

Sick Leave Sharing Policy

The purpose of this policy is to establish guidelines and procedures for transferring sick leave to employees who experience a continuing disability due to illness or injury.

Employees are encouraged to save as much sick leave as possible for emergencies, illnesses and/or injuries or other unexpected situations. Every employee should seek to accrue a minimum of 200 sick hours to ensure pay during the time not covered by the long term disability coverage provided or made available to all employees.

The County realizes that this can be a difficult goal to accomplish. In recognition of the fact that unavoidable extended absences can cause financial hardship for an employee and their family, the County has a leave sharing program to help alleviate the effects of extended absences without pay. This program allows an employee to donate some of their accrued paid time off to another employee who has a verifiable need. The intent of this program is for employees to assist each other in a time of need.

Leave sharing is available for employees who are in a "leave without pay" status and have an FMLA qualifying event, which precludes them from working. Employees who wish to participate in the program must complete a Leave Sharing Program Request Form and forward to Human Resources. In addition, the request form must be accompanied by verifiable written evidence of need. Human Resources will verify that the employee's request meets the participation requirement as indicated in the Coverage Section. Human Resources will forward the name of the requesting employee to receive donated leave to the appropriate Department Head/Elected Official for posting at departmental employee information locations.

Coverage

- Leave sharing hours will be granted only for a disabling illness to an employee, or a member of an employee's immediate family who has a disabling illness which requires the employee's care, preventing the employee from performing job duties for five (5) or more consecutive workdays. Requests for less than five (5) days will be considered on a case by case basis.
- Leave is used exclusively for a medical condition of an employee or an employee's family member, as defined by FMLA policy that is a qualifying event as defined under The Family and Medical Leave Act (FMLA).
- The employee's or family member's health care practitioner, as defined under The Family and Medical Leave Act (FMLA), must document the condition resulting in the leave prior to approval of the donation.
- Employee must exhaust all available and accrued paid leave, including sick, annual and compensatory leave before requesting and receiving leave sharing.
- Employee must not be receiving any other form of compensation including social security disability benefits, long term disability benefits or compensation through the State Retirement Plan.

- Regular part-time employees shall receive sick leave on a prorated basis equal to the percentage of their employment to full-time employment.
- Recipients shall continue to accrue leave and service in accordance with the provisions of the appropriate policies and guidelines.
- Recipients must not have been disciplined for abuse of sick leave or excessive absences within the past 12 months.

Parameters for Leave Sharing Program

- Leave sharing transfers will first be provided through the employee's home department.
- If extenuating circumstances prevail (e.g. small department, departments with new employees and low sick leave balances), leave sharing transfers outside the employee's home department will be reviewed on a case by case basis by receiving and donating Department Heads or Elected Officials.
- Full-time employees with one or more years of full-time service may participate as a donor.
- Employees may donate, in one hour increments, up to 40 hours of sick leave at one time.
- Employees donating time must have accrued sick leave in excess of 40 hours in order to be eligible to donate leave.
- An employee may donate more than one time to a single individual, however donations may not reduce a donor's accrued sick leave to less than 40 hours.
- Hours will be donated on a one for one basis, regardless of pay or salary, to be paid at the recipient's rate of pay.
- Sick leave hours may not be donated retroactively.
- Human Resources will maintain the donor's confidentiality unless: (a) the donor agrees to release the information; and (b) the recipient requests such information.
- Donors must complete a leave donation form. If the donor terminates employment, retires, dies, or has an insufficient leave balance to meet the eligibility criteria, all responsibility to donate this leave is voided.
- Any donated leave which is not used will be credited back to the donor.
- A holiday which falls during the recipient's leave will be paid according to the rules for holiday pay and will be counted toward the 200 hours maximum.
- Donated leave will cover only the recipient's normal salary/wages. Employees using donated leave will be fully responsible for their cost share of all benefits, unless otherwise provided by law or these policies.
- Leave that is donated but not used will be credited back to the donor. Leave is used on a "first in, first out" basis when there are multiple donors.
- The decision to donate sick leave to another individual should be a choice made freely by each employee. Any person attempting to unduly influence another employee to donate leave or directly solicit leave donation either for themselves or other employees shall be subject to disciplinary action, up to and including termination and any prior agreement made to donate leave under these conditions shall be voided.

Exclusions

Leave sharing will not be approved for the following instances:

- For elective or cosmetic surgery, unless required as a result of injury or disease.
- Retroactively to dates prior to request or approval.

Leave sharing will not be approved when the illness or injury results from any of the following:

- Engaging in a criminal act
- Self-inflicted, intentional injury
- Working for another employer

Limitations

- Employees may receive a maximum of 80 hours of donated leave per pay period.
- The maximum number of hours an employee may be granted during a 12 month period is 200 hours and is calculated using the employee's regular scheduled weekly hours.
- The maximum number of hours an employee may receive during their lifetime is 480 hours and is calculated using the employee's regular scheduled weekly hours.

Returning to Work

When an employee is due to return to work from an extended sick leave due to a personal illness or injury, the employee must present a fitness for duty certificate that the employee is able to resume work.

A fitness for duty certification from an employee's health care provider that the employee is able to resume work shall be in accordance with the County's customary and uniformly applied procedures.

If the employee is unable to return to work on the estimated date, the employee must notify Human Resources prior to the return date and must obtain another statement with another estimated or firm date of return. Employees who fail to notify the County or furnish this statement may be subject to disciplinary action up to and including discharge.