

Polk State College Procedure

Subject	Reference	Date	Number
Sick Leave Pool	FS 1001.64 F.S. 1012.865 DBOT 3.09	12/3/19	6080

I. Purpose

Polk State College recognizes that members of its faculty and staff may occasionally experience serious illness or injury without having enough accrued 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 the management of these resources. The purpose of this procedure is to establish a Polk State College Sick Leave Pool that follows the state guidelines regarding:

- A. Membership
- B. Replenishment
- C. Use
- D. Application
- E. Administration
- F. Reporting

II. Procedure

A. Sick Leave Pool Membership:

1. Employee membership in the Sick Leave Pool is strictly voluntary. Eligible employees may join the Pool only during open enrollment periods that occur during the months of April and October each year. (An employee joining the Pool shall hereinafter be referred to as a “member.”)
2. A contribution of two days (i.e., 16 hours) from the employee’s personally accumulated sick leave time is required of each individual requesting membership in the Sick Leave Pool.
3. Any full-time employee of Polk State College is eligible for membership in the Sick Leave Pool providing the following conditions are met:

- a. The individual has been employed at the College for at least one year at the time of application (i.e, during an open enrollment period).
 - b. The employee has accrued a minimum of six days of sick leave.
 - c. The employee can contribute two days to the Sick Leave Pool.
4. A new employee who has transferred from another state college (or was a member of a Sick Leave Pool with an eligible employer) and transfers his or her accrued sick leave to Polk State College, is eligible to apply for the Polk State College Sick Leave Pool at the first open enrollment period after his or her hire date. A new employee who wishes to transfer accrued sick leave from a qualified state college or agency must:
- a. Enroll during an open enrollment period.
 - b. Have accrued six days of sick leave.
 - c. Contribute two days to the Polk State College Sick Leave Pool.
5. A rehired employee of Polk State College who was previously a member of the College Sick Leave Pool, and who upon separation from the College transferred his or her sick leave or received a pay-out for unused sick leave, is eligible for membership in the Sick Leave Pool under the conditions stated above in Section II.A.(4.a-c).

A rehired employee of the College who was previously a member of the Polk State College Sick Leave Pool, and who, upon separation from the College, did not transfer his or her sick leave or receive a pay-out for unused sick leave, is eligible for membership in the College Sick Leave Pool at the first open-enrollment period following the new hire date. The two days (or hourly equivalent) contribution from the employee's personally accumulated sick leave is not required.

6. A reinstated employee is an employee who voluntarily terminated his or her membership in the Sick Leave Pool, or who was involuntary suspended from membership due to an inability to contribute to Sick Leave Pool replenishment. For the reinstated employee to rejoin the Pool, he or she must:
- a. Enroll during an open enrollment period.
 - b. Have accrued at least six days of sick leave.
 - c. Make all previous contributions required for replenishment retroactive to the member's exit from the Pool.
7. Once an individual becomes a member of the Sick Leave Pool, he or she remains a member as long as the employee:
- a. Is not suspended from the Pool.
 - b. Is not removed from the Pool.
 - c. Does not retire from the College.

- d. Does not resign from the College (hereinafter referred to as “separated”).
 - e. Contributes to the replenishment of the Sick Leave Pool when required.
8. A member may terminate his or her membership at any time. A member who wishes to terminate membership must notify the Director of Human Resources in writing. Days contributed to the Sick Leave Pool are not refunded.

B. Replenishment of the Sick Leave Pool:

- 1. Additional contributions are required as necessary to ensure the solvency of the Pool. The amount of the contribution is set by the Sick Leave Pool Advisory Committee, but shall not be less than one-half a day, and not more than four days of sick leave per member.
- 2. Contributions are allocated equally among all members. Replenishment contributions are automatically transferred from a member’s sick leave account at the next pay day that falls at least ten days after written notice is sent to the membership. (This contribution shall hereinafter be referred to as the “replenishment contribution.”)
- 3. Replenishment contributions are required of all members.
- 4. Any member who does not have an adequate number of days to contribute to the replenishing of the Pool is suspended from the Pool. An employee may rejoin the Pool as provided in Section II.A.(6.a-c).

C. Use of the Sick Leave Pool:

- 1. Members may apply for benefits from the Sick Leave Pool after exhausting all accrued leave time except five days of vacation; however, no sick leave from the Sick Leave Pool may be used until the employee exhausts all sick and personal leave.
- 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.
- 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 specified by the member’s physician as required in Section II.D.(1) of this procedure.

4. A maximum of 65 eight-hour working days may be withdrawn by a member of the Sick Leave Pool during any 12-month period as measured from the day the member first uses the Pool. The maximum number of days a member may use from the pool is 130 days during a five-year period starting with the member's first use of the Pool. If the member uses the maximum days allowed (i.e., 130 days), then the rules for reinstatement apply (cf. Section II.A.(6)).
5. Documentation from the attending physician certifying the member's inability to work is required to initiate Pool benefits. Documentation from the attending physician recertifying the member's continuing inability to work may be required to continue Pool benefits. The member must also receive verification from the Payroll Department regarding the number of leave days available.
6. A member may only use Sick Leave 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.
7. A member is not eligible to use the Sick Leave Pool if he or she becomes eligible to receive long-term disability payments through the College's long-term disability policy.
8. A member receiving Workers' Compensation temporary disability payments is eligible to use the Sick Leave Pool to a limited extent, and is only able to draw enough time from the Pool so that when added to the Workers' Compensation payments, his or her payments are equivalent to 66 2/3% of the base salary (excluding all overtime and supplemental contracts).
9. Use of Sick Leave 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.
10. A member may use leave from the Pool in increments of no less than one-quarter of one day (i.e., two hours).
11. If a replenishment contribution is required during a member's use of the Pool, the contribution is charged to the member's approved Sick Leave Pool benefit allowance.
12. 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.

13. A member utilizing the Sick Leave Pool continues to accrue leave. Once accrued, that leave must be exhausted before additional days from the Pool can be used.
14. A member may be required to recontribute to the Pool if there is a finding of abuse. A member who abuses the Pool is also subject to termination or other disciplinary action as deemed appropriate by the Director of Human Resources and the College President, as consistent with College policies and procedures.

D. Application of the Sick Leave Pool:

1. In all cases, the use of leave from the Pool requires an *Application for Sick Leave Pool Benefits* and 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 his or her job, and estimate the anticipated duration of the disability. The physician is 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, an updated application and recertification from the member's treating physician is required.

E. Administration of the Sick Leave Pool:

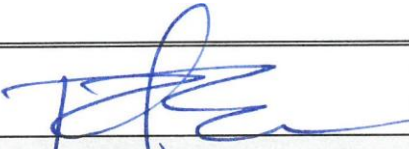

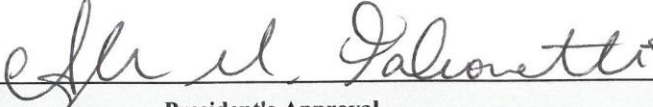
1. The Sick Leave Pool program is be monitored by a standing Sick Leave Pool Advisory Committee composed of eight voting members, with a minimum of two members from each campus. The Sick Leave Pool Advisory Committee serves in an advisory capacity to the Director of Human Resources and the College President. Committee membership is comprised of two Career employees, two Professional/Technical employees, two Faculty members, and two Administrators; the committee members are selected from the membership at large of the Sick Leave Pool.
2. Membership on the committee is staggered into three-year terms. The Director of Human Resources serves as Chair of the Sick Leave Pool Advisory Committee and exercises voting rights only if he or she is serving as one of the selected administrators on the Committee, or in order to break a tie-vote.
3. Duties and responsibilities of the Committee include, but are not limited to, the following:
 - a. Setting minimum Pool balance levels, as well as 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 voting to approve or deny each applicant's use of the Pool. A 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; the member may also be subject to removal from the Sick Leave Pool.
- d. Monitoring trends in the participation and use of the Sick Leave Pool in order to ensure its continued viability and capacity to meet the members' needs for extended sick leave.

F. Reporting to the College:

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

History: Adopted: February 1, 2005
 Revised: August 9, 2010, and December 3, 2019

	12/4/19		12/4/19
Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
			12/5/19
President's Approval			Date