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Department of Transportation

CENTRAL OFFICE SICK LEAVE POOL

AUTHORITY:

Sections 20.23(3)(a) and 334.048(3), Florida Statutes (F.S.)

REFERENCES:

Section 110.121, F.S.
Rule 60L-34.0042(6), Florida Administrative Code (F.A.C.)
Disciplinary Action, Procedure No. 250-012-011

STATEMENT OF POLICY:

To establish the operation of a sick leave pool for eligible Central Office employees.

SCOPE:

This procedure applies to all Central Office Career Service, Selected Exempt Service (SES) and Senior Management Service (SMS) employees.

GENERAL:

The purpose of the sick leave pool is to maintain members on pay status during extended periods of disability or illness. This will ensure continued payments to the member's retirement fund, state health, life and accident insurance, and social security.

Eligible Central Office members pool their sick leave hours and, upon depletion of a member's annual, sick, and compensatory leave, sick leave can be drawn from the pool for personal illness, accident, or injury in accordance with these procedures and applicable rules and statutes.

1. OPERATION

- 1.1 The Secretary of the Department of Transportation shall establish a sick leave pool committee consisting of five employees who have elected to participate in the sick leave pool. Members of the sick leave pool committee shall nominate two sick leave pool members for each committee member whose term is about to expire. From these nominees, the Secretary will appoint a new committee member for a two-year term, which may be extended at the discretion of the Secretary. Should a committee member resign during a term of office, the resulting vacancy shall be filled by the Secretary from two nominees submitted by the committee and that member will serve for a two year term. The Assistant Secretary for Finance and Administration shall appoint an advisory member who shall serve as a liaison with the Personnel Office and Equal Opportunity Office to ensure compliance with appropriate federal and state labor laws.
- 1.2 One committee member shall be designated by the Secretary as sick leave pool administrator, who shall be responsible for maintaining accurate and reliable records of all pool activities. The administrator shall prepare and distribute to all pool members an annual report on all sick leave pool activities and balances during the preceding 12 months. The administrator shall notify pool members either electronically or by hard copy when the pool is depleted, requiring additional sick leave contribution from members.
- 1.3 The committee is commissioned to manage the affairs of the sick leave pool, and vote on issues and applications covered under this procedure. A majority vote by count is needed for decision-making and shall be recorded by vote count only.

2. MEMBERSHIP

- 2.1 All full-time and part-time Career Service, SES, and SMS employees assigned to the Central Office shall be eligible to participate in the sick leave pool after completion of one year of employment with the state, provided that a minimum of 64 hours of sick leave has been accumulated by such employee.
- 2.2 An employee meeting the above requirements and desiring membership in the sick leave pool shall submit a written request (**Form 250-010-11, Central Office Sick Leave Pool Application for Membership and Health Certification**) to the sick leave pool administrator. If this request is not submitted within 30 days of fulfilling the employee's eligibility requirements outlined in **Section 2.1**, a **Physician's Certification of Health** will be required (bottom portion of **Form 250-010-11, Central Office Sick Leave Pool Application for Membership and Health Certification**). Each employee shall be responsible for knowledge of and action within the initial eligibility period.

- 2.3 Employees who fail to seek pool membership within the initial eligibility period stated above may request membership either during the pool's Open Enrollment period in October of each year, or by completing a **Physician's Certification of Health** (bottom portion of **Form No. 250-010-11, Central Office Sick Leave Pool Application for Membership and Health Certification**). If the application is made during open enrollment, the physician's statement is not required. All new members joining will be subject to an initial six-month period during which no sick leave may be withdrawn from the pool.
- 2.4 Each full-time employee shall contribute eight hours of sick leave into the pool upon joining and thereafter shall contribute eight hours of sick leave each time the pool is depleted.
- 2.5 Each part-time career service employee shall contribute a pro-rata share, i.e., half-time employees contribute four hours of sick leave into the pool upon joining and thereafter each time the pool is depleted.
- 2.6 All membership applications must be reviewed and approved by majority vote of the committee.
- 2.7 A participating employee shall be permitted to "donate" to the pool up to 16 hours of unused or unpaid sick leave from the employee's individual account at the time of termination or retirement from state employment.
- 2.8 The sick leave pool shall remain active with a minimum membership of 200. Should membership fall below this number, remaining members shall vote to determine if the pool should continue or disband. Should the pool disband, the sick leave balance within the pool shall be divided equally among remaining pool members and credited to each member's individual sick leave balance. The sick leave pool may continue as long as pool members contribute sufficient sick leave to assure the pool balance is not depleted.
- 2.9 A balance of 480 hours in the pool shall constitute depletion. Full-time members shall be required to contribute an additional eight hours of sick leave from individual sick leave accounts. Part-time members shall be required to contribute a pro-rata share of sick leave from individual sick leave accounts. Employees will be notified when the pool balance reaches 480 hours and will be given five working days following this notification to resign pool membership if desired, contribute the required eight hours, or notify the sick leave pool committee that they wish to retain membership and will comply with **Section 2.11** below. Employees who do not resign, contribute eight hours or contribute their remaining balance of less than eight hours will be removed from membership by vote of the sick leave pool committee.

- 2.10** Members may withdraw their membership by written request at any time, except as noted in **Section 2.9** above. However, leave credits contributed to the pool prior to withdrawal from the pool are not returnable and shall be forfeited, except in the case of transfer to another sick leave pool. (See **Section 6, Transfers**)
- 2.11** If a member's individual sick leave balance is less than the required contribution at the time the pool is depleted, the member shall contribute all hours accumulated and shall contribute the remainder as soon as additional sick leave credits have been accrued by the employee. The member shall not be able to use individual sick leave credits until the amount owed to the pool has been contributed.
- 2.12** If a member repeatedly fails to have a sufficient individual sick leave balance when requested to contribute to the pool, the reasons for use of individual sick leave credits shall be investigated by the administrator to determine if pool membership should be canceled. Such cancellation shall be by majority vote of the committee.
- 2.13** Membership may be terminated for abuse of the sick leave pool. (See **Section 5, Abuse of Sick Leave Pool**)

3. USE OF LEAVE FROM THE SICK LEAVE POOL

- 3.1** Members who have depleted all accrued sick, annual, and compensatory leave credits may request use of sick leave pool hours in a written justification to the administrator. This justification shall include (1) a statement from the employee's physician or surgeon stating the nature of the disability or illness, (2) the estimated time before the employee is expected to be able to return to work, and (3) a statement from the member indicating that he or she will be absent from work a minimum of five consecutive workdays. Such a request, accompanied by a doctor's statement, shall be submitted monthly by the employee requesting continued use of pool leave. In the event of critical illness or the employee's physical inability to request use of pool hours, the administrator and committee may verify need and justification.
- 3.2** Members who are receiving Worker Compensation payments and have exhausted all other types of paid leave shall be permitted to draw pool hours in an amount needed to supplement the Worker Compensation payment to bring them up to their regular salary. The member must submit written justification and a doctor's statement to the committee for approval.
- 3.3** A majority vote of the committee shall be required to approve any use of pool leave hours up to 240 hours.

3.4 The maximum number of pool leave hours which may be used in a lifetime by a member shall be 480 hours for a full-time employee or a pro-rata share for a part-time employee. The first 240 hours for a full-time employee, or a pro-rata share for a part-time employee, will be granted by the committee in appropriate hours based on a valid doctor's statement of the employee's need. Approval of the number of hours granted will be by majority vote of the committee. A ballot shall be sent to all members to vote on granting up to another 240 hours for a full-time employee or a pro-rata share for a part-time employee. A majority vote of the sick leave pool members who respond to the ballot is required to grant the additional hours. This means that during the total time of membership in the Central Office Sick Leave Pool (including past years), the employee cannot use more than a total of 480 hours from the pool.

3.5 A member who withdraws sick leave hours from the pool shall not be required to replace the hours, except as a regular contributing member.

4. EXCLUSIONS

The following occurrences or situations shall not be considered personal illness, accident, or injury for the purposes of these procedures and shall not entitle members to draw from the sick leave pool:

- (A)** Cosmetic surgery, unless such cosmetic surgery was necessitated by an illness, accident, or injury not excluded under this section.
- (B)** Illness, accident, or injury to anyone other than the member.
- (C)** Routine dental services, including x-rays, cleanings, fillings, caps, braces, bridges, root canals, and other services that the committee deems as routine according to the advice of a dentist.

5. ABUSE OF SICK LEAVE POOL

5.1 Alleged abuse of the sick leave pool shall be investigated by the administrator and, if abuse is determined, the member shall repay all sick leave drawn from the pool and may have membership canceled by a majority vote of the committee. In addition, the employee may be subject to disciplinary action in accordance with the Department's ***Disciplinary Action, Procedure No. 250-012-011***.

5.2 Abuse of the sick leave pool shall include, but not be limited to the following:

- (A)** Misrepresentation of an illness, accident or injury, or the circumstances surrounding it, in order to receive leave to which the member is not entitled under

provisions of this procedure.

- (B)** Submittal by a member of medical certification which is not from a certified or licensed medical practitioner or which misrepresents the nature of the member's illness.

6. TRANSFERS

- 6.1** A Central Office Sick Leave Pool member transferring from the Central Office Sick Leave Pool to another state agency or a District Office with a sick leave pool may withdraw eight hours of sick leave from the pool to transfer to the new sick leave pool.
- 6.2** An employee transferring to the Central Office Sick Leave Pool from another state agency or from a District Office with a sick leave pool shall be eligible to transfer pool membership provided that employee transfers eight hours from the previous state agency sick leave pool or contributes eight hours to the Central Office sick leave pool.
- 6.3** The application to transfer into the Central Office Sick Leave Pool must be made within 30 days of starting employment in the Central Office. If made after 30 days the application to transfer will be rejected and a new application must be submitted to the Central Office Sick Leave Pool Committee.

7. TRAINING

None required.

8. FORM

Form No. 250-010-11, Central Office Sick Leave Pool Application for Membership and Health Certification, is available from the Department's Forms Library.