

FRANCIS MARION UNIVERSITY

Human Resources Office

SUBJECT: Employee Leave Transfer Program

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EMPLOYEE LEAVE TRANSFER PROGRAM

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE A BINDING EMPLOYEE CONTRACT BETWEEN THE EMPLOYEE AND THE UNIVERSITY. THE UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY, IN WHOLE OR IN PART.

Francis Marion University employees can voluntarily donate sick and/or annual leave to a leave pool account for FMU employees. The Sick Leave Transfer Pool and Annual Leave Transfer Pool accounts have been established.

A. DEFINITIONS

1. Agency - The agency is Francis Marion University.
2. Leave Donor - An employee whose voluntary written request for transfer of annual or sick leave to the leave pool account is granted.
3. Leave Recipient - An employee who has a personal emergency and has requested and has been approved to receive annual or sick leave from the appropriate leave pool account.
4. Personal Emergency - A medical or family emergency or other hardship situation that requires an employee's absence from duty for a prolonged period and will result in a substantial loss of income to the employee because of the unavailability of paid leave. A personal emergency is limited to catastrophic and debilitating medical situations, severely complicated disabilities and severe accident cases - each of which requires a prolonged period of recuperation. Routine disabilities (i.e., elective surgery, pregnancy, etc.) or disabilities resulting from elective surgery do not qualify for leave transfers.
5. Leave Transfer Pool Review Committee - A five-member committee previously appointed by the President will review all requests from potential leave recipients and recommend approval or disapproval to the President. The Vice President for Administration and the Coordinator of Safety, Leave, and Workers' Compensation will serve as ex-officio members of the Committee. A quorum shall consist of three members. Committee members representing the office from which the leave transfer request originated shall abstain from voting.

6. Prolonged Period – (as used in the definition of a personal emergency) generally interpreted to be a minimum of thirty (30) working days. An employee must have been in leave without pay for at least thirty (30) working days or documentation must certify a medical emergency will result in an employee being in leave-without-pay for this length of time.

B. ELIGIBILITY FOR CONSIDERATION

The requesting employee must be eligible to accrue sick and/or annual leave to qualify as a recipient of transferred leave. Employees who become eligible for other paid benefits for periods of absence from work will generally be considered ineligible for leave transfers. Examples of other paid benefits include, but are not limited to, workers' compensation, long term disability, and disability retirement benefits.

Leave Pool may serve as an interim until alternate benefits are assigned. In cases where other benefits are denied (i.e., Long-term Disability, SCRS disability), the Committee may suspend further awardship of leave from the appropriate pool.

C. PROCEDURES

1. Request to Donate

- a. Annual Leave - An employee may request voluntarily, in writing by completing Francis Marion University's *Leave Donation Form* by December 15 of each year, that a specified number of hours of accrued annual leave be transferred from his/her annual leave account to the Annual Leave Transfer Pool account. An employee may donate 1/2 of the annual leave he/she earns within a calendar year.
- b. Sick Leave - An employee with more than fifteen (15) days of accrued sick leave may request voluntarily, in writing by completing Francis Marion University's *Leave Donation Form* by December 15 of each year, that a specified number of hours of accrued sick leave (no more than 1/2 of the sick leave that he/she earns within a calendar year) be transferred from his/her sick leave account to the Sick Leave Transfer Pool account. An employee with less than fifteen (15) days of accrued sick leave may not transfer any sick leave to the Sick Leave Transfer Pool account.
- c. Leave donations **may not** be designated for a specific individual.
- d. Once leave has been transferred to a pool account, it cannot be returned to the leave donor.

2. Request for Leave

- a. An employee with a personal emergency may request sick or annual leave from the appropriate pool account by completing Francis Marion University's *Leave Pool Recipient Request Form* and submitting it to the Human Resources office.
- b. The Human Resources office will obtain the supervisor's and department head's approval/disapproval, including a position statement, if appropriate, prior to Committee action.
- c. The Human Resources office, in concert with the Committee, will call a meeting of the Leave Transfer Pool Review Committee. The Committee will review the request and issue a written recommendation for the President's approval.

- d. The Human Resources office will submit the Committee's recommendation to the President. After the President approves or disapproves the request, the Human Resources office will notify all appropriate individuals.
- e. In the event that the leave available in the appropriate Leave Transfer Pool account is insufficient, requests will be satisfied as fully as possible based upon date and time the initial request was received by the Human Resources office. If the appropriate leave pool account is exhausted at the time of the request, the request must be denied.
- f. Approval or denial by the President is final, and there is no administrative or judicial appeal.

3. Certification of Personal Emergency

Leave requestors may be required to furnish a detailed, personal statement to document the financial hardship incurred as a result of the unavailability of paid leave. Leave recipients may be required to submit documentation certifying the continuation of the personal emergency.

D. EVALUATION CRITERIA & GUIDELINES FOR LEAVE POOL REQUESTS

Criteria listed here are guidelines. Requests will be considered individually to determine the existence and extent of a personal emergency without regard to other cases. The agency maintains the discretion to consider each request based upon individual circumstances and merit. Francis Marion University may deny requests for sick or annual leave based on policies already in place and consistent with OHR regulations and the proposed minimum criteria. Employees may not appeal such denials administratively or judicially. Ultimate approval of transferred leave is rendered by the President in conjunction with the Leave Transfer Pool Review Committee and is contingent upon the availability of personal service funds subject to the following provisions:

- 1. The appropriate supervisor and department head must approve all requests.
- 2. In situations involving an employee medical emergency, both sick and annual leave must be exhausted.
- 3. In situations involving a family member's medical emergency, the ten (10) days of "family sick leave" and all annual leave must be exhausted.
- 4. In any other qualifying hardship situations not involving a medical emergency, all annual leave must be exhausted.
- 5. The potential leave recipient should be an employee in good standing.
- 6. There is no limit to the number of separate requests that an employee may submit.
- 7. Each separate request shall be limited to no more than thirty (30) working days.
- 8. Multiple requests may or may not be submitted simultaneously - each request will be considered on a case-by-case basis. A maximum number of three (3) sick leave requests may be approved by the Leave Transfer Pool Review Committee.
- 9. Annual leave approvals are based on the need for the employee to be with a member of his/her immediate family if that member's medical condition is such that the employee's presence is necessary for daily care or improvement. "Immediate family" for annual leave is defined by the same relationship criteria as is used for sick/family leave. Medical documentation necessitating the need for the employee to be absent to care for the family member must be submitted.
- 10. Leave Pool will not be approved retroactively. However, in cases where other benefits (i.e., workers' compensation) are denied, leave pool may be considered. Once the employee has received notification that other benefits are denied, he/she

has fifteen (15) calendar days to apply for the appropriate leave pool. Extenuating circumstances may warrant special consideration of such requests based on justification presented.

E. USE OF TRANSFERRED ANNUAL OR SICK LEAVE

1. When a leave recipient request has been approved, the Human Resources office will transfer all or any portion of the appropriate leave pool transfer up to the approved amount to the leave account of the recipient based upon availability. For part-time employees, a pro-rata amount that produces the equivalent earnings of full-time employees on a five (5) day workweek shall be transferred.
2. Upon approval of a request, an employee may use annual or sick leave from the appropriate pool account in the same manner and for the same purposes as if the employee had accrued the leave in the manner provided by law.
3. Annual or sick leave transferred under this program may be substituted retroactively for periods of leave without pay or used to liquidate an indebtedness for advanced sick leave.
4. Annual or sick leave that accrues to the account of the leave recipient must be exhausted before using any leave from a leave transfer pool.
5. Leave taken under these guidelines may be declared as Family and Medical Leave in accordance with the Family and Medical Leave Act (FMLA) of 1993.

F. TERMINATION OF A PERSONAL EMERGENCY

The personal emergency affecting a leave recipient terminates when it is determined that the personal emergency no longer exists or the leave recipient's employment terminates. When the personal emergency affecting a leave recipient terminates, any transferred annual or sick leave remaining to the credit of the leave recipient will be restored to the appropriate pool account by the Human Resources office.

G. TERMINATION OF EMPLOYMENT

Transferred annual or sick leave from a pool account remaining to the credit of a leave recipient must be restored to the appropriate pool account if the leave recipient's employment terminates. When employment terminates, transferred leave from a pool account cannot be transferred to another employee, included in a lump sum payment for accrued leave, or included in the leave recipient's total service for retirement computation purposes.