

## Section IV. Leaves

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Leave that is approved and taken must be reported in accordance with Section II, D, Accounting for Work and Leave. Leave may be used and reported in 15-minute increments.

### A. Annual and Sick Leave

Full-time regular and probationary employees, as well as faculty on one-year administrative appointments, are eligible for annual and/or sick leave accrual and use as stated in the Personnel Policy Statement for their specific employee group. For eligible employees scheduled to work at least 30 hours per week but less than 40, leave accrual shall be prorated based on the number of hours worked per week. Leave does not accrue during any time period when an otherwise eligible employee is not actively employed or is on leave without pay or other non-pay status.

### B. Personal Days

[full-time regular staff and administrative employees]

At the full-time regular classified staff or administrative employee's request, two work days of personal leave per fiscal year shall be deducted from either sick leave or annual leave. Such request for personal leave is subject to approval by the immediate supervisor or appropriate administrator and should be made at least five work days prior to the personal leave.

Reference the Faculty Personnel Policy Statement for personal days provision for faculty members.

### C. Bereavement Leave

[full-time regular and probationary employees]

A full-time regular or probationary employee, upon giving notice, shall be permitted up to five consecutive work days of leave, with full pay, in the event of a death of a member of the employee's household and/or immediate family. Up to five additional days of sick leave per occurrence may be used, if available, for travel time and/or for attendance at a funeral or memorial activity, if needed. [See Section IV, Leaves, J. Catastrophic Leave.]

A full-time regular employee's household and/or immediate family members shall consist of spouse or domestic partner (when a signed declaration of domestic partnership is on file in the employee's benefit file – refer to Employee Service Center (Benefits Office) or website at <http://www.pima.edu/employee/benefits/index.shtml> for the Domestic Partner Affidavit form), parent, brother, sister, brother-in-law, sister-in-law, parent-in-law, children or step-children, grandchildren, grandparents, son-in-law or daughter-in-law. More distant relatives or a significant person in the employee's life are also included if they were living as a member of the employee's immediate household or if the employee was a major source of financial support or a caregiver.

## **D. Professional Development Leave**

Full-time regular employees may be eligible for professional development leave as stated in the Personnel Policy Statement for their specific employee group.

## **E. Jury Duty or Subpoena**

[all employees as required by law]

Absence from assigned work due to jury duty or subpoena by the courts is to be considered as leave with pay. Employees will immediately notify their immediate supervisor of the summons or subpoena upon receipt thereof. No employee will be subjected to any adverse action because of the length of time spent as a jury member or a witness under subpoena.

While serving on jury duty and away from assigned work, pay received for jury duty, travel reimbursement and per diem expenses may be kept by the employee.

An employee who is a plaintiff or defendant in a civil or criminal action not related to College business must elect to take either annual or unpaid leave. An employee who is a plaintiff against the College must elect to take annual or unpaid leave for time away from work not performing assigned duties.

Time during the regularly scheduled College work day not actually required for jury duty is to be utilized in performance of the employee's assigned duties. Should the employee be released from jury duty with more than half the work time remaining, then the employee is expected to return to work or obtain approval from his/her supervisor for flex or annual leave usage.

## **F. Leave under Arizona's Victim Leave Act**

[all employees as required by law]

Employees are eligible for leave and certain job protections if they are a victim of a crime in accordance with ARS §8-420 (for victims of juvenile offenses) and ARS §13-4439 (for victims of adult crime). Employees covered by this provision are entitled to attend all court proceedings involving the perpetrators of their crimes and may take time off to do so, including any trials, and preliminary and post-trial hearings.

Employees must provide the Human Resources Office with the following prior to taking any leave time off under this policy provision:

1. a copy of the notice received from law enforcement or the prosecutor regarding his/her status as a crime victim and his/her rights, and;

2. a copy of the notice of any scheduled proceedings, if applicable.

An employee must use accrued annual leave and/or personal leave for any period of absence under this provision. An employee may choose to substitute accrued sick leave to attend court appearances. Employees taking leave under this provision are entitled to receive health benefits while they are on leave under the same terms and conditions as when they were on the job. The Chief Human Resources Officer can limit the leave an employee takes if it is determined that the leave creates an undue hardship to the College.

### **G. Military Leave**

[all employees as required by law]

Under the provision of A.R.S. 38-610, officers and employees of the state, or any county, city, or town, or any agency or political subdivision thereof, shall be granted leaves of absence from their duties without loss of time, pay, or efficiency rating, on all days during which they are employed on training duty or to attend camps, maneuvers, formation or drills under orders with any branch, reserve or auxiliary of the Armed Forces of the United States, for a period not to exceed 30 work days in any two consecutive fiscal year.<sup>5</sup> The period of time spent in training under orders shall not be deducted from the annual leave with pay to which an officer or employee is otherwise entitled. Valid evidence of orders must be presented through the immediate supervisor to the Human Resources Office to assure continuation of salary while on leave.

When military duty/orders extend beyond the 30 work days in any two consecutive years, the time shall be taken as unpaid military leave unless employee elects to use accrued annual leave. Employees who return to work from active duty shall have additional benefits as required by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

### **H. Emergency Treatment Leave**

[all employees as required by law]

Leave without loss of pay shall be granted for emergency medical treatment for employees injured during performance of assigned work. Employees who have returned to regular duty after having been injured during performance of assigned work will be permitted reasonable time off without loss of pay for the purpose of attending verified, required physician appointment(s) specifically for treatment of the job related injury. The employee must notify the Employee Service Center (Benefits Office) of the incident and the status of his/her condition in accordance the College's Occupational Safety and Health Administration (OSHA) and Workers' Compensation reporting requirements.

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<sup>5</sup> Fiscal year means the fiscal year of the United States Government which starts October 1<sup>st</sup>.

## **I. Leave Under the Family and Medical Leave Act**

[all employees]

This section defines the legal requirements of the Family and Medical Leave Act. Nothing in the Personnel Policy Statements, or any other document pertaining to personnel policies for Pima County Community College District, shall diminish the rights embodied in the FMLA. However, since College leave policies are more generous, the College policy may be used to provide additional leave. *Refer to Section IV J. for additional leave benefits provided by the College.*

### **1. General**

a. The Family and Medical Leave Act (FMLA) of 1993 grants eligible employees up to twelve work weeks of unpaid leave for:

- (1) the birth or care of a newborn child or placement of a child with the employee for adoption or foster care;
- (2) a serious health condition that makes the employee unable to perform any one of the essential functions of the employee's job, or;
- (3) the care for the employee's child, spouse or parent with a serious health condition.

Because College policy permits up to sixteen weeks of parental leave upon the birth or adoption of a child, an employee may use up to twelve weeks of FMLA leave, plus up to four additional weeks of parental leave for this purpose. *(Refer to Section J. for College provision for maternity and parental leave of absence.)*

b. On January 28, 2008, the Family and Medical Leave Act was expanded. Under the new law, eligible employees are entitled to the following:

- (1) Family Leave due to a Call to Active Duty, which  
Provides an eligible employee up to 12 weeks of leave to deal with issues related to a family member being on active duty or having been notified of an impending call or order to active duty in the Armed Forces.
- (2) Caregiver Leave for an Injured Service Member  
Provides eligible employee (i.e., spouse, son, daughter, parent, or next of kin) up to 26 weeks of leave during a single 12-month period to care for a family member who suffered an injury or illness while on active duty in the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in

outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

- c. **The College designates an eligible employee's paid or unpaid leave for FMLA-qualifying reasons as FMLA leave and counts it against the employee's total FMLA entitlement.** This designation will be based on information received from the employee or the employee's spokesperson and shall occur following receipt of sufficient information demonstrating that the leave is being or has been taken for a reason that qualifies for FMLA leave.
- d. The specific provisions of the FMLA and related regulations will govern in determining entitlement and eligibility under the FMLA. The Chief Human Resources Officer or designee will determine eligibility or entitlement in the event of a question or dispute.

## **2. FMLA Entitlement**

### **a. Leave**

An employee who satisfies the eligibility requirements under the FMLA may be granted up to a total of twelve work weeks of unpaid leave within a twelve-month period. Leave may be taken on an intermittent or part-time basis under certain circumstances.

### **b. Restoration to Employment**

At the end of leave granted under the FMLA, the employee shall be entitled to the same or equivalent position with the College. (Special rules apply to employees in the highest paid ten percent of the employees of the College and may affect employment restoration upon the expiration of leave.)

### **c. Health Benefits Coverage**

Employees taking FMLA leave are entitled to receive health benefits while they are on leave under the same terms and conditions as when they were on the job. At the end of the FMLA leave, employee benefits will be resumed in the same manner and, in general, at the same levels as provided when the leave began. Under certain circumstances, the College may recover its health benefits contributions for the period of FMLA leave if the employee does not return to work.

### 3. Definitions

The following general definitions are provided; however, definition information in the law and regulation will be determining.

**a. Eligible employee** – An employee who:

(1) has worked for the College for at least twelve months, and;

(2) has worked for the College for at least 1,250 hours in the previous twelve months, and;

(3) works at or reports to a work site which has 50 or more employees or is within 75 miles of work sites that taken together have a total of 50 or more employees.

**b. Parent** – The biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a son or daughter.

**c. Serious health condition** – An illness, injury, impairment, or physical or mental condition that involves:

(1) inpatient care (overnight stay), including any period of incapacity due to the serious health condition, treatment, or recovery, or subsequent treatment in conjunction with such inpatient care, or;

(2) continuing treatment by a health care provider that involves:

- a period of incapacity of more than three consecutive calendar days, and any subsequent treatment or periods of incapacity relating to the same condition that involves two or more treatments or a regimen of continuing treatments.
- any period of incapacity due to pregnancy, or for prenatal care.
- any period of incapacity or treatment for incapacity due to a chronic serious health condition.
- a period of incapacity which is permanent or long-term due to a condition where treatment may not be effective.
- a period of absence to receive multiple treatments, including any period of recovery.

- d. **Son or daughter** – A biological, adopted, or foster child, a step-child, legal ward, or a child of a person standing *in loco parentis*, who is under age 18, or who is age 18 or over, and incapable of self-care because of mental or physical disability.
- e. **Spouse** – A husband or wife.

#### 4. **Miscellaneous Provisions of the Family and Medical Leave Act**

- a. Spouses who are both employed by the College and who are both eligible employees are entitled to a combined total of twelve work weeks of FMLA-covered leave during any twelve-month period for the birth or placement of a child or to care for a parent with a serious health condition. *However, because College policy permits up to sixteen weeks of parental leave upon the birth or adoption of a child, each spouse/employee may use additional leave time as described in Sections J.1.b and J.4.*
- b. An employee must use accrued sick leave for FMLA leave if the use of sick leave is otherwise appropriate under the College's sick leave policies.

An employee may elect to use accrued annual leave and/or personal leave for any period of FMLA leave not covered by sick leave.

- c. Leave under the FMLA will not result in the loss of any previously accrued seniority or employment benefits. However, unpaid FMLA leave will not be credited for seniority or length of service.

#### 5. **Leave Requests and Required Certification**

- a. Employees are encouraged to notify their supervisors as soon as they anticipate an absence for FMLA-qualifying reasons. If the necessity for the leave is foreseeable, the employee shall provide at least thirty days' notice before the leave is to begin. If the leave must begin in less than thirty days, the employee shall provide such notice as is practicable. The notice shall include the anticipated timing and duration of the leave. FMLA leave requests must be submitted in writing to the supervisor by the employee or by the employee's personal or family representative, if the employee is unable to do so.
- b. If the leave request is based on a serious medical condition of the employee or the employee's spouse, child, or parent, the leave request must be supported by a certification issued by the health care provider of the employee or the ill family member. Medical certification may also be necessary to support requests for intermittent or part-time leave or to support other provisions of the FMLA. If an employee fails to provide requested certification in a timely manner, the College may delay the leave until adequate certification is submitted. To maintain confidentiality,

the medical certification and all related documents should be filed directly with the Employee Service Center (Benefits Office).

- c. Upon learning that an employee has been absent for more than five days, or is requesting/taking leave for a possible FMLA-qualifying reason, the supervisor is responsible for providing written notice to the employee within two business days (absent extenuating circumstances). (A form letter is available for this purpose at Employee Service Center (Benefits Office). The supervisor is responsible to forward the Notification of Family and Medical Leave (FML) to the Employee Service Center (Benefits Office) for verification of eligibility and approval.
- d. The College may require a second medical opinion (at the College's expense), periodic recertification of the serious health condition (at the employee's expense), or a fitness for duty report to return to work (at the employee's expense) when reasonably appropriate to do so. A third medical opinion (at the College's expense) may be requested if the first two medical opinions are inconsistent.
- e. The supervisor must forward copies of all additional FMLA leave requests to the Employee Service Center (Benefits Office).

## **6. Determining Remaining Balance of Family and Medical Leave**

The College uses a rolling 12-month period upon which to base FMLA leave eligibility. Under the rolling method, each time FMLA leave is taken, the available leave entitlement is the balance of the 12 weeks not used during the previous 12-month period. For example, if the employee's proposed leave begins October 15, the 12-month leave year begins October 16 of the prior year. If the employee used any FMLA leave time during the leave year period, the 12-week maximum is reduced by that amount. Future requests for FMLA leave move the date for calculating the 12-month "leave year" up to the date the subsequent leave is proposed to begin. A "leave year" always starts 12-months prior to the date the current leave request begins.

## **7. Confidentiality**

The supervisor and others involved on a limited need-to-know basis must maintain confidentiality with regard to personal and/or medical information provided with a leave request. In addition, all medical certifications or other medical documentation must be submitted to the Employee Service Center (Benefits Office) for retention to maintain required confidentiality safeguards and protect against unauthorized disclosure. Generally copies of medical certifications should not be provided to the supervisor. Medical documents should be submitted directly to Employee Service Center (Benefits Office), in a sealed envelope marked "Confidential," and shall not be retained in the supervisor's work folders.

## **8. Compliance and Enforcement**

It is illegal for the College to interfere with, restrain, or deny the exercise of any right provided by the FMLA, or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for being involved in any proceeding under or relating to the FMLA. Employees have the right to submit a grievance or complaint concerning the College's administration and application of the FMLA. Eligible employees have the additional right to file complaints with the U.S. Department of Labor or to bring civil action. Please contact the Human Resources Office for further information.

## **J. Leaves of Absence**

[full-time regular employees]

Leaves of absence with or without pay may be granted to employees in order to maintain continuity of services in instances where unusual or unavoidable circumstances require prolonged absence. For purposes of this policy, a "leave of absence" is defined as an excused absence with or without pay beyond ten work days. Leaves of absence may be granted for a period up to one year. Request for a leave of absence is made in writing by the employee to the supervisor. Copies of approved requests for leave without pay, accompanied by appropriate Personnel Action Form, must be submitted to the Employee Service Center (Benefits Office). For approved medical or maternity leave, all accrued sick leave must be used before unpaid leave becomes effective. (See page 38 for information on leaves under the Family and Medical Leave Act [FMLA].) An employee may elect to use accrued annual leave and/or personal days during an approved leave of absence.

No loss of accumulated seniority with the College will occur as a result of a paid leave of absence. An employee on an unpaid leave will not be credited for seniority or length of service unless on approved FMLA or military leave. An employee on unpaid leave of absence (including unpaid absences eligible for donated leave) does not accrue vacation and sick leave for the duration of the unpaid leave.

Upon return from an approved leave of absence (i.e., timeframes established below) the employee will be entitled to return to the same, or substantially equivalent, position with the College.

Employees taking FMLA leave (paid or unpaid) are entitled to receive health benefits while they are on leave under the same terms and conditions as when they were on the job. For any period of absence covered by the FMLA, including eligible portions of leaves such as Workers' Compensation or short-term disability, the College continues to pay its portion of the cost of health and dental insurance coverage and the employee continues to pay his/her portion, if any.

[See Section IV, I.] In addition, the College will continue to pay its portion of the cost of the employee's health insurance coverage, up to a maximum of 12 weeks, when an employee is on an approved unpaid leave of absence to care for a critically ill domestic partner (i.e., domestic partner affidavit on file). For an approved FMLA or unpaid leave of absence to care for a critically ill domestic partner, the College will continue to pay its portion of health and dental benefits if the employee continues to pay the employee's portion, if any, of these premiums on the first of each month. If the employee chooses not to pay his/her portion of the premium, and thus loses coverage during the FMLA leave, upon return to work, the employee will be immediately restored to coverage equivalent to what the employee would have had the leave not been taken.

During an unpaid leave of absence other than an FMLA leave, an employee may continue insurance coverage for a period not to exceed one year if allowed by insurance policies in effect at that time. The employee must pay the entire cost of his/her group medical, dental, and life insurance coverage election. Employees on leave should consult with the Benefits Office to ascertain the provisions of a particular policy.

Arrangements for payments must be made with the Employee Service Center (Benefits Office) and payment must be received by the first of the month. If the employee's premium payment is more than 30 days late, the College will cease to maintain health, dental and life insurance benefits for the period of the leave.

## **1. Medical Leave**

- a. A medical leave of absence for the employee's own illness may be granted for up to sixteen weeks (including up to twelve weeks under the FMLA) when supported by a physician's statement. The statement must include a potential date when the employee will be able to return to work. The estimated date of return serves as the expiration date of the medical leave. At that time, the employee is expected to provide a physician's statement which either releases the employee for work or explains that the employee is not physically able to return to work at that time. In the latter case, the College may require a second medical opinion before approving additional time.

If an illness results in total disability and all accrued sick days have been used, the leave of absence is considered a medical leave.

- b. An employee who is required to provide care to his/her spouse or domestic partner, dependent child or parent with a serious illness or health condition may be granted a leave of absence for up to twelve weeks (including any leave under the FMLA) when supported by a physician's statement.

The supervisor and others involved on a limited need-to-know basis must maintain confidentiality with regard to personal and/or medical information provided with a leave request. All medical and other documentation associated with the leave must be

submitted to the Employee Service Center (Benefits Office) for retention to maintain required confidentiality safeguards and protect against unauthorized disclosure (medical documentation should be submitted in a sealed envelope marked “Confidential”.) Refer to Employee Service Center (Benefits Office) or website at <http://www.pima.edu/employee/benefits/index.shtml> for the Affidavit on Domestic Partnership which must be signed and presented to Human Resources Benefits to receive leave authorization.

## **2. Maternity Leave**

A maternity leave of absence is considered under the provisions of medical leave. The employee must begin the leave of absence when she cannot perform her job adequately because of the pregnancy or if there is a threat to her safety or health by continuing to work. The length of time for a maternity medical leave of absence is determined by the physician, but is typically 6-8 weeks. Additional leave may be authorized under the Parental Leave provisions outlined in J.4. (i.e., a total of 12-weeks under the FMLA and an additional 4-weeks under College policies.)

## **3. Personal Leave**

A personal leave of absence to handle pressing personal obligations or for a professional growth opportunity not otherwise covered under the College’s professional development program, may be granted to an employee up to a maximum of one year. To be eligible, the employee must have maintained a satisfactory record of employment with the College for a minimum of one year. As a further condition, the employee’s personal leave must not cause harm to the College’s operations. The employee must be available to return to regular employment on or before the expiration date of the leave.

## **4. Parental Leave**

Employee shall be granted, upon request, leave of up to sixteen weeks (including up to twelve weeks under the FMLA) upon the birth or adoption of a child.

## **5. Catastrophic Leave**

An employee may request up to four weeks of leave for an extraordinary emergency circumstance or unexpected family crisis that requires an employee’s absence from work.

## **K. Voluntary Leave Donation Program**

[full-time regular employees]

### **1. Purpose**

The Pima Community College Voluntary Leave Donation Program allows eligible employees to voluntarily donate accrued annual or sick leave to another eligible employee facing substantial loss of income as a result of his/her own serious health

condition or his/her absence necessary to care for a family member with a serious health condition. Accrued sick leave may be voluntarily donated if the use of sick leave is otherwise appropriate under the College's sick leave policy. Employees may donate annual leave to eligible employees for the birth or care of a newborn child or placement of a child with the employee for adoption or foster care.

This program is for a serious medical illness, injury or disability which requires hospitalization and/or convalescence or recuperation in an extended care facility or at home while under the care of a licensed health care provider. It is not intended for short-term leaves due to routine or non-extraordinary illness.

Leave must be donated to a specific employee; it is not a leave bank.

## 2. Definitions

The following definitions apply for the purpose of the leave donation program:

**Donor** – an employee who meets the eligibility requirements to donate leave to another employee and whose participation in the program has been approved by the Chief Human Resources Officer or designee.

**Employee** – a regular benefit eligible employee of Pima Community College.

**Family Member** – an eligible employee's spouse, child, or parent, as defined by the Family and Medical Leave Act (FMLA) or domestic partner (affidavit on file in Human Resources is required).

**Medical Documentation** – certification issued by the health care provider (as defined by the FMLA) of the employee or the employee's family member, which includes medical information about the health condition, including the date the condition commenced, the probable duration of the condition, and either the employee's inability to perform the essential functions of his/her job or the requirement for the employee to provide care for the family member.

**Recipient or Potential Recipient** – an employee with a serious health condition, or who is required to provide care to a family member with a serious health condition, or is the parent of a newborn child or a child who has been placed with the employee for adoption or foster care, who is eligible to receive leave donations and whose participation in the program has been approved by the Chief Human Resources Officer or designee.

**Serious Health Condition** – an injury or illness that seriously incapacitates an employee or family member. In the case of the employee, the individual cannot perform the essential duties of the job held.

**Substantial Loss of Income** – no income for at least 10 consecutive regular work days because annual and, if appropriate, sick leave accounts are exhausted. (The 10-day requirement for substantial loss of income does not apply in cases of death.)

### 3. Requirements to Receive Donated Leave

- a. To be eligible to receive donated leave, an employee must be a full-time regular employee with, or have an eligible family member with, a serious health condition that requires the employee's absence from work and that results in a substantial loss of income. The parent of a newborn child, or a child who has been placed with the employee for adoption or foster care, may be eligible for donated annual leave. Employees who are on approved FMLA leave are automatically eligible for donated leave provided that they are not receiving short-term or long-term disability benefits. Employees who have been approved for short-term or long-term disability are not eligible to participate or to continue participation in the leave donation program. Employees are ineligible to use this policy during any disciplinary suspensions or if they are receiving or have applied to receive Workers' Compensation benefits.
- b. Employees are eligible to receive donated leave for a maximum of 60 days per calendar year. Any awarded donated leave time will be prorated based on the employee's regular scheduled hours worked. Donated leave used on a part-time basis (i.e., regular work day is less than 8 hours) will be considered as full days for the purpose of establishing days of eligibility for donated leave.
- c. An eligible employee who wishes to participate in the program as a potential leave recipient **must be on an approved medical or parental leave of absence and/or, if applicable, approved FMLA leave**. In addition, a staff or administrative employee who is on maternity or parental leave who has exhausted FMLA leave may be eligible for donated annual leave for the balance of the approved leave subject to the maximum per calendar year. The employee shall complete an *Application to Receive Donated Leave* form and submit it through supervisory channels to the Human Resources Benefits Office. Employees who are on approved FMLA leave and who have or will exhaust all available paid leave are automatically eligible and do not need to complete an application. If the employee is not capable of completing the application, a personal representative may submit the application on his/her behalf. Medical documentation must be attached to the application unless current documentation has already been provided to the Benefits Office. (Medical documentation should be submitted in a sealed envelope marked "Confidential".) The injury or illness must be confirmed in writing by a health care provider chosen by the employee, and if required, subject to reconfirmation by a physician chosen by the College at the College's expense.
- d. Eligible employees must first exhaust all annual, personal and, if otherwise appropriate, sick leave before receiving donated leave. Therefore, the application should be submitted when the employee has used or expects to use all accrued leave.

- e. The Employee Service Center (Benefits Office) will review the application and supporting medical documentation. If the employee is eligible to participate in the program as a leave recipient and the employee's absence has been approved in accordance with College policies, the Chief Human Resources Officer or designee will approve the application and forward to the Employee Service Center (Payroll Office), who notifies the employee. If the application is not approved, the employee will be advised of the reason. **Failure to give notice of the absence at initial qualifying illness or injury or to provide supporting medical documentation may result in denial of donated leave.**
- f. Donated leave may be substituted retroactively for the leave without pay if all other requirements of this program have been met.
- g. If the employee receives a medical release for return to work on a part-time basis (either fewer hours per day or fewer hours per week than the employee's regular schedule), the employee may continue to receive and use donated leave for the balance of the regular work schedule until medically released for full duty. In this instance, donated leave may be used and will be paid only for the difference between the employee's temporarily reduced work schedule and the employee's regular schedule.
- h. Annual and sick leave does not accrue while on donated leave.
- i. The College may elect to recover any donated leave contributions if the employee terminates employment with the College.

#### 4. Donating Leave

- a. Any employee who has been approved to participate as a leave recipient should contact potential leave donors.
- b. An eligible employee who wishes to donate accrued leave to an approved leave recipient may do so by completing a *Request to Donate Leave* form and forwarding it to Employee Service Center (Benefits Office).
- c. Leave may be donated to any eligible employee except the supervisor(s) of the donor or the supervisor(s) of the donor's relative(s), if any.
- d. Donated leave requests are processed as received on a "first-in" basis.
- e. Leave must be donated in one-hour increments. Donors may not deplete their own **annual leave balance below 80 hours** for full-time administrative and classified staff employees or their own **sick leave balance below 320 hours** for full-time administrative, classified staff and Education Support Faculty **and 232 hours** for Instructional Faculty. Donors may donate a maximum of 80 hours for full-time

administrative, classified staff and Education Support Faculty and 58 hours for Instructional Faculty (equivalent to 10 workdays) of sick leave per calendar year.

- f. Employees are not eligible to donate sick leave fifteen workdays or less before separation from the College or if becoming ineligible for sick leave accrual.
  - g. Sick leave may be donated only for situations covered by College sick leave policy.
  - h. The Employee Service Center (Benefits Office) will review the *Request to Donate Leave*. If the employee is eligible to participate in the program as a donor, the Chief Human Resources Officer or designee will approve the request, and certify that leave may be donated (transferred) from the account of the donor to the account of the recipient. The Employee Service Office (Payroll Office) will notify the donor and recipient of the approval to participate. If the request is not approved, the employee will be advised.
- 5. Hours/Value of Transferred Leave**

The dollar value of the leave from the donor will be proportionately adjusted in relation to the salary of the recipient.

Example 1: A donor earning \$12 an hour donates two hours of leave to a recipient earning \$6 an hour. The recipient will receive four hours of transferred leave ( $\$12 \times 2 \text{ hours} = \$24$ , divided by  $\$6 = 4 \text{ hours}$ ).

Example 2: A donor earning \$6 an hour donates two hours of leave to a recipient earning \$12 an hour. The recipient will receive one hour of transferred leave ( $\$6 \times 2 \text{ hours} = \$12$ , divided by  $\$12 = 1 \text{ hour}$ ).

**6. Transferred but Unused Leave**

If the recipient separates from College employment, returns to full-time work prior to using all donated leave, or is otherwise ineligible for donated leave, unused leave donations will be transferred to the sick leave account of the recipient (maximum of two weeks total), to another eligible employee, or returned to the donor, based on the donor's instructions via the College's Donated Leave Program.

The Employee Service Center (Benefits Office) is responsible for coordinating donations, reviewing applications and authorizing eligibility for use of Donated Leave.

**7. Payroll and Timekeeping Action**

- a. The Employee Service Center (Payroll Office) will calculate the number of leave hours to be transferred to the recipient.
- b. Payroll will notify the employees (donor and recipient), their supervisors, and Employee Service Center (Benefits Office) of the leave transferred and leave balances.

- c. Recipients and/or their supervisors will submit or amend time cards to reflect the unpaid leave. Payroll will allot donated time to cover the recipient's leave without pay for the serious health condition.
- d. The Employee Service Center (Benefits Office) will determine appropriate contributions for insurance coverage and notify the employee of any action or contributions necessary to retain coverage.
- e. The Employee Service Center (Payroll Office) will assure that approved donated leave requests are correctly transferred to the designated recipient, and any donated hours not used by the designated recipient are transferred to the sick leave account of the recipient (maximum of two weeks total), another eligible employee, or returned to the donor, based on the donor's instructions.
- f. The Employee Service Center (Payroll Office) will maintain appropriate pay and timekeeping documentation.