



KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

5.2.11 SHARED SICK LEAVE POLICY

PURPOSE:

Kentucky State University (KSU) has established a shared 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. Shared leave pool benefits are made available through voluntary donations of sick leave hours from current employees.

APPLICABILITY:

Full-time eligible faculty and staff with three (3) months of continuous service and is unable to perform regular work duties, and have exhausted or will have exhausted all forms of paid leave at the time shared leave is granted. If the employee is eligible for the FMLA, the employee must have applied for and been approved for FMLA coverage for the same condition to qualify for shared leave.

POLICY STATEMENT:

An eligible faculty/staff member may request personal or family shared leave only for an extreme or life-threatening illness or injury that may require leave without pay from work. The standard for qualifying as an extreme or life-threatening illness or injury is, at a minimum, 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.

Upon returning to work, a shared leave recipient will be expected to provide a release to return to work from a health care provider to the Office Human Resource (OHR).

Shared leave, in and of itself, does not provide job-protected leave. Shared leave serves to assist those employees in maintaining paid leave status during an absence due to an extreme or life-threatening medical condition. Shared Leave may be granted for a maximum of thirty (30) days per designated condition.



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RELATED PROCEDURES:

Definitions:

These definitions apply to the terms as used in this policy:

- Employee: Any KSU employee who accrues annual or sick leave as a benefit of his/her employment.
- Immediate Family Member: Defined in KSU 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: Current KSU employee who has successfully completed the ninety (90) day probationary 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 his/her respective state.
- Shared Leave Pool: Accumulated sick leave donated by employees for use in accordance with the program.
- Serious Health Condition: Defined in KSU Family and Medical Leave policy.

OVERVIEW:

The following provisions shall apply:

- Only employees who receive regular benefits and have completed the required KSU probationary 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 and again in January, if necessary due to the depletion of the leave pool as defined below.
- An employee who has been employed for less than one year is required to donate a minimum of 1 day (7.5 or 8 hours) to become a pool member. An employee who has been employed for more than one year is required to donate a minimum of three (3) days (22.5 or 24 hours) to become a leave pool member. A member must have a minimum of ten (10) sick leave hours (75 or 80 hours) remaining after 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. 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.
- Each grant of sick leave days shall be limited to a maximum of thirty (30) consecutively scheduled working days (equivalent to 225 hours for employees regularly scheduled to work 7.5 hours per day, or equivalent to 240 hours for employees regularly scheduled to work 8.0 hours or more each day) for each illness or injury. The total sick leave granted from the shared leave pool to any one member shall not exceed 30 days for any one illness, or recurring illness, or injury.

ALL POLICIES ARE SUBJECT TO AMMENDMENT.



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- Employees receiving compensation from shared sick leave will continue to accrue annual and sick leave during their absence. 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, Workers Compensation, etc.),



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- 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.
- Employees may not request the names of recipients nor the amount of time utilized from the respective donated time.
- Unused donated time will be forfeited after three (3) fiscal years,
- KSU may exercise flexibility related to this policy in rare and exceptional circumstances, including, but not limited to pandemic emergencies.

If adopted, the program shall be subject to an annual review and continuation confirmation. This program should be administered in conjunction and accordance with all other related KSU leave policies and stipulations.

ELIGIBILITY FOR BENEFIT:

In order to receive Shared Leave, the employee must:

- be a member of the leave program, and
- have completed the ninety (90) day probationary 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).

LEAVE DONATION:

Employees will be given the opportunity to donate a specified number of sick leave hours (in 7.5 or 8 hour increments up to a maximum of eighty (80) sick leave hours per enrollment period) from the employees' respective sick leave accounts to the shared leave pool by completing an Enrollment Form. A member must have a minimum of ten (10) sick leave hours (75 or 80 hours) remaining after donation. An employee must enroll in the program during the annual benefits open enrollment period and again in January, if necessary. The donated leave will be transferred to the shared leave pool at that time.

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 incapable of making application on his or her own behalf, a personal representative, having documented power of attorney for the employee, may complete the written application on behalf of the employee.

A potential leave recipient may request up to 30 days of Shared Leave at one time or over the course of fiscal year.

APPROVAL PROCESS:



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Donated leave requests will be reviewed by the OHR on a first come first serve basis. 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 along with the reason for the denial

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, or departmental constituent members may not 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.

MEMBERSHIP TERMINATION:

An employee may withdraw from the pool at any time by sending a written request to the Office of Human Resources. Any leave contributed to the pool prior to withdrawal shall be forfeited.