

Benefits and Leaves: Donated Sick Leave

Subject: University Human Resources

Policy: Donated Sick Leave

Effective Date: January 1, 2019

Revised:

Review Date: Three (3) years from Effective Date above

Responsible Party: University Human Resources

Applicability: This policy applies to employees eligible for sick leave benefits

1. INTRODUCTION AND PURPOSE

This policy implements [Section 2-18-618\(9\), MCA](#) and [BOR Policy 901.7.1, Sick Leave Fund](#) by establishing the structure, eligibility requirements, and procedures used for direct and sick leave fund grants to allow eligible employees to share accumulated sick leave with other eligible employees who have exhausted their accumulated leave.

2. DEFINITIONS

For purposes of this policy, the following definitions apply:

a. Extensive Illness or Accident.

An illness, injury, disability, disability period, or quarantine that incapacitates an employee for ten (10) or more consecutive working days.

b. Pregnancy or Childbirth-Related Health Condition.

Defined in the [Maternity and Parental Leave policy](#).

c. Immediate Family Member.

The employee's spouse and any member of the employee's household, or any parent, child, grandparent, grandchild, or corresponding in-law.

3. ELIGIBILITY TO RECEIVE SICK LEAVE GRANTS

a. To be eligible to receive donated sick leave, the receiving employee must:

i. be a current employee of Montana State University;

ii. have completed the ninety (90)-day qualifying period to use sick leave;

- iii. suffer from an extensive illness or accident, or a pregnancy or childbirth related health condition which results in absence from work of at least ten (10) consecutive working days, or when a member of the employee's immediate family is suffering from an extensive illness or accident that requires the attendance of the employee until professional or other assistance can be obtained.
 - iv. exhaust all personally accrued sick leave, annual, and compensatory time;
 - v. when requested, provide University Human Resources a physician's certification of extensive illness or accident or childbirth related health condition;
and
 - vi. obtain approval from the department head/director or dean, or, for non-academic units, the appropriate vice president, to receive a donation of a specific amount of sick leave from other employees.
- b. Employees are not eligible if
- i. they are on a leave of absence without pay for reasons unrelated to the extensive illness or accident;
 - ii. on a layoff or in a no-pay status; or
 - iii. eligible to receive workers' compensation wage loss benefits.

4. USE OF DONATED SICK LEAVE

If the employee meets the eligibility requirements and the donation of sick leave is approved, the employee may use the donated sick leave. University Human Resources will add the donated sick leave to the employee's sick leave balance on an as-needed basis at the end of each pay period. Employees may receive a maximum of 240 hours of donated sick leave during any twelve (12)-month period, calculated from the first day the employee uses donated sick leave. The maximum allowable leave for part-time employees shall be prorated according to FTE status.

5. ELIGIBILITY TO CONTRIBUTE SICK LEAVE

An employee may make a voluntary donation of sick leave by direct grant or to the sick leave pool, if the employee:

- a. is a current employee of Montana State University;
- b. has completed the ninety (90)-day qualifying period to use sick leave; and
- c. has a minimum balance of forty (40) hours of sick leave after donation. The minimum balance for part-time employees is prorated according to their FTE.

The maximum donation of sick leave an employee may contribute is forty (40) hours in any twelve (12)-month period. All contributions are voluntary and irrevocable.

6. APPROVAL

The university provides no funds to the department for the hours of sick leave that are donated or received through this program. The department employing the recipient of sick leave donations will pay all costs for the use of that sick leave. Therefore, the department head/director and dean/vice president must approve the donation of any sick leave before the employee may use the donated leave. A department head/director and dean/vice president may choose not to accept some or all sick leave donations by indicating the amount of leave accepted and denied on the form submitted to University Human Resources.

7. PROHIBITED USES OF DONATED SICK LEAVE

- a. An employee may not use donated sick leave until all other accrued leave has been exhausted. If an employee has leave available that accrued while the employee was using donated sick leave, the accrued leave must be exhausted before using any additional donated sick leave.
- b. An employee may not use leave retroactively to a previous pay period in which the employee was in a leave without pay status and had not yet become eligible to receive a sick leave donation. Applying donated sick leave to time spent in a leave without pay status in the same pay period that the employee becomes eligible is not considered retroactive use of sick leave.
- c. MSU will not cash out donated sick leave at termination of employment under [Section 2-18-618, MCA](#). On termination of employment, University Human Resources will remove the unused credits from the employee's account and return them to the contributing employee or fund.

8. SICK LEAVE FUND

In addition to the use of donation of sick leave by direct grants, the university maintains a sick leave fund. Eligible employees may donate sick leave to the fund and eligible employees may request sick leave grants from the fund. University Human Resources maintains the fund for the university. The fund requests are received on a first come, first served basis and grants will be made in the order requested until the fund has been exhausted. University Human Resources will deduct donated sick leave from the contributor's sick leave and credit the sick leave to the recipient.

9. DONATED SICK LEAVE FORM

Employees wishing to donate or receive donated sick leave will need to complete the [Donated Sick Leave Form](#), obtain the necessary approvals, and submit to the completed form to University Human Resources.

Upon approval, University Human Resources will deduct the donated leave from the contributor's sick leave and credit the sick leave to the recipient in the order the Donated Sick Leave Forms are received, on an as-needed basis.

An employee may choose not to accept donated sick leave, or may not need all hours donated, or may have exceeded the maximum donation allowed. In such cases, donations will not be

deducted from the donor's sick leave balance. If used by the recipient employee, sick leave donations will appear as leave used in the donating employee's records on MyInfo.