

# MANUAL OF PROCEDURE

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**PROCEDURE NUMBER:** 2515

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**PROCEDURE TITLE:** Voluntary Leave Donations

**STATUTORY REFERENCE:** FLORIDA STATUTES 1001.64 AND 1012.865

**BASED ON POLICY:** II-29 Voluntary Leave Donations

**EFFECTIVE DATE:** July 1, 2005

**LAST REVISION DATE:**

**LAST REVIEW DATE:** July 1, 2005

## **I. PURPOSE**

To provide a process for approval for a full-time employee, or a person acting on their behalf, to request donation of leave hours when the full-time employee has been hospitalized or undergone extended medical care as a result of a serious illness or injury and does not have sufficient accrued leave hours to remain in a paid leave status.

## **II. PROCEDURE**

### **A. General Eligibility:**

- Medical leave is for employee personal medical conditions
- Applies to full-time employees in instructional/contractual, administrative/contractual and staff/non-contractual positions.
- Accrued leave to be donated can be vacation, or sick leave.
- Donating employees shall be responsible for reviewing his/her own financial obligations and paid leave balances to ensure that the donation will not adversely affect the employee's ability to meet their personal needs.
- An employee drawing disability payments from a long-term disability plan or from Social Security is not eligible to receive donated leave.

### **B. Recipient Criteria:**

- A recent medical certification completed by the attending physician must be on file with the Human Resources Department.
- The medical leave must have been approved pursuant to the requirements of the Family Medical Leave Act (FMLA).
- If the 12 week FMLA benefit has been exhausted, Human Resources must certify that the Recipient may receive additional donated leave. However, to be eligible to

receive leave donations, the Recipient must continue to have a “serious health condition” as defined by the FMLA.

- The Recipient must have exhausted ALL sick, vacation, flexible, comp time (non-exempt employees) and PSAL leave accruals.
- The Recipient must have exhausted ALL eligible hours from the MDC Sick Leave Pool, if a member, prior to accepting donations from other employees.
- Donated hours may be used intermittently where such use is permitted by the FMLA.
- Unused donated hours will be credited to the MDC Sick Leave Pool, once the illness is concluded and the employee has either returned to work or separated from the College.

C. Donor Criteria:

- Employees in instructional/contractual, administrative/contractual and staff /non-contractual positions may donate accrued leave in increments of 7 or 7.5 hours respectively to a maximum of 14 or 15 hours for each occurrence (depending on payroll calendar).
- Donor shall retain a minimum combined personal leave balance of 70 for instructional/ contractual or 75 hours for administrative/contractual and staff/non-contractual following the donation of leave.
- A retiring employee, who has completed at least one year of employment, may donate a maximum of 70 hours (10 days) or 75 hours (10 days) to the MDC Sick Leave Pool depending upon payroll calendar, provided the donation is made prior to the effective date of retirement and calculation of cash-out, if any, of accrued leave.

D. Requesting a Donation:


- The Recipient or a person acting on behalf of a Recipient may request donations.
- Requests shall be informal and without harassment.
- Unacceptable solicitations include:
  - More than two (2) contacts concerning the same case.
  - Exerting pressure to donate, particularly with respect to subordinate employees
  - Appealing to people’s emotions
  - Making statements or taking actions that demean, insult or threaten non-donors.
- Acceptable Solicitations:
  - Use of an email or phone mail to solicit a donation is permissible
  - Communication concerning the case shall be limited to the following according with HIPPA confidentiality requirements:
    - “I am requesting a voluntary leave donation
      - 1) for myself because I am..., or
      - 2) on behalf of (employee name) who is... currently in an FMLA approved situation and has exhausted all paid leave.”
    - Communication shall not contain the specifics regarding the medical condition of the Recipient unless personally volunteered by the intended recipient.

## E. Process for Donations:

- Potential Recipient or person acting on their behalf confirms with Human Resources that he/she has met the stated program criteria previously stated.
- In the event the Recipient Criteria is not met and all FMLA entitlements have been exhausted, the Voluntary Leave Donation process will then stop.
- In the event that the Recipient at the time of the requested donation has been on any form of medical leave for a period of six continuous months or more during the previous twelve months, the approval of the Campus President, Vice Provost, College Provost, College President or designee is also required.
- If the Potential Recipient's request is approved, the Requestor or person acting on their behalf may distribute the Voluntary Leave Donation Request Form to Potential Donors.
- Donors submit completed "Voluntary Leave Donation Program" forms to Human Resources for approval and delivery to Payroll and Benefits Accounting for Time and Attendance entry.
- The Payroll & Benefits Accounting Department is responsible for maintaining and adjusting Donor and Recipient leave records.
- Payroll & Benefits Accounting Department notifies the Division of Human Resources Sick Leave Pool Administrator when unused donated hours will be credited to the Sick Leave Pool.

**III. NON-DISCLOSURE**

Persons involved in the Voluntary Leave Donation Program are responsible for maintaining the privacy of both the leave recipients and donors and exercising appropriate discretion and judgment. Communications with either group must be kept confidential. No information should be revealed to anyone (including the recipient who wishes to thank donors) who does not have a need to know or to anyone without the written and specific permission of the person whose privacy will be breached. Individuals granted access must be advised of the requirements of this paragraph.

	
	7/1/05
<b>PRESIDENT</b>	<b>DATE</b>