

**State System of Higher Education**  
**Leave Donation Program Policy**  
**April, 2004**

Effective April 1, 2004, the Leave Donation Program allows permanent employees to donate annual and personal leave to a designated permanent employee at the employee's university or Office of the Chancellor who has used all accrued and anticipated paid leave for the current leave calendar year. The leave is to be used for the recipient's own catastrophic injury or illness or for the catastrophic injury or illness of a family member, consistent with policy for the use of additional sick family leave (for coalition unit employees.)

**Recipients:**

1. Recipients must be permanent management or permanent employees in bargaining units that have agreed to participate in this program.
2. Family member is defined as a husband, wife, domestic partner\*, child, step-child, or parent of the employee or any other person qualifying as a dependent under IRS eligibility criteria or the child of the employee's domestic partner. (Domestic partner is defined as a same sex domestic partner of the employee for whom a completed Commonwealth of Pennsylvania Domestic Partnership Verification Statement has been submitted to the employee's Human Resource Office.)
3. A catastrophic illness or injury that poses a direct threat to life or to the vital function of major bodily systems or organs, and would cause the employee to take leave without pay or terminate employment, must be documented on a Family and Medical Leave Act Serious Health Condition Certification form. Donated leave may not be used for work-related injuries or illnesses, minor illnesses, injuries, or impairments, sporadic, short-term recurrences of chronic, non-life threatening conditions, short-term absences due to contagious diseases, or short-term recurring medical or therapeutic treatments, except for conditions such as those listed above. NOTE: An illness or injury may be considered a serious health condition as defined on the Family and Medical Leave Act Serious Health Condition Certification form, but not be considered catastrophic or pose a direct threat to life.
4. The absence due to the catastrophic illness or injury of the employee or a family member must be for more than 20 workdays in the current leave calendar year. The 20-workday absence may be accumulated on an intermittent basis if properly documented as related to the same catastrophic illness or injury. Annual, personal, sick (for employee's own serious health condition), sick family (for the serious health condition of a family member), holiday, compensatory, or unpaid leave may be used during the accumulation period. A separate accumulation period must be met for each catastrophic illness or injury and for each leave calendar year in which donated leave is used. Donated leave may not be applied to the required 20-workday accumulation period.

5. All accrued leave must be used as follows before any donation may be received.

For an employee's own catastrophic injury or illness, all accrued annual, sick, personal, holiday, and compensatory leave and all anticipated annual and sick leave for the current leave calendar year must be used.

For the catastrophic injury or illness of a family member, all accrued annual, personal, holiday, and compensatory leave and all anticipated annual leave for the current leave calendar year must be used. All five days of sick family leave and any additional sick family leave for which the employee is eligible must be used.

6. Up to 12 weeks of donated leave per leave calendar year may be received for all conditions of the employee and family members cumulatively, but donations may not be received in more than two consecutive leave calendar years. Recipients do not repay the donor for donated leave. Leave usage is monitored closely to ensure that donated leave is used only for absences related to the catastrophic illness or injury.
7. The recipient's entitlement to leave under the Family and Medical Leave Act will be reduced, where applicable, by donated leave that is used. Entitlements to sick leave without pay (for an employee's own illness) or family care leave without pay (for a family member's illness) will also be reduced.
8. Donated leave may be used on an intermittent basis. However, each absence may be required to be medically documented as due to the same catastrophic illness or injury.
9. An employee is not eligible to receive donations of leave if, during the previous six months, the employee has been placed on a written leave restriction, or has received a written reprimand or suspension related to attendance.
10. Donated leave that remains unused once the employee is released by the physician for full-time work, when the family member's condition no longer requires the employee's absence, or at the end of the leave calendar year, must be returned to the donors in inverse order of donation. However, if at the end of the year, the absence is expected to continue beyond the greater of 20 workdays or the amount of annual and sick leave that could be earned and used in the following leave calendar year, donated leave may be carried into the next year.

#### **Donors:**

1. A donor may voluntarily donate annual and personal leave to an employee within the donor's university or the Office of the Chancellor who meets the requirements of the Leave Donation Program. Donations may be made to multiple employees, as long as the minimum donation is made to each employee.
2. Donations must be made in increments of one day (7.50 or 8.0 hours), but not more than five days can be donated to any one employee in the same leave calendar year.

A donor's annual leave quota after donation cannot be less than the equivalent of five workdays of leave (37.5 or 40.0 hours). Anticipated personal leave may not be donated.

3. The donation is effected by the completion and submission of a Request to Donate Leave to the university Human Resource Office. Leave is deducted from the donors' annual and/or personal leave quotas at the time of donation and transferred to the recipient's sick leave quota in order by the date and time the Request to Donate Leave forms are received.
4. Unused donations are returned to the donors if: the recipient or family member recovers, deceases, or separates before the donors' leave is used; or if the recipient does not use the leave by the end of the leave calendar year, and is expected to either return to work within 20 workdays or to have sufficient anticipated leave available in the new year to cover the absence.

**Communications:**

1. Universities shall communicate the need for leave donations within the university/Office of the Chancellor, if authorized by the employee. Individual employees shall not utilize work time or State System materials or equipment to solicit donations.
2. No employee may intimidate, threaten, coerce, or pressure any other employee with respect to donating or receiving leave under this program.
3. All donations will be strictly confidential. However, a donor may inform the recipient of the leave donation.

\* Domestic partner applies to those unions who have agreed to extend the Leave Donation Program to domestic partners. It does not apply to management employees.