

# Catastrophic Sick Leave Pool

## Introduction

The Comptroller's office has established a sick leave pool for the benefit of employees who suffer a catastrophic illness or injury, or who need time away from work to care for an immediate family member who has a catastrophic illness or injury, and have exhausted all of their leave balances.

The sick leave pool is made up of contributions of sick leave from other Comptroller employees, and employees are encouraged to contribute sick leave to the pool. If the balance of the sick leave pool is exhausted, these benefits may not be available until more time is contributed to the pool.

## Eligibility

An employee is eligible to use time in the sick leave pool if the employee has exhausted all of his or her leave balances.

An immediate family member is (1) someone related by kinship, adoption, or marriage who lives in the same household; (2) foster children who reside in the same household; (3) minor children and those for which the employee has been appointed by the court as legal guardian, regardless of whether the child lives in the same household. An immediate family member is also the employee's spouse, parent or child, regardless of whether they live in the same household, if they require the employee's care and assistance for a documented medical condition.

## Definitions

A "catastrophic" condition is a severe physical or mental condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires treatment by a licensed practitioner for a prolonged period and that forces the employee to exhaust all leave time earned.

A severe condition or combination of conditions is:

- a medically verified, life-threatening injury or illness; or
- a medically verified, debilitating injury or illness of an extreme magnitude.

Examples of illness/injuries generally considered severe enough to be catastrophic include but are not limited to:

- stroke with residual paralysis or weakness;
- severe heart attack;
- major surgery (for example, heart bypass surgery);
- cancer-related surgery or treatments;
- potentially fatal tumors; or
- amputations.

## Requesting Time from the Sick Leave Pool

An employee may submit a [Special Leave Request form \(70-275-D\)](#) to Human Resources requesting sick leave pool.

The physician treating the employee or his or her immediate family member for a catastrophic illness or injury must also provide information sufficient to conclude the illness or injury is life-threatening or debilitating and of an extreme magnitude. The employee should provide the form to their provider requesting the necessary information. A second medical opinion from a physician selected by the agency may be required in limited circumstances, and at the agency's expense.

Based on the information submitted, Human Resources will determine whether the employee is eligible for sick leave pool benefits and for what number of hours. The request is approved or denied by the Deputy Comptroller.

Human Resources will contact the employee in writing to indicate whether the request was approved or denied and, if approved, the amount of time granted. Hours granted but not used are returned to the sick leave pool.

## Number of Hours Granted

If approved to receive sick leave pool benefits, the amount of sick leave pool an employee may receive depends on: (1) years of service with the Comptroller’s office and (2) the number of hours of sick leave the employee contributed to the sick leave pool during the biennium, prior to the date the catastrophic illness or injury is diagnosed.

The following table shows how many hours an employee may receive per catastrophic condition based on the number of hours contributed during the biennium:

	0	8	16	24	32	Hours Contributed
Years of Service						<b>Number of Hours Employee Can Receive</b>
0-5	40	240	320	400	480	
6-10	80	320	400	480	560	
Over 10 years	120	400	480	560	640	

\*Exceptions can be made by the Deputy Comptroller at his or her discretion.

An eligible employee can be granted hours up to the amount shown above but may be granted less if the duration of the catastrophic illness or injury is less than the total number of hours an employee can receive.

The hours granted cannot exceed one-third the balance of the sick leave pool at the time of the request or the number of hours indicated above.

## Employees on FMLA

If an employee is eligible for FMLA benefits, this paid leave will run concurrently with the employee’s FMLA entitlement and a benefits coordinator will notify the division manager, division timekeeper and employee.

The agency may deny sick leave pool to an employee who has exhausted his or her 480 hours of FMLA leave.

## Outside Activities and Employment

An employee granted sick leave pool may not engage in any previously approved outside employment, business or activity while using sick leave pool without prior approval from his or her management, after consultation with Human Resources.

Whether it is appropriate for an employee to continue with outside employment, business or other activities depends on the reason for the leave, the type of leave (regular, reduced schedule or intermittent), the duration of the leave and other factors.

## Donations to the Sick Leave Pool

Donations are voluntary and can be made while a current employee or when separating from employment by sending an email with the number of hours you would like to donate to [sick.pool.donations@cpa.texas.gov](mailto:sick.pool.donations@cpa.texas.gov). An employee donating to the *sick leave pool* cannot donate leave for a specific employee; it becomes part of the pool available to all eligible CPA employees. Employees may, however, donate sick leave to a specific employee as referenced in the Sick Leave Policy.

Current full-time and part-time employees may donate sick leave hours to the sick leave pool in eight-hour increments.

- Sick leave donations are effective for the remainder of the biennium in which they were donated.
- For this reason, an employee who wishes to maintain their additional sick leave pool benefits must donate to the pool each biennium. The agency recommends employees donate in September, at the beginning of the biennium, to be sure the maximum number of hours an employee can receive will be available.

\*An employee who exhausts leave balances due to a non-catastrophic illness may request the agency return the sick leave hours he or she donated to the sick leave pool during the same biennium in which the request is made. A written request to the benefits section is all that is required.

If an employee is retiring, he or she may designate the number of sick leave hours to be used for retirement credit, and the number of hours to be donated to the pool. Please note that sick leave hours donated are not included in the calculation of credible service for ERS purposes; the employee cannot receive credit for any sick leave hours previously donated to the sick leave pool.

An employee who resigns or is terminated may donate sick leave hours to the sick leave pool in eight-hour increments at separation.

## Authority

Texas Government Code §§661.001–.008