

6C2R-4.064 Sick Leave Pool.

(1) Scope. This rule establishes a plan allowing 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 President or designee 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 sick leave committee 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 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.~~With the concurrence of a majority of the sick leave committee members, enter into reciprocal agreements with the administrators of Sick Leave Pools established by other State agencies relating to the transfer of sick leave credits and pool membership for employees moving between positions in State government;~~

4. Investigate alleged abuse of the Sick Leave Pool.

(d) The Sick Leave Pool.~~sick leave~~ committee shall:

1. Meet on a regular basis with the administrator;

2. Establish internal operating procedures including but not limited to enrollment of participating employees and application for use of Sick Leave Pool. ~~hours credits~~.

(e) ~~The organizational~~ All 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 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 an University employee;

a. in a sick leave earning position regardless of FTE. Sick Leave when granted would be at the FTE the employee was at 30 days prior to making the request for sick leave; and

b. 2. Have completed one year of employment with the State (or an agency of the State) prior to participation in the Sick Leave Pool; and

c. 3. Have a minimum of 64 hours of sick leave (after donating 8 hours of sick leave to the FSU Sick Leave Pool) accumulated at the time of the application to participate in the Sick Leave Pool.

2. Be a University employee transferring without a break in service from another State of Florida 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.

(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 to the ~~administrator of the Sick Leave Pool.~~Administrator. This form, titled Sick Leave Pool Membership Application ~~(7/98) which is hereby adopted by reference~~ may be obtained from the administrator of the Sick Leave Pool.

(c) Participating 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 ~~administrator of the Sick Leave Pool~~ Administrator. Written notice may be provided by filing the form titled Sick Leave Pool Termination~~ing~~ Form. The form may be obtained from and filed with the ~~administrator of the Sick Leave Pool~~ Administrator. Upon withdrawal from the pool, an employee shall cease to be entitled to use the sick leave hours credits from the pool and shall not be eligible to withdraw those he/she contributed ~~made~~ to the pool. The administrator shall immediately amend the roster of participating employees to reflect the employee's withdrawal. ~~Any sick leave contributed to the Sick Leave Pool by a participating employee shall be forfeited upon the employee's cancellation of membership in the pool, upon retirement, upon leaving State government employment, or upon leaving the employ of the University, unless the employee joins another State agency and the eligibility criteria of the pools are comparable or the administrators of the pools have agreed on a formula for transfer of credits.~~

(d). Any sick leave contributed to the Sick Leave Pool by a participating employee shall be forfeited upon contributin to the Sick Leave Pool.

(e) Membership in the Sick Leave Pool shall be forfeited upon separation from the University. Note: If the employee returns to the Univeristy and wishesto participate in the Sick Leave Pool again, membership requirements must be met such as those for new enrolments.

~~(f) (d)~~ A member of the Sick Leave Pool. may be expelled from the Sick Leave Pool by a majority vote of the Sick Leave Pool committee 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 ~~shall~~ be subject to such other disciplinary action in accordance with the University's ~~agency's~~ procedure for taking disciplinary actions.

~~(g) (e)~~ If warranted by the circumstances, and upon a majority vote of the committee, an employee who misused ~~abused the use of~~ the Sick Leave Pool hours granted shall be required to repay all or part of the sick leave hours credits withdrawn from the pool by that employee. Hours Credits shall be repaid to the pool immediately if there is enough sick leave in the employee's personal balance ~~account~~ to cover the total owed to the pool. If the employee's personal sick leave balance is ~~account does not have~~ sufficient hours to repay the pool, ~~all hours in the account will be immediately paid to the pool, and~~ the remainder of the hours owed will be paid each pay period ~~month~~ as they are accrued by the employee until all hours owed have been repaid. If the employeeseparates 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 deposited vbalance of 720 hours must be met in order for the pool to be activated for use by the eligible participating employees.

(b) ~~(a)~~ Each participating employee will contribute eight (8) hours of sick leave upon approval of membership by the committee; ~~and when 720 hours have been deposited, the pool will be activated for use by eligible participating employees.~~ Any Sick Leave Pooled under this rule shall be removed from the personally accumulated sick leave balance of the employee contributing such leave.

(c) ~~(b)~~ The pool will be considered depleted when less than 240 hours remain on deposit.

1. ~~(c)~~ 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. ~~(d)~~ If the participating employee's individual sick leave balance is less than eight (8) hours at the time the pool is depleted, employee he shall contribute all hours accumulated, and shall contribute the remainder as soon as employee he has accrued additional sick leave hours credits. The employee shall not be allowed to accrue use his sick leave hours credits until the amount owed to the pool has been contributed.

3. ~~(e)~~ If a participating employee, for more than four (4) pay periods, fails to have a sufficient balance of accrued in his individual sick leave account when requested to contribute eight (8) hours to the pool, the reasons for the use of sick leave hours credits 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) ~~(f)~~ 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.

(e) ~~(g)~~ A participating employee shall be allowed to "donate" to the pool up to 40 46 hours of unused or unpaid sick leave from the employee's individual sick leave balance at the time of retirement or separation-termination from the University state government.

(5) Use of Sick Leave from the Pool.

(a) 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, 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.

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.

(b) Sick leave accumulated in the pool shall not be used by a participating employee until all of employee's his 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.

(c) 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.

(d) Sick leave from the pool shall be requested by filing with the ~~administrator of the Sick Leave Pool Administrator~~ the form entitled ~~Request for Pool Sick Leave (7/98)~~ Sick Leave Pool Physician's Report and Request to Use Hours, which is hereby adopted by reference may be obtained from the administrator of the Sick Leave Pool. Upon using 480 FSU Sick Leave Pool hours in a 12 month period, an employee may not be granted any additional sick leave from the FSU Sick Leave Pool for 12 months from the expiration of the last hour granted from the FSU Sick Leave Pool.

(e) 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:

1. All other criteria in this rule for the use of sick leave from the pool must be met;
2. The employee must not be receiving full pay from the University.

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

(g) 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.
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.

(h) 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.

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

(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 his designee may at any time, in accordance with Chapter 120, F.S., repeal this rule for the purpose of discontinuing the Sick Leave Pool.

(b) Unless otherwise provided by rule, 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 Resolution January 7, 2003, Reg. Procedure July 21, 2005 Law Implemented 110.121 FS.

History—New 5-20-86, Amended 9-24-98, _____