



**UMBC POLICY for EMPLOYEE LEAVE DONATION PROGRAM  
UMBC Policy VII-7.11.01**

**I. POLICY STATEMENT**

This policy governs the donation and use of donated leave and applies to regular exempt and eligible non-exempt employees.

**II. PURPOSE FOR POLICY**

Employees with a serious and prolonged medical condition may receive donated leave from UMBC’s Employee Leave Donation Program. For the purpose of these guidelines, "serious and prolonged medical condition" means a health condition that requires continuing treatment by (or under the supervision of) a licensed health care provider for a chronic or long-term health condition.

**III. APPLICABILITY AND IMPACT STATEMENT**

This policy addresses all UMBC Academic and Administrative Units

**IV. CONTACTS**

Direct any general questions about this University Policy first to your department’s administrative office. If you have specific questions, call the following offices:

<b>Subject</b>	<b>Contact</b>	<b>Telephone</b>	<b>Email</b>
Policy Clarification	Human Resources	(410) 455-2337	

**V. UNIVERSITY POLICY**

Employees requesting leave donation must meet the following criteria: The employee must:

1. be in an active employment status;
2. be a regular exempt or non-exempt employee;
3. have completed six months of continuous USM service;
4. have completed an original probation period, of applicable;
5. have medical documentation from attending physician documenting the employee’s illness and medical needs;
6. have exhausted all other types of accrued/earned leave (sick, annual, personal, etc.);
7. have requested and exhausted all eligible leave programs (ie. Advanced Sick Leave, Extended Sick Leave and Leave Reserve Fund, if applicable); and

8. have a satisfactory record of sick leave usage and work performance.

Leave donation is not an entitlement. The granting of requests for leave donation shall be at the discretion of the Department of Human Resources.

### **Types of Leave That May be Donated**

An eligible employee may donate unused annual, personal and sick leave to another employee. However, regardless of the leave type for donation, the donor must have a sick leave balance of at least **240 hours** after the donation has been made. This does not apply to employees separating from the University and making a donation.

### **Donating Leave to Another Employee**

A form provided by the Department of Human Resources shall be used by employees participating in the program. Upon completion of the specified form by the donating employee and the receiving employee, the form should be submitted to Department of Human Resources. The Department of Human Resources shall determine:

1. Whether the donating employee has the amount of annual or personal leave the employee wishes to donate;
2. Whether the donating employee will have a sick leave balance of at least 240 hours after donation;
3. Whether the receiving employee has exhausted all available accrued and earned leave such as annual, personal, sick, etc.
4. Whether the receiving employee has requested and exhausted all other eligible leave programs (ie. Advanced Sick Leave, etc.);
5. Whether the donated leave will be used for an illness or disability of the receiving employee which is the result of a serious and prolonged medical condition that existed at the time the leave was donated;
6. Whether there is sufficient medical documentation to establish that the receiving employee has a serious and prolonged medical condition;
7. Whether the amount of leave being donated, when combined with all other forms of paid leave, will not be used for a continuous period that exceeds 16 months; and
8. Whether the receiving employee has not, through intimidation, threat, or coercion, interfered with or attempted to interfere with the right of another employee to contribute or not contribute, receive or use donated leave, promised to confer or conferred an appointment, promotion, compensation, or other benefit, or effected or threatened to effect a reprisal, including the deprivation of an appointment, promotion, compensation, or other benefit in connection with the rights of another employee to contribute, receive, use or donate leave.

If these conditions are satisfied, the Department of Human Resources will arrange for the appropriate adjustments to be made to the donating and receiving employee's leave balances and notify each employee. If the Department of Human Resources finds that these conditions have not been satisfied, the employee shall be denied the use of the donated leave.

## **Policy Statement on Intimidation, Threats and Coercion**

An employee may not request a leave donation from another employee when the person making the request, or on whose behalf the request is made, works in a supervisory capacity over the employee from whom the leave is being requested or is in a position to cause or directly influence the imposition of disciplinary action or some other form of reprisal to be taken against that employee. In such situations, the ability of one employee to exact punishment or a reprisal against the other employee makes the request inherently coercive, threatening or intimidating and any donation inherently suspect as involuntary.

An employee may not request a leave donation from another employee when the person making the request, or on whose behalf the request is made, has the authority to give, or directly exert influence over the giving of a promotion, appointment, or any other benefit to the employee from whom the leave is being requested.

The Department of Human Resources may post notices when USM employees would like to receive leave donations from fellow employees, as long as all eligible employees are given the opportunity to receive donated leave.

## **EMPLOYEES DONATING TO THE UMBC LEAVE FUND**

An employee separating from state service may donate leave to the UMBC Leave Fund. This fund has been established to assist with the repayment of Advanced Sick Leave for eligible employees retiring from UMBC.

### **Eligibility Criteria**

The donating employee must:

1. be a regular staff employee in an active employment status or separating from UMBC employment;
2. have a sick leave balance of 240 hours after donation (does not apply to employees separating from the University);
3. have finalized separation paperwork with the home department and/or Department of Human Resources if separating from the University; and
4. have completed and submitted the Employee Leave Donation Request Form to the Department of Human Resources for review and approval.

*Note: Consideration and approval will not be granted if the donation request is submitted after the employee's separation date.*

### **Processing of Donations to UMBC Leave Fund**

The Human Resources Department will process and maintain records and documentation of all approved deposits into the leave fund as well as withdrawals from the fund. Only leave donated to the UMBC Leave Fund may be used to repay an advanced leave balance for a retiring employee.

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**VI. DEFINITIONS**

<b>Leave</b>	Sick, annual, personal, or compensatory.
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**VII. APPROVAL AND PROCEDURES**

- A. Pre-approval is required (See above policy).
- B. Approval is required (See above policy).
- C. Procedures:

[Leave Donation Request Form](#)

**VIII. DOCUMENTATION: See Leave Donation Form above.**

**IX. RESTRICTIONS AND EXCLUSIONS: *None***

**X. RELATED ADMINISTRATIVE POLICIES AND PROCEDURES:**

*USM VII-7.11 Policy on Leave Reserve Fund for Regular Status Nonexempt and Exempt Staff Employees*

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**Administrator Use Only**

**Policy Number: VII-7.11.01**

**Policy Section: Personnel**

**Responsible Administrator: \_\_\_\_\_ (same as noted in IV above)**

**Responsible Office: Human Resources**

**Approved by President: \_\_\_\_\_ [date(s)]**

**Originally Issued: \_\_\_\_\_ (date)**

**Revision Date(s): \_\_\_\_\_ (date)**