3341-5-18 Leave Bank Program.

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(A) Policy Statement and Purpose

The Leave Bank Program is a voluntary program that allows an eligible donor to contribute accrued sick leave to the Leave Bank (the Bank) and an eligible recipient to use donated leave hours from the Bank. Please see the definition of sick leave in the appropriate employee handbook. Eligible employees whose positions are partially or wholly funded by general, university foundation, or auxiliary funds may donate and receive leave hours. Eligible employees are those represented employees whose collective bargaining agreement provides for Leave Bank benefits.

A recipient is an employee who is experiencing a serious illness or injury, and who has exhausted her/his own paid leave (vacation and sick). Donated leave hours support the continuation of the recipient’s normal salary for a longer period of time than would otherwise be possible, thus easing the financial impact of that illness or injury.

To ensure confidentiality, the recipient will remain anonymous to the members of the Leave Bank Committee and any questions are to be directed to the Director of Human Resources & Benefits or designee.

The use of any donated leave will run concurrently with an eligible employee’s Family Medical Leave (FML), if applicable. Determination of FML is set from the Family Medical Leave policy and can be found in the university Policy Register at http://www.bgsu.edu/general-counsel/university-policies.html.

(B) Policy Definitions
(1) Serious illness or injury- time away from work due to a serious non-worker’s compensation health condition that incapacitates the employee. A serious illness, high-risk pregnancy that incapacitates, or injury is defined as a serious illness, injury (non-work related), or physical or mental impairment that is present for more than ten consecutive working days, and is life threatening or requires a lengthy convalescence.

Serious illness/injury involves:

(a) A period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility; or

(b) A period of incapacity requiring absence of more than ten consecutive working days, and that also involves continuing treatment by (or under the supervision of) a licensed health care provider; or

(c) A period of incapacity due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or

(d) A period of incapacity that is long-term due to a condition for which treatment may be ineffective (e.g., stroke, terminal disease, etc.); or

(e) An absence to receive multiple treatments (including any period of recovery there from) either for restorative surgery after an accident or other injury, or for a chronic condition such as cancer or kidney disease.

A period of incapacity means that the employee cannot do her/his job and does not have the ability to perform normal activities in her/his daily life or engage in normal recreational activities. Convalescence means returning to health after illness or incapacity, or gradual healing (through rest) after sickness or injury. Convalescence is a synonym for recovery or recuperation.
(2) Recipient- An eligible employee (see definition above) who wants to withdraw hours from the Bank must meet all of the following criteria:

(a) Be eligible to accrue and use sick leave;

(b) Be employed in a position that is partially or wholly funded through general, university foundation, or auxiliary funds;

(c) Be suffering from a serious illness or injury/high risk pregnancy that mandates bed rest;

(d) Have exhausted all accrued vacation and or sick leave, or will do so before the return-to-work date;

(e) Not be presently receiving nor has ever received Workers’ Compensation benefits for requested condition;

(f) Have donated a minimum of eight hours of sick leave in one of the last two enrollment periods prior to submitting a request to use hours from the Leave Bank; and

(g) The hours used up to or including the two hundred forty maximum will not include the utilization of the employee’s own accrual that are earned while in active pay status supported by the Leave Bank; such accruals shall be applied to the recipient’s pay status each month before leave is applied.

The recipient will remain anonymous except for administrative purposes.

(3) Donor- A BGSU employee who is eligible to accrue and use sick leave accruals may request approval to participate as a donor to the Bank. The donation of leave will be reviewed for compliance with the Leave Program guideline. An eligible employee who wants to donate hours must meet all of the following criteria:

(Be eligible as defined in the Overview);
(a) Have a minimum and maintain one hundred twenty hours of accrued vacation/sick time [pro-rated on the basis of a full time equivalent of seventy-two hours-equal to a FTE] after having donated hours to the Bank; and

(b) Have made donations of sick time in eight hour increments with a maximum of forty donated hours at any one time. Donations are irrevocable.

(4) Donation Enrollment- Two types of enrollment will allow employees to donate to the Bank:

(a) Annual Enrollment- Yearly enrollment offered through the Office of Human Resources (OHR). The enrollment period generally will be held during the spring of each year.

(b) Emergency Enrollment- Only to be enacted in situations where the Leave Bank falls below five hundred hours. The need for emergency enrollment will be determined by the Leave Committee and the Office of Human Resources. The enrollment period will be advertised and offered through the Office of Human Resources.

(C) Policy and Restrictions

The Leave Bank Program is available for represented employees whose positions are partially or wholly funded by the general, university foundation, or auxiliary funds. Donated leave will be recorded on the Leave Enrollment Online Form, thereby allowing said eligible employees to participate in the Leave Program.

(1) The Bank will allow eligible employees to donate hours during an annual enrollment period with provisions for emergency donations if the Bank drops below five hundred hours.

(2) For the purpose of simplicity and record keeping or auditing, accrued sick leave hours donated shall be transferred hour-for-hour.
(3) Bank withdrawal requests will be processed on a first-received basis. A first-received basis means that all applicable forms are properly completed and received.

(4) Employees in their first year of a leave-accruing position may petition the Leave Bank Committee if they meet all guidelines above other than a previous donation of hours to the bank. Employees who are able to take advantage of the Bank in their first year of employment will be expected to donate the minimum number of hours to the Bank in a subsequent year when the minimum one hundred twenty hour leave accrual.

(5) Leave, in combination with the recipient’s own paid leave accrual, (which must be exhausted first), must be used continuously to continue university pay status for a recipient for up to two hundred forty hours, not to exceed the recipient’s appointed percent of time worked based on the full-time equivalent.

(6) Donations may not drop the donor’s sick and vacation leave accrual base below one hundred twenty hours.

(7) In compliance with program policy, withdrawals from the Bank made by a designated recipient will cease according to one of the following criteria:

(a) The return-to-work date listed by the doctor on the employee’s verification of illness or injury; The Leave Bank Committee has authority to award hours (not to exceed the total maximum allowed two hundred forty hours) to assist in a recipient’s gradual recovery and transition back to the full number of hours specified in the contract or position requirement. If not able to return to work to full hours of the job, these awarded hours can be used for a maximum of two consecutive weeks after the stated return-to-work date.

(b) The end of the approved leave of absence;

(c) The recipient has received the allowed maximum of two hundred forty hours of donated leave;
(d) The recipient applies for and is approved for state disability retirement or, if eligible, Social Security benefits; or

(e) The separation of service from Bowling Green State University or upon the death of the recipient; or at any time upon request by the recipient.

(8) The unused hours will be returned to the leave bank.

(9) Any questions or concerns regarding the Leave Bank Committee’s awarding/not awarding of hours are to be directed to the Director of Human Resources & Benefits or their designee.

(10) The identity of donors must be held as confidential information.

(11) Leave donations are not tax deductible for the donor.

(12) Policy References:

(a) Faculty Collective Bargaining Agreement

(b) http://www.bgsu.edu/provost/faculty-affairs/collective-bargaining-agreement.html

(c) Internal Revenue Service, revenue rule 90-29

(D) Responsibilities and Procedures

(1) Recipient- In the event of severe injury or illness, a family member may act on the recipient’s behalf. The recipient/family member will:

(a) Consult with the Office of Human Resources for questions about the Bank’s guidelines, eligibility criteria, etc.

(b) Follow established campus and/or unit procedures for informing the Office of Human Resources and the employee’s supervisor about the use of remaining paid leave or a leave of absence due to the serious illness or injury.
(c) Contact the Human Resources/Benefits Office for consultation regarding benefits related to the university disability and/or benefits program.

(d) Understand that, in any given pay period, any accrued time in the prior pay period will be applied to pay status before the Bank hours will be applied.

(e) Notify the Office of Human Resources if any change of circumstances has altered or will alter the recipient’s eligibility for the Bank hours as originally established.

(2) Recipient's Supervisor- It is the supervisor’s responsibility to refer her/his direct reports to the Collective Bargaining Agreement and the Office of Human Resources concerning the availability of the Leave Bank. The supervisor will:

(a) Consult with the Office of Human Resources regarding the Leave Donation Program and related considerations, such as: BGSU Family Medical Leave, Personal Leave, accrued sick and vacation leave, payroll time reporting, etc.

(b) Receive a notification of awards that the recipient is approved for purposes of time leave reporting for full-time and part-time FTE.

(c) Be responsible for completing employee time reporting to the Payroll Office.

(3) Leave Committee- The Committee will:

(a) Consist of seven members: two classified, two administrative, and two faculty representatives, as well as one permanent BGSU staff physician. A chair will be elected from within the six constituent representatives. The Office of Human Resources will have an ex-officio member. There must be a quorum of four committee members present in order to grant or deny Leave Bank hours to any potential recipient.
(i) Terms will be limited to three years in duration for each constituent group member. Terms will be staggered among constituent groups. Three representatives, one from each group, are holdovers from the previous year’s committee.

(ii) Members of the Leave subcommittee who assisted in creating this document have met the first of the three-year commitment.

(iii) If any committee members become aware of the identity of a potential recipient, they should recuse themselves from participating in the decision process for that case.

(b) Provide or coordinate consultation with the Office of Human Resources regarding the Leave Donation Program and related considerations, such as: recipient eligibility, payroll, benefits, disability benefits, Family Medical Leave, accrued sick, applicable university policies and procedures, etc.

(c) Meet monthly or, as needed, by request of the committee chair.

(d) Review the facts of all applicants and make recommendation to the Director of Human Resources & Benefits whether or not to grant leave hours to those who apply. The recommendation is forwarded to the Office of Human Resources for dissemination to the appropriate employees.

(e) Coordinate and monitor the Leave Bank totals according to the policies of the program document.

(f) Prepare needed reports in a timely manner.

(g) Ensure the confidentiality and privacy of the participants and records of the Leave Bank in accordance with university policies.
(h) Provide for an annual evaluation of the guidelines and policies and procedures of the Leave Bank Program.

(i) In cases of an incremental return to work (i.e. four hours a day versus eight), the Committee shall review the applicant’s case and may award hours in the form of hours from the Bank (not to exceed two hundred forty hours) to assist in a recipient’s gradual recovery and transition back to the full number of hours specified in his/her contract/position. These hours can be used for a maximum of two consecutive weeks after the stated return-to-work date. Again, the awarded hours count towards the maximum number of hours, two hundred forty, allowed from the bank.

(4) Donor- The eligible donor will:

(a) Have the opportunity at an annual Spring semester enrollment period to donate hours to the Bank by completing the Leave Enrollment Online Form.

(b) Complete the Leave Enrollment Online Form and submit it to the Office of Human Resources during the enrollment period.

(5) Office of Human Resources (OHR) - The Office of Human Resources will support the dissemination of communications advertising the existence of a Leave Bank. The Office of Human Resources will:

(a) Ensure the confidentiality and anonymity of all participants.

(b) Once verification is received that the donated hours have been applied to the Bank:

(i) Deduct hours donated to the Leave Bank from the donor’s accrual balance.

(ii) Transfer hours from the Leave Bank to the recipient’s leave accrual.
(iii) Show the recipient’s hours on the electronic paycheck.

(c) Ensure that all of the paperwork prepared by the Office of Human Resources (OHR) and provided to the Leave Bank Committee will be anonymous by generating specific identification numbers on submitted paperwork utilizing the following format: year_Leave bank (LB) initials_sequential numbering, (e.g., 2008_LB_001).

(d) Reconcile, balance, and report total donations and withdrawals from the Bank to the Leave Bank Committee.

(e) Notify the Committee of the current balance of the Bank upon request from the chair of the Leave Bank Committee.

Registered Date: March 17, 2015
Amended Dates: September 26, 2016; April 7, 2017