

Policy Number: 405.1.8
Policy: Donated Sick Leave
Effective Date: April 10, 2024
Revision Date:

POLICY STATEMENT

100.00 Introduction and Purpose:

This policy establishes the structure, eligibility requirements, and procedures to allow eligible employees to share accumulated sick leave with other eligible employees who have exhausted their accumulated leave. (Refer to BOR Policy 901.7.1)

200.00 Definitions:

For the purpose of this policy, the following definitions apply: “Extensive Illness or Accident,” refers to an illness, injury, disability, disability period, or quarantine that incapacitates an employee for ten (10) or more consecutive days. “Pregnancy or Childbirth-Related Health Condition” refers to the conditions as defined in the Maternity and Parental Leave policy. “Immediate Family Member” includes the employee’s spouse, any parent, child, grandparent, grandchild, or corresponding in-law.

Spouse- A husband or wife, as defined or recognized under state laws on legal marriage in the State in which the marriage was entered.

Child - A biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis* who is either under age 18 or is age 18 or older and “incapable of self-care because of a mental or physical disability” at the time the FMLA leave is to commence. The term “child” who is a “covered service member” for purposes of exigency leave or military caregiver leave includes sons and daughters of any age.

300.00 Eligibility to Receive Sick Leave Grants:

- 1) To be eligible to receive donated sick leave, the receiving employee must:
 - a) Be a current employee of Montana State University Billings;
 - b) Have completed the ninety (90)-day qualifying period to use sick leave;
 - c) 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;
 - d) Exhaust all personal accrued sick leave, annual leave, and compensatory time;
 - e) Provide Human Resources with a physician’s certification of extensive illness or accident or childbirth related health condition;
 - f) Obtain approval from supervisor to receive a donation of a specific amount of sick leave from other employees.

- 2) Employees are not eligible if:
 - a) They are on a leave of absence without pay for reasons unrelated to the extensive illness or accident; or
 - b) On layoff or in no-pay status;
 - c) Eligible to receive workers’ compensation wage loss benefits.

400.00 Use of Donated Sick Leave:

If the employee meets eligibility requirements and donation of sick leave is approved, the employee may use donated sick leave. Donated sick leave shall be added 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.

500.00 Eligibility to Contribute Sick Leave:

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

- a) Is a current employee of Montana State University Billings;
- 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 amount of sick leave an employee may contribute to another employee is forty (40) hours in any twelve (12)-month period. All contributions are voluntary and irrecoverable once applied to the receiving employees' sick leave balance.

600.00 Approval:

The employee's supervisor must approve sick leave hours before the employee is authorized to use donated leave. Following the supervisor's approval, Human Resources and Payroll shall manage the use of donated leave.

700.00 Prohibited uses of Donated Sick Leave:

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.

An employee may not use donated leave retroactively. If eligible, an employee may apply donated sick leave in the same pay period.

Donated sick leave is not eligible for payout at termination of employment. Upon termination of employment, Human Resources will remove the unused credits from the employee's account and return them to the contributing employee.

800.00 Donated Sick Leave Form:

Employees wishing to donate or receive donated sick leave shall complete the Donated Sick Leave Form, obtain supervisory approval, and submit the completed form to Payroll. Upon approval, Payroll shall 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, may not need all hours donated, or may have used the maximum donation allowed. In such cases, donations will not be deducted from the donor's sick leave balance. If used, sick leave donations will appear as leave used in the donating employee's records.