



Policy Chapter: Chapter 5 Human Resources

Policy Number and Title: 05.050 Sick Leave

I. Policy Statement

The University of North Texas provides sick leave, sick leave direct donation, donated leave from sick leave pool, and donated leave from family leave pool to eligible employees in accordance with state law.

II. Application of Policy

Regular Faculty and Staff

III. Policy Definitions

A. *Catastrophic Illness or Injury*

“Catastrophic illness or injury,” in this policy, as defined by the Employees Retirement System of Texas, means a severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a health care provider for a prolonged illness or injury and that forces the employee to exhaust all eligible accrued leave.

B. *Sick Leave Direct Donation*

“Sick Leave Direct Donation,” in this policy, means paid sick leave donated by one employee to another, meeting the eligibility requirements of this policy.

C. *Donor*

“Donor,” in this policy, means an eligible employee who voluntarily gives a portion or all of their accrued sick leave to another eligible employee, the Sick Leave Pool, or the Family Leave Pool.

D. *Educational Activities*

“Educational activities,” in this policy, means school-sponsored activities, including parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs.

E. *Health Care Provider*

“Health care provider,” in this policy, means individuals licensed or authorized to practice under State law and performing within the scope of their practice as defined under State law such as (1) a doctor of medicine or osteopathy; or (2) any other person determined by the Secretary of Labor to be capable of providing health care services, including podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives, clinical social workers, or Christian Scientist practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or (3) any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits;

or (4) a health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country and is performing within the scope of their practice.

F. Immediate Family Member

“Immediate family member,” in this policy, means an individual residing in the same household as the employee and who is related by kinship, adoption, or marriage, or is a foster child of the employee who resides in the same household as the employee and who is under the conservatorship of the Texas Department of Protective and Regulatory Services, or the ward of an employee who has been appointed as guardian by a court. Minor children of the employee, whether or not living in the same household, are considered immediate family for purposes of sick leave.

G. Medical Emergency

“Medical emergency,” in this policy, means a medical condition of the employee, who has been employed for at least ninety (90) days, or an immediate family member of the employee that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave.

H. Prolonged Absence

“Prolonged absence,” in this policy, means an illness or injury lasting four (4) workdays or longer.

I. Protected Leave

“Protected leave,” in this policy, means a leave that ensures that an eligible employee will be restored to the employee’s original job, or to an equivalent job, with equivalent pay, benefits, and other terms and conditions of employment during the duration of the protected leave.

J. Recipient

“Recipient,” in this policy, means an eligible employee who receives a donation of accrued sick leave hours from another eligible employee, from the Sick Leave Pool, or from the Family Leave Pool.

K. Regular Faculty and Staff

“Regular faculty and staff,” in this policy, means an employee who is scheduled to work at least twenty (20) hours per week for a period of at least 4 ½ continuous months and is not employed in a position for which the employee is required to be a student as a condition of the employment.

L. Sick Leave Accrual

“Sick leave accrual,” in this policy, means leave accrued by full-time employees at the rate of eight hours for each month of state employment and by a part-time employee on a proportionate basis.

M. Sick Leave Pool

“Sick Leave Pool,” in this policy, means a reserve of paid sick leave hours donated by UNT employees to provide eligible employees with paid sick leave for catastrophic illness or injury.

N. Family Leave Pool

“Family Leave Pool,” in this policy, means a reserve of paid sick leave hours donated by UNT employees to provide eligible employees with paid sick leave for bonding with and caring for a child during the child’s first year following birth, adoption, or foster placement, caring for a seriously ill immediate family member, or for an employee who is seriously ill.

IV. Policy Responsibilities

A. Sick Leave

1. Rate of Accrual and Accrual Computations

Sick leave accrues as follows:

- a. Sick leave accrues from the first day of employment and terminates on the last day of duty. An employee is entitled to be credited for one month's accrual of sick leave for each month of employment beginning on the first day of employment and on the first calendar day of each succeeding month of employment, unless an employee is on a leave without pay for an entire calendar month. Regular faculty and staff are eligible to receive sick leave benefits beginning the first day of employment.
- b. Regular full-time employees shall earn sick leave entitlement at the rate of eight (8) hours for each month or fraction of a calendar month of paid employment. Regular part-time employees earn sick leave proportionate to their employment. Accumulation of sick leave is unlimited and the balance of unused accumulated sick leave is carried forward on the first day of the next fiscal year.
- c. Leave Accruals While on Paid Leave: If an employee goes on paid leave (e.g., vacation, sick, or compensatory leave) following their last day of duty, does not return to duty and subsequently separates (terminates) from State employment, the employee is not entitled to leave accruals while on such paid leave for any calendar month(s) following the month in which the last day of duty occurs. However, if an employee goes on paid leave which extends into a subsequent month(s) and later returns to duty, upon return, the employee is entitled to vacation and sick leave accruals for the month(s) the employee was on paid leave. These accruals should be credited to the employee immediately upon return to duty, and the employee may use them *after* such return.

2. Maximum Accrual/Conversion of Lapsed Vacation Accrual

All unused vacation leave hours in excess of the employee’s maximum carryover at the end of a fiscal year will be credited to the employee's sick leave balance as of the first

day of the next fiscal year.

3. Use of Accrued Sick Leave

a. *Prevention of Performance of Duty*

When the employee's performance of duty is prevented by sickness, injury, pregnancy and confinement, or exposure to contagious diseases which require quarantine or isolation, accrued sick leave may be used.

b. *Care for Ill Immediate Family Member*

When the employee is needed to care for and assist a member of the employee's immediate family who is actually ill, accrued sick leave may be used. An employee's use of sick leave for immediate family members not residing in that employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child, or parent of the employee who needs care and assistance as direct result of a documented serious health condition.

c. *Medical & Dental Appointments*

Accrued sick leave may be used for medical and dental appointments, examinations, or treatments for the employee or an immediate family member of the employee.

d. *Educational Activities of Children*

Up to eight (8) hours of sick leave per fiscal year may be used to attend educational activities for the employee's children, provided the employee is a parent of (or a person standing in parental relation to) a child who is a student attending a grade from prekindergarten through 12th grade. The 8-hour total is per fiscal year and not per child.

- i. An employee shall give reasonable advance notice of their intention to use sick leave to attend an educational activity.

e. *Adopted Children*

An employee who adopts a child under three years of age is to be treated as if they have undergone pregnancy and childbirth. Therefore, an employee who adopts a child under three years of age may use the amount of sick leave that would be medically necessary to recover from pregnancy and childbirth, as certified by the employee's healthcare provider.

f. *Recording in Hours & Rounding Off*

Sick leave taken must be recorded in hours. When charging for time less than an hour, sick leave taken must be rounded off to tenths of an hour, i.e., six (6) minutes = 0.1 hours, twelve(12) minutes = 0.2 hours, eighteen (18) minutes = 0.3 hours, etc.

4. Staff Sick Leave Notification and Approval

To be eligible for sick leave with pay, a staff member must promptly notify their supervisor of the need to take leave, the expected duration of the leave, and the expected date of return. If a return date is unknown, the staff member should check-in periodically or as often as requested by their supervisor. It is within the discretion of the supervisor to require documentation concerning illness resulting in absences of three (3) working days or less.

For absences greater than three (3) working days, a staff member must provide a health care provider's statement, or some written statement of the facts concerning the absence and nature of the illness, that is acceptable to the supervisor as soon as practical. Employees are not required to provide medical diagnoses or other related details regarding their medical condition.

A staff member must contact Human Resources if leave is expected to last beyond three (3) working days.

All sick leave taken during the month must be reported through the university leave system.

5. Faculty Sick Leave Notification and Reporting

To be eligible for sick leave with pay, a faculty member must promptly notify their supervisor of the need to take leave, the expected duration of the leave, and the expected date of return. If a return date is unknown, the faculty member should check-in periodically or as often as requested by their supervisor. It is within the discretion of the supervisor to require documentation concerning illness resulting in absences of three (3) working days or less.

For absences greater than three (3) working days, a faculty member must provide a health care provider's statement, or some written statement of the facts concerning the absence and nature of the illness, that is acceptable to the supervisor as soon as practical. Employees are not required to provide medical diagnoses or other related details regarding their medical condition.

A faculty member must contact Human Resources if leave is expected to last beyond three (3) working days.

When a faculty member needs to miss class because of illness, they must promptly notify their Department/Division Chair and/or Dean so the Department/Division Chair and/or Dean may try to arrange for someone else to teach the faculty member's class. If the Department/Division Chair and/or Dean are unable to arrange for someone else to teach the class (e.g. it is an impossibility under the circumstances), the faculty member should properly notify students that the class is cancelled.

Faculty sick leave is to be reported using the university leave system. Faculty must report sick leave for actual time missed from their normal forty (40) hour workweek (e.g. all work time missed due to illness is to be reported– not just the days on which

classes were missed).

6. Healthcare Provider's Statement

To be eligible for sick leave with pay during a continuous period of more than three (3) working days, an employee who has been absent must provide a health care provider's written statement of the facts concerning the absence and nature of the illness, which is acceptable to the supervisor as soon as practicable. The supervisor should approve all sick leave requests meeting the requirements stated in this policy. The supervisor should not accept any detailed medical documentation from the employee, but if received, the supervisor has a responsibility to protect the privacy of the individual's medical information. Medical information must not be copied or maintained in the employee's department and should be forwarded to Human Resources for handling. Employees are not required to provide medical diagnoses or other related details regarding their medical condition.

It is within the discretion of the supervisor to require documentation concerning illnesses resulting in absences of three (3) working days or less.

7. Sick Leave Exhausted

When a faculty or staff member has exhausted all accrued sick leave, further absences will be charged against accrued vacation leave and/or compensatory leave, where applicable. When all paid leave options have been exhausted, a faculty or staff member may request a leave of absence without pay unless the employee is receiving worker's compensation.

8. Transfers

An employee who transfers from another state agency to the University of North Texas within twelve (12) months after the end of the month in which the employee separated from the previous state agency will be given credit for any unused balance of accumulated sick leave verified by the employee's previous state agency. The Human Resources Department will request verification of previous State service upon notification by the faculty or staff member; however, the faculty or staff member is ultimately responsible for securing the transfer credit from their former employer.

9. Abuse of Sick Leave

Malingering and abuse of sick leave may be grounds for disciplinary action or termination. A supervisor who believes that an employee appears to be abusing the sick leave policy must contact Human Resources for guidance prior to initiating disciplinary action. Employees may not be disciplined for absences covered by Family and Medical Leave, whether paid or unpaid.

10. Sick Leave Payment to Estate of Deceased Faculty or Staff Member

When an employee dies, the estate of the deceased individual will be paid one-half of the individual's accumulated sick leave, or for 336 hours of sick leave, whichever is less,

provided the employee has had at least six (6) months of continuous state employment. Lump sum calculation of death sick leave benefits may not include longevity or hazardous duty pay. The payment made to the estate of the deceased individual for unused sick leave is not wages and is not subject to Social Security deductions.

11. Use of Sick Leave or Vacation Leave and Workers' Compensation or Temporary Disability Benefits

An employee is not required to exhaust all accrued sick leave before receiving weekly Workers' Compensation payments. If the individual elects to utilize all sick leave, weekly Workers' Compensation payments will not be made until the individual has exhausted all accrued sick leave. An employee may choose to use all, some, or none of their vacation leave before receiving Workers' Compensation benefits. An employee who is receiving temporary disability benefit payments under the Group Benefits Plan is not required to utilize sick leave while receiving such benefits.

12. Sick Leave at Termination

Sick leave provides a leave allowance to cover only periods of actual personal illness. Thus, unused sick leave at termination is forfeited. Sick leave cannot be used during periods when a terminated employee is extended on the payroll to expend accrued vacation time. Sick leave eligibility (accrual) stops on the last day of duty, which is the date the employee is last physically on the job.

13. Sick Leave at Reemployment

- a. An employee who separates from UNT and is subsequently re-employed by UNT will, if their break in service is between thirty (30) days and twelve (12) months, have their unused balance of accumulated sick leave restored. However, if the reason for the employee's termination was a formal reduction in force then their unused balance of accumulated sick leave will be restored if they are reemployed by the state within twelve (12) months after the end of the month in which they separated from state employment.

B. Sick Leave Direct Donation

Eligible faculty or staff employees may donate any amount of their accrued sick leave to another eligible faculty or staff employee who is also employed by UNT, and has exhausted their sick leave, including eligible hours received from sick leave pool.

1. Recipient Guidelines

a. *Eligibility*

- i. The recipient must be an eligible employee of UNT.
- ii. Sick leave direct donation may be used when the employee's performance of duty is prevented by sickness, injury, pregnancy and confinement, or when the employee needs to care for and assist a member of the employee's immediate family who is ill. For immediate family members who live outside

the employee's household, a documented medical condition must exist.

- iii. The recipient of a direct donation, that is tax exempt to the donor, is only permitted to use donated sick leave hours for the health condition shown on the *Sick Leave Direct Donation Health Care Provider Medical Certification Form*. Furthermore, they must exhaust all paid leave and have a documented Medical Emergency.
- iv. If eligibility requirements for Family Medical Leave Act (FMLA) leave are met, the recipient will be placed on protected FMLA leave. The recipient may qualify for donated sick leave even if the recipient is not eligible for FMLA leave.
- v. The employee requesting sick leave direct donation must complete, sign, and submit to Human Resources a *Sick Leave Direct Donation Application Form*. The employee must also complete, sign, and submit a *Sick Leave Direct Donation Health Care Provider Medical Certification Form* unless other medical documentation used for FMLA or sick leave pool certification is currently on file with Human Resources.

b. Limitations

- i. Sick Leave Direct Donation is not an entitlement.
- ii. The recipient may not provide or receive remuneration or a gift in exchange for donated sick leave under this program.
- iii. An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of soliciting donations of sick leave under this program. Solicitation of donations is discouraged. Solicitation of leave that is disruptive to the workplace or exerts pressure or plays on people's emotions is unacceptable. Donation of sick leave hours must be done voluntarily.
- iv. To ensure consistency and avoid the appearance of impropriety, supervisors are discouraged from donating to their employees and vice versa.
- v. Donated sick leave balances will not transfer with an employee to another state agency, are not eligible for restoration upon re-employment after a separation of employment, and are not eligible for payment upon separation or to an estate upon death. The recipient may not purchase service credit in the Employees Retirement System of Texas or Teacher Retirement System of Texas with donated sick leave that is unused on the last day of the employee's employment.
- vi. Donated sick leave is subject to the same use requirements as accrued sick leave.
- vii. Donated sick leave may not be used for absences occurring prior to receipt of

donated hours.

- viii. Unused sick leave donation balances are not eligible for transfer to another employee.
- ix. Donated hours will not be provided until the employee has exhausted all paid leave.

2. Donor Guidelines

a. Eligibility

- i. The donor must be an eligible employee of UNT.
- ii. The donor is encouraged to maintain sufficient leave balances at the time of donation. Donors may not borrow against future sick leave accruals in order to donate sick leave.
- iii. An employee seeking to donate sick leave under this policy must complete, sign, and submit to Human Resources a *Sick Leave Direct Donation Donor Form*.

b. Limitations

- i. The donor may not receive remuneration or a gift for donating sick leave.
- ii. The donor may not have been intimidated, threatened, or coerced into donating sick leave.
- iii. The donation of sick leave is irrevocable and will not be returned to the donor where the recipient does not use all of the donated sick leave.

3. Tax Implications

- a. Sick leave direct donation generally is recognized as taxable income to the donor unless the recipient:
 - i. has a documented medical condition on file with Human Resources that meets the IRS definition of Medical Emergency, and
 - ii. has exhausted all forms of paid leave.
- b. Medical Emergency determination will not be known until the recipient's need has been assessed by Human Resources.
- c. Any hours in excess of the amount determined to be a Medical Emergency generally will be considered taxable to the donor. Hours deemed taxable are multiplied by the donor's hourly wage and reported on the donor's W2 as taxable income.
- d. To donate Sick Leave, the donor must complete the *Sick Leave Direct Donation Donor Form*. The donor may choose to donate leave only if the donation will be tax exempt by selecting the 'tax exempt only selection' on the Donor Form. If the 'tax exempt only selection' is selected by the donor, the donor's donation will only be

processed if the recipient's need meets the IRS definition, provided above, for Medical Emergency.

C. Sick Leave Pool

The Sick Leave Pool provides additional sick leave in the event of a catastrophic illness or injury to the employee or the employee's immediate family, or the employee's previous donation of time to the pool causes the employee to exhaust all accrued leave.

1. Withdrawal of Time from Sick Leave Pool

- a. Employees may apply for permission to withdraw time from the Sick Leave Pool if they have exhausted their own sick leave because of a previous donation, or for their own catastrophic illness or injury or for that of immediate family members. The employee seeking to receive hours from the pool must complete the *Sick Leave Pool Application Form*. If the employee is seeking permission to withdraw time because of a catastrophic illness or injury, the employee must provide a completed *Sick Leave Pool Health Care Provider Medical Certification Form* from a health care provider who is treating the employee or the employee's immediate family member.
- b. Employees must use all accrued leave before they are eligible to receive hours from the Sick Leave Pool.
- c. The employee who is absent using Sick Leave Pool hours is treated for all purposes as if the employee were absent on earned sick leave.
- d. Sick Leave Pool hours may be used for a continuous absence, for intermittent leave, or for a reduced schedule.
- e. Sick Leave Pool benefits will end upon a full release to work from a licensed health care provider or when the lifetime maximum of ninety (90) days has been reached, whichever comes first.
- f. Sick Leave Pool hours may not be applied to absences occurring prior to the date the leave is approved by the pool administrator.
- g. While receiving Workers Compensation Insurance (WCI) benefits, employees may not withdraw hours from the Sick Leave Pool.
- h. Unused Sick Leave Pool balances are not eligible for payment upon termination of employment or death.
- i. An employee using Sick Leave Pool for intermittent leave must use any earned leave before using Sick Leave Pool hours.
- j. Any unused balance of Sick Leave Pool hours granted to an employee returns to the pool.
- k. Hours donated to an employee under this policy cannot be used to purchase TRS service credit.

- I. Sick Leave Pool is not an entitlement.
2. Contributing Hours to the Sick Leave Pool
 - a. Employees may make voluntary contributions of their earned sick leave hours to the Sick Leave Pool at any time by completing a *Sick Leave Pool Donor Form*. Contributions must be in increments of one or more days with the exception of retiring employees who may designate the number of hours to be donated.
 - b. Employees who contribute to the Sick Leave Pool may not stipulate who is to receive their contributions.
 - c. Employees who contribute leave to the Sick Leave Pool upon termination or retirement cannot have their contributions restored upon subsequent return to state employment.
 - d. Hours donated to the sick leave pool are not taxable to the donor.
3. Sick Leave Pool Administration

The Sick Leave Pool program is administered by UNT System Human Resources.

D. Family Leave Pool

The Family Leave Pool provides additional sick leave in the event an employee is seriously ill or is caring for a seriously ill family member, including pandemic-related illnesses or complications caused by a pandemic, is bonding with and caring for a child during the child's first year following birth, adoption, or foster placement, or the employee previously donated time to the Family Leave Pool which caused the employee to exhaust all eligible leave.

1. Withdrawal of Time from Family Leave Pool
 - a. Employees may apply for permission to withdraw time from the Family Leave Pool by completing the *Family Leave Pool Application Form*. They must have exhausted all available paid leave because of a previous donation to the Family Leave Pool or for one of the following reasons.
 - i. Employee or Immediate Family Member's Serious Illness

Employees may use Family Leave Pool for their own serious illness or for that of an immediate family member. If the employee is seeking permission to withdraw time because of a serious illness, including a pandemic-related illness, and does not qualify for or has exhausted time available in the Sick Leave Pool, the employee must provide a completed *Family Leave Pool Health Care Provider Medical Certification Form* from a licensed health care provider who is treating the employee or the employee's immediate family member.
 - ii. Extenuating Circumstance Created by an Ongoing Pandemic

Employees may use Family Leave Pool for an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family

member. To be eligible, an employee must provide any applicable documentation, including an essential caregiver designation, proof of closure of a school or daycare, or other appropriate documentation.

iii. Care for Another Person

Employees applying to use Family Leave Pool hours for bonding with and caring for a child during the child's first year following birth, adoption, or foster placement must submit and be listed on the child's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent, or provide documentation that the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.

- b. The employee who uses Family Leave Pool hours is treated for all purposes as if the employee were absent on earned sick leave.
- c. Family Leave Pool hours received from the Family Leave Pool may not be used for absences occurring prior to the receipt of the leave.
- d. Family Leave Pool hours may be used for a continuous absence, for intermittent leave, or for a reduced schedule. An employee using Family Leave Pool for intermittent leave must use any accrued leave before using Family Leave Pool hours.
- e. An employee may not withdraw time from the Family Leave Pool in an amount that exceeds the lesser of: (1) one-third of the total time in the pool, or (2) 90 days.
- f. While receiving Workers Compensation Insurance (WCI) benefits, employees may not withdraw hours from the Family Leave Pool.
- g. Unused Family Leave Pool balances are not eligible for payment upon termination of employment or death.
- h. Any unused balance of Family Leave Pool granted to an employee returns to the pool.
- i. Family Leave Pool is not an entitlement.

2. Contributing Hours to the Family Leave Pool

- a. Employees may make voluntary contributions of accrued sick or vacation leave hours to the Family Leave Pool at any time by completing the *Family Leave Pool Donor Form*. Contributions must be in increments of one or more days, with the exception of retiring employees, who may designate the number of hours to be donated.
- b. Employees who contribute to the Family Leave Pool may not stipulate who is to receive their contributions.

- c. All donations to the Family Leave Pool are taxable to the donor. Hours donated will be multiplied by the donor’s hourly wage and reported on the donor’s W2 as taxable income.
- d. To donate leave to the Family Leave Pool, the donor must complete the *Family Leave Pool Donor Form*.
- e. Employees who contribute leave to the Family Leave Pool upon termination or retirement cannot have their contributions restored upon subsequent return to state employment.

3. Family Leave Pool Administration

The Family Leave Pool program is administered by UNT System Human Resources.

V. Resources/Forms/Tools

- [Sick Leave Direct Donation Recipient Form](#)
- [Sick Leave Direct Donation Donor Form](#)
- [Sick Leave Pool Health Care Provider Medical Certification](#)
- [Sick Leave Pool Application Form](#)
- [Family Leave Pool Donor Form](#)
- [Family Leave Pool Recipient Form](#)
- [Family Leave Pool Health Care Provider Medical Certification](#)
- [Family Leave Pool Application](#)

VI. References and Cross-References

- [Texas Government Code Chapter 661, Subchapters A, A-1 & G](#)
- [UNT Policy 05.033, Staff Employee Discipline and Involuntary Termination](#)
- [UNT Policy 05.064, Family and Medical Leave](#)
- [UNT Policy 05.069, Leave of Absence Without Pay](#)
- [UNT Policy 06.011, Faculty Leaves of Absence Without Pay](#)
- [UNT Policy 06.025, Faculty Misconduct and Discipline](#)
- [UNT Policy 15.005, Workers’ Compensation Program](#)

VII. Revision History

Policy Contact:	Asst VC & Chief HR Officer
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