

## Extended Sick Leave

### Introduction

The Comptroller's office will consider granting extended sick leave benefits to an employee who has a serious health condition, or who needs time away from work to care for an immediate family member who has a serious health condition, and has exhausted his or her leave balances.

### Definitions

The definition of what constitutes a serious health condition is included in the Family Medical Leave Act policy and is the same for the purposes of this policy.

An immediate family member is (1) someone related by kinship, adoption, or marriage, who lives in the same household; (2) foster children who reside in the same household; (3) minor children and those for which the employee has been appointed by the court as legal guardian, regardless of whether the child lives in the same household. An immediate family member is also the employee's spouse, parent or child, regardless of whether they live in the same household, if they require the employee's care and assistance for a documented medical condition.

### Eligibility

To be eligible for extended sick leave, an employee must meet the following criteria:

- worked for the agency for at least 12 months;
- not been granted extended sick leave within the last three years;
- have exhausted all leave because of his or her own serious health condition or that of an immediate family member as defined in Definitions, above;
- be meeting his or her job performance standards (job specific competencies);
- have a current satisfactory annual performance evaluation on file;
- not have received an Employee Performance Communication (EPC) for absenteeism or tardiness within the last six months; and
- not have received any disciplinary action within the previous 12 months.

Disciplinary actions include a Supervisor/Employee Communication (SEC), probation, suspension without pay or disciplinary demotion.

## Limitations

The following limitations apply to Extended Sick Leave awards:

- Extended sick leave may be granted once every three years irrespective of a break in service.
- An employee may not use extended sick leave for any illness/injury other than the original qualifying illness/injury.

\*\*For purposes of this section, the three-year period begins on the date the extended sick leave was awarded.\*\*

## Requesting Extended Sick Leave

To request extended sick leave benefits, an employee is required to provide the following information to the benefits section in Human Resources:

- a Special Leave Request form (70-275-C) that indicates the number of hours and proposed dates needed; and
- a completed FMLA form, if a current one is not already on file to support the need for the leave.

\*If the condition meets the definition of “catastrophic,” an employee should first request catastrophic sick leave pool and then extended sick leave.

The benefits section will determine, based on the medical information provided, whether the employee or immediate family member has a serious health condition, the employee is otherwise eligible for extended sick leave benefits, and the amount of time the employee is eligible to receive. Requests are approved or denied by the Deputy Comptroller.

A benefits coordinator will contact the employee and his/her supervisor, the division and agency timekeepers and, if applicable, the Workers' Compensation Coordinator, in writing, to indicate whether the request was approved or denied and, if approved, the amount of time granted.

An employee may not use extended sick leave for any serious health condition other than the original qualifying condition within a three year period.

## Number of Hours Granted

If approved to receive extended sick leave, the amount of leave an employee may receive depends on the employee's length of service with the Comptroller's office. The most an employee could receive under this policy is six weeks (240 hours), though exceptions to the policy can be made by the Deputy Comptroller at his or her discretion. The following table shows how many hours an employee may receive based on the number of years of service the employee has with the agency.

Years of Service	Hours Available
1-5	120
6 or more years	240

An eligible employee can be granted hours up to the amount shown above but may be granted less if the duration of the serious health condition is less than the total number of hours an employee can receive.

Any time granted but not used is returned to the agency.

## Use of Extended Sick Leave

An employee may use extended sick leave in eight-hour increments to account for an employee's absence from work due to the serious health condition, or intermittently for medical appointments and treatments. Extended sick leave cannot be used intermittently for any other purpose.

An employee using extended sick leave for medical appointments or treatments will be required to provide a note from the doctor, therapist or medical facility that shows the employee was present for the appointment or treatment at that time.

## Employees on FMLA

If an employee is eligible for FMLA benefits, this paid leave will run concurrently with the employee's FMLA entitlement. A benefits coordinator will notify the division manager, division timekeeper and employee.

The agency may deny extended sick leave to an employee who has exhausted his or her 480 hours of FMLA leave.

## Special Rules for Birth or Placement of a Child

After the birth of a child, an employee is only allowed to use sick leave and/or extended sick leave for the period of time the mother is recovering from childbirth, as determined by the mother's health care provider. The remainder of the 12 weeks, the employee must use other accrued leave or leave without pay unless the mother or newborn is actually sick.

## Outside Activities and Employment

An employee granted extended sick leave may not engage in any previously approved outside employment, business or activity while on extended sick leave without prior approval from his or her management, after consultation with Human Resources.

Whether it is appropriate for an employee to continue with outside employment, business or other activities depends on the reason for the leave, the type of leave (regular, reduced schedule or intermittent), the duration of the leave and other factors.

## Authority

Texas Government Code §§661.202(i)