



Leave Transfer Program

LP 5.17

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Policy Owner:
Board of Trustees

Policy Administrator:
Human Resources Director

Affected Parties:
Employees

Table of Contents:

- I Summary
- II Definitions
- III Eligibility
- IV Leave Donation
- V Leave Requests
- VI Leave Approvals
- VII Leave Request Denials
- VIII Termination of
Personal/Medical
Emergency
- IX Separation from
Employment
- X Leave Accrual

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I Summary

This policy describes the Leave Transfer Program at Lander University. The Leave Transfer Program is a self-funding program in which Lander University employees donate personal annual or sick leave to the university's leave pool and recipients may request leave from the university's available pool. Therefore, any donations by Lander University employees will be used only by another Lander University employee who meets the recipient criteria. The Leave Transfer Program enables eligible faculty and staff to donate to, or apply for leave transfer from, the pool. Requests to receive leave from the pool must be based on a personal emergency requiring time away from work that would result in a substantial loss of income because of the lack of paid leave. Employees may not receive leave from a leave pool if they do not earn that type of leave. As such, temporary employees, student employees, and any other employees not in a full-time equivalent (FTE) position are not eligible for participation in the Leave Transfer Program.

II Definitions

- A. **Leave Donor** – An employee of Lander University whose voluntary written request for transfer of annual or sick leave to the Leave Transfer Program is granted.
- B. **Leave Recipient** – An employee of Lander University who has a personal emergency and is eligible and approved to receive annual or sick leave from the Leave Transfer Program.
- C. **Personal Emergency** – A catastrophic and debilitating medical situation, severely complicated disabilities, severe accident cases, family medical emergencies, or other hardship situations that are likely to require an employee's absence from duty for a prolonged period and to result in a substantial loss of income to the employee because of the unavailability of paid leave.



Leave Transfer Program

III Eligibility

- A. Leave may be requested from the leave pool with the following minimum conditions:
 1. Be a current employee with Lander University;
 2. Be able to earn the type of leave being requested;
 3. Show justifiable cause for the leave;
 4. Have an abuse-free leave record;
 5. Be in a leave without pay status for a minimum of thirty (30) workdays or have medical documentation demonstrating that he or she will be in a leave without pay status for thirty (30) workdays.
- B. Employees who occupy FTE positions (including probationary employees) are eligible to receive and donate leave to the Leave Transfer Program. Employees in temporary, grant-funded, and time-limited positions who accrue leave at the same rate as an FTE employee may donate and receive leave if all other eligibility requirements are met.
- C. Employees receiving Workers' Compensation benefits or who qualify for another program (e.g., Long Term Disability or Disability Retirement) are not eligible to participate in the Leave Transfer Program. Employees who become eligible for other paid benefits for periods of absence from work will generally be considered ineligible for transfers. Examples of other paid benefits include but are not limited to Workers' Compensation, Long Term Disability, and Disability Retirement benefits.

IV Leave Donation

- A. An employee donating sick or annual leave to the Leave Transfer Program must do so prior to the end of the calendar year. The donation is documented by completing the Leave Transfer Program Donation Request Form and returning it to the Office of Human Resources.
- B. An employee may not donate more than one-half of the sick or annual leave he or she earns within a calendar year to the appropriate leave pool. However, an employee who donates sick leave must retain a minimum of 15 days sick leave.
- C. Once leave is transferred to a leave pool, the leave cannot be returned to the donor.
- D. Section 117.137 of the 2016-2017 Appropriation Act allows a state employee to make a written request to donate sick and/or annual leave directly to another state employee in the event of a medical emergency, subject to the approval of the President. Leave transferred directly from one employee to another may only occur within the university.



Leave Transfer Program

V Leave Requests

- A. An employee with a personal emergency may request leave from the sick or annual leave pool by completing and submitting the following:
 1. The Leave Transfer Pool Recipient Request Form; and
 2. A doctor's statement regarding the approximate length of the personal emergency; and
 3. A written request for leave transfer.
- B. Generally, a prolonged period of time is a minimum of thirty (30) working days. To meet this requirement, an employee must have been in leave without pay status for at least thirty (30) working days or provide documentation that indicates that a medical emergency will result in an employee being in leave without pay for thirty (30) working days.
- C. If the personal emergency extends beyond thirty (30) working days, additional requests for leave may be made unless the employee becomes eligible for other benefits.
- D. An employee must have used all earned sick and/or annual leave (as appropriate) before using approved transferred leave.
- E. Leave requests for maternity reasons may be approved if the reasons constitute a personal emergency. For example, expectant mothers who are required by a physician to be on bed rest for a period of at least thirty (30) workdays before delivery could qualify for leave from the leave transfer pool. However, eligibility would end upon the birth of the child unless a catastrophic, debilitating, or life-threatening situation arose for the employee or the child as a result of the birth.
- F. Generally, routine or scheduled surgery is not a basis for approval of sick leave transfer. However, exceptions may be made based upon hardship or other extenuating circumstances.
- G. Leave received from the leave transfer pool will run concurrently with benefits under the Family Medical Leave Act (FMLA).
- H. Leave transferred under Section 117.137 of the 2016-2017 Appropriation Act is limited to a medical emergency, defined under IRS Revenue Ruling 90-29 as a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan.

VI Leave Approvals

- A. In accordance with established guidelines, requests for leave from the sick and annual leave pools are approved by the President (or designee).
- B. Generally, approval of annual leave from the transfer pool is based on the need for the employee to care for a member of his or her immediate family who has a personal emergency that requires



Leave Transfer Program

the employee's presence. A doctor's statement should accompany the request indicating the need for the employee to care for the family member.

- C. Generally, all of the employee's sick or annual leave must be used before transfer of leave from the pool.
- D. An employee can retain his or her sick leave balance when approved for annual leave from the leave transfer pool to care for a member of his or her immediate family. The maximum number of days of family sick leave should be used prior to requesting annual leave from the leave transfer pool.
- E. Sick or annual leave transferred under this program may be substituted retroactively for periods of leave without pay or used to pay back advanced sick leave.

VII Leave Request Denials

- A. If a request for leave from the leave transfer pool is denied, the decision of the President (or designee) is final and there is no administrative or judicial appeal of the decision.

VIII Termination of Personal/Medical Emergency

- A. When the emergency terminates, any transferred sick or annual leave remaining must be restored to the appropriate leave pool account. Agencies should document this action by using a Leave Restoration Form.

IX Separation from Employment

- A. When an employee leaves state employment, any transferred sick or annual leave remaining must be restored to the appropriate leave pool account.

X Leave Accrual

- A. Because employees on leave using leave from the leave transfer program are considered to be in a leave with pay status, sick and annual leave are earned. Prior to subsequent approvals from the leave transfer pool, any sick and annual leave earned must also be used.