



HARRIS COUNTY, TEXAS

BUDGET MANAGEMENT DEPARTMENT

Administration Building

1001 Preston, Suite 500

Houston, TX 77002

(713) 274-1100

July 28, 2020

<p>To: County Judge Hidalgo and Commissioners Ellis, Garcia, Radack and Cagle</p> <p>Fm: Shain Carrizal <i>HSC</i></p> <p>Re: Sick Leave Pool Program</p>	<p>Judge Lina Hidalgo</p> <p>Comm. Rodney Ellis</p> <p>Comm. Adrian Garcia</p> <p>Comm. Steve Radack</p> <p>Comm. R. Jack Cagle</p>	<table border="0"> <thead> <tr> <th>YES</th> <th>NO</th> <th>ABSTAIN</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	ABSTAIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
YES	NO	ABSTAIN																		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		

On July 14, 2020, Commissioners Court requested that Human Resources & Risk Management develop a policy and implementation plan for an employee sick leave pool. Attached for your approval is a proposed Sick Leave Pool Program, and an associated position to administer the program. The program is in accordance with Texas Local Government Code, Chapter 157 and has been reviewed by the Harris County Attorney's Office.

Upon approval, Human Resources & Risk Management will coordinate with Universal Services and other departments as required, to make necessary changes in PeopleSoft, develop necessary procedures and forms, and communicate the program to departments and employees.

Thank you for your consideration.

Attachments

Presented to Commissioners Court

July 28, 2020

Approve: E/G



SICK LEAVE POOL PROGRAM

PURPOSE

The purpose of the Sick Leave Pool Program ("Program") is to alleviate the financial, health and emotional hardship caused when a Catastrophic Injury or Illness forces an employee to exhaust all accrued paid leave and subsequently lose compensation and benefits from Harris County ("County").

AUTHORITY

The Sick Leave Pool Program has been established by Commissioners Court pursuant to Texas Local Government Code Chapter 157, Subchapter E.

Administration of the Sick Leave Pool Program, including developing and implementing procedures for the operation of the Program, is the responsibility of the Administrator. The Administrator, acting under the guidance of Commissioners Court, makes all administrative decisions, including eligibility and amount of leave, for the Program.

DEFINITIONS

Administrator – the Harris County Sr. Director of Human Resources & Risk Management or his/her designee.

Catastrophic Injury or Illness – a "Serious Health Condition" as defined under the Family Medical Leave Act (FMLA) in Section 11.1017 of the Harris County Personnel Policies and Procedures. FMLA defines a serious health condition as an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, or residential medical care facility; or (B) continuing treatment by a health care provider.

A Serious Health Condition includes ailments such as, but not limited to, cancer, myocardial infarction, stroke, chronic obstructive pulmonary disease, chronic liver disease and cirrhosis, chronic kidney disease and injuries from accidents, including motor vehicle accidents. Incapacity or disability related to pregnancy is considered a serious health condition (does not apply to bonding time after pregnancy). Catastrophic Leave requests for stress-related illness may only be granted for hospitalization.

For purposes of this Program, a Serious Health Condition is defined as an illness or injury that requires the individual to be absent for at least ten consecutive workdays as demonstrated by medical documentation.

Sick Leave Pool (Pool) – the combined Sick and Vacation Leave donated by employees for allocation to eligible employees with a Catastrophic Injury or Illness.

Fiscal Year – the County’s fiscal year (March 1st - February 28th/29th).

Catastrophic Leave– paid leave an employee uses from the Pool.

Day – eight (8) work hours.

ELIGIBILITY

To participate in the Program, including contributing to and receiving benefits from the Pool, an employee must have been continuously employed by the County for at least 12 months prior to participation. Participation in the program ceases once an employee is no longer in a Regular Position.

ENROLLMENT (DONATIONS)

Upon eligibility, an employee may enroll in the program by donating between a minimum of 8 hours to a maximum of 40 hours of Sick Leave and/or Vacation Leave to the Pool each Fiscal Year during enrollment period(s). The donation cannot cause the employee’s combined Sick Leave or Vacation Leave balance to fall below 80 hours.

Donations to the Pool are strictly voluntary; however, to be eligible to use Catastrophic Leave from the Pool, an employee must donate to the Pool each Fiscal Year. Time donated to the Pool is irrevocable and is not designated to any particular employee. Enrollment in the Program and donation to the Pool is not a guarantee that an employee will receive any Catastrophic Leave from the Pool.

During the initial year of the Program, the Administrator may approve requests from employees who have not donated to the Pool. All other requirements of the Program must still be met.

When an eligible employee voluntarily or involuntarily separates employment from the County, the employee may donate up to an additional ten days (80 hours) of combined Sick and Vacation Leave hours to take effect immediately before the effective date of separation.

CATASTROPHIC LEAVE REQUESTS

Only eligible employees enrolled in the Program are permitted to request and receive Catastrophic Leave from the Pool for their own serious health condition. Catastrophic Leave cannot be used to care for a family member. Employees who are placed on an approved leave of absence are not eligible to receive Catastrophic Leave from the Pool.

The employee must have a Catastrophic Injury or Illness and must have exhausted all accrued paid leave and compensatory time before requesting Catastrophic Leave from the Pool. The employee must be absent at least 10 continuous work days before receiving Catastrophic Leave from the Pool.

The maximum amount of Catastrophic Leave that can be given to an employee in a rolling 12 month period is the lesser of: 1) the number of hours needed to cover the employee's absence due to the Catastrophic Injury or Illness, 2) 60 work days (480 hours), or 3) one-third of the total amount of time in the Pool.

Catastrophic Leave will be administered on a first-come, first-serve basis, determined by the date or time when all necessary information has been provided. The Administrator determines eligibility and the amount of Catastrophic Leave given. All decisions by the Administrator are final.

Catastrophic Leave is treated for all purposes as if the employee were absent on Sick Leave. All Catastrophic Leave used from the Pool will count towards the employee's available FMLA entitlement.

All unused Catastrophic Leave granted to the employee shall be returned to the Pool under any of the following conditions:

- The employee returns to work full-time;
- The employee voluntarily or involuntarily separates employment with the County;
- The employee becomes deceased;
- The employee voluntarily cancels their participation in the Program; or
- The employee violates this policy and/or commits fraud or misrepresentation in the request or use of Catastrophic Leave;

An estate of a deceased employee is not entitled to payment for unused Catastrophic Leave acquired by the employee from the Pool.

COORDINATION WITH OTHER BENEFITS

An employee is no longer permitted to receive or use Catastrophic Leave when they become eligible to receive Workers' Compensation indemnity benefits, long-term disability benefits, Social Security disability benefits, or any other supplemental benefits.

An employee receiving Catastrophic Leave may not perform any outside work or engage in any extra duty employment while using Catastrophic Leave.

ADDITIONAL INFORMATION

Departments may not retaliate against an employee for taking Catastrophic Leave.

This Program is not intended to deny an employee their rights under the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), or Workers' Compensation.

All applicable County and departmental policies and procedures are still effective when participating in the Program.

The County may discontinue or terminate the Sick Leave Pool Program without cause or legal liability at any time. The County reserves the right to change the Program policies, guidelines, procedures, terms and conditions at any time. Denial of Catastrophic Leave cannot be grieved and is specifically excluded from the County's grievance process.

Any employee found violating the provisions of the Program or attempting to use the Program for any reason other than its intended purpose (e.g. using Catastrophic Leave when the employee is not really sick or not returning to work when able to do so) is subject to disciplinary action, including reimbursing the County for improperly used Catastrophic Leave pay and termination of employment.