



## Share Sick Leave Program

### I. Introduction

It is the policy of Albany State University (ASU) to allow employees to 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. In the event that any information contained within this policy conflicts with any Board of Regents (BOR) policy, the BOR policy controls.

### II. Purpose

The Shared Sick Leave Program provides a means for ASU 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.

### III. Definitions

**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** - Child, Spouse or Parent, but not in-laws (as defined in the University System of Georgia Family and Medical Leave policy).

**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 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 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 their respective state.

**Shared Leave pool** - Accumulated sick leave donated by employees for use in accordance with this program.

**Serious Health Condition** - An illness, injury impairment, or physical or mental condition that involves one of the following: health condition involving a serious, extreme, or life-threatening illness, injury, impairment, or mental health 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 (as defined in the University System of Georgia Family and Medical Leave policy).

#### **IV. Policy**

The provisions discussed below apply to this policy.

##### *Shared Sick Leave Pool Membership*

- Only regular benefits eligible employees who have completed their BOR 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 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.
- 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.
- Albany State University shall consider flexibility in this policy in rare and exceptional circumstances involving pandemic emergencies.

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 an 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 or the first day of the month following a special enrollment period). The Shared Leave pool it is not transferable to another USG institution.

### *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 Request Form and a completed 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 program administrator and the Shared Leave Program Committee. The leave recipient will be notified within ten (10) working days after the completed request is received 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 Albany State University's Chief Human Resources Officer. If the Chief Human Resources Officer is serving as the program administrators, an alternative appropriate appeal process must be established.

### *Shared Leave Program Committee Composition*

Albany State University will establish a leave committee. The committee may consist of one Human Resources staff member, one faculty member, and one staff member from a work unit other than Human Resources. Additional committee members may be included as deemed appropriate and or necessary for effective program administration.

### *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 Health Insurance Portability and Accountability Act (HIPAA), Genetic Information Nondiscrimination Act (GINA) and other privacy guidelines.

**V. Exceptions**

None unless otherwise officially directed.

**VI. Applicability**

ASU Faculty and Staff

**VII. Accountability**

Albany State University Human Resources

**VIII. Contacts**

Albany State University Chief Human Resources Officer

**IX. References**

[University System of Georgia Shared Sick Leave Program](#)

**Last Update**

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