

Shared Sick Leave Program

Adopted by Cabinet 1/26/16

Employees of East Georgia State College may contribute on a voluntary basis unused sick leave to a pool for possible use by fellow employees who are eligible for and require leave for their own or an immediately family member's serious health condition and which has caused, or is likely to cause, the employee to take leave without pay. Forms required in this policy and a *Frequently Asked Questions* document are available from the Office of Human Resources and the MYEGSC on line forms page.

PURPOSE: The purpose of the Shared Sick Leave Program is to provide a means for East Georgia State College employees to donate paid sick leave to a leave pool to be used by fellow employees who are eligible for and require leave for their own or an immediate family member's serious health condition and which has caused, or is likely to cause, the employee to take leave without pay.

DEFINITIONS: The following definitions apply to the terms as used in this policy:

Employee: Any USG employee who accrues annual leave or sick leave as a benefit of his or her employment, including part-time employees.

Immediate Family Member: as defined in USG Human Resources Administrative Practice Manual – Family and Medical Leave Act Policy: Immediate Family: Child, Spouse or Parent, but not in-laws.

Spouse: The employee's legal husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides.

Parent:

A biological parent of the employee.

An individual who stands or stood "in loco parentis" to an employee by providing primary day-to-day care and financial support when the employee was a child.

Coverage does not include parents-in-law.

Child:

The employee's biological son or daughter under the age of 18.

A legally adopted son or daughter under the age of 18.

A foster child, stepchild or ward under the age of 18, legally placed with the employee.

Any such child over the age of 18 if the child is incapable of self-care due to a mental or physical disability.

"Incapable of self-care" means requiring active assistance or supervision to provide daily self-care in three or more basic or instrumental "activities of daily living," such as grooming & hygiene, bathing, dressing, eating, cooking, taking public transportation, etc.

A "mental or physical disability" is one that substantially limits one or more major life functions as defined under the Americans with Disabilities Act (ADA).

Leave Donor: An employee that makes a voluntary, written request for the irrevocable transfer of sick leave to the Shared Sick 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 employment period and who has been approved to receive sick leave from the pool. The recipient may use Shared Sick Leave for any qualifying purpose which meets the Family and Medical Leave Act (FMLA) definition of a serious health condition. Shared Sick Leave may be used for the employee or the care of an employee's immediate family member which requires an 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 or her respective state.

Shared Sick Leave Pool: Accumulated sick leave donated by employees for use in accordance with this program.

Serious Health Condition: see USG Human Resources Administrative Practice Manual –Family and Medical Leave Act Policy: http://www.usg.edu/hr/benefits/fmla_terms_and_definitions#serious

POLICY: Employees will be given the opportunity to donate a specified number of hours of sick leave from their sick leave accounts to East Georgia State College's leave pool during the annual open enrollment period for other benefits. The following provisions shall apply: Only regular benefits eligible employees who have been employed in a benefits eligible position and has completed the East Georgia State College provisional period upon enrollment shall be eligible to participate as either a contributor or recipient. To contribute or receive leave under this program, an employee shall be required to enroll in the pool during the annual open enrollment period established by the Board of Regents. Any unused shared sick leave not used by a recipient for the serious health condition will be forfeited to the Shared Leave pool. East Georgia State College will designate a Shared Leave Administrator and appoint a committee to review and respond to requests for use of leave from the pool. Eligibility for participation shall end upon termination of employment, including retirement. Funding limitations may impact eligibility and participation. Participation in shared leave is voluntary. East Georgia State College will consider flexibility in this policy in rare and exceptional circumstances involving pandemic emergencies. This program shall be subject to an annual review and confirmation of continuation.

Donation of Leave Employees will be given the opportunity to donate sick leave in eight (8) hour increments (pro-rated for part-time employees) up to a maximum of 80 sick leave hours per enrollment period, from their sick leave accounts to the Shared Leave pool during the annual open enrollment period for other benefits by completing an *Shared Sick Leave Enrollment Form*. The Shared Leave will be transferred to the Shared Leave pool at the same time other benefit elections are effective (normally January 1). An employee who donates leave must retain a total of forty (40) hours of leave (pro-rated for part-time employees) in his/her own sick leave accounts after their donation at the time of enrollment. Enrollment in the sick leave pool shall only be allowed during the open enrollment periods conducted during the months of October and November of each year. No employee shall be denied membership in the sick leave pool if the membership criteria are met and institutional funding is in place. A participating employee shall not be allowed to donate to the pool any unused or unpaid sick leave from the employee's personal account at the time of separation from the University System of Georgia, including retirement. The employee will continue to accrue sick leave during their absence as long as they are paid at least one half of a monthly salary.

Eligibility for Benefit: In order to be eligible to receive Shared Leave, the employee must: • be a member of the leave pool, and • have completed the initial provisional period of employment, and • provide certification from a licensed physician of the employee's or immediate family member's serious health condition, and • have exhausted all sick and annual leave (or provide credible medical evidence that he or she will have exhausted all sick and annual leave before the serious health condition is resolved).

Employees receiving compensation from shared sick leave will continue to accrue annual and sick leave during their absences, so long as they are paid at least one half of their monthly salary. Accrued annual leave and sick leave will be applied before Shared Sick Leave. A shared leave recipient cannot receive shared sick leave along with other short term or long term income protection benefits (SSI, Disability, Workers Compensation, etc.)

Termination of Membership: An employee may withdraw from the pool at any time by completing a *Shared Sick Leave Membership Termination* form to the Human Resources Officer. Any leave

contributed to the pool prior to withdrawal shall be forfeited. When a participating employee withdraws the maximum number of hours for which he/she is eligible, his/her membership in the pool will automatically terminate. The maximum withdrawal amount during a calendar year is 480 hours (12 weeks) and is prorated for part-time employees. To re-enroll, the employee will be subject to the initial enrollment requirements for membership. When a sick leave pool member is eligible for workers' compensation, unemployment, disability or retirement benefits, etc., he/she shall not be granted sick leave pool credits.

Shared Sick Leave Committee: The committee will consist of one staff member from Human Resources, one faculty member, and one staff member from a work unit other than Human Resources.

Application of Benefits: An eligible employee may request donated leave by completing the *Shared Sick Leave Request Form*, obtaining a completed *FMLA Certification of Healthcare Provider for Employee's Serious Health Condition* and submitting these documents to the Shared Sick Leave Certification Committee in care of Human Resources. 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 by completing the *Share Sick Leave Request Form*, obtaining a completed *FMLA Certification of Healthcare Provider for Employee's Serious Health Condition* and submitting these documents to the Shared Sick Leave Certification Committee in care of Human Resources. A potential leave recipient may request up to 160 hours of Shared Leave at one time, (pro-rated for part-time employees) and may make up to two additional requests for Shared Leave within a calendar year, for a maximum total of 480 hours (prorated for part-time employees) per year. The requests may be consecutive.

Availability of Benefits Initially, no benefits will be awarded until the Shared Sick Leave pool reaches 200 hours. Should the Shared Sick 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 charges eight (8) hours per donor, unless the donor wishes to withdraw from the program. Leave requests will be honored in the order in which there were placed when the pool is replenished. The automatic charge to replenish the pool may occur only once per calendar year. At that time a special enrollment period may be offered to accept additional program participants. Should the pool be depleted a second time in a given calendar year, no further requests for Shared Sick Leave will be accepted.

Confidentiality: Any medical information provided to the Shared Leave Certification Committee, will remain confidential and will not be shared except with employees in Human Resources on a need-to-know basis directly related to the shared sick leave program administration. Potential leave recipients, their representatives and Shared leave committee members must refrain from using institutional e-mail to 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.

Approval Process: Each request will be reviewed by the Shared Leave Certification Committee. The Chief Human Resources Officer, 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 department, that committee member will be replaced by an alternate, designated by the Chief Human Resources Officer. If any committee member(s) is unavailable to perform the functions of the committee due to illness, vacation, or other reason, or is unable provide a timely decision for any given applicant, the Chief Human Resources Officer, 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. If the request is approved, the Shared Leave Committee will notify the Shared Leave

Coordinator (a designated employee within the Human Resources Department). The Shared Leave Coordinator will notify the applicant (or the personal representative who applied on behalf of the employee) within ten (10) working days after the date the completed request for Shared Leave is received by the committee that: the request has been approved; the date that the employee may begin drawing leave from the pool, 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, notice that the request has been denied; and the reason for the denial

Appeal: Requests which have been denied may be appealed in writing to the Vice President for Business Affairs. East Georgia State College follows the policy statement as of the Board of Regents, University System of Georgia Shared Sick Leave Program as stated in the Human Resource Administrative Practice Manual.