

<b>Policies of the University of North Texas System Administration</b>	Chapter 03
<b>03.622 Sick Leave Donation</b>	Human Resources

**Policy Statement.** The University of North Texas System Administration shall administer a sick leave donation program that allows all eligible employees to transfer sick leave hours voluntarily to another eligible employee within the University of North Texas System Administration who has exhausted their own sick leave accruals, including any time the employee may be eligible to withdraw from the sick leave pool.

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

**Definitions.**

1. **Donated Sick Leave.** “Donated sick leave” means 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.
2. **Donor.** “Donor” means an eligible employee who voluntarily gives a portion of their accrued sick leave to another eligible employee.
3. **Eligible Employee.** “Eligible employee” means retirement eligible staff who are employed to work twenty (20) hours or more per week for a period of four and one-half continuous months, and who also meet sick leave eligibility requirements.
4. **Family Medical Act Leave.** “Family Medical Act Leave” means protected unpaid leave that provides qualified employees with up to 12 weeks of leave per year.
5. **Immediate Family Members.** “Immediate family members” means 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.
6. **Prolonged Absence.** “Prolonged absence” means an illness or injury lasting four days or longer.
7. **Protected Leave.** “Protected leave” means 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.
8. **Recipient.** “Recipient” means an eligible employee who receives a donation of accrued sick leave from another eligible employee.
9. **Serious Health Condition.** “Serious health condition” means an illness, injury, impairment, or physical or mental condition as defined by the U.S. Department of Labor Wage and Hours Division.
10. **Unprotected leave.** “Unprotected leave” means leave that does not require

maintenance, reinstatement or restorations to the employee's original job while the employee is on unprotected leave.

## **Procedures and Responsibilities**

### I. Recipient Guidelines.

#### A. Eligibility.

1. 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 supporting medical documentation that demonstrates these requirements are met.
2. The recipient must be an eligible employee who is employed by the same state agency as the donor employee.
3. 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.
4. If eligibility requirements for Family Medical Leave Act (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. A non-FMLA leave is an unprotected leave.
5. Employees eligible for Workers' Compensation Insurance (WCI) benefits are not eligible to use donated sick leave. Requests for donations 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.
6. If an employee meets the qualifications noted above for a recipient, the employee requesting donated sick leave must complete, sign and submit to Human Resources a Sick Leave Donation Recipient Form. The requesting employee must also submit to Human Resources a complete Sick Leave Donation Practitioner Certification Form. These forms will be reviewed by Human Resources.

#### B. Limitations.

1. The recipient may not provide or receive remuneration or a gift in exchange for a sick leave donation under this program.
2. 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.
3. 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 purchase service credit in the Employees Retirement System of Texas or Teacher

Retirement System of Texas with donated sick leave that is unused on the last day of the employee's employment.

4. The recipient of donated sick leave under this policy must use sick leave in accordance with System Administration Policy 03.609, Sick Leave.

## II. Donor Guidelines.

### A. Eligibility.

1. The donor must be an eligible employee employed by the same state agency as the recipient employee.
2. 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.
3. An employee seeking to donate sick leave under this policy must complete, sign and submit to UNT System Human Resources a Sick Leave Donor Form. This form will be reviewed by UNT System Human Resources.

### B. Limitations.

1. The donor may not receive remuneration or a gift for donated sick leave.
2. The donor may not have been nor personally 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.
3. The donation of sick leave is irrevocable and will not be returned to the donor in cases where the recipient does not use all donated sick leave.

## III. Equal Treatment.

An employee absent on sick leave through sick leave donation will be treated for all purposes as if the employee were absent on earned sick leave.

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

Texas Government Code Chapter 661, Subchapter A  
Texas Government Code Chapter 661, Subchapter G  
System Administration Policy 03.403, Staff Employee Discipline  
System Administration Policy 03.609, Sick Leave  
System Administration Policy 03.610, Sick Leave Pool  
System Administration Policy 03.621, Family and Medical Leave

### **Forms and Tools**

Sick Leave Donation Donor Form  
Sick Leave Donation Recipient Form  
Sick Leave Donation Practitioner Certification Form

Approved: January 14, 2019  
Effective: January 14, 2019  
Revised: