

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(REGULATION)

REQUESTS FOR
LEAVE

To make a request for leave, an employee will complete a Request for Leave form and a Travel Approval form and submit them to his or her immediate supervisor prior to taking leave. If it is an unscheduled leave, such as an emergency, and the employee was unable to complete the forms prior to using the leave, the forms must be completed upon his or her return to work.

MEDICAL LEAVE POOL

The College District has established a medical leave pool (MLP) from voluntary donations by eligible College District employees. The purpose of the MLP is to provide eligible employees who have exhausted all available leave, including accrued vacation leave, additional leave without loss of pay.

ELIGIBILITY

The MLP is intended to help an employee who is suffering from a catastrophic illness or injury or who must be absent because an immediate family member is suffering from a catastrophic illness or injury.

In order to be eligible to participate in the College District's MLP, an employee must be employed in a benefit-eligible position and must contribute one day or eight hours of sick leave from his or her own available sick leave. The contribution will be prorated for an eligible employee who is not considered a 100 percent full-time employee (FTE).

DEFINITIONS

A "catastrophic illness or injury" is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family, requires the services of a licensed practitioner for a prolonged period of time, and forces the employee exhaust all available leave and lose compensation. The uncomplicated delivery of a child at the conclusion of a pregnancy is not considered to be a catastrophic illness or injury.

A "prolonged illness or injury" is defined as an illness or injury lasting in excess of 30 consecutive calendar days. Any day the employee is actively at work will not be counted as illness or injury time.

Members of an employee's immediate family include the employee's spouse, child (birth, adopted, or foster), parent, parent-in-law, or a person under the employee's guardianship as provided by proper legal documentation.

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A “licensed practitioner” is a person who is licensed to practice in one of the health professions set forth in the Texas Insurance Code, Article 3.70-2, paragraph B.

The College District’s “MPL administrator” is the human resources department. In accordance with the Health Insurance Portability and Accountability Act (HIPPA), which requires the College District to maintain the privacy of its employees’ health information, the human resources department will administer the MLP in accordance with established MLP policies, procedures, and guidelines. The human resources department will maintain records, provide validation services, make status reports, and serve as support to the MLP membership. MLP files contain confidential medical information; therefore, they are kept separately from regular personnel files and may not be accessed.

The “MLP” is the accumulated sick leave donated by employees for utilization in accordance with the College District’s leaves and absences policy and administrative regulations.

The “MLP membership” includes employees who have donated leave to the MLP during the current fiscal year.

EXCLUSIONS

The MPL program does not cover an employee’s time-off due to a job-incurred injury covered by workers’ compensation benefits or if the employee is receiving short-term or long-term disability benefits.

An employee with a catastrophic illness or injury lasting less than 30 calendar days is not eligible to withdraw time from the MLP.

An employee on leave without pay is not eligible for the MLP unless the leave without pay status results from depleting accrued paid leave because of a qualifying catastrophic illness or injury. If an employee has returned from leave without pay, the employee is ineligible until he or she completes a minimum of 30 active work-days.

MLP CONTRIBUTIONS

The MLP will consist of hours voluntarily contributed to the pool by College District employees each fiscal year. The MLP Voluntary Contribution Form is available from the human resources department.

A benefit-eligible employee must agree to transfer, at a minimum, an amount of sick leave equal to his or her employee status. For example, 100 percent will equal one day or eight hours; 50 percent will equal one-half day or four hours and the like, hereafter referred to as prorata per fiscal year. An eligible employee will be covered from the date of MLP enrollment. An employee will remain a MLP member until written notification of withdrawal from the pool is re-

ceived by the MLP administrator. Written forms of notification of withdrawal from the pool must be received no later than August 31st of the current academic year. MLP members may donate additional hours at any time during the fiscal year.

New employees must enroll within the first 30 days of employment. If a new employee does not elect to enroll in the MLP program within this period, he or she must wait until the next open enrollment period, September 1 through September 30, in order to participate.

New enrollees must satisfy a 90-day waiting period prior to being eligible to withdraw leave from the MLP.

Existing employees not currently participating in the MLP may enroll only during the open enrollment period.

Retiring employees are also permitted to contribute to the MLP. Upon receipt of the MLP Voluntary Contribution Form, human resources will credit the College District's MLP program with the contribution and will deduct the corresponding amount from the contributing employee's own accrued sick leave balance.

MLP PROGRAM
PROVISIONS

An eligible employee:

1. May not withdraw time from the MLP except in the case of catastrophic illness or injury of the employee or the employee's immediate family;
2. May request and be granted at least five days, up to a maximum of 20 days, equal to that of his or her employment status per fiscal year;
3. Will be given a maximum number of five days equal to that of his or her employee status in order to attend to the affairs of a deceased member of his or her immediate family; and
4. May receive no more than the lesser of a lifetime total maximum of 90 working days or one-third of the total time in the pool.

During the fiscal year, in the event eligible requests exceed the number of days in the pool, the MLP members may be requested to voluntarily contribute additional days.

The MLP administrator will determine the amount of time that an employee may withdraw from the pool.

Sick leave contributions to the MLP may not be designated for the use of a particular person.

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PROCEDURES FOR
WITHDRAWAL OF
LEAVE TIME FROM
THE MLP

MLP members may withdraw their MLP membership at any time. However, sick leave hours that were contributed to the pool will not be returned to an employee under any circumstances.

Requests to withdraw leave hours from the MLP must be submitted on the MLP request form with the application for medical certification. The form and hours requested must be filed with human resources and must be validated prior to distribution.

The MLP request form must be accompanied by the College District's Certification of Physician or Practitioner form. The form must include the expected duration of the illness, the expected return-to-work date, and must provide sufficient information regarding the illness or injury to enable validation that all required information is submitted for consideration.

No MLP time will be granted for any days not covered by a licensed practitioner's statement.

The College District reserves the right to require an additional licensed practitioner's statement from the provider of its choice. The expense of such an additional statement will be borne by the College District.

No MLP request will be considered complete until all required documentation has been received.

Incomplete applications will not be accepted or considered for distribution.

All requests to use MLP are considered in the order in which the completed applications are received in the human resources department. Approval or denial of each request will be decided within ten working days of the receipt of the completed request.

In determining the amount of leave to be assigned to an eligible employee, the human resources department will consider the number of applications currently pending and the amount of leave available in the pool.

An employee may not request or be granted less than five days from the sick leave pool.

If the balance of leave in the sick leave pool is less than five days, the employee's request will be held and will be processed when five or more days become available in the pool.

If five or more days are available in the sick leave pool, but fewer days are available than the eligible employee requests, the employee will be granted the number of days available in the MLP, up to the limits included in this regulation. Though the employee may

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receive fewer days than the requested number, the request will not be held nor will additional time be granted retroactively should days become available at a later time. The employee may make a new request for withdrawal of days from the MLP, in accordance with this regulation and regular withdrawal guidelines.

SHORT-TERM
MILITARY LEAVE

Procedures governing short-term military leave are as follows:

1. Any employee requiring leave for military purposes will notify his or her immediate supervisor as soon as orders are received and will provide the immediate supervisor a copy of the orders.
2. After exhausting the 15 days of leave, the employee may utilize accrued vacation and/or unpaid leave for the remainder of the active duty period.
3. An employee who has exhausted his or her vacation time/paid leave will be given special consideration. The College District administration will work with the employee to blend the military pay and benefits with College District pay and benefits to ensure no net loss of compensation up to six months.
4. When relieved from duty, the employee will be returned to the position held when initially ordered to duty.

LONG-TERM MILITARY
LEAVE

Procedures governing long-term military leave are as follows:

1. Any employee requiring leave for military purposes will notify his or her immediate supervisor as soon as orders are received and will provide the immediate supervisor a copy of the orders.
2. Any employee, other than a temporary employee or adjunct faculty member, will be granted leave to a maximum of five years for active duty with the regular or reserved Armed Forces of the United States, the Texas National Guard, or the Texas State Guard, if discharged, released, or separated under honorable conditions.
3. When relieved from duty, the employee will be returned to the position held at time of entry to active duty or to a position of similar status, seniority, and pay if the employee is still physically and mentally qualified to perform the duties of such position.
4. If the employee is unable to perform the duties of his or her previous position by reason of disability, he or she will be employed in another position for which he or she is qualified and

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will provide pay, status, and seniority equal to or closely approximating the position held at the time of entry into the service.

5. Veterans eligible for restoration to employment under this regulation must make written application to the College President within 90 days after discharge, release, or separation from the military. Evidence of such discharge, release, or separation will be attached to the request.