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Purpose

The purpose of this procedure is to allow eligible full-time employees to voluntarily become a member of the Sick Leave Pool (“Pool”) and donate sick leave hours to the Pool. A participating member may draw hours from the Pool for their personal catastrophic or life threatening illness or injury, upon depletion of the employees’ sick, non-compensatory sick and compensatory leave hours and after approval from the Sick Leave Pool Committee.


Procedure

A. Membership Enrollment


1. Any full-time employee shall be eligible for participation in the Pool after one (1) continuous year of employment with the College, provided the employee has a minimum of seventy-two (72) sick leave hours available. To enroll, eligible employees must contribute sixteen (16) hours from the employee’s sick leave account to the Pool and complete the Sick Leave Pool Membership application through myFSCJ.
2. Enrollment occurs during the annual open enrollment period. Employees must meet eligibility criteria by the first pay date in October with an effective date of membership the first workday in December.
3. An employee may withdraw from the Pool at any time by written notice to the Office of Human Resources. Withdrawal from the Pool terminates the employee’s entitlement to use Pool hours and the employee forfeits any prior contributions of sick leave to the Pool.
4. The employee’s termination of employment, for any reason, ends membership in the Pool and forfeits any prior contributions of sick leave to the Pool.

B. Use of Sick Leave from the Pool

1. To apply for Pool hours, participants must complete the Withdrawal Application and provide required supporting documentation. Any sick leave drawn from the Pool must be used for the employee's personal catastrophic or life threatening illness or injury. A catastrophic illness or injury shall be defined as a severe condition or combination of conditions affecting the mental or physical health of the employee that requires treatment by a licensed medical practitioner for a prolonged period of time. An employee with a routine chronic illness, accident or injury shall not be eligible to withdraw leave from the Pool except where such illness or injury develops extreme and potentially life threatening complications validated in writing by the employee’s attending physician.

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2. The employee must be a member of the Pool for two (2) years before pre-existing conditions can be considered for coverage.
3. Participation in the Pool does not guarantee approval of application for Pool hours. The Sick Leave Pool Committee reserves the right to deny a request for Pool hours when the application for hours or medical verification is incomplete or the request does not conform to this policy, to include reviewing prior sick leave usage. Pool hours shall not be approved or used for non-catastrophic illness or injury.
4. The Pool will only cover cosmetic or reconstructive surgery which is the result of an injury, disease or congenital defect. Such a need for reconstructive surgery must have occurred or manifested itself while the employee was a member of the Pool.
5. Medical information submitted to the Sick Leave Pool Committee shall be considered confidential and protected information for the committee as set forth in Florida Statute section 119.071 (4) B.
6. Withdrawal of sick leave from the Pool will require a statement from a physician attesting to the nature of the illness or injury, the prognosis for recovery, the estimated period of absence and a statement that the employee is unable to work.
7. A participating employee must exhaust all accumulated sick leave, non-compensatory sick and compensatory leave hours, before being able to withdraw hours from the Pool. An employee utilizing the Pool will continue to accrue sick and annual leave; however, once accrued, sick leave must be exhausted before additional days from the Pool are used.
8. A member may apply for Pool hours up to a maximum of 720 hours in a consecutive twelve (12) month period.
9. Employees receiving worker's compensation payments are not eligible to receive sick leave days from the Pool.
10. An employee otherwise eligible for long-term disability by the College's insurance provider or full disability retirement by the state will not be eligible for the Pool.
11. Use of sick leave from the Pool shall at all times be contingent upon the approval of the Sick Leave Pool Committee and the availability of days in the Pool. If the committee issues a decision denying a request for Pool hours the participant may appeal such decision in writing to the Director of Compensation and Benefits, within seven (7) calendar days. Claims which are denied may be appealed only once to the committee and must include presentation of additional information; however, the committee's decision on the appeal is final. The appeal is not subject to any grievance/complaint procedure.

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12. A participating employee who is granted sick leave hours from the Pool shall not be required to re-contribute such sick leave to the Pool.

13. Abuse of Pool hours may result in the cancellation of membership in the Pool, forfeiture of prior contributions, disciplinary action and the member may be required to repay all or part of the sick leave hours withdrawn from the Pool. Abuse of Pool hours shall include, but not be limited to: misrepresentation of an illness, accident, or injury, or the circumstances surrounding it, and/or submission of a medical certification which is from other than a licensed medical practitioner, or which misrepresents the nature of a member's illness and/or duration, all for the purpose of receiving sick leave hours to which the member is not entitled under this policy.

C. Maintenance of the Sick Leave Pool

1. When eighty (80) percent of the Pool hours have been depleted all members shall contribute eight (8) hours to the Pool for replenishment. The replenishment factor is determined by calculating the number of current members times sixteen (16) hours, which identifies the baseline of total Pool hours.


2. Once employees are members of the Pool, they will remain members as long as they contribute to the replenishing of the Pool and are not suspended or removed from the Pool. After ten (10) days' written notice, contributions to replenish the Pool will be automatically transferred from the member's personal sick leave account without further authorization. Any member who does not have an adequate number of hours to transfer will automatically be given a one-month extension to accumulate the required leave. During this extension the member is not eligible to apply for Pool hours. An employee who chooses to no longer participate in the Pool shall not be eligible to withdraw any sick leave already contributed to the Pool.

3. An employee who is currently using hours from the Pool when a replenishment is called for will not be required to contribute eight (8) hours.

D. Administration of Sick Leave Pool

1. The Pool shall be monitored by a Sick Leave Pool Committee comprised of seven (7) employees including two (2) administrators appointed by the Administrative and Professional Collaborative, two (2) career employees appointed by the Career Employees Council, two (2) faculty members appointed by the Florida State College Faculty Federation ("Union"), a consultant with the Nursing Staff, who serves as a resource. The Director of Compensation and Benefits will serve as the Committee Chair. The Committee Chair votes only when it is necessary to break a tie.

2. One (1) committee member from each employee group must be present for a quorum.

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3. All Sick Leave Pool Committee members will serve a two (2) fiscal year term with staggered membership at the pleasure of their employee group. The appropriate employee group chair will be responsible to replace any committee member who is no longer able to serve.

4. The responsibilities of the Sick Leave Pool Committee members will be the following:
 - a. Reviewing all sick leave withdrawal applications and approving or denying each request by majority vote.
 - b. Recommending to the Director of Compensation and Benefits changes, additions or deletions to the Pool rules and procedures.

REFERENCES: F.S. 1001.64, 1001.65, 1012.865

Adopted Date: May 25, 1988

Revision Date: January 16, 1992, October 20, 1994, September 29, 1998, October 28, 2003, August 19, 2014, November 2, 2016, February 27, 2017