

PROCEDURE LIT.5.09.05 SICK LEAVE

SCOPE: Faculty and Staff

1. **Eligibility:** Regular faculty and staff members of Lamar Institute of Technology (LIT) are entitled to sick leave allowance within the provisions of the Texas Government Code. Sick leave provides each regular faculty or staff member with a leave allowance to cover periods of actual personal illness or injury, or illness or injury of immediate family member which require the employee to be absent from work. It is also designed to protect other employees from being exposed to contagious diseases. All employees are expected to work if their health permits or to remain at home or in a medical facility if it does not.
2. **Rate of Accrual and Accrual Computations:** Sick leave entitlement accrues as follows:
 - 2.1. Sick leave entitlement accrues from the first day of employment and terminates on the last duty day.
 - 2.1.1. Sick leave accruals are posted on the first day of the month only when an employee is physically on duty.
 - 2.2. Regular full-time faculty or staff shall earn sick leave entitlement at the rate of eight (8) hours for each month or fraction of a month of paid employment. Regular part-time faculty or staff members shall earn sick leave entitlement at their percentage of time employed times eight (8) hours for each month or fraction of a month of paid employment. For example, an individual employment for seventy-five (75) percent time will accrue six (6) hours monthly ($.75 \times 8 = 6$).
 - 2.3. Sick leave entitlement will continue to accrue during periods when the staff member is on approved leave with pay. This will not be credited to the employee until his/her return to duty.
 - 2.3.1. Sick leave entitlement will be credited to an employee for time in a leave without pay status only if the individual has any fraction of paid employment in that month. There will be no accrual during months with only leave without pay status.
3. **Sick Leave Utilized:** Sick leave taken must be recorded in hours or quarter hours. When charging for time less than an hour, sick leave taken must be rounded off to a fraction of an hour, i.e., fifteen (15) minutes = 0.25 hrs., thirty (30) minutes = 0.50 hrs., forty-five (45) minutes = 0.75 hrs.
4. **Maximum Accrual:** Accruals of sick leave may be carried forward from one fiscal year to another with no limit to the number of sick days that may be accrued.
5. **Use of Accrued Leave:** An employee is entitled to use sick leave with pay for the following reasons:

- 5.1. Sick leave with pay may be taken when sickness, injury, pregnancy or confinement prevents the employee from performing his/her duties, or when the employee is needed to care for and assist a member of the employee's immediate family who is ill. For purposes relating to the use of sick leave, the immediate family is defined as those individuals who reside in the same household and are related by kinship, adoption, marriage, as well as a foster child certified by the Department of Protective and Regulatory Services. Minor children of the employee, whether or not living in the same household, will be considered immediate family for the purposes of regular sick leave.
 - 5.1.1. If a family member does not live within the employee's household, an employee's use of sick leave is strictly limited to the time necessary to provide care and assistance to a spouse, child or parent of the employee who needs such care and assistance as a direct result of a documented medical condition.
 - 5.1.2. This provision for taking sick leave does not extend to an employee's parent-in-law if they do not live in the same household.
- 5.2. In exceptional cases involving close family members who do not meet the above criteria, the President may grant sick leave based on the merits of each case.
- 5.3. For maternity leave or for complications relating to pregnancy and or delivery.
- 5.4. For medical and dental appointments, examinations or treatments by medically recognized care givers when these appointments cannot be scheduled outside normal working hours.
- 5.5. Sick leave may not be used when an employee has chosen to use terminal vacation leave rather than being paid in lump sum for accrued vacation.
- 5.6. Faculty members must submit prescribed leave requests and reports for all sick leave.
 - 5.6.1. Sick leave use must reflect the normal workday for regular employees not the class hours missed.
 - 5.6.2. Sick leave must be utilized even though no classes were missed if the absence occurred during a normal workday for regular employees.
- 5.7. Faculty members may use sick leave for qualifying events only during instructional days for which they are under appointment.
 - 5.7.1. During summer semesters the faculty member must be under appointment to use accrued sick leave.
- 5.8. Absences of more than three days are to be reported to the Leave Coordinator in the Office of Human Resources for review of application of Family Medical Leave. If approved, FML will run concurrent with accrued sick leave.
6. Supervisor Notification and Sick Leave Approval: To be eligible for sick leave with pay, a staff member must promptly notify the supervisor or department official of the reason for the

absence. If unable to personally notify the supervisor, the employee may cause a responsible party to notify the supervisor.

- 6.1. The staff member must also keep the supervisor or department official informed of his condition if the absence continues for more than one (1) day. The frequency of the reports is to be determined by the departmental supervisor. Employees must provide supervisors with an anticipated return date if possible, and notify the supervisor of any variation.
- 6.2. Upon return to duty the faculty or staff member must, without delay, complete a Leave Request and submit it to the department official with the designated authority to approve leave. The department official who has the authority to approve leave will be the head of the department unless otherwise directed by the President.
- 6.3. The employee is responsible for recording sick leave taken on the monthly Leave Report and for recording it accurately. The supervisor is responsible for the verification of the accuracy of the report.
7. Physician's Statement: To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, an employee who has been absent must provide a physician's statement showing the cause or nature of the illness, or some written statement of the facts concerning the illness, which is acceptable to the department official.
8. Sick Leave Extended: When an employee has exhausted all sick leave, further absence will be charged against accrued vacation leave.
 - 8.1. When accrued sick leave and vacation leave have been exhausted, the employee may be eligible for benefits from the sick leave pool, or leave without pay.
 - 8.2. When all leave entitlements have been exhausted and if a leave without pay is not granted, the department official may terminate the staff member.
 - 8.3. When the individual is capable of returning to working status, the individual may request re-employment with LIT through the Office of Human Resources.
9. Extended Sick Leave With Pay: In exceptional cases, when a faculty or staff member has exhausted all accrued sick leave, vacation leave, compensatory leave, Sick Pool Leave, and Family Medical Leave, the individual may be granted extended sick leave with pay on approval by the President. Such extensions will be authorized on an individual basis after a review of the particular case. Extreme diligence should be used in granting such leave privileges.
 - 9.1. A copy of the statement authorizing extended sick leave for an individual must be attached to LIT's duplicate payroll voucher for the payroll period affected, and must be maintained in the personnel files.

9.1.1. An F3.2 and documentation must be submitted to the Human Resources office.

9.2. Vacation and sick eligibility leave will continue to accrue during extended sick leave.

10. Transfers: An employee who transfers to LIT from another State agency, will be given credit for any unused balance of accumulated sick leave, provided there is no interruption of service (i.e., the individual is placed on the payroll of LIT on the first working day succeeding the day separated from the old agency).

10.1. It is the individual's responsibility to report prior credits from his/her former employers. Such information shall be presented to Human Resources immediately upon employment.

11. Abuse of Sick Leave Privileges: Malingering and abuse of sick leave privileges may be grounds for discipline up to and including termination. Sick leave should be held as a privilege to be used only in appropriate situations.

12. Sick Leave Payment to Estate of Deceased Employee: The estate of a deceased employee will be paid one half of the individual's accumulated sick leave, or 336 hours of sick leave, whichever is less, provided that such employee had continuing employment for at least six months at the time of death. The payment made to the estate of the deceased employee for unused sick leave is not wages and is not subject to Social Security deductions.

12.1. The amount paid to the estate will be the state employee's compensation rate at the time of his/her death.

12.2. Any employment in-lieu of base pay must be included in the compensation rate if the employee was eligible for the enrollment on the last day of employment.

12.3. Neither longevity pay nor hazardous duty pay may be included in the compensation rate.

13. Sick Leave and Workers' Compensation: An employee may elect to utilize sick leave until it is exhausted before receiving Workers' Compensation. However, an employee may not receive both Workers' Compensation and sick leave.

14. Sick Leave at Termination: Sick leave provides a leave allowance to cover only periods of actual personal illness which affects the employee's ability to perform his/her duty. Thus, unused sick leave at termination is forfeited.

14.1. A terminating employee may, with the agreement of LIT, be allowed to remain on the payroll after the last day worked to utilize vacation leave in-lieu of being paid in a lump sum, but that employee will not be eligible to use paid sick leave prior to final separation from employment.

14.2. An employee separated from employment with the State under a formal reduction in force policy shall have his/her sick leave balance restored if reemployed the State

within twelve (12) months of termination. Lamar Institute of Technology must honor and restore sick leave of employees from this or other State agencies or institutions who meet the criteria discussed in this section.

14.3. Employees who are separated from State service for reasons other than reduction in force must have their sick leave restored if they are reemployed by LIT within twelve (12) months of their termination, provided these employees have had a break in service of at least one month since their date of termination, or an employee who is reemployed by a different state agency or institution of higher education within twelve (12) months after the end of the month in which the employee separates from state employment is entitled to have their sick leave balance restored.

14.4. Employees Retirement System retirees who return to state employment will not have their sick leave balances restored.

15. *Return from Military Service*: An employee who is restored to employment following active military service under the veteran's employment restoration provision is generally considered to be on furlough or leave of absence, and as such entitled to crediting of sick leave accrued, but unused, prior to such military service.

16. *Negative Sick Leave Time Balances Prohibited*: The State Auditor's Office has advised that a state agency or institution of higher education must not allow an employee to carry a negative sick leave balance.

Related Policies:

Relevant Forms/Documents:

Relevant TSUS Policies/Forms/Documents:

Relevant Statutes: Texas Government Code §661.033, §661.034, §661.202, §661.204, §661.205, §661.904; Attorney General Opinion No. H684, (9/8/75); State Auditor's Office Leave Interpretation No. 91-02 (5/8/91); State Auditor's Office Leave Interpretation No. 97-04 (10/29/96); State Auditor's Office Leave Interpretation No. 97-08 (6/16/97); Attorney General Opinion No. M1222 (9/21/72); State Auditor's Technical Update Letter No. 01-02 (2000); State Auditor's Office Leave Interpretation No. 97-03 (10/22/96)

Relevant SACSOC Standards:

Document History:

Adopted:

Reviewed:

Revised: October 2025