



Policy # HR 6.018

Shared Sick Leave Policy

Authority: Executive Cabinet

Effective Date: 02/23/2021

Last Revision: 05/16/2023

PURPOSE:

The Fletcher Technical Community College Shared Sick Leave is a means of providing paid leave to an eligible employee who is unable to work due to their own serious health condition or the serious health condition of an eligible family member. The intent of the program is to assist employees who, through no fault of their own, have insufficient paid leave to cover the shared sick leave period.

POLICY:

Shared Sick Leave Terms

Within the context of this policy, terms have the meanings indicated below:

1. Eligible Employee is an unclassified faculty member who is eligible to earn sick leave in accordance with LCTCS Policy #6.003 Leave for Unclassified Employees and as defined by the Family Medical Leave Act (FMLA).
2. Eligible Family Member is an employee's eligible family member as defined by the Family Medical Leave Act (FMLA).
3. Licensed Medical Service Provider (LMSP) is a practitioner, as defined in the Louisiana State Licensing Law (relative to that LMSP's field of service), who is practicing within the scope of their license. This includes licensed physicians (a doctor of medicine) or M.D., doctors of osteopathy or D.O., or licensed chiropractors, counselors, or therapists as recognized and licensed by appropriate state boards or authorities.
4. Serious Health Condition is a severe condition or combination of conditions that:
 - a. affects the physical or mental health of the employee or the employee's eligible family member; and
 - b. requires the services of a licensed medical service provider for a prolonged period of time; and
 - c. prevents the employee from performing their duties for a period of more than ten consecutive days and forces the employee to exhaust all appropriate leave described in other parts of this policy.
5. Shared Sick Leave Pool is a pool of donated sick leave that is managed on an hour for hour basis, regardless of the giving or receiving employee's rate of pay.

6. Leave Pool Manager is a representative of Human Resources or other person so designated by the Chancellor.
7. Leave Pool Committee is a committee comprised of three members (staff and faculty appointed by the Chancellor), and the Leave Pool Manager or designee. The committee supports the administration of the Shared Sick Leave program, reviews the pool and program management practices, and reviews and approves requests for shared sick leave.

Eligibility Requirements

An employee is not required to contribute to the Shared Sick Leave Pool to be eligible to receive shared sick leave. An eligible employee may apply to receive shared sick leave if the following requirements are met:

1. the employee or employee's eligible family member suffers from a serious health condition; and
2. the employee or employee's eligible family member would qualify for Family Medical Leave Act (FMLA); and
3. the employee has exhausted all appropriate leave in accordance with this policy; and
4. the employee has exhibited satisfactory attendance (with no history of leave abuse), and is not absent from work due to disciplinary reasons; and
5. the serious health condition is not occupationally related (making the employee eligible for workers' compensation) or was not attained in the commission of an assault or felony; and
6. the employee is not receiving Flexible Disability benefits; and
7. the appropriate documentation from a LMSP has been provided to the Leave Pool Manager.

Amount of Shared Sick Leave that May Be Approved

The amount of shared sick leave granted for each serious health condition is determined by the Leave Pool Committee. The amount of leave granted to an employee will generally reflect the recommendations of the LMSP, subject to the following limits:

1. a maximum of 240 hours may be granted to an eligible employee per year.
2. shared sick leave may not be granted to any individual to extend paid leave status beyond a total time in leave status of 12 weeks.
3. the total amount of leave granted will not exceed the balance of hours in the leave pool at the time of the employee's request.
4. the sick leave granted may not exceed 75% of the employee's regular workweek; the remaining 25% will be leave without pay.
5. the employee will not accrue leave while using shared sick leave.

Donation Procedures

Contributions to the Shared Sick Leave Pool are strictly voluntary; no employee shall be coerced or pressured to donate leave. An employee donating to the pool may not designate a particular employee to receive donated time. The donor must complete a *Shared Sick Leave Donation Application* and submit it to Human Resources who forwards it to the Leave Pool Manager.

Donations are accumulated in the pool and awarded on a first-come, first-served basis to eligible employees. Donations are restricted as follows:

1. an employee may donate a minimum of 4 hours of sick leave; donations must be made in whole hour increments.
2. the donor must have a balance of at least 120 hours of sick leave remaining after the contribution.
3. donations are limited to a maximum of 240 hours of sick leave per employee per calendar year.
4. donations are limited to a maximum of 240 hours of sick leave upon separation or retirement.
5. leave will not be restored or returned to the donor once the leave has been transferred to the pool.

Human Resources will maintain records for the Shared Sick Leave Pool consisting of the hours of leave donated and used.

Request Procedures

An employee may request leave from the Shared Sick Leave Pool by completing a *Shared Sick Leave Request*. The request must be submitted to Human Resources with a copy of the employee's *Certification of Health Care Provider for Employee's Serious Health Condition* (FMLA) form. The Leave Pool Manager is to review the request to make sure that the employee is eligible to receive shared sick leave. The employee requesting shared sick leave must provide all requested information necessary to make a final determination of eligibility.

Confidentiality of Requests

All requests for shared sick leave will be treated as confidential. Requests and documentation submitted to Human Resources should be clearly marked as "confidential" (i.e. paper, fax, or email).

Adjudication of Requests

Each shared sick leave request will be date stamped when received by Human Resources, and addressed on a first-come, first-served basis. When possible, a request is to be submitted at least 10 days before the shared sick leave is needed. The Leave Pool Committee is allowed five working days from the date a request and all required documentation are received to approve all or part of the request, or deny the request, and communicate such approval or denial to the employee.

If the request is approved, the Leave Pool Manager will credit the approved time to the employee's leave record.

The decision to approve or deny shared sick leave is final and not subject to appeal.

Changes in Status Affecting Shared Sick Leave

1. Shared sick leave may be used only for the circumstances for which it was requested. If any change occurs in the nature or severity of a serious health condition, or if any other

factor on which the approval was based, the employee must provide documentation describing the change to the Leave Pool Committee. The employee may request additional shared sick leave subject to the limits outlined above. Extensions of shared sick leave are not automatic. Each request for extension will be addressed on a first-come, first-served basis.

2. Use of leave from the Shared Sick Leave Pool for reasons other than those stipulated and approved by the Leave Pool Committee and/or failure to abide by procedures and requirements outlined in this policy may constitute payroll fraud and will be addressed accordingly.
3. If the serious health condition ends and all sick leave granted is not used, then the unused sick leave must be returned to the Shared Sick Leave Pool.

Compensation and Benefits

1. Shared sick leave will be paid at the receiving employee’s rate of pay.
2. An employee in shared sick leave status will be considered in partial paid leave status and will continue to receive benefits.
3. The employee will not accrue leave while using shared sick leave.

ATTACHMENTS:

REFERENCE: LCTCS Policy #6.003 Leave for Unclassified Employees

DISTRIBUTION: Electronically via College’s email and website

APPROVAL:

Reviewing Council/Entity	Approval Date
Governance Council	04/27/2023
Leadership Group	05/16/2023