

## College Operating Procedures (COP)



**Procedure Title:** Sick Leave  
**Procedure Number:** 05-0504  
**Originating Department:** Office of Human Resources

**Specific Authority:**

Board Policy 6Hx6:5.04  
Florida Statute 1012.865  
Florida Administrative Code n/a

**Procedure Actions:** Adopted: 11/21/1996; 07/1/2000; 02/10/2003; 11/3/2004;  
03/11/2008; 12/2/2008; 02/16/2010; 11/1/2010; 10/01/14;  
03/26/2019

**Purpose Statement:** To establish procedures for College employees regarding use of sick leave and to create a sick leave pool.

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### **Guidelines:**

Board of Trustees [Policy 5.04](#) has established a comprehensive sick leave program. The Board Policy establishes permissible uses of sick pay, identifies eligible employees, provides rules for terminal payment of accrued sick leave upon retirement or death for eligible employees, establishes rules regarding the transfer of sick leave, and authorizes the creation of a sick leave pool.

### **Procedures:**

#### **I. Use of Sick Leave**

Each supervisor shall establish implementation procedures specific to that office/area to ensure compliance with this policy.

- A. The supervisor must be verbally notified before the opening of the College duty day when such leave is to occur, or as soon as possible during the day when such leave occurs, then requested in writing by the employee using the College Leave Request Form.
- B. Upon return to work, an hourly employee who becomes ill during the normal working day should deduct those hours of work missed from the time card and should complete Form BO-004 indicating the sick leave to be deducted.
- C. Should it be impossible for the employee to personally provide notification, every effort must be made to have a family member, friend, or acquaintance provides such notification.
- D. Unless the employee can prove that proper notification was impossible, an absence of three consecutive duty days or work shifts without proper notification to the supervisor is

considered job abandonment and will be treated as a voluntary resignation and termination of employment.

- E. The employee must complete the appropriate leave form for all types of sick leave as soon as possible during the first day he/she returns to work.
- F. Appropriate medical verification may be required by Human Resources.
- G. Unless an emergency situation arises, personal leave that is chargeable to sick leave should be approved at least one week prior to the first personal leave day to be taken. Further the employee must have the approval of his/her immediate supervisor for the specific days to be taken.

## **II Sick Leave Pool**

Board of Trustees [Policy 5.04](#) has authorized the creation of a Sick Leave Pool (SLP) program to help protect the employee from loss of income due to a personal major illness or injury (pursuant to the Family Medical Leave Act (FMLA) requirements for medical certification).

The SLP is intended to be used by eligible employees until long-term disability insurance becomes effective. However, the SLP will not be used as a substitute for long-term disability. As such, eligible employees may only utilize a maximum of sixty (60) duty days.

### **A. Eligibility and Membership**

- 1. Participation in the SLP shall be voluntary.
- 2. Members must be employed as a regular full-time employee and complete 12 calendar months of continuous employment in that status.
- 3. Members must accrue and bank accumulated sick leave at the time of enrollment of ten (10) days of accumulated sick leave.
- 4. Employees who participate in the Deferred Retirement Option Plan (DROP) or the Retirement Incentive Program (RIP) are not eligible for enrollment into the SLP.
- 5. If less than fifty (50) full-time employees elect to participate in the SLP, it will not be implemented. If the SLP drops below fifty (50) members once implemented, then the College may elect to hold a special enrollment to increase participation to fifty (50) employees. Failure to achieve 50 members will result in terminating the SLP. Sick time remaining in the SLP will be credited to current members on a pro-rata basis.
- 6. An employee may join the SLP only during open enrollment which shall be held each year in October for a January 1<sup>st</sup> start date. In order to be eligible to enroll during the open enrollment for the SLP, an employee must be employed as a regular full-time employee and completed 12 calendar months of continuous employment in that status by the effective start date of January 1<sup>st</sup>.
- 7. A member may withdraw from the SLP each year during open enrollment periods by notifying Human Resources in writing; however, contributions will not be refunded. If a member resigns, retires, or terminates, any contributions made by the member will remain in the SLP.
- 8. Rehired employees must meet eligibility requirements in order to be reenrolled.

## **B. Contributions**

1. Each member shall make an initial contribution of two (2) sick leave days (not converted sick) to the SLP upon enrollment. The number of hours in a "day" will be based on the member's classification (either 7.5 or 8 hours per day).
2. Members must contribute to the SLP as a whole and may not designate their days to benefit a specific employee.
3. Any sick leave contributed to the SLP shall be removed from the accumulated sick leave balance of the member contributing sick leave in January following the Open Enrollment period the member joined the SLP.

## **C. Use of the SLP**

1. Members must exhaust all converted sick, sick, vacation, and personal leave.
2. The SLP will be used only for extended illnesses of the member. Any sick leave time drawn from the SLP by a member must be used for the member's own personal illness, accident, or injury. The SLP cannot be used for the illness, disability, injury or death of a family member or dependent. Sick leave may not be withdrawn from the SLP for the purpose of childcare or the care of other family members.
3. The SLP does not cover cosmetic or reconstructive surgery unless it is the result of an injury or congenital defect.
4. Members requesting SLP must also complete the appropriate Family Medical Leave paperwork with Human Resources. The medical leave must have been approved pursuant to the requirements of the Family Medical Leave Act (FMLA). A member will not be able to utilize the SLP without the Office of Human Resources having received the appropriate medical information. Once proper medical documentation is received, SLP will be paid retroactive to the first day of eligibility.
5. A member who uses sick leave from the SLP shall not be required to re-contribute such sick leave to the SLP, except as provided for the replenishment of the balance. However, if a member returns to work and has not used the total balance of sick leave that was provided by the SLP, the unused balance will be returned to the SLP.

## **D. Limitations on Use of SLP**

1. Use of leave from the SLP shall at all times be contingent upon the availability of days in the SLP. The maximum number of days for which a member may draw consecutive sick leave from the SLP shall be limited to sixty (60) duty days during a rolling 12-month period (the current month and preceding 11 months), with no more than 120 days within a 3-year period of time.
2. Any illness or injury covered by Worker's Compensation is not eligible for SLP benefits. A member receiving disability benefits for a medical condition or income from other sponsored income protection plans will not be covered by the SLP.
3. While using time from the SLP, a member will not accrue sick and vacation time if SLP time is used for the majority of duty days in a month.
4. SLP days may not be used for non-duty days or off-contract days.
6. SLP days may not be transferred from one employee to another.
7. SLP days are not subject to terminal payment if employment is terminated by the member's death.
8. SLP days cover a member's base salary only.

9. Any member of the SLP who has exhausted or does not qualify for FMLA leave is solely responsible for the cost of all employee and employer paid benefits while utilizing SLP for the majority of the duty days in a month.
10. There shall be no intermittent use of SLP days.

#### **E. Replenishment**

1. The SLP shall be reviewed and participating members advised of the number of days required to replenish the SLP when 85% of the enrollment contributions base has been depleted.
2. The enrollment contributions base shall be the two days per member on the enrollment anniversary date (January 1st).
3. Members of the SLP shall at all times contribute equally to replenish the SLP.
4. If at the time of replenishment, a twelve-month employee does not have ten (10) sick leave days or the other members do not have eight (8) sick leave days to make the required contribution, the member shall automatically be withdrawn from the SLP until enough sick leave is accumulated by the employee to make the required replenishment contribution and reinstatement during next open enrollment period. Upon return to work, the first two days of sick leave a member accrues will be contributed to the SLP.
5. A member using the SLP when a replenishment call is made will not be dropped from the SLP as a member; however, the employee will be withdrawn from the SLP upon return to work until enough sick leave is accumulated by the employee to make the required replenishment contribution for immediate reinstatement.

#### **F. Administration of the SLP**

The Office of Human Resources shall maintain complete and accurate records of the SLP. Each enrollment, contribution, use of leave, and withdrawal by participating members shall be documented on a signed form. In the event the SLP is dissolved, all contributions to the SLP will be reinstated to the contributor's accrued sick leave balance on a pro-rata basis.

The Director of Human Resources shall investigate any alleged abuses of the SLP and shall make a report to the Vice President of Operations of the findings. The Vice President of Operations shall determine if the SLP has been abused, and in the finding of actual abuse, the member shall repay all of the sick leave used from the SLP and shall be subject to other disciplinary action as provided by the rules of the District Board of Trustees.