

<b>Policies of the University of North Texas at Dallas</b>	Chapter 5
<b>5.017.11 Sick Leave Donation</b>	<b>Human Resources</b>

**Policy Statement.** The University of North Texas at Dallas shall administer a sick leave donation program that allows all eligible employees to transfer sick leave hours voluntarily to another eligible employee within the same state agency or University, who has exhausted their own sick leave accruals, including any time the employee may be eligible to withdraw from the sick leave pool as authorized by Texas House Bill 1771.

**Application of Policy.** All eligible employees.

**Definitions.**

1. **Eligible Employee.** Retirement eligible faculty or staff who are employed to work 20 hours or more per week for a period of four and one-half months, and who also meet sick leave eligibility requirements.
2. **Recipient.** An eligible employee who receives a donation of accrued sick leave from another eligible employee.
3. **Donor.** An eligible employee who voluntarily gives a portion of their accrued sick leave to another eligible employee.
4. **Donated Sick Leave.** Unprotected paid leave donated by one employee to another, meeting the eligibility requirements of this policy, which may be used in conjunction with Family Medical Leave.
5. **Family Medical Leave.** Protected unpaid leave that provides qualified employees with up to 12 weeks of leave per year. Often referred to as FMLA leave.
6. **Immediate Family Members.** Individuals related by kinship, adoption, marriage or foster children who are so certified by the Texas Department of Human Services who are living in the same household. If not in the same household, an immediate family member is strictly limited to the employee’s spouse, child or parent who needs care and assistance as a direct result of a documented serious health condition.
7. **Serious Health Condition.** An illness, injury, impairment, or physical or mental condition as defined by the U.S. Department of Labor Wage and Hours Division.
8. **Prolonged Absence.** An illness or injury (including pregnancy) lasting four days or longer.
9. **Unprotected leave.** A leave that does not require maintenance, reinstatement or restorations other employee’s original job while the employee is on unprotected leave.
10. **Protected leave.** A leave that ensures that an eligible employee will be restored to the employee’s original job, or to an equivalent job, with equivalent pay, benefits,

and other terms and conditions of employment during the duration of the protected leave.

## **Procedures and Responsibilities**

### **1. Recipient Guidelines.**

#### **a. Eligibility.**

- i. Donated Sick Leave is to be used for a serious health condition of a prolonged nature for the employee and immediate family members. This may include intermittent absences related to the same illness or injury. The recipient must produce medical evidence that meets these requirements.
- ii. The recipient must be an eligible employee who is employed by the same state agency as the donor employee.
- iii. The recipient must have already exhausted all sick leave accruals, including any leave the individual may be eligible to withdraw from the Sick Leave Pool.
- iv. If eligibility requirements for FMLA leave are met, the recipient will be placed on protected FMLA leave. The recipient may qualify for a sick leave donation even if he or she is not eligible for an FMLA leave, however it would be an unprotected leave.
- v. Employees eligible for Workers' Compensation Insurance (WCI) benefits are not eligible to use sick donation benefits and will not be processed if the employee has an open Workers' Compensation claim related to the illness or injury supporting the sick leave donation request, including any appeal to a denial of WCI benefits.

#### **b. Limitations.**

- i. The recipient may not provide or receive remuneration or a gift in exchange for a sick leave donation under this program.
- ii. An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of soliciting donations of sick leave under this program. Such action shall be grounds for disciplinary action up to and including termination.
- iii. Donated Sick Leave balances will not transfer to an employee of another state agency, are not eligible for restoration upon re-employment after a separation of employment, and are not eligible for payment to an estate upon death. The recipient may not receive service credit in the Employees Retirement System of Texas or Teacher Retirement System of Texas for any Donated Sick Leave to the employee under this policy that is unused.

## 2. Donor Guidelines.

### a. Eligibility.

- i. The donor must be an eligible employee employed by the same state agency as the recipient employee.
- ii. The donor is encouraged to maintain sufficient leave balances at the time of donation. Donors may not borrow against future sick leave accruals in order to donate sick leave.

### b. Limitations.

- i. The donor may not have been nor personally intimidated, threatened, coerced, or attempted to intimidate, threaten, or coerce, any other employee for the purpose of soliciting donations of sick leave under this program. Such action shall be grounds for disciplinary action up to and including termination.
- ii. The donation of sick leave is irrevocable and will not be returned to the donor in cases where the recipient does not use all donation sick leave.

## **References and Cross-References.**

- Chapter [661](#), Subchapter G, “General Provisions for Sick Leave for State Employees,” Texas Government Code.
- Chapter [661.207](#), Texas Government Code.
- University of North Texas at Dallas Policy 5.017.2, Sick Leave
- Chapter [661](#), Subchapter A, “State Employee Sick Leave Pool,” Texas Government Code.
- University of North Texas at Dallas Policy 5.017.3, Sick Leave Pooling
- University of North Texas at Dallas Policy 5.017.9, Family and Medical Leave
- U.S. Department of Labor Wage and Hours Division definition of a [serious health condition](#).

## **Forms and Tools**

Approved: 1/31/2018

Effective: 1/31/2018

Revised: