



MIDDLE GEORGIA STATE UNIVERSITY SHARED SICK LEAVE POLICY

Policy Statement

University System of Georgia (USG) institutions are authorized to establish policies through which employees may voluntarily donate unused sick leave to a pool for possible use by another institutional employee who is experiencing a serious health condition or whose immediate family member is experiencing a serious health condition and who has used all of their accumulated paid leave.

Reason for Policy

The Shared Sick Leave Program provides a means for USG employees to donate paid sick leave to a shared leave pool and for fellow employees who meet the eligibility provisions set forth in this policy to request leave from the pool.

Definitions

These definitions apply to the terms as they are used in this policy:

- **Employee** - Any USG employee who accrues annual or sick leave as a benefit of his/her employment by the System, including part-time employees.
- **Immediate Family Member** as defined in the Human Resources Administrative Practice Family and Medical Leave policy (child, spouse, or parent – but not in-laws)
- **Leave Donor** - An employee that makes a voluntary, written request for the irrevocable transfer of sick leave to the Shared Leave pool. Once leave has been transferred to the leave pool, it may not be used by the donor for any other benefit purposes.
- **Leave Recipient** - A current employee who has completed the provisional 180-day employment period and who has been approved to receive sick leave from the pool. The recipient may use Shared Leave for any qualifying purpose which meets the Family and Medical Leave Act (FMLA) definition of a serious health condition. Shared Leave may be used for the employee or the care of an employee's immediate family member, which requires employee's absence from duty for a period of time longer than the amount of sick and annual leave available to the employee.
- **Physician** - A health care professional licensed by his/her respective state.
- **Shared Leave pool** - Accumulated sick leave donated by employees for use in accordance with this program.
- **Serious Health Condition** - A health condition involving a serious, extreme, or life-threatening illness, injury, impairment, or condition that is likely to require an employee's absence from duty for a period of time longer than the amount of sick and annual leave available to the employee, and the health condition is such that it is not medically appropriate for the employee to delay the absence in order to accrue

additional sick or annual leave prior to the absence. Some examples of such conditions include: advanced or rapidly growing cancers, acute life-threatening illnesses, chronic life-threatening conditions in need of immediate care, life-threatening infections, severe injuries arising from automobile or other serious accidents and severe or life-threatening conditions involving failure of bodily organs or systems (e.g., heart attack). The absence may be continuous, as in hospitalization following surgery or an accident, or intermittent, as in periodic absences for chemotherapy or other procedures.

Overview

The following provisions shall apply to the Middle Georgia State University Shared Sick Leave Policy:

- Only regular benefits eligible employees who have completed their 180-day provisional period shall be eligible to enroll in the Shared Leave Program.
- An employee must enroll in the program during the annual benefits open enrollment period established by the Board of Regents or subsequent enrollment period due to the depletion of the leave pool as defined below.
- A minimum donation of eight (8) sick leave hours (pro-rated for part time benefits eligible employees) is required to become a leave pool member. A member must have a minimum of forty (40) sick leave hours (pro-rated for part-time employees) remaining after their donation at the time of enrollment.
- Any unused shared sick leave not used by a recipient for a qualifying illness or injury will be forfeited to the shared leave pool.
- Should the Shared Leave pool reserve drop to less than 120 hours, the pool will be considered depleted. In this situation only, all donors will be notified of the depleted pool status and automatically charged eight (8) hours per donor, unless the donor wishes to withdraw from the program. Leave requests will be honored in the order in which they were placed when the pool is replenished. The automatic charge to replenish the pool may occur only once per calendar year. At that time an institution may initiate a special open enrollment period to accept additional program participants. Should the pool be depleted a second time in a given calendar year, no further requests for Shared Leave will be accepted.
- The maximum withdrawal amount during a calendar year is 480 hours (12 weeks) (pro-rated for part-time employees). When a participating employee withdraws the maximum number of hours, his/her membership in the pool will automatically terminate for the remainder of the calendar year. To re-enroll, the employee must meet the initial enrollment requirements.
- Each institution must designate a Shared Leave Program Administrator and may also appoint a committee to review and respond to leave pool requests. If a committee is utilized, prudence and discretion must be exercised to protect and ensure the privacy of personal and confidential health information of those seeking donations.

- Employees receiving compensation from shared sick leave will continue to accrue annual and sick leave during their absence as long as they are paid at least one half of their monthly salary. Accrued annual and sick leave will be applied before Shared Leave.
- A shared leave recipient cannot receive shared sick leave along with other short term or long term income protection benefits (such as SSI, Disability, Workers Compensation, etc.)
- Participation eligibility shall cease upon employment termination (including retirement). Separating employees may not donate any additional unused sick leave hours to the pool at the time of separation.
- No employee shall be denied program participation if he/she meets the established participation criteria. However, funding limitations (e.g., grant funding) may impact eligibility and participation.
- Participating in the program is voluntary.
- Institutions should consider flexibility in this policy in rare and exceptional circumstances involving pandemic emergencies.

If adopted, the program shall be subject to an annual review and continuation confirmation. This program should be administered in conjunction and accordance with all other USG leave related policies and stipulations.

Leave Donation

Employees will be given the opportunity to donate a specified number of sick leave hours (in eight (8) hour increments up to a maximum of 80 sick leave hours per enrollment period) from their sick leave accounts to the Shared Leave pool by completing a *Shared Sick Leave Program Enrollment Form*. The donated leave will be transferred to the Shared Leave pool at the same time other benefit elections are effective (normally January 1).

Eligibility for Benefit

In order to receive Shared Leave, the employee must:

- be a member of the leave program, and
- have completed the initial provisional period of employment, and
- provide certification of a serious health condition from a licensed physician, and
- have exhausted all sick and annual leave (or provide credible medical evidence that he or she will exhaust all sick and annual leave before the medical condition is resolved).

Membership Termination

An employee may withdraw from the pool at any time by sending a written request to the Shared Leave Program Administrator. Any leave contributed to the pool prior to withdrawal shall be forfeited.

Requesting Shared Leave

An eligible employee may request shared leave by submitting the *Shared Sick Leave Program Leave Request Form*, and a completed *Shared Sick Leave Program Physician's Certification Form* to the shared sick leave program administrator. If the employee is not capable of making application on his or her own behalf, a personal representative, having documented power of attorney for the employee, may make written application on behalf of the employee.

A potential leave recipient may request up to 160 hours (pro-rated for part-time employees) of Shared Leave at one time, and may make up to two additional requests for Shared Leave within a calendar year, for a maximum total of 480 hours (12 weeks) (pro-rated for part-time employees) per year. The requests may be consecutive.

Approval Process

Donated leave requests will be reviewed by the Shared Leave Program Committee. The leave recipient will be notified within ten (10) working days after the completed request is received (or the period designated within institutional policies or procedures, if that date is later) that:

- the request has been approved; and
- the date the employee may begin drawing leave from the pool, and
- if the employee has entered the status of leave without pay, the approved Shared Leave may be substituted retroactively to cover the period of leave without pay.
- Or the request has been denied; and the reason for the denial

Appeal

Requests which have been denied may be appealed in writing to the institution's Executive Director of Human Resources.

Shared Leave Program Committee Composition

The Executive Director of Human Resources, or his or her designee, will appoint these committee members for a renewable term of one (1) year. The committee member from Human Resources or his or her designee will carry out the administrative functions of the committee.

If any member of the Shared Leave Certification Committee is from the potential leave recipient's home department, then that committee member may be replaced by an alternate, designated by the Executive Director of Human Resources.

If any Committee member(s) is unavailable to perform the functions of the committee due to illness, vacation, or other reason, or is unable to provide a timely decision for any given applicant, the Executive Director of Human Resources, or his or her designee(s), will serve as substitute ad hoc member(s) of the committee.

The Committee's decision to approve or disapprove a request for Shared Leave will be by simple majority vote and may be the result of communication by email, telephone, or other means in lieu of meeting together in one location.

Confidentiality

Any medical information provided in conjunction with shared leave requests will remain confidential **and** will only be shared on a strict need to know basis directly related solely to shared sick leave program administration. Additionally, potential leave recipients, their representatives, departmental constituents and/or shared leave committee members may not reveal any health information or medical condition as part of their application for shared leave as such communications may violate HIPAA, GINA and other privacy guidelines.

Frequently Asked Questions

Who is eligible to request Shared Sick Leave?

Employees meeting the following criteria:

- A current employee who has completed the employment provisional period
- The employee experiences a serious health condition as defined by FMLA or his/her immediate family member experiences a qualifying serious health condition requiring the employee's presence
- The employee has exhausted or will exhaust his/her personal leave time, and
- The employee participates in the Shared Leave program.

How will I know that I have received Shared Sick Leave?

You will be notified by Human Resources via written documentation.

What happens to any Shared Sick Leave I don't use?

All unused leave will go back to the pool.

Will an affected employee continue to accrue sick and annual during the time missed from work?

Yes, the employee will accrue leave based on their current compensation status. Accrued annual and sick leave will be applied to the absence before Shared Leave is applied.

How much leave may be requested?

You may request up to 160 hours of leave per application (pro-rated for part-time employees) up to three (3) times in a calendar year for a maximum of 480 hours (12 twelve weeks) (pro-rated for part-time employees).

Can Shared Sick Leave be used to care for an *Immediate Family Member*?

Yes, the recipient may use the Leave for the care of an immediate family member requiring the employee's presence, which meets the FMLA definition of a serious health condition.

Who is eligible to donate leave?

Any benefit eligible employee that has participated in the pool and has completed their six (6) month provisional period.

How much leave may I donate?

You may donate leave in eight hour (8, 16, 24, etc.) increments, with a minimum donation of eight (8) hours and a maximum donation of 80 hours per enrollment period. Donors must retain at least forty (40) hours of personal sick leave upon donation (pro-rated for part-time employees).

What if I change my mind about donating leave?

Donations are irrevocable but donors may give written notice to terminate membership by submitting the *Shared Sick Leave Program Membership Termination Form*.

Can I donate leave upon my leaving the institution or University System of Georgia?

No. Leave cannot be donated upon termination.

How can I donate leave?

During Open Enrollment complete the *Shared Sick Leave Program Enrollment Form* and send it to Human Resources for processing.

Is a leave pool member required to donate hours every year in order to maintain membership?

No. An initial donation is required to become a member. Additional donations are voluntary unless the pool is considered depleted in which an additional mandatory 8 hour donation is required from all participations to continue membership.

When will donated hours be deducted from an employee's sick leave balance?

The donated leave will be transferred from the employee's leave balance to the Shared Leave pool at the same time other benefit elections are effective (normally January 1).

Can shared sick leave be used intermittently?

Yes, when medically necessary to care for an employee's serious health condition or that of their immediate family member.

Can shared sick leave be used for absences due to childbirth?

Yes, for the period of time deemed medically necessary by a health care professional which is typically the six weeks immediately following childbirth for normal delivery, without any complications.