

**WESTERN NEBRASKA COMMUNITY COLLEGE  
POLICIES AND PROCEDURES**

SECTION: Human Resources           400.0000.14  
SUBSECTION: All Employees         415.0000.15

*Transfer of Sick Leave Between Employees*  
**Policy Number: 415.1600.06**

**POLICY**

The Board recognizes that employees may need special consideration and assistance for immediate time-off from work to deal with prolonged personal and familial health concerns. In accordance with the College Sick Leave policies and related provisions of the WCCA Negotiated Agreement, this policy establishes guidelines and procedures for transferring sick leave to full-time employees who personally experience a continuing disability due to illness or injury; or whose immediate family member experiences a continuing disability due to illness or injury and as such the employee is required to take leave to care for the disabled family member.

**I. Eligibility Criteria for Receiving Sick Leave**

In order to receive sick leave donated by another employee, all of the following criteria must be met. The recipient must:

- 1) be a full-time employee,
- 2) have used all accumulated sick leave, personal leave, compensatory time, and vacation leave,
- 3) full-time employee or his/her immediate family member has a continuing disability resulting from personal illness or injury and be unable to work, and
- 4) not be receiving any other form of compensation including social security disability benefits, long-term disability benefits, or workers' compensation benefits.

For purposes of this policy, family member shall mean spouse, child(ren), or parent of employee. The College President may determine eligibility and the extent of sick leave that may be transferred based on a case-by-case basis based upon medical need and determination of primary caregiver.

Before an employee is eligible to receive donated leave, his or her physician must provide current certification that the employee has a disability resulting from personal illness or injury and is unable to work. Before an employee is eligible to receive donated leave for immediate family members that experience a continuing disability due to illness or injury, the family member's physician must provide current certification that the employee will be needed to provide care for the disabled family member.

Upon determination by the College President or his/her designee of eligibility and the extent of sick leave that may be transferred, the employee may be eligible to receive up to the number of days he/she would have otherwise earned had the current disability or illness not occurred. The maximum amount that may be transferred to an employee is limited to 90 days per illness or disability for which the employee would otherwise not be paid as stated above. Recipients shall continue to accrue leave and service while utilizing donated sick leave in accordance with the provisions of Board policy.

**II. Criteria for Donating Leave**

Faculty and non-faculty employees may donate to sick leave to any other full-time employee regardless of designation. In order to donate sick leave to another full-time employee, the donating employee must have a current balance of 40 sick leave days. In addition, the donor must agree to donate a minimum of 5 days of accrued leave. The maximum amount of sick leave which an employee may donate shall be 15 days for any individual donation. An employee may donate more than one time to a single individual. Regardless of the circumstance, the donating employee must maintain a balance of at least 35 days.

**III. Criteria for Requesting Sick Leave Donation Assistance**

Employees requesting sick leave donation assistance shall first contact their supervisor about their request. Once the

employee has notified their supervisor, the employee shall formally request assistance from the Chief Human Resources Officer. The Chief Human Resources Officer shall review the request for eligibility in accordance with Board policy and assist the employee in processing their request. Employees shall refrain from directly contacting or soliciting other employees for the purpose of persuading or compelling employees to donate leave.

#### **IV. Procedural Guidelines**

In order to facilitate sick leave transfer between employees, the following procedures shall be followed:

- 1) The donating employee (donor) must complete a Sick Leave Donation Agreement (see Appendix A) stating the name of the recipient and the amount of leave being donated. This form must be signed and witnessed by the Chief Human Resources Officer.
- 2) Following all verification that (1) the recipient is eligible to receive donated sick leave and (2) the donating employee is eligible to make the donation, the College President or his/her designee shall be authorized to approve or disapprove the request. A copy of the agreement will be placed in both the donor and recipient's personnel files, and the original will be retained by the Human Resources Office.
- 3) The Sick Leave Donation Agreement will be dated and time stamped in the order received. This will determine the order in which sick leave will be deducted from the donor's sick leave balances where there are multiple donors for a single individual.
- 4) The recipient will be notified of the amount of leave that has been donated.
- 5) Before the initial transfer of leave is completed, the Human Resources Office will verify that the recipient or immediate family member has provided current certification from his/her health care provider that he/she continues to be unable to work. A current medical certification may be required prior to the transfer of sick leave for subsequent days of donated leave.
- 6) Prior to deducting leave from a donor, the Human Resources Office will verify that the donor has at least forty days of sick leave accumulated. If the donor does not have the requisite forty days, the leave donation request shall be voided.
- 7) Payment of the donated leave will be paid at the lesser of the pay rate of the donor or the recipient's established rate of pay. However, this rate may be changed due to any pay increases which occur during periods of donated leave.

#### **DEFINITIONS**

N/A

#### **APPLICABILITY**

N/A

**Adoption Date:** 2006

**Revision Date (and Board of Governors' Minutes Item Number):**

**Prior Policy/Procedure Number:**

**Schedule for Review:**

**Divisions/Department Responsible for Review and Update:**

**Sponsoring Division/Department:**

**Rescinded Date:**

**Cross Reference:**

**Procedure(s) for Policy:** Appendix A

**Related Policies/References:** College Sick Leave policies and related provisions of the WCCA Negotiated Agreement