Item 23 REVISED

Travis County Commissioners Court Agenda Request

Meeting Date: 7/29/2014
Prepared By/Phone Number: Debbie L. Maynor/854-9170
Elected/Appointed Official/Dept. Head: Leroy Nellis, County Executive, Planning & Budget, Human Resources, Facilities Management
Commissioners Court Sponsor: Commissioner Ron Davis

AGENDA LANGUAGE:

Consider and take appropriate action on a request to approve the addition of a Catastrophic Sick Leave policy to the Travis County code.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

A Catastrophic Sick Leave Policy allows eligible employees to donate to and receive hours from a pool of donated hours for paid time off due to a catastrophic illness or injury after the employee's own leave balances are exhausted. This policy provides a voluntary program that can benefit participating employees who must be absent from work due to the catastrophic illness or injury of themselves or an eligible family member.

STAFF RECOMMENDATIONS:

Staff recommends that the policy be added to the County code.

ISSUES AND OPPORTUNITIES:

Travis County does not have a catastrophic sick leave benefit policy in place.

This policy will serve to encourage Travis county employees to participate by donating hours that can be used for their own extended absences or for the absences of coworkers. This policy can provide a means for building cooperative working relationships with a program where employees are encouraged to help one another with the donation of hours to a pool. This policy provides a desirable employee benefit that can benefit improving the retention of the workforce of Travis County.

FISCAL IMPACT AND SOURCE OF FUNDING:

Paid time off for individuals utilizing the hours available in the catastrophic slick leave pool, does not increase or reduce the annual salary currently budgeted for individuals who, due to a catastrophic illness and or injury have exhausted their accruals.

REQUIRED AUTHORIZATIONS:

See attached memo

ATTACHMENTS:

Proposed Catastrophic Sick Leave Pool Policy

Human Resources Management Department

700 Lavaca Street, 4th Floor • P.O. Box 1748 • Austin, Texas 78701 • (512) 854-9165 / (512) 854-4302

MEMORANDUM

DATE: July 18, 2014

TO: Commissioners Court

VIA Leroy Nellis, County Executive,
Planning & Budget, Human Resources, Facilities Management

FROM: Debbie L. Maynor, Director
Human Resources Department

SUBJECT: Catastrophic Sick Leave Policy - New

Commissioner Davis requested that the Human Resources Management Department (HRMD) explore the feasibility of providing a sick leave pool benefit to Travis county employees; this would be a benefit for those who may exhaust their paid time off due to a catastrophic illness or injury. The HRMD staff collected and analyzed employee accrual balances, unpaid time usage, administrative requirements and survey data from other counties to report on and make a recommendation to Commissioners Court. The following points are highlights of that analysis:

- 85.22% of all employees had less than 12 weeks (480 hours) of accrued Sick Leave. 73.2% of employees had less than 12 weeks (480 hours) of accrued sick, vacation and personal hours combined. Twelve (12) weeks is the length of time an employee may be off work due to an event that qualifies for Family Medical Leave.
- 44.73% of all employees have less than two weeks (80 hours) of accrued Sick Leave. 27.5% of employees have less than two weeks (80 hours) of accrued sick, vacation and personal hours combined.
- A survey of the top eleven (11) Texas Counties by population shows that 8 of the 11 have created and administer a Sick Leave Pool for its employees. All of the counties that have a Sick Leave Pool recommended the implementation of a sick leave pool as an excellent benefit for employees.

While not all employees who have to take leave without pay would qualify for hours from a catastrophic sick leave pool, the low level of accrual balances indicates that there may be a high level of risk of adverse financial impact for an employee should a catastrophic illness or injury keep them off of work. Purchasing a short/long term disability plan is one way for employees to protect against this risk. The creation of a catastrophic sick leave pool allows employees to donate hours to become eligible for withdrawals of hours from the pool.

Texas Local Government Code 157.071-157.075 (2014) provides the authority for the governing body of Travis county to create a catastrophic sick leave pool. The legislation allows employees to participate by voluntarily contributing accrued leave into a pool so that participating

employees may apply for and receive leave hours from the pool after exhausting all accrued paid leave as the result of a catastrophic illness or injury.

In 1999 Travis County a committee was designated to develop a policy to create a catastrophic sick leave pool benefit for employees. This policy was used as the framework to develop the policy proposed for implementation this year. Policies from other counties in Texas were also used to assist in the development of the key points of the policy proposed for consideration.

This Catastrophic Sick Leave Pool Policy amends Chapter 10 of the Travis County Code with sections 10.0371 through 10.0383; these sections provide a voluntary program proposed to benefit participating employees who exhaust all paid leave and must continue to be absent from work due to the catastrophic illness or injury of themselves or an eligible family member.

Some of the key points to the proposed policy are:

- Participation in the program is voluntary
- Donated leave hours are used to create a 'bank' of hours. These hours are for use by all participating employees; donations cannot be designated for use by a specific individual
- Individuals make donations during Open Enrollment to render an individual eligible to withdraw hours from the pool in that fiscal year.
- Use of hours from the 'pool' requires that an employee be absent from work for at least 7 consecutive work days due to a catastrophic illness/ injury for themselves or an immediate family member and that the employee has exhausted all accrued leave and compensatory time.
- Terminating Employees may donate hours to the pool.

The key points of the proposed policy were discussed with the auditor's office and the county attorney's office to ensure it was feasible to develop such a policy for Travis County. These key points were also provided to employees via email prior to the Compensation and Benefit hearing on June 26, 2014 to solicit comments. The information was presented at the employee benefit hearing for additional comments. The proposed policy was distributed to county executives, elected officials and association representatives to solicit additional comments; recipients were encouraged to share this with staff.

All of the feedback from employees prior to the employee hearing and at the employee hearing was used to develop the first draft of the proposed policy. The feedback and comments from those who responded to the July 11th dissemination of the proposed policy were used to update the policy to clarify areas and to address concerns provided in those responses. Overall the feedback from employees has been positive and in support of the development and implantation of a catastrophic sick leave benefit. These comments and feedback from employees was used to develop the proposed policy provided with this memorandum.

If you have any questions or comments please contact Debbie L. Maynor at 854-9170.

Attachments:
Survey of Other Texas Counties
Summary of Questions & Answers
Catastrophic Sick Leave Policy

Cc: Planning and Budget Department
County Auditor-Payroll

SURVEY OF OTHER TEXAS COUNTIES

Other Texas counties were surveyed regarding the Sick Leave Pool. Out of the nine counties who responded to the survey, six have a Sick Leave Pool program.

County	Sick Leave Pool	Maximum Hours and Individual may Withdraw (hours or 1/3 of hours in pool whichever is less)	Minimum absence before eligibility	Required Minimum LV Balance after donation	Minimum length of employment
Bexar County	Yes	720 hours	30 consecutive days off work	none	12 Consecutive months
Collin County	No				
Dallas County	No				
Denton County	Yes	360/not eligible for 1 year if max used	30 consecutive days off work	none	12 Consecutive months
El Paso County	Yes	480 hours	30 consecutive days under physician care & 10 consecutive days off work	80 SL hours	12 Consecutive months
Fort Bend County	Yes	480 hours	none	88 SL hours	12 Consecutive months
Harris County	No				
Montgomery County	Yes	560 hours incident max/720 hours annual max/1,080 hours lifetime max)	20 consecutive work days off	none	12 Consecutive months
Williamson County	Yes	120 hours	3 consecutive work days	none	12 Consecutive months
Travis County	**Pending**	**240 Hours**	**7 consecutive workdays**	**40 Hours**	**12 Consecutive months**

Memorandum

To: Elected/Appointed Officials

From: Debbie L. Maynor, HRMD Director

Date: July 18, 2014

Subject: Catastrophic Sick Leave – Summary of Questions/Answers

In response to the emailed policy sent on July 11, 2014, I received many excellent questions and comments regarding the Catastrophic Sick leave Policy. The overall response was very supportive of the policy and this proposed benefit for employees. I really appreciated your input; it allowed an opportunity to 'fine tune' the policy so that all aspects of the policy were clearly communicated. Some of the comments and questions prompted revisiting some areas of the policy to clarify the sections and to improve the administration of the policy.

The questions below are in order by sections of the policy referenced. The questions were formed based on the varying questions and comments I received; the responses speak to the specific sections of the policy and the clarifications or updates made to the policy.

I am also attaching the updated version of the policy. This policy will be submitted for consideration by Commissioners' Court on Tuesday, July 29th. Thanks again for your assistance in working on this policy.

Question:
It is not clear in the policy if the illness/injury of an immediate family member would allow an employee to qualify to request Catastrophic Sick Leave (CSL). Can the catastrophic illness/injury of an immediate family member be used to qualify for CSL?

Response:
Section 10.0371 (b) has been updated to include language that an immediate family members catastrophic illness/injury can be used in determining if an employee is eligible to use CSL. A reference to the definition of a family member (Section100.76 (a)(7)) is also provided; this definition is the same definition used to determine if an employee is eligible to use sick leave due to the illness or injury of a family member..

Question:
Can catastrophic sick leave be used for intermittent absences such as time off for chronic illnesses such as allergies or asthma?

Response:
The use of leave in the pool is limited by the Texas Local Government code to situations that qualify as catastrophic illnesses/injury. The language in the policy **10.0373(b)** has been updated to clarify what qualifies as a catastrophic illness/injury; the new language clarifies that the use of CSL is not for chronic illnesses resulting in intermittent absences.

Question:
The full-time employee definition is not the same as the fulltime employee definition in other areas of policy. Can this section be changed to match the definition of a fulltime employee that is in other areas of policy?

Response:
The original intent for defining a fulltime employee in the CSL policy was to make this consistent with the provisions in the Affordable Care Act (ACA). The change in the ACA is not scheduled to be effective until 2015 and other sections of policy have not yet been updated to reflect this change. **Section 10.0373 (f)** has been updated in the CSL Policy to reflect that a full-time employee is defined as one working an average of 40 hours in this policy. This provides consistency for all areas of policy where a fulltime employee is currently defined.

Question:
Some employees may not need to go through open enrollment due to the passive open enrollment or because they are eligible for State healthcare benefits. Are they eligible to participate and donate to the CSL? How do they donate hours?

Response:
Fulltime Travis County employees who accrue paid time may be eligible to donate based on the criteria in **Section 10.0375**; this includes those who may be eligible for State healthcare benefits. The forms for donation will be made available to all Travis County employees during open enrollment. The timeframe for submitting donations to be eligible to withdraw from the pool is during open enrollment. Employees do not have to make any other changes during open enrollment to be able to donate hours to the CSL Pool.

Question:
If I am absent for a catastrophic illness and am also eligible to use Family Medical Leave (FML) which time do I use first FML or CSL?

Response:
Time off using CSL is run concurrently with time off for FML if an individual is eligible for FML. **Section 10.0375 (a)** provided language to require that any time off using hours from the CSL Pool must be counted as FML if the employee is otherwise eligible for FML. A reference to the FML section of policy was added to this section of the policy.

Question:
The CSL policy allows an individual to be off work for a significant amount of time. Allowing an employee this much time off can be a burden on departments to be able to get the work done without the employee. Allowing this time off as paid time becomes even more challenging when the department must pay overtime to other employees to cover for the employee's absence. The number of hours that the employee can be off work is more than FML and can make it difficult for departments to get the work done; especially if more than one person is out. Can the maximum number of hours of CSL be less than the 1,440 or 180 days? Can the maximum amount of hours be more consistent with FML requirements?

Response:
The original research on the maximum number of hours allowed for CSL yielded that the language for the maximum CSL made available to employees would be consistent with the

language in the Texas Local Government Code (TLGC). After further research, we have been advised that we can in fact use language that provides a lessor benefit when establishing the maximum number of hours awarded. Section **10.0378(d) (2)** has been updated to reflect that the maximum hours of CSL that can be authorized under this policy is equivalent 240 hours (6 weeks or 30 work days). Departments are currently adversely impacted by an employees extended absence; however federal law (FML) allows an employee to be off work up to 12 weeks for a qualifying condition. CSL does not provide an employee with additional time off as, when an employee is eligible for FML, the time runs concurrently with FML. A change to the maximum hours of CSL that can be awarded may potentially provide an employee who is eligible for FML, with paid CSL leave for a portion of the FML time.

Question:
The policy indicates that the first work day of the month is the effective for contributions; it is difficult to implement in SAP because there are various work schedules in the county so various individuals have different days for the first workday of the month. Can the effective date be changed to have contributions to be effective on October 1st of each fiscal year?

Response:
The language in **Section10.0375 (a)** has been updated to reflect that the effective date of contributions made during open enrollment are effective and transferred out of the employee's Accrued Leave balances on October 1st of each fiscal year.

Question:
The language regarding the effective date for transferring contributions for terminated employees is not clear and does not clearly align with the processes in SAP. Can the language be changed to align with those processes?

Response:
Section **10.0375 (a)** has been updated to reflect that contributions made when a person terminates employee with the county is effective on the day prior to the employee's termination date. The balances are transferred as part of the employee's termination pay process. This language aligns with SAP processes.

Question:
Section **10.0375 (c) (1) (B)** requires that donations be in 8 hour increments. This appears to be in conflict with section (b); for example an employee may want to donate 1 hour of vacation and 7 hours of sick leave. Is this allowed under the policy?

Response:
On implementation the management of CSL is new and will be largely a manual process. The 8 hour increments for donations allows for improved accuracy in record keeping for transferring hours and adjusting leave accruals. Once processes are more automated this section can be revisited.

Question:
In the timekeeping systems in SAP leave is accrued at the end of a pay period so that individuals cannot use accrued time in the same period in which it was accrued. Can the language be changed to reflect that the use of accrued time aligns with this functionality of the system?

Response:
Section 10.0379 (3) has been updated to clarify that employees may only use CSL after all additional and available leave that is earned while on CSL has been exhausted.

Question:
How does the use of CLS impact short or long-term disability considerations? Will these benefits have any bearing on the administrator's decision to award CSL?

Answer:
The hours used from CSL would be treated in the same manner as an employee using regular sick leave when being considered for eligibility for long/short term disability. **Section 10.0372 (c)** addresses this. Short and long term disability insurance coverage is not a consideration in determining eligibility for CSL.

CC: Leroy Nellis, County Executive PBO & Planning
Barbara Wilson, CAO
HRMD Management Team

"Updated"

10.0371 General Provisions and Establishment

(a) General Provisions

(1) Effective Date. Sections 10.0371 through 10.0379 are effective upon adoption by the Commissioners Court.

(2) Construction. Sections 10.0371 through 10.0379 shall be construed liberally to accomplish their purpose.

(3) Severability. If any provision of sections 10.0371 through 10.0379 or the application of them to any person or circumstances is held invalid, the validity of the remainder of sections 10.0371 through 10.0379 and the application of them to other persons and circumstances shall not be affected.

(b) Authority. Sections 10.0371 through 10.0379 are adopted by the Commissioners Court acting in its capacity as the governing body of Travis County under the authority granted to it under Texas Local Government Code Annotated sections 157.071-157.075 (2014).

(c) Purpose. The purpose of these sections are to create a catastrophic sick leave pool (CSL Pool) to allow Full-time Employees to voluntarily contribute Accrued Leave into the CSL Pool so that they may apply for and receive leave from the CSL Pool after exhausting all accrued paid leave because of their own catastrophic injury or illness or that of an immediate family member. *(See* Immediate family member definition 10.076 (a) (7).*)*

(d) Designation of Administrator. The Administrator of the CSL Pool is the Director of the Human Resources Management Department.

10.0372 Definitions for Sections 10.0371 through 10.0379

In sections 10.0371 through 10.0379, the following terms have the meaning adjacent to them:

(1) Accrued Leave. Either accrued sick leave or accrued vacation leave earned by the employee.

(2) Catastrophic Illness or Injury. A catastrophic illness or injury is a serious debilitating illness, injury, impairment, or physical or mental condition that is:

(A) present for a minimum of seven consecutive calendar days, and

(B) involves:

(i) A period of illness or injury or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility; or

(ii) A period of illness or injury requiring absence from work of seven or more consecutive work days, and that also

involves continuing treatment by (or under the supervision of) a licensed health care provider; or

(iii) A period of illness or injury that is long-term due to a condition for which treatment may be ineffective (e.g., stroke, terminal disease, etc.); or

(iv) An absence of at least seven consecutive work days to receive multiple treatments (including any period of recovery there from) either for restorative surgery after an accident or other injury, or for a chronic condition, e.g., cancer or kidney disease.

(3) CSL. Leave from the Catastrophic Sick Leave Pool that may be transferred to the credit of an employee.

(4) CSL Pool. The catastrophic sick leave pool which is funded by contributions of Accrued Leave made by employees, which is maintained as the number of hours of Accrued Leave contributed, and from which awards of CSL being made to employees who qualify are deducted.

(5) Health Care Provider. A licensed professional who is legally certified to carry out the process of providing health treatment to patients. Includes physicians, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors authorized to practice in the State and performing within the scope of their practice as defined under State law. This includes nurse practitioners, Christian Science Practitioners and any health care provider that is recognized by the employer or accepted by the group health plan (or equivalent plan) of the employer.

(6) Full-time Employee. A person hired by the County without limitation as to duration of employment, who is eligible for employee benefits, and who has physically worked for an average of 40 hours per week for the 12 months before the date of contribution.

10.0373 Coordination with Other Benefits and Policies

(a) Family Medical Leave. All eligible events that qualify for Family and Medical Leave (FML) may not qualify as a Catastrophic Illness or Injury; however a Catastrophic Illness or Injury may qualify as FML. If the employee is eligible for Family and Medical Leave, all days away from work as a result of Catastrophic Illnesses or Injuries must be counted against the employee's Family and Medical Leave entitlement. *(See* Family Medical Leave 10.038*)*

(b) Workers' Compensation. Employees who have applied for or are eligible to receive Workers' Compensation benefits may not use CSL.

(c) Short and Long Term Disability. Hours from the CSL Pool will be considered in the same way an employee's use of accrued sick leave hours are considered

in determining eligibility for employees who are participating in the short and/or long term disability benefits.

(d) Grievance Policy. Denial of CSL is not grounds for filing a grievance. CSL is not a right and is awarded based on availability of CSL in the CSL Pool and the eligibility of the employee as determined by the Administrator.

10.0374 Contributions to CSL Pool

(a) Effective Date of Contributions. Contributions made during open enrollment are effective and transferred out of the employee's Accrued Leave balances on October 1st of each fiscal year. Contributions made when the person is ceasing to be a county employee for any reason are effective on the day prior to the employee's termination date. The balances are transferred as part of the employee's termination pay process.

(b) Contributor Eligibility. To be eligible to make any contribution, an employee must have been employed full-time by Travis County for at least twelve consecutive months before the contribution is effective. To contribute Accrued Leave to the CSL Pool, a Full-time Employee must have a minimum balance of at least a total of 40 hours of accrued sick and vacation leave after the contribution has been made to the CSL Pool.

(c) Requirements for Contributions.

(1) Contributions to the CSL Pool:

(A) must be voluntary,

(B) must be in 8 hour increments,

(C) must not total more than 40 hours of Accrued Leave in any fiscal year unless the employee is ceasing to be a county employee and in that case must not total more than an additional 80 hours of Accrued Leave,

(D) cannot be contributed for a particular person,

(E) are permanent and cannot be reversed after they are contributed, and

(F) must be made during open enrollment or when ceasing to be a county employee in the manner prescribed by HRMD.

(d) Notification to Contributors. To ensure voluntariness of contributions, the Administrator must notify any employee who asks to contribute that the contribution must be voluntary and ensure that the employee is voluntarily making the contribution.

(e) Administration of Contributions

(1) The Administrator receives CSL Pool contributions, reviews them for accuracy and completeness and verifies that the employee is eligible to make a contribution.

11

(2) If the employee is not eligible to contribute to the CSL Pool, the Administrator sends a notice to an employee who is not eligible to make the proposed contribution with an explanation of the eligibility criterion of the CSL Pool and the reason the proposed contribution does not meet the criterion.

(3) If the employee is eligible to contribute, the Administrator processes the CSL Pool contribution.

(4) The Administrator processes CSL Pool contributions that are received during open enrollment. The Administrator processes CSL Pool contributions for terminated employees that may be submitted directly to the Administrator or through the departmental liaison during the year and enters by the end of the pay period in which they are submitted.

(5) The Administrator enters the contributions into the payroll records of each employee who contributed Accrued Leave by deducting from the employee's appropriate Accrued Leave and noting the employee's CSL Pool contribution effective date in accordance with 10.0374(a).

(6) The Administrator increases the balance in the CSL Pool by the number of hours in each transfer to the CSL Pool as noted on the CSL Pool contribution submitted by the employee to the Administrator.

10.0375 Eligibility to Apply for CSL

Full-time Employees may apply for CSL if they have contributed at least 8 hours of Accrued Leave to the CSL Pool for eligibility in the fiscal year for which they are applying for benefits and they have exhausted all of their Accrued Leave because of a catastrophic injury or illness.

10.0376 Employee Procedures for Award of CSL Due to Catastrophic Illness or Injury

(a) Effective Date of Award of CSL. Awards of CSL are not effective until the employee receiving the award has exhausted all accrued paid leave and compensatory time to which the employee would otherwise be entitled.

(b) Request

(1) To apply for CSL, an employee must:

(A) be a regular Full-time Employee who has contributed at least 8 hours to the CSL Pool during open enrollment for the fiscal year in which they are applying to receive benefits;

(B) have exhausted all or will exhaust all accrued paid leave to which the employee would otherwise be entitled as a result of a Catastrophic Illness or Injury as defined in this policy and have exhausted all compensatory time to which the employee would otherwise be entitled;

(C) complete an Application for CSL which states the number of days requested and submit it to the Administrator at least 10 working days before the first day on which CSL awarded will be needed to ensure continuation of pay if the need can be anticipated, or in the case of an unanticipated emergency need, as soon as practical;

(D) provide a certification from a Health Care Provider that the employee or immediate family member as defined in section 10.076 (a)(7) has or had an illness or injury that is catastrophic as defined in section 10.0372 (2) and a statement of the diagnosis, prognosis and anticipated recovery time for the illness or injury;

(E) provide a signed release of medical information to each Health Care Provider involved in the care of the employee or the person for whose care the County policy allows the employee to use sick leave who has medical documentation supporting the existence of a Catastrophic Illness or Injury that caused the employee to exhaust all Accrued Leave so that the Administrator can obtain additional information from them, if needed; and

(F) if the initial medical record information supplied is not adequate, the employee must provide further sufficiently detailed medical record information and additional releases of medical information to the Administrator, if requested.

(2) Failure to comply with a request for additional medical information may result in delay or denial of the application.

(3) Employees participating in the CSL Pool may apply for an award of CSL each time that all Accrued Leave is exhausted or will be exhausted because of a Catastrophic Illness or Injury.

(c) Proxy Requests for CSL. If an Employee who is participating in the CSL Pool has suffered a Catastrophic Illness or Injury and is not able to complete an application for CSL or provide the certification from a Health Care Provider due to the effects of that illness or injury, the following persons may complete the application, certification and release requirements for the employee:

(1) any person who is legally qualified to authorize a release of medical information on behalf of the employee, or

(2) any person whom the employee has designated to complete these requirements, or

(3) the employee's supervisor may initiate the application and seek the cooperation of any person who is legally qualified to provide the certification and to authorize the releases required.

(d) Award

(1) The Administrator may take into consideration the length of time recommended for recovery by the patient's Health Care Provider in

conjunction with the number of hours of Accrued Leave available in the CSL Pool when determining the exact amount of CSL that may be awarded to an eligible employee.

(2) If an Employee has complied with these requirements and qualifies for it, the Administrator must award CSL which may be sufficient for the employee to be able to use CSL for the entire period that is medically necessary for recovery from the Catastrophic Illness or Injury but in a 12 month period may not exceed the lessor of:

(A) one third of the number of hours in the CSL Pool at the time of submission of the application for the CSL, or

(B) 240 hours or 30 work days.

(e) Amendment Provision

(1) If an employee's medical circumstances change after the original request and the amount of CSL awarded is not adequate to meet the continued or changed circumstances, then a request can be made to the Administrator to amend the amount of CSL originally awarded to provide additional CSL. If it is anticipated that the CSL balance will not be sufficient, the employee, or any person who is authorized to act for the employee in applying for CSL, may initiate a request for an amended award on the employee's behalf. To avoid loss of a pay check, this request should reach the Administrator 10 days before the initial CSL award is exhausted.

(2) There is no automatic right or guarantee that an amendment request will be approved. If a request for an amendment is approved, the CSL awarded on the original application, all amendments, and previous awards for other catastrophic conditions must not exceed the maximum award amount for an employee in any twelve month period.

(3) The total award in a fiscal year cannot exceed the total award described in 10.0376(d) (2).

10.0377 Restrictions on Use of CSL and Return of Unused CSL to the CSL Pool

(a) Employees who are awarded CSL:

(1) may receive payment for the CSL awarded if the employee had unpaid time while the application was being processed and these payments will be processed based on regular deadlines during the next payroll payment cycle,

(2) may ONLY use CSL for the purposes for which County policy allows an employee to use sick leave earned, and

(3) may only use CSL after all available leave that is earned while on CSL has been exhausted.

(b) If the employee, for any reason, terminates employment with the County while on CSL the employee is not entitled to payment for any CSL awarded that is unused.

(c) The estate of any deceased employee is not entitled to payment for any CSL awarded that is unused at the time of death.

(d) An employee on CSL is treated for all purposes as if the employee were absent on earned sick leave. Employees on CSL continue to accrue leave. Leave accruals are posted to the employee's pay report each pay period.

(e) Employees who use CSL are not required to pay back the CSL to the CSL Pool.

(f) Return of Unused CSL to the CSL Pool. The Administrator must track each employee receiving CSL for 6 months following the date the award is initially used by the employee. Any balance of CSL remaining after the period for which the CSL was awarded must be returned to the CSL Pool. This action should also be taken if, anytime within the period following the date the award was initially used, any of the following situations is met:

(1) employee is deceased,

(2) employee terminates employment, or

(3) employee retires.

10.0378 Procedures For Awarding CSL

(a) Administrator Responsibilities

(1) The Administrator is responsible for:

(A) receiving all applications for CSL;

(B) reviewing the application for award of CSL and the authorization to release and certification of medical information and documents form for completeness and accuracy;

(C) determining whether to award or deny all applications for CSL and to determine the amount of CSL to be awarded;

(D) certifying by signature that the employee meets the general eligibility and CSL Pool criteria of being a regular employee, having exhausted all sick leave because of a Catastrophic Illness or Injury, having completed the application form and submitted all required releases and certifications;

(E) notifying the applicant of award or denial of the application for CSL and, if awarded, the amount of CSL awarded;

(F) providing notification of an award to:

(i) the employee's office or department for time records and

(ii) the Administrator to credit the employee sick leave account and deduct from the CSL Pool.

(2) The Administrator must process the applications on a first come, first served basis determined by the date or time when all necessary information, certifications and releases have been provided.

(3) In determining all administrative aspects of eligibility for an award of CSL, the Administrator has the sole authority to make the determination of whether to award or deny CSL and the amount of CSL to be awarded.

(4) If the Administrator is uncertain whether a particular employee is eligible for an award of CSL, the Administrator may request that the employee or person with the Catastrophic Illness or Injury be examined by a second Health Care Provider selected by the Administrator and may consider the opinions of that Health Care Provider to the extent that the Administrator deems appropriate. If such a request is made, the employee must obtain the examination and provide releases of medical information to that Health Care Provider as well and the county will pay for the examination fee or co-pay required.

(5) The Administrator shall not award any employee more than a total of 240 hours (30 workdays) of CSL during any 12-month period for all awards of CSL without regard to the number of illnesses or injuries.

(6) The Administrator may not award CSL to be effective more than 30 calendar days prior to the date on which the application for CSL was first submitted to HRMD. The date of submission is determined by the Administrator's receipt of the first written application for CSL, even if all of the information, certifications and releases are not provided at that time.

(7) After determining that an employee is eligible and before awarding any CSL, the Administrator, must

(A) divide the number of hours in the CSL Pool by 3 to determine the maximum number of hours of CSL that may be awarded to that employee,

(B) determine the amount of CSL that should be awarded to the employee based on the circumstances of the application,

(C) award the employee the lessor of the amount that could be awarded and the maximum allowable, and

(D) decrease the balance in the CSL Pool by the number of hours of CSL awarded to the employee from the CSL Pool.

(b) Departmental/Office Responsibilities. The department or office is responsible for annotating CSL used on the time record for the employee each pay period.

10.0379 Recordkeeping and Confidentiality

(a) The Administrator must maintain a confidential record of all CSL Pool records, and submit annual fiscal year reports to the Commissioners Court on the usage and status of the CSL Pool. The annual reports will include:

(1) the total number of hours contributed,

(2) the total number of hours awarded,

(3) the total number of awarded hours that were used,

(4) the total number of applications for CSL received,

(5) the total number of applications approved, and

(6) the total number of applications denied.

(b) Applications for CSL and all documents related to the application, including the notice of an award or denial, must be treated as confidential at all times. All notices to be sent to any person involved in the process (such as HRMD, or the Administrator) must be sent in envelopes clearly labeled "confidential" and directed to the attention of the intended receiver.

(c) The applications for award of CSL and all supporting documentation must be kept in a separate file for confidential medical information. The employee must approve and sign a form to authorize the release of medical information and other documents before any information can be released. If the employee is medically unable to sign the required release form, the next of kin or person who is legally authorized to do so must sign the form before any documentation can be released.

(d) Failure to keep the information on an application for CSL or any document associated with it as confidential may result in termination.

ORDER OF THE TRAVIS COUNTY COMMISSIONERS COURT
AMENDING
THE TRAVIS COUNTY CODE
CHAPTER 10, PERSONNEL POLICIES AND PROCEDURES
FOR ALL COUNTY EMPLOYEES

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Pursuant to Sections 1.0051 and 1.0052 of the Travis County Code, the Commissioners Court makes the following orders:

1 Chapter 8, Catastrophic Sick Leave Policy is deleted in full.

2 The Sections 10.0371 through 10.0379 are added to Chapter 10 of this Code in the form shown in the section s 10.0371 through 10.0379 attached to this order.

Date of Order:_____

TRAVIS COUNTY COMMISSIONERS COURT

_____
Samuel T. Biscoe, County Judge

_____
Ron Davis
Commissioner, Precinct 1

_____
Bruce Todd
Commissioner, Precinct 2

_____
Gerald Daugherty
Commissioner, Precinct 3

_____
Margaret Gómez
Commissioner, Precinct 4