

POLICY: 532-01

DONATED SICK LEAVE POLICY

A. PURPOSE

The County of Cape May (the "County") Donated Sick Leave Program authorizes employees to voluntarily donate earned sick time to other County employees who have exhausted their own earned sick time.

B. POLICY

1. Eligibility for Recipient: an employee shall be eligible to receive donated sick leave from other County employees if the employee meets all the following criteria:

a. Must be suffering from a "catastrophic health condition or injury" which necessitates the employee's prolonged absence from work and for which the employee has no availability of paid leave, or the employee is to provide care to a member of their immediate family who is suffering from a catastrophic health condition or injury.

i. "Catastrophic health condition or injury" shall be defined as follows:

An employee has suffered a "catastrophic health condition or injury" if he or she had a life-threatening condition or combination of conditions, or a period of disability required by his/her mental or physical health or the health of the employee's unborn fetus, which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for 60 or more work days.

An employee's family member has suffered a "catastrophic health condition or injury" if he or she had a life-threatening condition or combination of conditions, or a period of disability required by his/her mental or physical health, which requires the care of a physician who provides a medical verification of the need for the family member's care by the employee for 60 or more work days.

b. Must produce acceptable medical verification from a physician or other health care provider. The medical verification must indicate the nature, severity, and anticipated duration of the disability resulting from the serious health condition or injury.

c. Must have completed at least one year of continuous County service.

- d. Must have exhausted all accrued paid leave time including compensatory time, personal time, sick leave and vacation leave.
 - e. Must have received at least five (5) donated leave days from one or more donors to participate in the program.
 - f. Has not, in the two years preceding the employee's need for the donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness, or abuse of leave.
 - g. Must have worked at least 1,250 hours for the employee's own medical condition during the last twelve (12) months prior to the commencement of the leave. Prior leaves do not count as time worked.
 - h. Must have worked at least 1,000 for all other applicable situations. Prior leaves do not count as time worked.
2. Eligibility to Donate: in order to be eligible to donate leave to another employee, an employee must meet the following criteria:
- a. May donate up to ten (10) sick days to any one recipient. Only whole sick days may be donated.
 - b. Must have remaining to his/her credit following any donations at least twenty (20) days of accrued sick leave
 - c. Must not have solicited or accepted anything of value for the donation.

C. PROCEDURE

1. Any employee who meets the criteria above, with the exception of Seasonal and Temporary employees, may request participation in the program. He or she should contact the Human Resources Department. A supervisor may also initiate this process on behalf of the employee. Decisions regarding eligibility will be made on a case by case basis.
2. Once a recipient is approved for the program, the Human Resources Department will post on employee bulletin boards, interdepartmental e-mail, and any other appropriate means, the name(s) of eligible employee(s) who have exhausted all earned paid leave time by a designated date. The posting will be done only with the recipient's consent. If the employee is unable to consent, his or her family may consent on behalf of the employee. The Human Resources Department will also provide notice to all negotiation representatives in the County. Upon submission of the request, the Human Resources

Department will require that medical documentation concerning the nature, severity, and anticipated duration of the medical emergency be submitted or provided as well.

3. A recipient may not participate in the program unless at least five (5) days have been donated to the recipient.
4. Eligible employees may donate within the prescribed limitation only WHOLE days of sick leave, but may not donate more than ten (10) days to any one (1) recipient.
5. The donor and the recipient (or family representative of the recipient) will fill out the required forms. No one shall directly or indirectly intimidate, threaten, or coerce any other employee for the purpose of interfering with any right which such employee may have with respect to contributing, receiving, or using paid leave under this program. The above shall include promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation.) An affidavit to this effect shall be signed by the donor. Any employee who engages in the above prohibited conduct shall be subject to disciplinary action.
6. The donor's accruals will be reduced by the number of days which are to be donated.
7. The eligible recipient's leave time will be credited with the donated leave time indicating the identity of the donor. The recipient may receive days from more than one donor, but may not use a total of more than 180 donated days. Records will be maintained showing donor's name and number of days donated.
8. Should the recipient employee return to work or otherwise terminate the use of leave and still have donated time remaining, that time will be returned to the donor(s) on a prorated basis in days. Any proration that would amount to less than one day per donor will not be returned.
9. Once the sick leave has been donated, it may not be revoked by the donor.
10. If a leave donor is not in the same department as the leave recipient, appropriate arrangements will be made through the Human Resources Department to verify donor eligibility and to adjust leave records.
11. Donations may not be used on a retroactive basis.