



University Policy: Leave Share

Policy Category: Staff

Subject: Sharing Accrued Leave

Office(s) Responsible for Review of this Policy: Office of Human Resources

Related University Policies: Annual Leave Policy, Sick and Safe Leave Policy, Short Term Medical Leave Policy, Communicable Diseases Policy, Health and Safety Directives

I. SCOPE

This Leave Share policy applies to eligible full-time staff and library faculty.

II. POLICY STATEMENT

The leave share policy establishes a system for staff to donate or receive leave during an individual's serious medical emergency or at times determined by the university as necessary due to be health and safety emergencies. This leave share system works in conjunction with the university's Short-Term Medical Leave policy and may be used to satisfy the waiting period for Short-Term Medical Leave. Neither this policy nor the leave share system alters the Short-Term Medical Leave or the Family Medical Leave policies.

III. DEFINITIONS

- A. Base Salary:** An eligible employee's annual base salary only. It does not include overtime, stipends, shift differentials, or other forms of additional compensation.
- B. Family Medical Leave ("FMLA"):** Leave provided by the university pursuant to District of Columbia and federal law and which provides eligible employees with unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
- C. Full-Time Library Faculty:** One appointed to a continuing appointment or continuing appointment track by the Dean of Faculty. Such positions are paid on a salaried basis and according to a contract and accrue sick and annual leave.
- D. Full-Time Staff:** One appointed to a full-time position at the university as identified in and authorized by the personnel budget of the employing department and which requires

working at least 28 hours a week for more than three consecutive months.

- E. Leave Recipient:** A current full-time staff member or library faculty affected by a serious medical emergency for whom human resources sends out a request for leave share donations from one or more leave donors.
- F. Leave Donor:** A full time staff member or library faculty whose written request for the transfer of their annual or sick leave to a leave pool administered by the Office of Human Resources and intended for a leave recipient coordinated by HR.
- G. Leave Transfer:** A voluntary transfer of annual or sick leave balance (or portion thereof) to or from an employee to a leave pool administered by the Office of Human Resources.
- H. Serious Medical Emergency:** An acute medical condition leading to an employee's absence and which is expected to result in a financial hardship because of the unavailability of annual or sick leave. Certain medical conditions are excluded from eligibility for this benefit including, but not limited to, any occupationally related accident or illness for which workers' compensation benefits have been awarded.
- I. Short-Term Medical Leave ("STML"):** University-provided medical leave benefit for eligible full-time employees that continues base salary and benefits.

IV. POLICY

A. Eligibility

To be eligible for donated leave, a leave recipient must have completed six months of full-time employment and qualify for Short Term Medical Leave.

The University reserves the right to modify and extend, for a limited period, the rights and privileges under this policy when it deems necessary such as in cases of a health pandemic. The university will specify eligibility and terms that extend beyond those provided in this policy and dates such coverage will be in force.

B. Leave Recipient Application and Approval

Application for use of the leave sharing benefit is made in conjunction with applications for Short Term Medical Leave and Family Medical Leave. Staff members should contact Human Resources for a determination of eligibility for Short-Term Medical Leave and Family Medical Leave. To become a leave recipient the staff or library faculty member must have exhausted, or plan to exhaust, all annual and sick leave and be approved for Short-Term Medical Leave.

For medical conditions resulting in an absence or an expected absence of longer than two weeks, employees must complete a Short-Term Medical Leave application. At that time, the employee will have the opportunity to receive leave donations to cover the waiting period for

Short-Term Medical Leave (currently 7 calendar days). In no case shall the donated leave exceed the waiting period of the Short-Term Medical Leave period.

Human Resources will contact all departments through the university's email system to publicize anonymously a need for leave donations. The name of the leave recipient will not be released in this announcement.

Leave recipients will receive salary continuation based on their base salary immediately preceding the commencement of their medical leave. Payments will be made through regular payroll processing. Leave benefits will be subject to all payroll taxes and other payroll deductions.

C. Leave Donor Application and Approval

A staff or library faculty member may submit a voluntary written request that a specified number of their accrued annual or sick leave hours be transferred from their leave account to the sick leave pool administered by Human Resources. Donations cannot be made directly to the account of a specified leave recipient.

The maximum amount of leave that an employee may donate is limited to the leave donor's accrued annual or sick leave balance. The minimum amount of leave that an employee may donate is a minimum of 7 hours and maximum of 70 hours.

D. Termination of Medical Emergency

The leave recipient will keep Human Resources advised of the status of the medical emergency through the Short-Term Medical Leave process. In no case shall the donated leave exceed the approved medical emergency or the waiting period for the Short-Term Medical Leave period, whichever is shorter.

Termination of the leave share benefit is determined by the status of the amount of leave donated to the leave recipient and not necessarily by the employee's medical condition or ability to return to work.

Unused leave donated for a specific leave recipient will be returned to the leave donor only if the Leave Donor authorization has not yet been processed.

The university expects leave donations pursuant to this policy will be given freely, without promise of benefit and not under intimidation, coercion, or threat of reprisal for failure to make the donation. Failure to act consistently with this expectation may result in disciplinary action.

Leave recipients shall be required to reimburse leave hours donated to them if compensation is received from another source for the same period of time the employee received donated leave hours, such as worker's compensation benefits; or if human resources determines that abuse has occurred. The leave recipient may be required to repay all donated leave, and or may be subject to disciplinary action in accordance with AU's

program. If repayment is required, leave payment shall be made at the current rate of the recipient, not the donor.

The university reserves the right to revise or eliminate this program as necessary. No employee is entitled to leave donations. Additionally, leave available to recipients is dependent on voluntary donations made to the leave donation pool which is administered by Human Resources.

V. EFFECTIVE DATE AND REVISIONS:

This Policy is effective February 2002, and last revised on August 1, 2021.