

# NEW COLLEGE OF FLORIDA

## Sick Leave Pool

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### Benefits of Sick Leave Pool Membership

The NCF Sick Leave Pool affords its members the opportunity to remain in full-pay status for a specified period of time after depleting all of the individual employee's sick, annual, compensatory leaves, and personal holiday (USPS only).

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### Eligibility

All employees, including sick leave pool members, should maintain a sufficient leave balance to cover occasional absences due to illness, injury, or disability and the first week of the extended absence certified by a physician.

To be eligible for membership in a sick leave pool, an employee must meet all of the following criteria:

- be appointed to an established regular position(s) (OPS employees, whether hourly or salaried, are not eligible to participate);
- have an effective or above performance rating and not be appointed with a terminal non-renewal contract (Faculty and A&P);
- have at least one year of continuous, satisfactory service in an established regular position(s);
- have a minimum sick leave balance of 64 hours if appointed full-time or a pro-rated number of hours if part-time, after the sick leave pool deduction is made and before the end of the open enrollment;
- apply for membership within the open enrollment period;
- contribute the required number of hours to the pool upon enrollment; and
- contribute the required number of hours to the pool when required to replenish the pool as determined by the Sick Leave Pool Administrator.

NOTE: NCF does not accept a membership from another state university or agency when an employee transfers to NCF.

It is the responsibility of the member to apprise the Administrator of the pool of changes in the member's appointed FTE.

- When a member changes from full-time to part-time employment, membership continues; however, if the part-time employee requests hours from the pool, the

he/she is eligible to receive a pro-rated number of hours, based on appointed FTE or based on the number of hours contributed during an open enrollment period or other contribution period, whichever is less. NOTE: An approved leave of absence without pay does not constitute a change to appointed FTE.

- When a member appointed less than 1.00 FTE changes employment status to a higher FTE, (s)he contributes the pro-rated number of hours based on the higher FTE to qualify for membership at the higher FTE. If the member does not contribute the additional hours upon change in FTE and requests hours from the pool, (s)he is eligible only for the number of hours that would have been approved at the lower FTE.

Hours donated to the pool become the property of the pool. An employee is not entitled to a refund of hours donated to the pool even if the employee has a reduction in FTE, terminates, transfers, or does not request the use of hours from the pool.

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## **Joining the Sick Leave Pool/Open Enrollment**

At least annually, the Administrator of the sick leave pool conducts an open enrollment. This is the only time in which an employee can elect to join the pool. Employees who meet the eligibility requirements may join the sick leave pool by completing the necessary forms and submitting them to the Administrator within the open enrollment period. A contribution of 8 hours of sick leave is required upon joining the pool.

To join the pool, an employee completes a written application during open enrollment and submits it to the Administrator in Human Resources. The Administrator reviews this application to verify eligibility. An incomplete application will be canceled when the Administrator does not receive the requested information within 30 days from date of request. The effective date of membership is established by the Administrator and is announced during open enrollment. Incomplete applications may result in a later effective date.

A supervisor may not disapprove an employee's membership in a pool; however, the supervisor retains the management responsibility of approving or disapproving an employee's leave of absence.

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## **Contributions of Sick Leave Hours to the Pool**

Upon becoming a sick leave pool member, a contribution of sick leave to the pool is deducted from each employee's accrued sick leave balance prior to the effective date of membership. Each time the pool is depleted, each member contributes a pro-rated number of hours based on appointed FTE, not to exceed 8 hours.

A balance of 450 or fewer hours in the pool constitutes depletion. When this balance is reached, the Administrator will notify each of the members in writing of the required contributions. Membership will automatically be canceled if proof of contribution is not received within 30 days from date of notice of the replenishment requirement.

A member who withdraws sick leave hours from the pool is not required to replace those hours except as a regular contributing member.

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## **Use of Hours from the Pool**

The use of hours from the sick leave pool is not authorized until the employee has been absent for one calendar week for the same condition as certified by a physician. Once the supervisor has authorized the absence and after depleting all of the individual employee's sick, annual, compensatory leaves, and personal holiday (USPS only), the employee may make application to the sick leave pool for the use of hours.

An employee who is a member of a pool may request hours from the pool for his/her serious personal disability, illness, accident, or injury. When the absence meets the Family and Medical Leave Act (FMLA) eligibility criteria, the approved absence will be counted toward the employee's FMLA entitlement.

Prior to requesting hours from the sick leave pool, the member must have approval from his/her supervisor to be absent. To request the use of hours from the sick leave pool, the member completes the following documents and submits them to the Administrator of the pool in Human Resources for approval no later than the pay period prior to the one in which the member will exhaust all personal leave:

- **Supervisor's Approval of the Medical Leave of Absence** (use regular request for leave process and forms),
- **NCF Sick Leave Pool Request to Use Hours (Form)**,
- and
- **NCF Sick Leave Pool Medical Statement (Form)**
- A copy of the **Employee's Position Description**

The use of hours from the sick leave pool is not authorized until the employee has been absent for one calendar week for the same condition as certified by a physician. To be eligible to use hours from the sick leave pool for the absence, the following must apply:

- the employee's absence must have been approved by the supervisor;
- a full-time employee must have used a minimum of 40 hours of his/her personal leave for the same diagnosed condition for which the he/she is requesting the use of leave from the sick leave pool or a part-time employee must have used a pro-rated amount of the minimum 40-hour requirement of his/her personal leave for the same diagnosed condition for which the employee is requesting the use of

leave from the sick leave pool. (For example, an employee appointed to a .75 FTE position must have used 30 hours of his/her personal leave for the same diagnosed condition.);

- the employee is required to have exhausted all accrued sick, annual, and compensatory leave and personal holiday (USPS only); and
- the certification for the absence by the physician is for more than one week.

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## **Incomplete Requests to Use Leave from the Sick Leave Pool**

An incomplete request for use of leave will be canceled when the Administrator does not receive the requested complete information within 30 days from date of request.

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## **Contributions to the Sick Leave Pool upon Termination**

Upon termination from NCF and before the final calculation for cash out of unused sick leave hours is conducted, a sick leave pool member may contribute up to 16 hours to the sick leave pool.

To contribute to the sick leave pool upon termination, follow these steps prior to the calculation and verification of the final sick leave balances.

- Deduct up to 16 hours from your sick leave balance on the leave record.
- On the leave record, indicate the effective date of the termination and the number of hours that are being donated to the NCF Sick Leave Pool. After the hours have been deducted, give the original leave record to the Attendance and Leave Coordinator for the contributor's department for processing.

Send a copy of the leave record to the Sick Leave Pool Administrator in Human Resources.

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## **Limitations on the Use of Leave from the Sick Leave Pool**

There are some limitations on the use of leave from the sick leave pool which include the following:

- Members will be denied use of hours from the pool for a pre-existing condition that would require depletion of all of their accrued leave within 180 calendar days from the date of membership.
- Members will be denied use of hours from the pool if the medical certification from the physician covers less than one week due to the employee's serious illness, accident, injury, or disability.
- A maximum of 240 hours may be used by a member within a 12-month period;

- Although a medical leave of absence may be approved by a supervisor, use of hours from the pool may be denied when the request does not meet the criteria.
  - A member may not use hours from the pool in conjunction with a workers' compensation injury or illness. When the absence meets the eligibility requirements under the FMLA, the hours will be counted toward the employee's FMLA entitlement.
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## **Replenishing the Pool**

When the sick leave pool balance goes below the designated point (450 hours), the Administrator may request replenishment of the pool balance. All members of the pool would be required to contribute an additional 8 hours (or pro-rated amount based on FTE) of sick leave to retain membership in the pool.

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## **Abuse or Misuse of the Sick Leave Pool**

Alleged abuse or misuse of the sick leave pool will be investigated by Human Resources and the Administrator. If warranted, the participating employee may be required to reimburse all sick leave drawn from the pool and/or may have membership in the pool cancelled. If abuse of the pool is found, the member may be subject to disciplinary action in accordance with the disciplinary procedures established for the employee's classification.

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## **Canceling Membership/Withdrawing from the Sick Leave Pool**

Members wishing to cancel participation may do so at any time by advising the Administrator in writing. The employee will forfeit all leave hours donated to the pool.

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## **Responsibilities of the Sick Leave Pool Administrator**

The sick leave pool is managed by an Administrator of the pool and Human Resources. The Administrator of the sick leave pool is an employee of Human Resources appointed by the HR Director. The responsibilities of the Administrator are to:

- conduct initial and subsequent open enrollments, maintaining accurate records;
- authorize the use of sick leave pool hours (although a supervisor approves/disapproves the medical leave of absence, the Administrator authorizes the use of sick leave pool hours; departments are not authorized to

certify sick leave pool hours for salary payment until authorization to do so has been granted by the Administrator, since the request may be rejected if there are not enough hours in the pool);

- notify the member and supervisor of approval/disapproval to use hours from the pool;
- maintain accurate records of pool balances and routinely advise management of such balance, prepare and distribute at least annual reports of the pool balance for pool participants and management, and perform periodic reviews of the records;
- advise participants and department leave coordinators when additional contributions to the pool are required;
- ensure accurate and appropriate usage of sick leave from the pool through consultation with supervisors;
- recommend changes, as appropriate, to policy or procedures; draft appropriate revisions to the policy and procedures for submittal to the HR Director for consideration and approval; and
- recommend measures for preventing abuse of the pool (may be requested to assist with the investigation of an alleged abuse/misuse of the pool).

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## **Responsibilities of the Member's Supervisor**

The responsibilities of the Member's Supervisor are to:

- approve/disapprove request(s) for personal medical leave(s) of absence, including those involving the use of leave from the sick leave pool;
- ensure the accurate maintenance of attendance and leave records, including that hours donated to the pool are accurately posted to, deducted from, and documented on the member's leave record;
- ensure the secure maintenance of employee medical information;
- complete the Physical Requirements section of the NCF Sick Leave Pool Medical Statement prior to the medical statement being forwarded to the physician for review;
- quickly notify the Administrator of a member's request to use hours from the pool;
- certify the use of sick leave hours from the pool after receiving approval from the Administrator;
- ensure that the employee is returned to work as quickly as possible, whether part-time or full-time, with or without restrictions, following a period of disability;
- when requested by the Administrator, confirm that the hours from the pool were used and certified for salary payment; and
- ensure that attendance and leave documents are properly posted and maintained when a request to use pool hours is authorized.

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## **Responsibilities of Human Resources (HR)**

HR is responsible for the following:

- writing the policies and procedures; approving or disapproving suggested changes to the policies and procedures;
- serving as a consultant to the Administrator, as needed;
- serving as liaison between the sick leave pool and College administration;
- reviewing internal operating procedures to ensure that they do not conflict with other requirements;
- recommending measures to prevent abuse/misuse of the pool; and
- investigating alleged abuse or misuse of the sick leave or coordinating an investigation with the Administrator. If warranted, the participating employee may be required to reimburse all sick leave drawn from the pool and/or may have membership in the pool canceled. If abuse of the pool is found, the member may be subject to disciplinary action in accordance with the disciplinary procedures established for the employee's classification.

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## **Activation/Deactivation of the Sick Leave Pool and Open Enrollment**

An open enrollment is conducted at least annually as determined by the Administrator. A sick leave pool becomes activated when a minimum of 75 employees participate. If membership drops below 50 employees at any time, the Administrator has the option of conducting an open enrollment or deactivating the pool. When the decision is to deactivate the pool, the members will be advised of the decision and the balance of leave in the pool will be divided among the remaining participants, based on each participant's appointed FTE at the time of deactivation, and added back to his/her individual sick leave balance.

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