

City of San Marcos Sick Leave Pool Policy

Effective Date 8/1/2000 - Revised 12/01/2011

The Sick Leave Pool is a benefit that provides eligible employees with additional sick leave in the event of a catastrophic injury or illness that exhausts all other accrued paid leave. Employees must complete a Sick Leave Pool Membership Application and contribute leave annually for continued eligibility for Sick Leave Pool benefits. The City may declare a contribution holiday when excess hours are accumulated in the Sick Leave Pool. In the case of an enrollment period when a contribution holiday is declared, all eligible employees shall be members of the Pool for that period.

The policy is intended to benefit all regular employees of the City who normally work 20 or more hours per week and have successfully completed their initial 6 months introductory period. All references to hours in this policy shall be pro-rated for regular part-time employees in proportion to the number of hours they work per week.

The Sick Leave Pool shall be administered by a member of the Human Resources Department, hereinafter referred to as the "Pool Administrator."

Contributing Leave to the Sick Leave Pool

1. Contributions to the Pool are strictly voluntary and must be submitted in writing to the Pool Administrator during a membership drive conducted during open enrollment. The Pool Administrator will review the contribution for compliance with the policy.
2. Employees who have successfully completed the initial 6 month introductory period as a regular employee may contribute not less than 4 hours, nor more than 24 hours of sick or vacation leave to the Pool for annual membership. Contributions must be made in increments of at least four hours at a time.
3. Employees may not stipulate who is to receive their contributions to the Pool.
4. Employees who contribute leave to the Pool cannot take back donated hours unless they become eligible to use it in accordance with the Sick Leave Pool policy.
5. Contributions to the Pool are not tax deductible.

Withdrawing Leave from the Sick Leave Pool

1. Only Sick Leave Pool Members are eligible to withdraw leave, provided they meet all other qualifications as outlined in this policy.
2. An employee may qualify for leave from the Sick Leave Pool if he/she, or a dependent family member, has experienced a catastrophic injury or illness.
3. "Dependent family member" is defined as a parent, spouse or child as outlined in the Family and Medical Leave Act (FMLA).
4. A "catastrophic injury or illness" is defined as a severe condition affecting the physical or mental health of the employee or dependent family member, which has caused the employee to expend all available paid leave (including but not limited to sick, vacation, holiday, personal leave time, old sick bank, frozen holiday and compensatory) and the injury or illness has caused the employee to be absent from work at least 80 hours during the immediately preceding twelve months.
5. While an employee must have applied for Family and Medical Leave (FMLA) in order to qualify for Sick Leave Pool benefits, an employee who is eligible for FMLA due to a "serious medical condition" may or may not be eligible for Sick Leave Pool benefits. The definition of a catastrophic illness or injury in this policy is more severe than a "serious medical condition" as defined by FMLA.

6. Requests for leave must be made in writing to the Pool Administrator approximately 2 weeks before the employee is expected to exhaust paid leave, and must include supporting documentation of need from the treating physician who is a board certified specialist in the treatment of such illness or injury.
7. Should an employee's condition make it impossible for them to submit a request in writing, then a family member, friend or co-worker may make the submission on their behalf.
8. Requests may be made no more than once per month for up to four weeks leave at a time. An employee may make additional requests for leave, however total requests from an employee may not exceed 12 weeks leave per catastrophic injury or illness.
9. An employee who has been granted Sick Pool Leave will continue to be eligible up to the maximum leave available for the catastrophic illness/injury for which they were approved, regardless if they cross plan years, and cannot renew membership because they have exhausted all paid leave.
10. Requests may not be made retroactively for leave already taken prior to the close of the affected pay period. Consideration may be given for extenuating circumstances.
11. The Pool Administrator will review requests for eligibility and grant leave on a first-come, first-served basis. All requests will be reviewed and approved/denied within ten working days of receipt.
12. Assuming that the applicant has met all the stated requirements of this policy and provided certification of need from a physician, the Pool Administrator will grant the applicant's request for leave for up to four weeks leave or 1/3 of the remaining balance in the Sick Leave Pool, whichever is less.
13. Any unused sick leave granted to an employee will be returned to the Sick Leave Pool. Leave is considered to be unused if the employee is able to work for one consecutive month without drawing on the sick leave granted under terms of this policy.
14. Employees will not accrue sick and vacation leave while using leave from the Sick Leave Pool.
15. Employees are required to participate, based on physician evaluation, in work flextime, part-time or light-duty schedules while drawing leave from the Sick Leave Pool.
16. Use of Sick Leave Pool hours will not be considered "hours worked" in the calculation of overtime.
17. Employees are not eligible to withdraw leave from the Sick Leave Pool when leave is due to an employee's work-related injury while eligible for workers' compensation benefits.
18. You may not receive disability benefits (any type of disability benefits) and Sick Leave Pool leave if the combination of benefits will be more than your pre-disability earnings.
19. Granting of leave from the Sick Leave Pool, or use of such leave, will not change the terms of employment, nor will it alter Employee Handbook policies that regulate employment, including section 4.30 Disability Leave of Absence.

This policy change shall be effective December 1, 2011.

APPROVED:

James R. Nuse, City Manager

Date