



Hidalgo County Head Start Program

Policy Council Regular Meeting

DATE: November 14, 2018

SUBJECT: Discussion/Approval of Revision to the Sick Leave Pool Policy

RATIONALE/NEED: Attached are revisions to the sick leave pool for your review and approval.

RECOMMENDATION: Administration recommends approval.

COST:

RELATED INFORMATION INCLUDES: Sick Leave Pool Policy

INITATED BY: David Guel, Administrator for Human Resources 

REVIEWED BY: Teresa Flores, Executive Director

EXECUTIVE DIRECTOR'S APPROVAL:  _____

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Hidalgo County Head Start Program

P.O. Box 0117, Edinburg, Texas 78540-0117 (956)383-0706

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SICK LEAVE POOL POLICY GUIDELINES

The Commissioner's Court has authorized a countywide voluntary sick leave pool ("Pool") for eligible employees with a catastrophic illness or disability. The administration of the "Pool" shall be by the Pool Administrator who will be responsible for developing procedures for the operation of the pool including developing forms for contributing leave to, or requesting leave from the sick pool. The Commissioners' Court is responsible for issuing interpretations and clarifications of the "Pool".

In the event of an adverse decision by the Pool Administrator, an employee will have the option to have the decision reviewed by the Benefits Committee. The Policy Council will appoint members of the Benefits Committee. The composition of the committee will be (3) three Head Start Staff Members. Each year the committee will select a chairman from its membership.

7.208 A: ELIGIBILITY/DEFINITIONS

- a. Pool Administrator: The Personnel Officer or an appointed designee by the program director for Hidalgo County Head Start.
- b. Eligible Employee: An employee of the Hidalgo County Head Start Program with (12) twelve or more months of continuous employment with the Program, who is paid from the general fund of the Hidalgo County Head Start Program.
- c. To become a member of the "Pool", an eligible employee must transfer (3) three days of accrued sick leave time and sign a statement provided by the Pool Administrator stating the employee's desire to voluntarily join the "Pool" and authorizing the Pool Administrator to deduct the days from the earned sick leave of the employee and transfer the sick leave of the employee to the sick leave pool as if the employee had used the time for personal purposes. The membership shall be for a period of one year, from January 1st through December 31st.
- d. Eligible employees shall contribute at least (3) three days and no more than (5) five accrued sick leave each year during the month of November (open enrollment). New employees are eligible to join/contribute during the anniversary of their first year of employment and then during open enrollment to maintain membership in the "Pool".

- e. An employee is not considered a member until the sick leave days are transferred to the pool.
- f. An eligible employee, or employee's spouse or immediate supervisor may apply to the Pool Administrator to draw time from the "Pool" as provided in Section 7.211. If the Pool Administrator determines that the employee is eligible the Pool Administrator shall credit the approved days to that employee who may use the time in the same manner as sick leave earned by the employee in the course of employment with the Hidalgo County Head Start Program.
- g. Employees who either retire or resign from Hidalgo County Head Start Program employment may, at their option, donate not more than (10) ten days of accrued sick leave time to the "Pool".
- h. "Pool benefits may be used for a catastrophic illness or injury of the employee as defined in Section 7.209.
- i. An employee who incurs a catastrophic illness or injury is eligible to use time from the "Pool" if the employee has exhausted all paid leave and compensatory time to which that employee is otherwise entitled.
- j. In any calendar year, an eligible employee may not use time from the "Pool" in an amount that exceeds the lesser of one-third of the total amount of time in the pool or 90 days. An eligible employee may not request time in increments of more than (30) thirty days. The Pool Administrator shall determine the exact amount of time that an eligible employee may draw from the "Pool".
- k. An employee absent on assigned sick leave is treated for all purposes as if the employee were absent on earned sick leave. For purposes of this policy, "Pool" days allocated shall be drawn based on the employee's standard work day and pay rate immediately prior to the catastrophic illness or injury. An employee does not earn Sick Leave, Annual Leave, or any other form of paid leave while the employee is paid from the "Pool". However, allocated days shall be included in computing an employee's length of service with the county.
- l. If an employee who has received benefits from the "Pool" returns to work and becomes ill again with the same or different illness, the employee may apply for additional days, not to exceed thirty (30) days. The Pool Administrator shall determine the exact amount of time that an eligible employee may draw from the "Pool".

- m. If the sick leave available through the “Pool” falls below the number of days equal to two (2x) the number of participating members at any time, each member shall contribute one sick leave day in order to retain membership of the “Pool”. This would be considered an emergency allocation to bring the pool up to the amounts of hours needed.

7.209 A catastrophic illness or disability is an employee’s extended critical illness, surgery, injury, or temporary disability due to illness or injury. To qualify as a catastrophic illness, an employee:

- a. must be unable to perform the duties of his or her position for a prolonged period of time,
- b. must require the services of a licensed medical practitioner for a prolonged period of time; and,
- c. is expected to have an extended absence from work for treatment or recovery after the employee has exhausted all accumulated available paid leave and compensatory time, irrespective of the form of such leave.

7.210 “Pool” is not available for:

- a. Elective procedures or procedures that could be scheduled at a time more compatible with work responsibilities without detriment to the employee’s health; or,
- b. Pregnancies without complications.

7.211 An eligible employee wishing to draw from Hidalgo County Head Start Program “Pool” must submit written request to the Pool Administrator. The request must include:

- a. A completed Hidalgo County Head Start Program request for extended sick leave;
- b. A physician’s report describing the catastrophic illness or injury;
- c. Expected dates of absence from work for the catastrophic illness or injury;
- d. The anticipated number of “Pool” days needed by the employee as recommended by the physician.

A "Pool" request is generally not submitted until an employee is close to exhausting all paid leave and compensatory time.

7.212 A "Pool" allocation for an employee terminates on the earliest of:

- a. The date the employee returns to work; or
- b. The effective date of any termination of the employee, including the termination due to the employee's death; or
- c. The contributed days are exhausted; or
- d. The employee has used the allowable amount of time from the "Pool" unless the Pool Administrator has approved the use of additional time.

Unused "Pool" days are credited back to the Hidalgo County Head Start Program "Pool".

7.213 An employee's use of "Pool" time shall be included in the computation of any benefits available to an employee under the Family and Medical Leave Act. Use of the "Pool" shall run concurrent with family and medical leave.

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SICK LEAVE POOL POLICY GUIDELINES

The Commissioner's Court has authorized ~~a countywide voluntary~~ the use of a sick leave pool ("Pool") for eligible employees with a catastrophic illness or disability. The Hidalgo County Head Start Program will follow procedures tailored to meet the needs of Head Start employees. The ~~administration of the "Pool" shall be by the Head Start Administrator for Human Resources will serve as~~ Pool Administrator ~~who and~~ will be responsible for developing procedures for the operation of the pool including developing forms for contributing leave to, or requesting leave from the sick pool and secure approval by the Benefits Committee and the Policy Council. ~~The Commissioners' Court is responsible for issuing interpretations and clarifications of the "Pool".~~

~~In the event of an adverse decision by the Pool Administrator, an employee will have the option to have the decision reviewed by the Benefits Committee. The Benefits Committee will be composed of five (5) current members of the Sick Leave Pool. The Committee will follow established procedures to review and approve requests for use of sick leave pool days. The Policy Council will appoint approve members of the Benefits Committee submitted by the Human Resources Administrator, the two Assistant Program Directors and the Executive Director. The composition of the committee will be (3) three include five (5) Head Start staff members with representation from three (3) field staff and two (2) administration staff.~~ Each year the committee will select a chairman from its membership.

7.208 ~~A:~~ Procedures for Implementing Sick Leave Pool Policy

Participant ELIGIBILITY and DEFINITIONS

- a. Pool Administrator: The ~~Personnel Officer~~ Administrator for Human Resources or an appointed designee by the ~~program director~~ Executive Director for Hidalgo County Head Start.
- b. Eligible Employee: An employee of the Hidalgo County Head Start Program with (12) twelve or more months of continuous employment with the Program, who is paid from the general fund ~~of the Hidalgo County Head Start Program.~~
- c. To become a member of the "Pool", an eligible employee must transfer a minimum of (3) three days but no more that (10) ten days of accrued sick leave time.
- d. ~~and sign a~~ A signed statement Sick Leave Donation Form provided by the Pool Administrator stating the employee's desire to voluntarily join the "Pool" and authorizing the Pool Administrator to deduct the days from the earned

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sick leave of the employee and ~~transfer the sick leave of the employee~~ to the sick leave pool as if the employee had used the time for personal purposes.

e.e. An employee must have at least (6) six days of sick leave in addition to their contribution. The membership shall be for a period of one year, from January 1st through December 31st.

f. Eligible employees shall contribute ~~at least (3) three days and no more than (5) five accrued sick leave~~ each year during the month of November (open enrollment).

e.g. New employees are eligible to join/contribute during the anniversary of their first year of employment and then during open enrollment to maintain membership in the "Pool". An employee is not considered a member until the sick leave days are transferred to the pool.

e.h. ~~An eligible employee, or employee's spouse or immediate supervisor may apply to submit a completed written request to use days from the Sick Leave Pool (See Attached Form HCCS Form 12) to the Pool Administrator to draw time from the "Pool" as provided in Section 7.211(See Appendix Civil Service Commission Rules), which establishes the procedure for the Sick Leave Pool participant to request the use of the Sick Leave Pool. If Upon approval, the Pool Administrator Benefits Committee determines that the employee is eligible the Pool Administrator shall credit the approved days to that for the employee who may use the time in the same manner as sick leave earned by the employee in the course of employment with the Hidalgo County Head Start Program.~~

f.i. Employees who either retire or resign from Hidalgo County Head Start Program ~~employment~~ may, at their option, donate up to but not more than (10) ten days of accrued sick leave time to the "Pool".

e.j. "Pool benefits may be used for a catastrophic illness or injury of the employee as defined in Section 7.209 of the Hidalgo County Civil Service Commission Rules (See Appendix).

h.k. An employee who incurs a catastrophic illness or injury is eligible to use time from the "Pool" if when the employee has exhausted all paid leave and compensatory time to which that employee is otherwise entitled.

i.l. ~~In any calendar year, an eligible employee may not use time from the "Pool" in an amount that exceeds the lesser of one-third of the total amount of time in the pool or 90 days. An eligible employee may not request time in increments~~

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~~of more than (30) thirty days.~~ The ~~Pool Administrator~~ Benefits Committee shall determine the exact amount of time that an eligible employee may draw from the "Pool" not to exceed 160 hours (20 days) in a twelve (12) month span.

j.m. An employee absent on assigned sick leave is treated for all purposes as if the employee were absent on earned sick leave. For purposes of this policy, "Pool" days allocated shall be drawn based on the employee's standard work day and pay rate immediately prior to the catastrophic illness or injury. An employee does not earn Sick Leave, ~~Annual Leave,~~ or any other form of paid leave while the employee is paid from the "Pool". However, allocated days shall be included in computing an employee's length of service with the county program.

k.n. If an employee who has received benefits from the "Pool" returns to work and becomes ill again with the same ~~or different illness~~ catastrophic illness or injury, the employee may apply for one additional request days, not to exceed 80 hours or thirty ten (30/10) days. The ~~Pool Administrator~~ Benefits Committee shall determine the exact amount of time that an eligible employee may draw from the "Pool".

~~l. If the sick leave available through the "Pool" falls below the number of days equal to two (2x) the number of participating members at any time, each member shall contribute one sick leave day in order to retain membership of the "Pool". This would be considered an emergency allocation to bring the pool up to the amounts of hours needed.~~

APPENDIX

7.209 A catastrophic illness or disability is an employee's extended critical illness, surgery, injury, or temporary disability ~~due to illness or injury~~. To qualify as a catastrophic illness, an employee:

- a. Must be unable to perform the duties of his or her position for a prolonged period of time as certified by a his/her medical physician,
- b. Must require the services of a licensed medical practitioner for a prolonged period of time; and,
- c. Is expected to have an extended absence from work for treatment or recovery after the employee has exhausted all accumulated available paid leave and compensatory time, ~~irrespective of the form of such leave~~.

7.210 "Pool" is not available for:

- a. Elective procedures;
- a.b. ~~or p~~Procedures that could be scheduled at a time more compatible with work responsibilities without detriment to the employee's health; ~~or~~;
- b.c. Pregnancies without complications.

7.211 An eligible employee wishing to draw from Hidalgo County Head Start Program "Pool" must submit written request to the Pool Administrator. The request must include:

- a. A completed Hidalgo County Head Start Program ~~request~~ Request for For extended-Extended sick-Sick leaveLeave Form;
- b. A physician's report describing the catastrophic illness or injury;
- c. Expected dates of absence from work for the catastrophic illness or injury;
- d. The anticipated number of "Pool" days needed by the employee as recommended by the physician not to exceed 160 hours (20 days).
- d.e. A one time additional request after exhausting the 160 (20 days) may not exceed 80 hours or (10) ten days.

A "Pool" request ~~is generally not~~ will be submitted ~~until~~ after an employee ~~is close to~~

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~~exhaustingexhausts~~ all paid leave and compensatory time.

7.212 A “Pool” allocation ~~terminates~~ for an employee ~~terminates~~ on the earliest of:

a. The date of the employee ~~returns~~ returning to work; or

b. The ~~effective~~ date of any termination/separation from employment of the employee; or

~~b.c.~~ including the termination due to the eEmployee’s death; or

~~e.d.~~ The contributed Sick Leave Pool days are exhausted; or

~~e.e.~~ The employee has used the allowable amount of time from the “Pool” unless the Pool Administrator has approved the use of additional time.

Unused “Pool” days are credited back to the Hidalgo County Head Start Program “Pool”.

7.213 An employee’s use of “Pool” time shall be included in the computation of any benefits available to an employee under the Family and Medical Leave Act. Use of the “Pool” shall run concurrent with family and medical leave.

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The Benefits Committee will be composed of five (5) current members of the Sick Leave Pool. The Committee will follow established procedures to review and approve requests for use of sick leave pool days. The Policy Council will approve members of the Benefits Committee submitted by the Human Resources Administrator, the two Assistant Program Directors and the Executive Director. The composition of the committee will include five (5) Head Start staff members with representation from three (3) field staff and two (2) administration staff. Each year the committee will select a chairman from its membership.

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