Current: Black

Proposed Revisions: Red

**1045.00 Donated Sick Leave ~~Fund~~**

**Revised: November ~~2001~~2012**

**Effective Date:**

**Review Date: Month Year; three years from date of adoption unless otherwise specified**

**Responsible Party: Human Resources**

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**1045.10 References**

* Sections 2-18-601, 2-18-618, ~~and 2-18-718~~, "Sick Leave," *Montana Code Annotated*.
* Policy 801.7.1, "Sick Leave Fund Policy," *Montana University System Policy and Procedures Manual*.

**1045.20 Policy**

~~It is the policy of Montana State University-Bozeman to facilitate the voluntary contribution of sick leave from one or more employees to another employee who suffers an extensive illness or accident.~~

~~No funds shall be attached to any hours of sick leave which are donated or received through this program. Since the department employing the recipient of a sick leave grant must pay all costs for the use of that sick leave, the department head's approval must be obtained before an employee can accept the donation of any sick leave grant~~.

It is the policy of Montana State University-Bozeman to allow eligible University employees to share accumulated sick leave with other eligible employees according to guidelines developed by the Board of Regents to comply with 2-18-618, M.C.A. It is the objective of this policy to establish eligibility requirements and procedures to administer donated sick leave. No funds shall be attached to any hours of sick leave which are donated or received through this program. Since the department employing the recipient of sick leave donations must pay all costs for the use of that sick leave, department head/director and dean/vice president approval must be obtained before an employee can accept the donation of any sick leave.

This policy allows, but does not guarantee, the establishment of a pool of donated sick leave hours for eligible employees to draw from in accordance with this policy.

**1045.30 Definitions**

For purposes of this policy, the following definitions apply:

“*Extensive illness or accident*” means an illness, injury, disability, disability period, or quarantine that incapacitates an employee for 10 or more consecutive working days.

“*Pregnancy or childbirth related health condition*” as described under Section 1025.30A of the Maternity Leave Policy <http://www2.montana.edu/policy/personnel/per1000.html#1025.30A>

*“Immediate family member*” means the employee's spouse and any member of the employee's household, or any parent, child, grandparent, grandchild or corresponding in-law.

**1045.40 Eligibility to Receive Donated Sick Leave ~~Grants~~**

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

* be a current employee of Montana State University-Bozeman;
* have completed the 90 day qualifying period to use sick leave <http://ww2.montana.edu/policy/personnel/per1000.html#1015.00>
* suffer from an extensive illness or accident, or pregnancy or childbirth related health condition which results in absence from work of at least 10 consecutive working days;
* not be on a long term leave of absence which is unrelated to the extensive illness or accident;
* not be on a layoff or in a no-pay status;
	+ not be eligible to receive workers' compensation benefits;
* exhaust all personally accrued sick leave, annual leave, and compensatory time;
* ~~take five days of leave of absence without pay following the exhaustion of all accrued leave and compensatory time;~~
* provide the employee’s supervisor a physician's certification of extensive illness or accident; and
* obtain approval from the department head/director and dean/vice president to receive a donations of a specific amount of sick leave from other employees.

An employee may also receive donated sick leave when a member of the employee’s immediate family is suffering from an extensive illness or accident which requires the attendance of the employee until professional or other assistance can be obtained.

If the employee meets the eligibility requirements and the donation of sick leave is approved, Human Resources will add the sick leave to the recipient employee’s sick leave balance on an as-needed basis at the end of each pay period. Employees may receive a maximum of ~~160~~ 240 hours of donated sick leave during any 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.

**1045.50 Eligibility to ~~Contribute~~ Donate Sick Leave**

To ~~contribute a grant of~~ donate sick leave, an employee must:

* be a current employee of Montana State University-Bozeman;
* complete the 90 day qualifying period to use sick leave; and
* have a minimum balance of 40 hours of sick leave after donation. The minimum balance for part-time employees is prorated according to their FTE.

The maximum sick leave an employee may contribute is 40 hours in any 12 month period. All contributions are voluntary. ~~and irrevocable, unless declined by the intended recipient or his/her department.~~

~~Sick leave accrued prior to July 1, 1971, may not be contributed as a direct grant.~~

**1045.60 Donated Sick Leave ~~Direct Grant~~ Form**

To ~~contribute~~ donate sick leave to another individual, the contributor *and* recipient will be indicated on the Donated Sick Leave Form~~, which can be obtained from Personnel and Payroll Services~~ [insert link]. Signatures of the ~~department head and dean~~ department head/director and dean/vice president indicate they accept responsibility for covering the costs of the donated sick leave ~~hours contributed~~. The completed form with all necessary approvals should be submitted to ~~Personnel and Payroll Services~~ Human Resources.

An employee may have personal reasons for not accepting donated sick leave or may have exceeded the maximum receipt of sick leave donations. In these cases, contributions will not be deducted from the donor's sick leave balance.

A department head/director and dean/vice president may refuse to accept some or all ~~of the hours donated~~ sick leave donations~~, particularly when sufficient funding is not available to cover the cost of the granted leave~~. ~~To deny acceptance of some or all sick leave contributions, the department head and/or dean should indicate the denial and amount of leave denied, and return the form to the receiving employee. The Director of Personnel and Payroll Services should be notified whenever a receiving department is unable to accept because of financial restrictions~~. The department head/director and/or dean/vice president should indicate the denial and amount of leave denied, and return the form to the receiving employee and copy the Chief Human Resources Officer.

Upon receipt of the completed ~~Sick Leave Direct Grant Form~~ Donated Sick Leave Form, ~~Personnel and Payroll Services~~ Human Resources will deduct ~~leave from the contribution from the contributor's balance and credit the sick leave balance of the recipient.~~ 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. Use of sick leave should be reflected on the receiving employee's ~~timecard~~ timesheet. Employees ~~will be notified of their resulting balance on their paycheck stub.~~ who donate sick leave may check their leave balances on My Info. 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.

**~~1045.60 Exceptions~~**

~~Exceptions to this policy are subject to the approval of the Vice President for Administration & Finance. Requests for exceptions should be presented in writing, and should state the exception that is sought and the reasons it is being requested. The request, with the approval of the department head and dean, should be submitted to the Vice President for Administration & Finance.~~

**1045.70 Prohibited Uses of Donated Sick Leave**

A. An employee may not use donated sick leave:

1. if, the employee is eligible for workers’ compensation wage loss benefits;

2. during a leave of absence without pay which was approved for reasons other than an extensive illness, or accident, or providing necessary assistance as described in section 1045.30 and 1045.40 of this policy;

3. when the employee has annual leave, sick leave or compensatory time available. 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;

4. 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.

B. MSU will not cash out donated sick leave at termination of employment under Section 2-18-618, MCA. ~~On termination of employment, MSU shall remove unused donated sick leave from the employee’s sick leave record.~~

(Cross reference Section 1070 “Family and Medical Leave,” Section 1025 "Maternity Leave," Section 1030, "Parental Leave" and Section 1035, "Leave of Absence Without Pay," Section 1015, "Sick Leave" of this Manual.)

**1045.70 History**

This procedure was approved by the MSU Personnel Board on January 27, 1988, and approved by the Director of Administration on June 30, 1988. Revision approved by the Vice President for Administration on September 17, 1992. This modification approved by the Vice President for Administration & Finance on November 29, 2001. This modification approved by the Vice President for Administration & Finance on November xx, 2012.