

Policies of the University of North Texas	Chapter 5
05.065 Sick Leave Donation	Human Resources

Policy Statement. UNT shall administer a sick leave donation program that allows all eligible employees to voluntarily transfer sick leave hours to another eligible employee within UNT who has exhausted their own sick leave accruals, including any time the employee may be eligible to withdraw from the sick leave pool, as authorized by Texas House Bill 1771.

Application of Policy. All Eligible Employees.

Definitions.

1. **Donated Sick Leave.** “Donated sick leave” means unprotected paid leave donated by one employee to another, meeting the eligibility requirements of this policy, which may be used in conjunction with Family Medical Leave.
2. **Donor.** “Donor” means an eligible employee who voluntarily gives a portion of their accrued sick leave to another eligible employee.
3. **Eligible Employee.** “Eligible employee” means retirement eligible faculty or staff who are employed by UNT to work 20 hours or more per week for a period of four and one-half months, and who also meet sick leave eligibility requirements.
4. **Family Medical Leave.** “Family medical leave” means protected unpaid leave that provides qualified employees with up to 12 weeks of leave per year. Often referred to as FMLA leave.
5. **Immediate Family Members.** “Immediate family members” means individuals related by kinship, adoption, marriage or foster children who are so certified by the Texas Department of Human Services who are living in the same household. If not in the same household, an immediate family member is strictly limited to the employee’s spouse, child or parent who needs care and assistance as a direct result of a documented serious health condition.
6. **Prolonged Absence.** “Prolonged absence” means an illness or injury (including pregnancy) lasting four days or longer.
7. **Protected leave.** “Protected leave” means a leave that ensures that an eligible employee will be restored to the employee’s original job, or to an equivalent job, with equivalent pay, benefits, and other terms and conditions of employment during the duration of the protected leave.
8. **Recipient.** “Recipient” means an eligible employee who receives a donation of accrued sick leave from another eligible employee.
9. **Serious Health Condition.** “Serious health condition” means an illness, injury,

impairment, or physical or mental condition as defined by the U.S. Department of Labor Wage and Hours Division.

10. Unprotected leave. “Unprotected leave” means leave that does not require maintenance, reinstatement or restorations to the employee’s original job upon return.

Procedures and Responsibilities.

1. Recipient Guidelines.

a. Eligibility.

- i. Donated Sick Leave is to be used for a serious health condition of a prolonged nature for the employee and immediate family members. This may include intermittent absences related to the same illness or injury. The recipient must produce medical evidence that meets these requirements.
- ii. The recipient must be an eligible employee.
- iii. The recipient must have already exhausted all sick leave accruals, including any leave the individual may be eligible to withdraw from the Sick Leave Pool.
- iv. If eligibility requirements for FMLA leave are met, the recipient will be placed on protected FMLA leave. The recipient may qualify for a sick leave donation even if he or she is not eligible for an FMLA leave, however it would be an unprotected leave.
- v. Employees eligible for Workers’ Compensation Insurance (WCI) benefits are not eligible to use sick donation benefits and will not be processed if the employee has an open Workers’ Compensation claim related to the illness or injury supporting the sick leave donation request, including any appeal to a denial of WCI benefits.

b. Limitations.

- i. The recipient may not provide or receive remuneration or a gift in exchange for a sick leave donation under this program.
- ii. An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of soliciting donations of sick leave under this program. Such action shall be grounds for disciplinary action up to and including termination.
- iii. Donated Sick Leave balances will not transfer to an employee of another state agency, are not eligible for restoration upon re-employment after a separation of employment, and are not eligible for payment to an estate upon death. The recipient may not receive service credit in the Employees Retirement System of Texas or Teacher Retirement System of Texas for any Donated Sick Leave to the employee under this policy that is unused.

2. Donor Guidelines.

a. Eligibility.

- i. The donor must be an eligible employee.
 - ii. The donor is encouraged to maintain sufficient leave balances at the time of donation. Donors may not borrow against future sick leave accruals in order to donate sick leave.
- b. Limitations.
- i. The donor may not have been nor personally intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of soliciting donations of sick leave under this program. Such action shall be grounds for disciplinary action up to and including termination.
 - ii. The donation of sick leave is irrevocable and will not be returned to the donor in cases where the recipient does not use all donation sick leave.

References and Cross-References.

Chapter [661](#), Subchapter A, “State Employee Sick Leave Pool,” Texas Government Code.

Chapter [661](#), Subchapter G, “General Provisions for Sick Leave for State Employees,” Texas Government Code.

Chapter [661](#).207, Texas Government Code

UNT Policy 05.033, Staff Employee Discipline and Involuntary Termination.

UNT Policy 05.050, Sick Leave.

UNT Policy 05.051, Sick Leave Pool.

UNT Policy 05.064, Family and Medical Leave.

UNT Policy 06.025, Faculty Misconduct and Discipline.

UNT Policy 16.004, Nondiscrimination/Equal Employment Opportunity, Affirmative Action, and Non-Retaliation.

U.S. Department of Labor Wage and Hours Division definition of a [serious health condition](#).

Forms and Tools.

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Revised: