



POLICY NAME	Staff Sick Leave Donation Policy	POLICY NO.	BA439
APPROVING BODY	President/Cabinet	VERSION NO.	02
RESPONSIBLE DEPARTMENT	Business Affairs - Human Resources		
EFFECTIVE DATE	03-JAN-2016 09-MAY-2022 REV.01	REVIEW/REVISION DATE	12-SEP-2024

PURPOSE:

Western New Mexico University is committed to providing an opportunity for staff members to share their sick leave with other eligible staff members who have experienced a catastrophic illness or injury and have exhausted their own sick leave, vacation leave, and/or comp time balances.

POLICY:

This policy establishes a Sick Leave Donation Program through which benefits-eligible staff members may contribute sick leave on a voluntary basis to a shared SLB for use by another benefits-eligible staff member.

Only staff members who contribute to the WNMU Sick Leave Bank (SLB) are eligible to receive shared leave from the SLB, except employees who have experienced an FMLA event that has depleted their personal leave balances who may request that they be allowed to participate in the sick leave donation program despite their inability to contribute 8 hours to the SLB.

At the beginning of each fiscal year benefits-eligible staff members will be given an opportunity to participate in a mutual SLB by contributing 8 hours of their personal sick leave balances to the SLB. Staff members who contribute to the SLB must retain a minimum combined total of 40 hours of personal leave time in their own vacation and sick leave accounts (pro-rated for part-time benefits-eligible participants). Each staff member's 8-hour contribution to the SLB will be documented by Payroll Department as to the number of hours, the hourly or salary rate of the contributing staff member, and the dollar value of that contribution.

Participating benefits-eligible staff members who have been employed at WNMU for at least one year are eligible to request a withdrawal from the SLB. A staff member who experiences an unexpected and catastrophic illness or injury must first exhaust all personal sick leave, annual leave, and/or comp time balances before requesting donated leave from the SLB. Medical issues (other than the uncomplicated birth or adoption of a child) that are covered under the Family

Medical Leave Act will be used as the standard to assist in determining whether a staff member's illness or injury is sufficiently grave to meet the minimum standard for requesting donated leave from the SLB. The maximum withdrawal amount during a calendar year is 480 hours (12 weeks). A staff member who is eligible for workers' compensation, unemployment, disability, or retirement benefits because of his/her illness or injury is not eligible to request a withdrawal from the SLB.

If the SLB is depleted, all participating staff members who contributed to the SLB that year will be assessed one more 8-hour contribution. The maximum contribution per year is 16 hours.

At the end of each calendar year, any unused amount remaining in the SLB will be returned to the donors on a pro-rated basis determined at the same percentage rate as the value of the donor's annual contribution to the SLB divided by the total dollar value of all contributions to the SLB.

The following provisions also apply to the SLB program:

- Participation in the SLB is voluntary.
- Any medical information provided in support of a request for withdrawal from the SLB will remain confidential and will only be made available to the Department of Human Resources staff members on a need-to-know basis.
- No benefits-eligible staff member who has met his/her 90-day probationary period will be denied the opportunity to participate in the SLB.
- If a staff member is approved for a withdrawal from the SLB, and the qualifying illness or injury has already caused the staff member to be in an unpaid leave status, the approved shared leave may be used retroactively to cover the period of leave without pay.
- Eligibility for participation in Sick Leave ends with the termination of employment.
- Additional flexibility in administering this program may be required in cases of exceptional emergencies or pandemics.
- Funding limitations may impact eligibility and participation.

Note: Staff members must refrain from revealing the medical condition of another staff member, as this may violate HIPAA privacy guidelines.

PROCEDURES:

The SLB Donation Form and SLB Withdrawal Request Form can be found on the Business Affairs Canvas course for the Department of Human Resources and Payroll. Staff members who wish to participate in the SLB must complete the SLB Donation form and submit the form to the Department of Human Resources by the date provided for submittals.

Staff members who wish to request a withdrawal from the SLB must complete a withdrawal request form and provide documentation from a health care provider that describes the

nature, severity, and anticipated duration of the medical condition of the recipient, including a statement that the recipient is unable to work all or a portion of the recipient's work hours.

A committee, consisting of the Director of Human Resources and one staff member from each university division will review and recommend for approval or disapproval, the request for a withdrawal from the SLB. The recommendation will be forwarded to the President for final approval or disapproval.