

Nicholas County File: _____

**NICHOLAS COUNTY BOARD OF EDUCATION
DIRECTED SICK LEAVE DONATION POLICY**

1. Rationale

Nicholas County Schools promotes a fair and consistent work environment which includes and is consistent with state law and policy on employee sick leave. It is recognized that in some instances absences are unavoidable and may cause an employee to exhaust available personal sick leave.

2. Purpose

The purpose of the Directed Sick Leave Donation program is to allow permanent regular employees to direct the donation of accrued sick leave to another permanent regular employee who is absent from work due to a catastrophic medical emergency (as defined below) of the employee or immediate family member and who has exhausted all accrued personal leave and is not eligible to receive personal leave or has exhausted personal leave available from a leave bank. The bank is not intended to include such things as elective surgery, normal maternity leave or minor illnesses.

3. Definitions:

Catastrophic Medical Emergency: Means a medical or physical condition that: (a) incapacitates an employee or an immediate family member for whom the employee will provide care; (b) is likely to require the prolonged absence of the employee for at least twenty or more total working days and (c) will result in substantial loss of income to the employee due to exhaustion of all accrued sick leave, or ineligibility to receive sick leave, including exhaustion of sick leave from the Sick Leave Bank.

Immediate Family Member: Means a spouse, parent, sibling, or child of the employee.

Employee: Means a permanent, regularly employed professional personnel or school service personnel who is employed by Nicholas County Schools and is entitled to accrue sick leave as a benefit of employment. Substitute employees are not eligible to participate in this program.

Donor Employee: Means a permanent, regularly employed professional personnel or school service personnel employed by Nicholas County Schools who voluntarily contributes sick leave to another employee.

Receiving Employee: Means a permanent, regularly employed professional personnel or school service personnel employed by Nicholas County Schools who receives donated sick leave from another employee.

4. Leave Donation Program:

The Nicholas County Board of Education hereby establishes, as required by WV Code 18A-4-10 (f), a Directed Sick Leave Donation program by which a donor employee may voluntarily select a receiving employee and transfer accrued sick leave to the sick leave account of the designated receiving employee who has gone five (5) days without pay. An employee may not be coerced or compelled to contribute to the leave donation program. A donor employee may not rescind days once donated.

LIMITATION OF DAYS AVAILABLE TO DONATE OR RECEIVE:

There is no limit on the number of days a donor employee may transfer to a receiving employee who is his/her spouse. There is also no limit on the total number of days a receiving employee may receive. Donor employees may donate a maximum of five days to a receiving employee who is not his/her spouse. If an employee requests donated leave and the employee has a spouse who has accrued sick leave days, other employees shall not be asked to donate days until the spouse has donated a minimum of five (5) of his/her accrued sick leave days.

LIMITATIONS ON USE OF DONATED LEAVE:

Donated leave may not be used to qualify for or add to service for any retirement system or to extend PEIA insurance coverage. Donated leave will count toward the elimination period of the disability plan provided by the Board. Donated leave may only be used for an absence due to the purpose for which the leave was transferred. Any transferred days remaining when the catastrophic emergency ends revert back to the donor employee(s). All unused days will be returned to the donor employee(s) on a pro-rated basis with rounding to the nearest one half (1/2) day factor.

LEAVE DEDUCTIONS AND CREDITS:

Each donated sick leave day shall be deducted from the number of sick leave days to which the donor employee is entitled. These days shall be deducted from the donor employee's available sick leave days. Vacation days cannot be contributed. Personal "without cause" leave days shall not be used if sufficient sick days are otherwise available.

An approved donated day will be credited to the receiving employee as one full sick leave day and may not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee.

5. Procedures for Procurement of Sick Leave

FORM:

Donations to a receiving employee must be made on a Directed Sick Leave Donation form completed by the donor employee.

PROCESSING:

The Sick Leave Bank Committee will approve all requests for donations before they are forwarded to the Payroll Department. The Committee will meet, process all donation requests, and respond in writing within ten (10) working days of receipt of the Donation Form. Approval requires the signature of each of the five (5) members, or majority thereof, of the Committee. Members shall maintain in the strictest confidence any and all transactions for use of the Directed Sick Leave Donation Program. The receiving employee will provide for the release of personal medical information to the extent needed to evaluate and manage the request. The sole function of the Committee is to determine if the receiving employee meets the criteria as established by this policy. The Committee may request the assistance of the Nicholas County Schools Health Nurse in evaluating the employee's or immediate family member's medical condition to determine eligibility. NOTE: Excessive use of accrued sick leave days (7 days per year) may be a factor in determining eligibility for benefits from the Sick Leave Bank. Benefits could be limited or denied if absences cannot be verified for legitimate illnesses.

PHYSICIAN'S STATEMENT:

Each receiving employee will be required to submit a Physician's Statement form signed by the treating physician describing: (a) the medical emergency with a prognosis for a date to return to work and/or; (b) verifying the inability of the employee to work due to the medical emergency and; (c) determining if the medical emergency is catastrophic in nature per definition in the leave policy.

APPEAL:

Should a receiving employee's donated leave be denied and the employee wishes to appeal the decision of the Committee, the employee may appeal the decision to the Superintendent of Schools. The employee or immediate family member may be asked to be evaluated by a physician of the Superintendent's choice at the employee's expense. The decision of the Superintendent shall be final.

INCAPACITATION:

Should a receiving employee be incapacitated and unable to complete the application process, the application may be submitted to the Committee by a member of the employee's immediate family.

EFFECT ON ATTENDANCE/INCENTIVE PLANS:

A donation to the Directed Sick Leave Donation Program will have no effect on the donor employee's eligibility for any incentive plan for unused sick leave, nor will the donation be counted as an unauthorized absence under any attendance policy.

6. Severability

If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Repels Policy GCBDC-S

January 8, 2008