.
4. **Pool Benefit** - a maximum of 65 (eight hour) working 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. The maximum number of days a member may use from the pool is 120 during a 5 year period following the member's first use of the Pool.
5. 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 may be required to continue Pool benefits. Verification from the payroll department of the number of sick leave days available to the member is also necessary..
5. 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.
6. A member is not eligible to use the Pool when he/she becomes eligible to receive long-term disability payments through the College's long-term disability policy.
7. A member receiving Workers' Compensation temporary disability payments is eligible to use the pool only to the extent of drawing enough time from the Pool so that when added to the workers compensation payments his/her payments are

equivalent to 66 2/3% of his/her base salary excluding all overtime and supplemental contracts.

8. 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.
9. A member may use leave from the Pool in increments of no less than one-quarter (2 hours) day.
10. If a reimbursement contribution is required during a member's use of the Pool, the contribution will be charged to the member's Pool benefit allowance.
11. Polk State College is not liable for payment of more than the current balance of the Sick Leave Pool Account. In the event the Pool becomes insolvent, the College retains the right to suspend payments from the Pool account until sufficient donations are received to reinstate payments.

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

A member utilizing the Sick Leave Pool will continue to accrue sick leave; once accrued, however, that sick leave 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, along with a completed Physician's Statement. All application materials must be sent to the Human Resources Office. The statement from the medical provider 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 upon request.
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.

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

1. The Sick Leave Pool program will be monitored by a standing Sick Leave Pool Advisory Committee composed of eight voting members, with a minimum of 2 members from each campus. The Sick Leave Pool Advisory Committee will serve in an advisory capacity to the Director, Human Resources and the President. Specific membership will include two career employees, two professional/technical employees, two faculty, and two administrators, elected from the membership of the Pool at large.

2. Membership on the committee will be for staggered three 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 or in order to break a tie vote. Volunteers to serve on the committee are sought from the College community and must be members of the PSC Sick Leave Pool. Pool members interested in serving on the advisory committee need to notify their Campus Provost. Vacancies on the Sick Leave Pool Advisory Committee will be filled by recommendations from the Provosts.
3. Duties and responsibilities of the Committee include, but are not limited to, the following:
  - a. setting minimum Pool levels, reviewing, updating, interpreting and making recommendations regarding rules for the Sick Leave Pool as set forth above;
  - b. convening as a group to review all Applications for Sick Leave Pool Benefits and to vote to approve or deny 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.

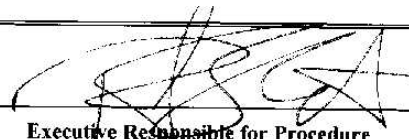


#### **G. REPORTING:**

An annual report detailing Sick Leave Pool usage for the previous calendar year, currently available sick leave balance, and any other information requested by President's Staff shall be prepared and presented to President's Staff within 60 days of January 1<sup>st</sup> each year.

Attachments: Sick Leave Pool Enrollment Form  
Sick Leave Pool Application for Use From  
Physician's Statement Form

**History:** Adopted: February 1, 2005  
Revised: August 9, 2010

**Distribution:** All Holders of DBOT Rules Manual

	8/9/10		8/9/10
Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
			8/9/10
President's Approval			Date