



KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

POLICY TITLE:

Shared Sick Leave Policy

VOLUME, SECTION & NUMBER:**ENTITIES AFFECTED:**

**Faculty
Staff**

ADMINISTRATIVE AUTHORITY:

Office of Human Resources

APPROVED BY:

Kentucky State University Board of Regents

EFFECTIVE DATE:

August 9, 2024

REVISED FROM:

Previous Version of Shared Sick Leave Policy

POLICY STATEMENT:

Kentucky State University (KSU) has established a shared sick leave pool (SLP) to provide a source of additional paid sick leave for employees who have exhausted all available sick and vacation leave as a result of a catastrophic illness or injury. SLP benefits are made available through voluntary donations of sick leave hours from current employees.

An eligible faculty or staff member may request shared sick leave only for an extreme or life-threatening illness or injury that may require leave without pay. The standard for qualifying as an extreme or life-threatening illness or injury is based on the criteria established under the Family and Medical Leave Act (FMLA), including, but not limited to, overnight hospital care and its resulting incapacity or subsequent treatment, chronic conditions requiring medical treatment, or permanent long-term conditions requiring medical treatment.

Shared leave, in and of itself, does not provide job-protected leave. Shared leave serves only to assist employees in maintaining paid leave status during an absence due to an extreme or life-threatening medical

condition. Share leave may be granted for a maximum of sixty (60) days per designated condition.

Upon returning to work, a shared sick leave recipient will be expected to provide the Office of Human Resources (HR) a release to return to work from a healthcare provider.

APPLICABILITY:

Full-time faculty and staff members with at least six (6) months of continuous service who are unable to perform regular work duties and who have exhausted, or will have exhausted all forms of paid leave, are eligible to use shared sick leave from the SLP.

CONTRIBUTING TO THE SLP:

Contributing to the SLP is not a prerequisite for drawing from the SLP.

In order to be eligible to draw from the SLP, an employee must have suffered a serious health condition, as defined under the FMLA Policy. On rare occasions, and on a case-by-case basis, employees may be allowed to draw from the SLP in order to care for their spouses, parents, or dependents.

The SLP will be funded via the voluntary contributions of sick leave days by eligible employees. Employees will be given the opportunity to contribute a minimum of one (1) day and a maximum of five (5) days of sick leave to the SLP every 12 months. Separating or retiring employees may contribute a maximum of thirty (30) days immediately prior to their separations or retirements.

Employees must have a sick leave balance of at least eleven (11) days or more at the time of their contributions in order to be eligible to donate sick leave to the SLP. Contributing employees are therefore required to retain at least ten (10) of their own sick leave days after contributing to the SLP.

When the balance of the SLP falls to 500 hours, employees will again be given the opportunity to contribute to the SLP.

Once an employee contributes to the SLP, his or her donated sick leave will not be restored to his or her individual balance at any time. Contributing employees may not designate a particular employee to receive their donated sick leave, as this program is for any and all qualified employees who may be dealing with a serious medical condition.

DRAWING FROM THE SLP:

Reasons for denying access to the SLP include: elective medical procedures, illnesses and injuries that do not require medical treatment, and minor illnesses and injuries that are almost always temporary. This list is not exhaustive.

Requests for drawing from the SLP must be made using the SLP request form and must be accompanied by a written statement from a licensed medical practitioner that provides the start date of the condition, a description of the illness or injury, a prognosis and the date the employee may be able to return to work. HR personnel will review prior sick and vacation leave usage when making the decision on whether to grant use of the SLP.

An employee who is allowed to draw from the SLP will not be required to pay back that sick leave to the bank unless it is determined that he or she misrepresented his or her medical condition or falsified information on the SLP request form. Any unused award of sick leave will be returned to the SLP at the end of an employee's leave.

The salary level of an SLP donor or recipient will not be a factor in determining whether to approve use of the SLP. The intent of the SLP is to provide an affected employee paid leave at his or her regular rate of pay. An employee receiving sick leave from the SLP will continue to be paid from his or her budgeted account.

The maximum amount of sick leave an employee may draw from the SLP is sixty (60) days or the number of days equal to one-third of the SLP balance, whichever is less.

In the event the SLP is terminated, any leave in the SLP at the time of termination shall remain available until all leave is exhausted.

OTHER CONSIDERATIONS:

- Prior to using the SLP, an employee must exhaust any and all of the following benefits, if available and appropriate:
 - Accrued sick leave
 - Accrued vacation leave
- Share sick leave benefits are not available to KSU employees who:
 - Are currently receiving long-term disability payments;
 - Are currently receiving Social Security disability payments; or
 - Are currently receiving Workers' Compensation disability payments
- Participation in the program is voluntary.
- Employees may not request the names of recipients or the amount of time utilized by recipients.
- KSU may exercise flexibility in administering this policy in rare and exceptional circumstances.

REQUESTING SHARED LEAVE:

An eligible employee may request shared leave by submitting the appropriate request form and a completed physician's certification form to HR. If the employee is incapable of completing the application on his or her own behalf, a personal representative—possessing documented power of attorney for the employee—may complete the written application on behalf of the employee.

An employee may request up to sixty (60) days of shared leave in one (1) fiscal year.

APPROVAL PROCESS:

SLP requests will be reviewed by HR on a first-come, first-served basis. The leave recipient will be notified of HR's decision within ten (10) business days of submission of a completed request.

If the request is denied, HR shall provide a reason for the denial. If a request is approved, HR shall provide the date the employee may begin drawing leave from the SLP and, if the employee entered leave without pay, whether the approved shared leave may be substituted retroactively to cover the period of leave without pay.

CONFIDENTIALITY:

Any medical information provided due to shared leave requests will remain confidential and will only be shared on a strict need-to-know basis solely related to administration of the SLP program.

TERMINATION OF SLP MEMBERSHIP:

An employee may withdraw from the SLP at any time by sending a written request to HR. Any leave the employee contributed to the SLP prior to withdrawal shall be forfeited.

RELATED POLICIES:

FMLA Policy

Sick Leave Policy

STATUTORY AND REGULATORY REFERENCES:

Health Insurance Portability and Accountability Act (HIPAA)

Genetic Information Discrimination Act (GINA)
