

## **LEAVE DONATION PROCEDURES**

**October 5, 2007**

### **A. Purpose**

To establish procedures and criteria to allow employees in budgeted positions to voluntarily donate their personal accrued leave to another budgeted employee who is experiencing a catastrophic health condition due to illness, injury or accident, or whose immediate family member (spouse, son, daughter, or parent of the employee or same sex domestic partner) is experiencing a catastrophic health condition due to illness, injury or accident. A catastrophic health condition is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee that requires treatment by a licensed healthcare practitioner for a prolonged period of time. A prolonged period of time is a minimum of 120 hours of missed work.

### **B. Eligibility for Use of Donated Leave Hours**

An employee meeting the requirements of the University's Leave Donation Policy ("Program") as set forth in section E below, may receive donated leave for the following reasons:

1. The employee, or his/her eligible family member, must be experiencing a catastrophic or severe medical condition to be eligible to receive donated leave hours. Further, the employee, prior to being eligible to receive donated hours under this program, must first provide the Director of Human Resources (hereinafter reference to the "Director of Human Resources" will also include "or his/her designee") with a statement from his/her licensed healthcare provider, acceptable to the University, stating the health condition necessitating the leave from work, the anticipated dates of treatment (if applicable) and the employee's anticipated date of return to work; or
2. In the event the requested leave is for cosmetic or reconstructive surgery, the employee must provide a health care provider's certification stating the need for cosmetic or reconstructive procedures is related to an accident, injury or illness covered under paragraph 1 above, and the cosmetic or reconstructive procedure must be covered by the employee's health insurance.
3. Employees are eligible to use donated leave hours for either continuous absence from work or intermittent absence from work for reasons meeting the criteria set forth in paragraphs 1 and 2 above.
4. This program is not a substitute for long-term disability or other long-term care coverage. Accordingly, limits have been placed on the number of hours an employee may be absent from work under this program (see section D below).

### C. Criteria for Receiving Donated Leave Hours

1. The employee must have been employed in a full or part-time budgeted position for a minimum of seven months from the date of initial hire and have satisfactorily completed any probationary period, if applicable (support employees who transfer to another support position after successfully completing probation are not required to complete a probationary period in a new position to be eligible to participate in this program);
2. Employees in full-time positions may receive up to 80 hours (less adjustments discussed in Section D below) of donated leave hours per pay period while part-time employees are eligible to receive donated leave hours in proportion to their customary work schedule (less leave earned over that pay period);
3. The employee requesting leave must complete the applicable “Application for Donated Leave Hours” prior to his/her application for leave hours being considered by the Committee;
4. In the “Application for Donated Leave Hours” form, the employee must execute a release providing the Director of Human Resources the right to contact the employee’s health care provider to seek clarification of the employee’s need to be on leave from his/her job duties including the time the employee needs to be off work as employees are only eligible to receive donated leave if it is *necessary* for the employee to be absent from work. In the event it is necessary for the employee to be on leave prior to all required paperwork being received by the Director for the employee’s receipt of donated leave hours under this program, if the health care provider’s certification warrants and the Committee approves the request for donated leave, the employee may receive donated leave retroactive to his/her first unpaid day of leave from work;
5. The employee must be in good standing and be discipline free for a period of 12 months, or from the date of his/her employment beginning at the University, if employed less than 12 months, prior to the employee’s request for donated leave hours;
6. The employee may not be subject to a non-reappointment of his/her employment; and
7. The employee must have exhausted his/her compensatory time, annual, sick, and personal holiday, sick leave pool benefits (if applicable) or any other benefits where pay may immediately be received prior to being eligible to receive donated leave. This exhaustion requirement does not include periods where an employee is not yet entitled to long-term disability coverage or periods of time where an employee’s application is pending for other types of leave benefits due to medical disability.

#### **D. Limitations on an Employee's Ability to Receive Donated Leave**

1. This program does not provide donated leave hours for elective leaves not meeting the requirements of section B of this program. This includes cosmetic or reconstructive treatment that does not meet the criteria of section B paragraph 2 above;
2. Employees may only receive donated leave for covered conditions under section B paragraph 1 for a period exceeding 12 weeks (480 hours) for the *employee's personal* illness. For example, caring for one's immediate family member, or other leaves not specifically related to the employee's personal illness cannot exceed 480 hours absence from work. Additionally, for an employee to receive donated leave that would result in excess of 480 hours absence from work for their personal illness, will require the employee to provide documentation to the Director of Human Resources indicating the additional leave is needed for an *extraordinary* reason. In such extraordinary or catastrophic requests for donated leave, generally the Director of Human Resources will communicate with the employee's health care provider and share with him/her a copy of the employee's job description to have the healthcare provider certify that continued absence, either on a part-time or full-time basis is required. Based on these types of communications taking up to two weeks or more, employees who anticipate requiring more than 480 hours leave from work should provide the Director of Human Resources a certification from his/her health care provider stating the reason for the need for additional time off from work so that leave donation benefits are not interrupted while the Director awaits follow up communication from the employee's health care provider;
3. Employees who have been employed in a budgeted position for more than 12 months prior to their request for donated leave hours may not receive donated leave that would allow them to be absent from work in excess of 1,040 hours in a consecutive twelve (12) month period;
4. The lifetime maximum number of donated leave hours an employee may receive under this program in donated leave that would allow the employee to be absent from work is 2,080 hours;
5. An employee on leave while receiving donated hours under this program accrues annual and sick leave benefits as a result of being paid while receiving donated hours. As a result, employees on leave receiving donated hours will have the amount of leave hours earned deducted from any donated leave so that an employee does not exceed the maximum hours of absence from work as set forth in numbers 1 through 3 above;
6. If an employee has habitually used all sick leave and has received all leave required by University regulations and/or law, the Director of Human Resources, after consultation with the employee's supervisor and other appropriate

University representatives, may opt not to forward an application for donated leave hours to the Program Committee;

7. Once an employee meets the criteria to receive disability benefits under an available University benefit, private insurance policy, or government program, he/she is not eligible to receive donated hours since this program is not a substitute for or supplement to such disability coverage;
8. If an employee is out of work because of a University job-related injury covered by Workers' Compensation benefits, he/she is only entitled to receive donated sick hours in an amount that would provide the employee his regular earnings while off of work;
9. Leave used under this policy will be applied toward the employee's FMLA entitlement for leave pursuant to the University's FMLA program; and
10. Misrepresentation of the need for leave or abuse of donated leave benefits may result in the disapproval of donated leave to the employee resulting in the employee not only having to repay all or part of the sick leave credits received under the program but also subjecting the employee to disciplinary action. Abuse of donated leave includes, but is 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 health care practitioner, or which misrepresents the nature of a employee's illness and/or duration, all for the purpose of receiving sick leave benefits to which the employee is not entitled to receive under this policy.

**E. Requirements for Donating Leave Hours**

1. To donate accrued leave hours, the employee must have been employed in a budgeted (leave earning) full or part-time position for a minimum of 12 months and have a minimum leave balance (annual and sick leave combined) of 64 hours (after any donated leave);
2. Employees who would like to donate leave hours to another employee must complete a "Leave Donation" form. The form will specify the name of the recipient and the number of hours the employee wishes to donate. Only the amount of leave needed by the donor will be used. If the recipient designated by the donor of leave does not use all leave credits donated, the remaining leave is not used and remains with the donor unless they specify that another employee can use those hours.
3. Hours donated from one employee to the leave recipient will be calculated at the value of the donating employee's current hourly rate. The value of the hours, not the hours themselves, will transfer to the leave recipient thereby providing the employee a number of sick leave hours based on the earnings of the donating employee. For example, if Employee A earning \$15.00 per hour donates 10 sick

leave hours to Employee B, who earns \$10.00 per hour, Employee A has donated \$150.00 (\$15.00 X 10) in sick leave earnings to Employee B providing Employee B the equivalent of 15 hours of leave ( $\$150.00 / \$10.00 = 15$ ); and

4. After the Committee subsequently approves the employee's request for receipt of donated leave hours, the Director may place a notice in the University's Campus Update advising the University community that there is an anonymous employee in need of leave hours and requesting donations be submitted to the Office of Human Resources.

#### **F. Program Administration**

1. Leave donated or provided under this program will be administered by the University's Sick Leave Pool Committee ("Committee"). For further information regarding the six-person Sick Leave Committee, its selection criteria, voting rights, etc, please see the UNF's Sick Leave Policy found at [http://www.unf.edu/dept/humanres/policies/pdfs/sick\\_leave\\_pool.pdf](http://www.unf.edu/dept/humanres/policies/pdfs/sick_leave_pool.pdf)
2. The Committee is chaired by the Director of Human Resources. The Committee Chair will be responsible for all record keeping, coordinating meetings and collecting information regarding employees seeking to donate leave or receive leave under this program. Meetings may be conducted in-person, via conference call and if time is a necessity, by e-mail.

#### **G. Appeal of Decision**

Within five (5) calendar days after the Committee issues a decision denying a request for donation or receipt of sick leave hours, an employee may appeal such decision in writing to the President or designee. The decision of the President or designee shall be final.

#### **H. Reservation of Rights**

The University President reserves the right to change the terms and conditions of this procedure at any time he/she deems it to be appropriate. Further, the University President may, at any time repeal this policy for the purpose of discontinuing the Leave Donation Program.

Adopted by the University of North Florida Board of Trustees as part of the University's Personnel Program on February 1, 2006

Revised on November 5, 2007