

#### **FSU-4.064 Sick Leave Pool.**

- (1) ~~Scope. This rule establishes a plan allowing~~ The Sick Leave Pool allows participating, employees in a sick leave earning position, regardless of Full Time Equivalent (FTE), to have sick leave available for use upon the depletion of their personally accrued sick, annual, personal holiday, and compensatory leave, in accordance with Section 110.121, F.S.
- (2) Administration of the Pool.
- (a) There may be one or more Sick Leave Pools established within ~~The Florida State University~~, the number to be determined by the President. The President shall also determine which employees will be eligible to participate in each pool ~~established~~.
- (b) There shall be an administrator designated by ~~the Office the President or designee~~ Human Resources and a committee appointed by the President or designee who shall be jointly responsible for the operation of the Sick Leave Pool.
- (c) The Administrator shall:
1. Meet on a regular basis with the ~~s~~Sick Leave Pool Ceommittee and review the sick leave accounts of all participating employees;
  2. Maintain ~~in a concise and orderly fashion~~ accurate and reliable written records regarding all functions of the Sick Leave Pool;
  3. Administer and facilitate the membership process and the issuance of Sick Leave Pool hours to eligible employees; and ~~the transfer of Sick Leave Pool membership for an employee moving from a position with a State of Florida agency or University to the Florida State University.~~
  4. Investigate alleged abuse of the Sick Leave Pool.
- (d) The Sick Leave Pool ~~e~~Committee shall:
1. Meet on a regular basis with the ~~a~~Administrator;
  - ~~1.2.~~Make a determination of all membership and use of Sick Leave Pool hours requests;  
and
  - ~~2.3.~~Establish internal operating procedures including, but not limited to, enrollment of participating employees and application for use of Sick Leave Pool hours.
- (e) ~~The organizational records of the Sick Leave Pool are personnel records and are open for inspection in accordance with the Public Records law.~~
- (3) Membership and Participation.
- (a) ~~In order T~~to be eligible for membership in the Sick Leave Pool, a person must, meet ~~one of the following criteria; either 1. or 2.:~~
- ~~1. Be a University employee:~~
  1. Occupy~~In~~ a sick leave earning position; ~~regardless of FTE and~~
  2. Have completed one year of continuous employment with the University ~~prior to~~before participation in the Sick Leave Pool; ~~and~~
  3. Have a minimum of 72 -hours of sick leave accumulated at the time of the application to participate in the Sick Leave Pool; and

4. Have an average sick leave usage of less than 9 days per year during employment with the University.
- (b) In addition to satisfying the requirements of paragraph (a) above, an employee desiring to participate in the Sick Leave Pool must complete and submit an application form, which is subject to final approval by the Sick Leave Pool Committee.
- ~~(b)~~(c) Participation in the Sick Leave Pool is voluntary and a participating employee may withdraw from the pool at any time by written notice to the Sick Leave Pool Administrator.-
3. ~~Be a University employee transferring without a break in service from another State of Florida agency or University where the employee was a Sick Leave Pool member and have 8 hours of sick leave for donation to the Sick Leave Pool.~~
- ~~(d) In addition to satisfying the requirements of paragraph (a) above, an employee desiring to participate in the Sick Leave Pool must complete and submit an application form to the Sick Leave Pool Administrator. This form, titled Sick Leave Pool Membership Application, may be obtained from the Administrator of the Sick Leave Pool.~~
- ~~(e) Participation in the Sick Leave Pool is at all times voluntary and a participating employee may withdraw from the pool at any time by written notice to the Sick Leave Pool Administrator. Written notice may be provided by filing the form titled Sick Leave Pool Termination Form. The form may be obtained from and filed with the Sick Leave Pool Administrator. Upon withdrawal from the pool, an employee shall cease to be entitled to use the sick leave hours from the pool and shall not be eligible to withdraw those he/she contributed to the pool. The Administrator shall immediately amend the roster of participating employees to reflect the employee's withdrawal.~~
- ~~(f)~~(d) Any sick leave contributed to the Sick Leave Pool by a participating employee shall be forfeited upon contribution to the Sick Leave Pool.
- ~~(g)~~(e) Membership in the Sick Leave Pool shall be forfeited upon separation from the University. Note: If the employee returns to the University and wishes to participate in the Sick Leave Pool again, membership requirements must be met such as those for new enrollments.
- ~~(h)~~(f) A member of the Sick Leave Pool may be expelled from the Sick Leave Pool by a majority vote of the Sick Leave Pool eCommittee after a determination by the Administrator that such member has abused the use of the Sick Leave Pool.-The Administrator shall immediately amend the roster of participating employees to reflect the employee's expulsion from membership. In addition, the employee may

~~be subject to such other disciplinary action in accordance with the University's procedure for taking disciplinary actions.~~

~~(f)(g) If warranted by the circumstances, and upon a majority vote of the committee, an employee who misused the Sick Leave Pool hours granted shall be required to repay all or part of the sick leave hours withdrawn from the pool by that employee. Hours shall be repaid to the pool immediately if there is enough sick leave in the employee's personal balance to cover the total owed to the pool. If the employee's personal sick leave balance is not sufficient to repay the pool, the remainder of the hours owed will be paid each pay period as they are accrued by the employee until all hours owed have been repaid. If the employee separates from FSU before complete repayment of the hours to the Sick Leave Pool, there will be a financial obligation on the part of the employee to repay the value of the remaining hours.~~

(4) Maintenance of the Sick Leave Pool.

- (a) When establishing a Sick Leave Pool, a deposit balance of 720 hours must be met ~~in~~ ~~order~~ for the pool to be activated for use by the eligible participating employees.
- (b) Each participating employee will contribute eight ~~(8)~~ hours of sick leave upon approval of membership by the committee. Any Sick Leave pooled under this ~~rule~~ regulation shall be removed from the personally accumulated sick leave balance of the employee contributing ~~such~~ the leave.
- (c) The pool will be considered depleted when less than 240 hours remain on deposit.
  1. Whenever the pool is depleted, each participating employee, with prior notification, shall automatically contribute an additional eight ~~(8)~~ hours of sick leave to the pool.
  2. If the participating employee's individual sick leave balance is less than eight ~~(8)~~ hours at the time the pool is depleted, the employee shall contribute all hours accumulated, and shall contribute the remainder as soon as employee has accrued additional sick leave hours. The employee shall not be allowed to use sick leave hours until the amount owed to the pool has been contributed.
  3. If a participating employee, for more than four ~~(4)~~ pay periods, fails to have a sufficient balance of accrued sick leave when requested to contribute eight ~~(8)~~ hours to the pool, the reasons for the use of sick leave hours by the employee shall be investigated by the Administrator for a determination as to whether the employee's membership in the pool should be cancelled. The decision to cancel an employee's membership shall be by majority vote of the committee.
- (d) Hours contributed to the pool shall be placed in a single account for use by all members. No contributions for the benefit of a specific individual, illness, or position will be accepted.

~~(c) A participating employee shall be allowed to “donate” to the pool up to 40 hours of unused or unpaid sick leave from the employee’s individual sick leave balance at the time of retirement or separation from the University.~~

(5) Use of Sick Leave from the Pool.

(a) Use of sick leave from the pool shall be in accordance with the Florida State University Sick Leave Pool Policy. See 4-OP-C-E2 Sick Leave Pool Policy.

(b) Medical certification of the accident, illness, or injury for which the use of sick leave from the pool is requested must accompany the request.

(a)(c) Final determination for the granting of hours is made by majority vote of the Sick Leave Pool Committee.

~~(b)(d)~~ Any sick leave in the pool shall only be used by a participating employee for the employee’s personal illness, accident, or injury. The following occurrences or situations shall not be considered personal illness, accident, or injury for the purpose of this rule/regulation, and shall not entitle participating employees to draw from the Sick Leave Pool:

1. Cosmetic surgery, unless such cosmetic surgery results in serious complications or was necessitated by an illness, accident, or injury not excluded under this subsection; ~~;~~
2. Intentionally self-inflicted injuries, such as resulting from a suicide attempt;
3. Illness, accident, or injury to a member of the employee’s family; ~~;~~ and
4. Any employee postponing or delaying obtaining medical attention (to correct an existing medical problem) in order to make him/her eligible for benefits from the FSU Sick Leave Pool, shall be declared ineligible for such benefits.

~~(e)(e)~~ Sick leave accumulated in the pool shall not be used by a participating employee until all of the employee’s personally accrued sick, annual, personal holiday and compensatory leave has been used. Note: Sick Leave Pool hours when granted would be at the FTE for which the employee is appointed.

~~(d)(f)~~ An employee who is on leave without pay for reason other than personal illness, accident, or injury shall not be eligible to receive sick leave from the pool.

~~(e)(g)~~ Sick leave from the pool shall be requested by filing with the Sick Leave Pool Administrator the form entitled Sick Leave Pool Physician’s Report and Request to Use Hours.—Upon using 480 Sick Leave Pool hours in a ~~12-month~~ 12-month period, an employee may not be granted any additional sick leave from the Sick Leave Pool for 12 months from the expiration of the last hour granted from the Sick Leave Pool.

~~(f)~~ During a personal illness, accident, or injury covered by Workers’ Compensation, an eligible employee may elect to use sick leave from the pool in an amount necessary to receive salary payments that will increase the Workers’ Compensation payments to the total salary being received prior to the occurrence of the illness, accident, or injury. In no case shall the employee’s salary and Workers’ Compensation benefits exceed the amount

of the employee's regular salary payments. Under the following conditions, sick leave from the pool may be used as provided above during an illness, accident or injury covered by Workers' Compensation:

~~0. All other criteria in this rule for the use of sick leave from the pool must be met;~~

~~0. The employee must not be receiving full pay from the University.~~

~~(i) Medical certification of the accident, illness, or injury for which the use of sick leave from the pool is requested must accompany the request.~~

~~(j)(h)~~ Abuse of the use of sick leave from the pool shall include, but not be limited to, the following:

1. Misrepresentation of an illness, accident, or injury, or the circumstances surrounding it, ~~in order~~ to receive leave to which the employee is not entitled under the provisions of this ~~rule~~ regulation.

2. Submission by an employee of medical certification which is from other than a qualified medical practitioner or which misrepresents the nature of the employee's illness.

~~(k) A participating employee who withdraws sick leave hours from the pool shall not be required to replace those hours, except as a regular contributing member of the pool, unless required to do so because it has been determined that that employee abused the use of sick leave from the pool.~~

~~(l)(i)~~ Extended consecutive use of the Sick Leave Pool by an individual will require committee review for approval of the individual's continued use of the leave.

~~(m)(j)~~ A participating employee may draw a lifetime maximum of 960 hours of sick leave from the pool during their employment at ~~The~~ Florida State University.

(6) Discontinuation of the Sick Leave Pool.

(a) The President of ~~The~~ Florida State University or designee may at any time, with notice to the participating employees in accordance with Chapter 120, F.S., ~~repeal this rule for the purpose of discontinuing~~ discontinue the Sick Leave Pool.

(b) Unless otherwise provided by ~~rule~~ regulation or policy, all hours remaining in the Sick Leave Pool at the time it is discontinued will be divided equally between the remaining active members.

Specific Authority BOG Regulation 1.001(3)(j) ~~—, Reg. Procedure July 21, 2005~~ Law Implemented 110.121 FS. History—New 5-20-86, Amended 9-24-98, 11-20-09