

5.01.01.15 Transfer of Sick Leave Between Employees



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Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

In accordance with T.C.A. § 8-50-802, which became effective April 12, 1994, this policy establishes guidelines and procedures for transferring sick leave to members of the Sick Leave Bank who experience a continuing disability due to illness or injury.

Policy/Guideline

- I. Eligibility Criteria for Receiving Sick Leave
 - A. In order to receive sick leave donated by another employee, all of the following criteria must be met.
 - B. The recipient must
 - 1. Be a current member of the institution's sick leave bank;
 - 2. Have used all accumulated sick leave, annual leave, compensatory time, and any eligible leave amount through the Sick Leave Bank(s) for each separate serious illness or recurring diagnosed illness or accident;
 - 3. Have a continuing disability resulting from a serious 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, worker's compensation

benefits, or compensation through the State Retirement Plan or Sick Leave Bank.

- C. Before an employee is eligible to receive donated leave, their physician must provide current certification that the employee has a disability resulting from serious personal illness or injury and is unable to work.
 - 1. Upon receipt of such medical certification, the employee is eligible to receive up to 20 days of leave for which they would otherwise be without pay including holidays.
 - 2. Eligibility for additional increments of 20 working days may be based on current medical certification of the continuing disability.
 - 3. The maximum amount that may be transferred to an employee is limited to 90 days for which the employee would otherwise not be paid as stated above.
 - 4. Transfer of sick leave to an employee may not be denied if all eligibility criteria are met.
- D. For regular full-time employees receiving transferred leave, a "day" is defined as 7.5 hours for employees on a 37.5-workweek schedule and 8 hours for employees on a 40-hour workweek schedule.
- E. Regular part-time employees shall receive sick leave on a prorated basis equal to the percentage of their employment to full-time employment.
- F. Recipients shall continue to accrue leave and service in accordance with the provisions of the appropriate policies and guidelines, which shall be used prior to any donated leave.

II. Criteria for Donating Leave

- A. A donating employee is not required to be a member of the Sick Leave Bank. If the institution/school has both Faculty and Staff Sick Leave Banks, employees

may donate to members of both banks of the home institution. No transfers may be made beyond the home institution.

- B. In order to donate sick leave to a member of the Sick Leave Bank, an employee must have a current minimum balance of 20 sick leave days based on their accrual rate. (Example: 20×7.5 hours accrual rate = 150.0 hours.)
- C. In addition, the donor must agree to donate a minimum of 5 days of accrued leave. However, in the event the donor's percentage of employment exceeds that of the recipient, the minimum donation will be based on the recipient's accrual rate.
- D. Regular part-time employees will donate leave equal to their accrual rate. (Example: $10 \text{ days} \times 3.75$ hours accrual rate = 37.50 hours.)
- E. The maximum amount of sick leave which an employee may donate during their employment at the home institution is the equivalent of 90 accrued days.
- F. An employee may donate more than one time to a single individual.
 - 1. The employee may not donate more than one-half of their leave balance in effect at the time of the initial transfer.
 - 2. For example, an employee with a leave balance of 200 hours may donate 100 hours to a sick leave bank member.
 - 3. If the recipient only used 75 hours during the first occurrence, the donor could only give that same recipient a total of 25 hours at a later date.

III. Procedural Guidelines

- A. In order to facilitate sick leave transfer between employees, the following procedures should be followed:
 - 1. The donating employee (donor) must complete a form (see Exhibit 1) stating the name of the recipient and the amount of leave being donated.
 - 2. This form must be signed by the donating employee and a representative of Human Resources.

3. Upon completion, the donor should send the form to the office responsible for processing leave.
- B. Following verification that;
1. The recipient is a member of the Sick Leave Bank;
 2. The donating employee has sufficient sick leave to cover the donation; and
 3. The amount does not exceed one-half the donor's current balance; the form will be approved by the appropriate official.
 4. A copy of the form will be placed in both the donor and recipient's personnel files, and the original will be retained by the office responsible for processing leave.
- C. Donor forms will be date and time stamped in the order received.
1. This will determine the order in which sick leave will be deducted from the donors' sick leave balances where there are multiple donors for a single individual.
- D. The recipient's supervisor will be notified of the amount of leave that has been donated.
- E. Before the initial transfer of leave is completed, the office processing leave will verify that the recipient has provided current certification from their health care provider that they continue to be unable to work.
1. A current medical form may be required prior to the transfer of sick leave for every subsequent 20 days of donated leave.
- F. At the time of transfer, adjustment forms will be completed by the appropriate office.
1. Prior to deducting leave from a donor, this office will verify that the donor has sufficient leave to cover the amount originally donated and also maintain the required balance.

2. If less than the required amount is available, the leave donation is voided.
- G. Payment of the donated leave will be based on the recipient's established rate of pay.
 1. However, this rate may be changed due to any pay increases which occur during periods of donated leave.
- H. Only the amount of leave which has been projected as necessary to cover each pay period will be transferred at any given time.
 1. If an employee has donated 10 days and only 4 days are required for the current pay period, only 4 days will be deducted during this pay period.
 2. If the disability continues into the next pay period, the remaining days will be deducted at the appropriate time.
- I. Sick leave may not be transferred retroactively beyond one month.
 1. For example, if no one has agreed to donate leave to an employee who has exhausted all of their Sick Leave Bank entitlements and has been placed on an approved leave of absence without pay, another employee may later donate sick leave to this employee.
 2. Retroactive payment for the value of this leave may not be extended beyond one month.
- J. Donated sick leave which has not been used by the recipient will be transferred to the Sick Leave Bank.
- K. If the donor terminates employment, retires, transfers to another institution or State agency, dies, or has an insufficient leave balance to meet the eligibility criteria; all responsibility to donate this leave is voided.
- L. The decision to donate sick leave to another individual should be a choice made freely by each employee.

1. Any person attempting to unduly influence another employee to donate leave shall be subject to disciplinary action, and any prior agreement made to donate leave under these conditions shall be voided.

Exhibits

For Exhibits, click the Attachments button at the top right of the page.



Sources

Authority

T.C.A. §§ 49-8-203, 8-50-802

History

TBR Meeting, December 9, 1994; TBR Meeting, March 29, 1996 (Finance and Administration approval November 13, 1996); TBR Meeting, June 19, 1998; March 28, 2008; Revised September 20, 2013.