

# OSAGE COUNTY SHARED LEAVE PROGRAM

EFFECTIVE: *November 12, 2023*

The shared leave program is available to any qualifying benefit-eligible employee. Shared Leave may be granted to an employee if the employee or his/her family member (defined as a spouse, parent, child, sibling, grandparent, or grandchild [related to the employee by blood, marriage or adoption]; or a minor residing in the employee's residence as a result of court proceedings) of the employee or his/her family member is experiencing a serious, extreme, or life-threatening illness, injury, impairment, or physical or mental condition. allows employees to transfer, or donate, vacation and sick leave to other qualifying

## A. Coverage.

1. Exclusions. The shared leave program may not be utilized for minor illnesses, injuries, impairments or physical or mental conditions that are not serious, extreme or life-threatening, or illnesses, injuries, impairments or conditions.
2. Unsatisfactory Attendance. Shared leave is not intended to accommodate employees with unsatisfactory attendance records. For shared leave purposes, "unsatisfactory attendance" means an employee has been absent without notice, or has expended 75% or more of previous paid leave for purposes other than serious, extreme or life-threatening illnesses, injury or impairment during the previous five-year period. However, using sick leave to remain at home with sick children, even when that sickness is not serious or life-threatening, does not necessarily constitute unsatisfactory attendance.
3. Worker's Compensation/Disability. Employees receiving worker's compensation, long-term disability payments, or both, are not eligible to receive share leave.

## B. Duration.

1. Employees may receive no more than 240 hours of shared leave during their employment with the County. Exceptions may only be granted in extenuating circumstances by the Board of County Commissioners.
2. Shared leave is limited to and will run concurrently with a qualifying FMLA approved leave.

## C. Compensation and Benefits.

1. Shared leave will be paid at the receiving employee's rate of compensation.
2. Employees on shared leave status shall be treated in all phases of employment

as if they were not on leave. Accordingly, they shall continue to accrue and receive benefits as applicable, and will continue to accrue sick/vacation leave at the regular rate. Any vacation and sick leave accrued each pay period must be applied before shared leave is used.

#### **D. Eligible Employees**

All classified employees are eligible to apply for shared leave after one (1) year of continuous employment and upon meeting all other program requirements.

However, the County does reserve the right to offer a limited Shared Leave benefit for an employee that meets all the program requirements whose employment term is greater than 3 months, but less than 1 year.

#### **E. Employee Donation of Leave Time**

1. The donation of PTO hours is strictly voluntary and is irrevocable.
2. Any unused leave donated will revert to the donor pool and will not be returned to the donating employee.
3. Donors MAY NOT specify who will be the recipient of donated leave.
4. All donations will be in increments of whole hours.
5. The donation minimum is 4 hours.
6. The donation maximum is 80 hours per calendar year.
7. An employee will not be allowed to donate to the pool if the donation will drop their PTO balance to less than 120 hours.
8. Employees who are currently on an approved leave of absence may not donate leave time.
9. Employees may donate to the pool any time during the year.

#### **F. Recipient Eligibility**

1. Donated time will be available only in the following approved situation:
  - a. Family Health Related Emergency – defined as a critical or catastrophic illness or injury of the employee or immediate family member that poses a threat to life and/or requires inpatient or hospice health care. **Certification form a licensed healthcare provider will be required.**

- i. Immediate family member is defined as a spouse, child, step-child, parent, step-parent, or other relationship which the employee is the legal guardian or sole caretaker.
2. Employees may utilize donated leave only after they have exhausted all available accrued PTO.
3. Employees receiving donated leave time may receive no more than 240 hours within a rolling 12-month period.
4. The minimum request amount is 40 hours.
5. Hours received from the Donated leave pool will be paid at the receiving employee's regular hourly rate.
6. Time received from the Donated leave pool will be recognized as compensation income and subject to all required tax withholdings.
7. Donated time may only be used for the time off related to the approved request.
8. Any donated time that is in excess of the time off needed will be returned to the Donation pool. Donated time may not be liquidated for cash.

**G. Conditions or Circumstances that DO NOT QUALIFY.** Employees may not receive donated leave in the following circumstances.

1. Any work-related accident or illness which is compensable under Workers' Compensation Benefits.
2. Disability incurred in the course of the commission of a felony (including driving while impaired) or assault;
3. Disability related to an uncomplicated pregnancy/delivery
4. An employee may also not utilize donated leave:
  - a. During the period of any disciplinary suspension; or
  - b. While receiving disability insurance (Short- or Long-Term Disability); or
  - c. After the termination of employment.

**H. Procedure**

Employees who would like to make a request to receive donated leave are required to complete a "Donated Leave Request Form" and submit it to Human Resources, along with a completed Healthcare Certification Form.

Employees who wish to donate leave time must complete a "Donated of Leave Forms' and submit it to Human Resources.

**I Approval Process**

Requests for donated leave must meet the qualifications stated above, and must be approved by the Board of County Commissioners.

The Board of County Commissioners will review the request within 15 business days of receipt. The Board of County Commissioners' decision to approve or disapprove a request will be by majority vote.

The Human Resources Director will notify the applicant of the Committee's decision, and the reasoning for the decision.

All decisions made by the Board of County Commissioners are final.

Requests for leave will be kept confidential. Only the Department Head and the Board of County Commissioners will have access to the information included on the Request and Certification Paperwork. The original documents will be kept in a file separate from the employee file, in the Human Resources Department.

Approved:



Les Holman – County Commissioner

09-28-2023

Date