



Policy: Sick Leave Assistance	Effective Date: July 1, 2018
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Authorized By: Jill Remington Love, Executive Director	
Authority: DHRM R477-7-19	

Purpose:

The Department of Cultural and Community Engagement (CCE) is committed to maintaining a work environment that is safe, empowering, and promotes the individual value of each of the Department’s employees. The purpose of the Sick Leave Assistance Program is to aid employees who have exhausted all leave balances, but who need to be absent from work for an extended time because they have a serious chronic illness, because they have suffered a catastrophic illness or injury, or they are on parental leave as provided for in the CCE Postpartum and Parental Leave Policy. The Department will aid qualifying employees by providing sick leave assistance.

Access to sick leave assistance is not an employee right and shall be authorized at the discretion of agency management. Employees who have used sick leave inappropriately shall not be eligible for sick leave assistance for one year from the inappropriate use of leave.

Definitions:

Catastrophic Illness or Injury: An illness, acute physical condition, or injury that is life-threatening or incapacitating and reasonably requires the employee to be absent from work for an extended period of time.

Donee Employee: An employee approved by the Department to receive leave donations under this policy.

General Leave Bank: A bank of annual leave hours that are forfeited by employees in excess of 320 hours at the end of the calendar year. These hours may be automatically donated when the last pay period of the calendar year has been processed.

Immediate Family Member: A spouse or dependent living in the employee’s home. The term “immediate family member” may also include an employee’s parent living outside of the employee’s home if the Department has approved the employee for Family and Medical Leave to care for the parent. For the purpose of this policy, the terms “spouse” and “parent” are defined as in the federal Family and Medical Leave Act.

Parental Leave: Leave taken by a mother or father to care for or bond with a newborn or adopted child, or for the appointment of legal guardianship of a minor child or incapacitated adult. (*Postpartum leave for a mother who has given birth is also provided in accordance with DHRM Rule R477-7-20 and the CCE Parental and Postpartum Leave Policy*)

Serious Chronic Illness: A disease or illness of the employee or employee’s immediate family member of long duration characterized by slowly progressive and serious debilitation or disability, or by serious and persistent

symptoms, if such debilitation, disability, or symptoms reasonably require the employee to be absent from work for an extended period of time. The term “serious chronic illness” does not include any disease or illness for which the employee or immediate family member can receive periodic treatments during reasonably short visits to health care providers, and for which the employee can avoid the need for additional sick leave benefits by making reasonable adjustments in the employee’s work schedule to accommodate the necessary doctors’ appointments or treatment programs.

Specific Leave Bank: A leave bank established for an eligible employee requesting sick leave assistance when there is not sufficient hours in the general leave bank to cover the hours requested. Agency employees donate hours specifically to the individual approved for sick leave assistance. The hours are deducted from the donor’s leave balances and added to the donee employee’s sick leave balance.

Policy:

A general leave bank will be established and eligible employees will receive hours from this bank on a first-come, first-served basis. If adequate hours are not available in the general leave bank, a specific leave bank may be established for the individual requesting sick leave assistance.

Eligibility to Receive Sick Leave Assistance

The Department may approve sick leave assistance when an employee has exhausted the usual leave benefits but needs an additional extended leave from work due to:

- The employee’s catastrophic illness, injury or serious chronic illness; or
- The employee’s parental leave; or
- An immediate member of the employee’s family having a catastrophic illness, injury or serious chronic illness and the employee is needed to care for that individual:

Only those Department employees who are eligible for leave benefits may receive sick leave assistance under this policy.

Employees desiring sick leave assistance must also apply for leave under the Family Medical Leave Act (FMLA). If an employee is not eligible for FMLA, s/he must provide comparable medical certification to the CCE HR Office before HR can determine if an employee is eligible to receive donated leave.

Eligibility to Donate to a Specific Leave Bank

Only employees within the Department may donate leave to an employee within the Department. The Department will not accept donated hours from employees in another agency. However, employees may donate to an employee in another agency with a mutual agreement between the two agencies.

Annual leave, excess hours, compensatory time earned by an FLSA nonexempt employee, or converted sick leave hours may be donated to a leave bank as long as the donating employee has a combined minimum leave balance of at least 10 days (80 hours) of sick and annual leave remaining after the donation. Employees may not donate sick leave.

Voluntary Nature of the Sick Leave Assistance Program

All donations to a specific leave bank are voluntary. Employees and their family members are prohibited from soliciting donated leave for themselves or others.

When an Employee May Use Donated Hours

A donee employee may not receive sick leave assistance until that employee has exhausted all other accrued leave balances, including annual leave, sick leave, converted sick leave, compensatory time, and excess leave.

An employee approved for sick leave assistance may not begin to use leave assistance hours prior to the effective date of the leave bank approval as determined by management.

Donated hours shall not be approved for employees receiving Worker's Compensation, Social Security Disability or Long-term Disability (LTD) benefits.

Employees approved to receive sick leave assistance under this policy shall use sick leave assistance concurrently with any eligible Family and Medical Leave benefits.

Maximum Number of Sick Leave Assistance Hours Available

The maximum amount of time an employee may receive sick leave assistance for a catastrophic accident or illness of the employee or employee's immediate family member and/or parental leave is 240 hours in one calendar year.

An employee may use up to 80 hours of leave assistance per pay period. An employee who wishes to use less than 80 hours per pay period in order to extend the benefit may request a lesser amount as long as it is enough to cover scheduled payroll deductions.

Accrual of Donee's Leave

An employee shall accrue sick leave and annual leave as usual when the employee is on sick leave assistance.

Procedures**Sick Leave Assistance Request**

A benefitted employee may apply for sick leave assistance by completing the following forms. An employee requesting sick leave assistance for parental leave is not required to complete an FMLA Certification form but is required to request FMLA through the CCE HR Office. Only the application form is given to the supervisor to sign.

- Sick Leave Assistance Application to be completed by the employee or the employee's representative. If an employee is unable to complete the form and has no representative, the employee may ask the supervisor to complete the form.
- FMLA Application – Employee Serious Health Condition, or
- FMLA Certification – Family Member's Serious Health Condition

An employee applying for sick leave assistance for parental leave may receive sick leave hours up to 6 work weeks less any hours used from the employee's own leave balances.

The HR Director or designee will review the forms to ensure the employee qualifies for sick leave assistance.

The HR Director or designee will contact the supervisor to verify whether there are any documented corrective or disciplinary action for leave abuse by the requested employee or any other relevant facts that would call into question the appropriateness of sick leave

HR Director or designee will discuss the sick leave assistance application and relevant information provided by the supervisor with the Executive Director who has the final decision to either approve or deny the request.

The approval process prohibits leave donors, supervisors, managers or management teams from reviewing any employee's medical certifications or physician statements.

The HR Director or designee will notify the requesting employee and their management of the approval or denial of the request.

Specific Leave Bank

Upon approval of a specific leave bank, Department employees will be notified about the leave bank by the CCE HR Office. Such notification shall include the name of the employee requesting the leave and the effective date of the leave bank, but shall not include any medical information submitted as part of the sick leave assistance application process.

Employees who wish to donate leave shall submit their request, using the Sick Leave Assistance Donation Request, to ERIC payroll for leave adjustment.

Donors' names and the amounts of their donations are confidential information and shall not be disclosed to the donee employee.

Donated leave shall be transferred from the donor's leave balances and posted on the donee's bi-weekly time sheet as the sick leave is used by the donee employee. Donated leave shall not be posted in advance of actual use by the donee employee, or prior to the effective date the leave assistance was approved

Confidentiality and Non-Disclosure of Medical Information

All medical data and records about an employee are confidential. Employees of the Department shall not reveal the medical status or condition of a done employee or the employee's family member in oral or written communication.

Separate Medical File

All medical documents relating to an employee's sick leave assistance shall be kept in a separate medical file maintained by HR and not in the employee's personnel file.