

EMPLOYEE LEAVE DONATION PROGRAM

Employees Covered

All regular, exempt and non-exempt UMBC employees are eligible to participate in the UMBC's Employee Leave Donation Program. Applicants must have exhausted all available sick leave, annual leave, personal leave and compensatory leave.

Employees with a serious and prolonged medical condition may receive donated leave from the 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 that is incurable or so serious that the employee is incapacitated for a period of two or more work weeks.

During the period of incapacity, the employee must be unable to perform the essential functions of their position and there are no reasonable accommodations that could be made that would enable the employee to continue to work.

Types of Leave That Can be Donated

An eligible employee may donate unused annual, personal and sick leave to another employee. However, sick leave may be donated to another employee **only** if the donating employee has a sick leave balance of at least 240 hours after the donation has been made. Donated leave may not be applied to pay off the balance of any advanced leave previously used by an employee who receives donated leave.

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 of sick leave after the donation;
- (3) 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;
- (4) whether the receiving employee has exhausted all available annual, personal, sick, and compensatory leave because of a serious and prolonged medical condition;
- (5) whether there is sufficient medical documentation to establish that the receiving employee has a serious and prolonged medical condition;
- (6) 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
- (7) 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 employee's leave balances and notify the 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 UMBC employees would like to receive leave donations from fellow employees, as long as all eligible employees are given the opportunity to receive donated leave.

Should you have any questions concerning these guidelines, contact the Department of Human Resources at extension 5-2337.