

	<b>FGCU POLICY 3.001</b>	<b>Responsible Unit:</b> Human Resources
	<b>Personal Leave Donation</b>	

**A. POLICY STATEMENT**

A Benefit Eligible Employee may donate their personal accrued leave to another employee who is experiencing, or has an Eligible Family Member who is experiencing, a serious medical condition.

**B. REASON FOR POLICY**

This Policy provides approval for an employee, or a person acting on their behalf, to request donations of leave hours on behalf of the employee when the employee, or Eligible Family Member, has been hospitalized or undergone extended medical care as a result of a serious illness or injury and the employee does not have sufficient personal leave hours to maintain their “in pay” status during a period of leave.

**C. APPLICABILITY AND/OR ACCOUNTABILITY**

This Policy is applicable to all full- or part-time Benefit Eligible Employees.

**D. DEFINITION OF TERMS**

1. *Benefit Eligible Employee:* FGCU employees classified as faculty, executive service, administrative and professional (A&P), or support personnel (SP) who are eligible for FGCU benefits. Due to the temporary classification of OPS and Adjunct Faculty positions, these employees are not eligible to participate in university sponsored benefit programs and are not included in this definition.
2. *Donor:* A Benefit Eligible Employee who meets the criteria to donate personal accrued leave to a Recipient as outlined in section E.3.
3. *Eligible Family Member:* An employee’s spouse, parent, son, or daughter with a serious health condition, as defined by the Family and Medical Leave Act.
4. *FMLA:* Family and Medical Leave Act of 1993 and its implementing regulations in 29 CFR Part 825, as currently existing or hereafter amended.
5. *Recipient:* An FGCU employee who does not have accrued leave hours available to maintain their “in pay” status while they or their Eligible Family Member is experiencing a serious health condition.
6. *Sick Leave Pool:* The Sick Leave Pool as administered pursuant to FGCU Regulation

5.018, Sick Leave Pool.

## **E. PROCEDURES**

### 1. General Eligibility

- a. Leave hours may only be donated to an employee who is experiencing, or has an Eligible Family Member who is experiencing, a serious health condition, or to the Sick Leave Pool upon separation from the University consistent with section E.3.d of this Policy.
- b. Applies to employees in faculty, executive service, A&P, and SP positions.
- c. Accrued leave to be donated can be annual or sick leave or a combination of these.
- d. Prior to providing donations, the employee making the donation shall review their own financial obligations to ensure that the donation will not adversely affect the employee's need to utilize their leave accruals.
- e. The donated leave hours received by a Recipient shall be limited to a combined maximum of 480 hours in any twelve (12) month cycle, including any hours received in the same twelve (12) month cycle from the sick leave pool.

### 2. Recipient Criteria

- a. A recent medical certification completed by the attending physician for the employee or Eligible Family Member must be on file with Human Resources.
- b. The medical leave must have been approved pursuant to FMLA requirements.
- c. An employee drawing disability payments from a long-term disability plan or from Social Security may be eligible to receive donated leave in an amount not to exceed the "in pay" status when combined with payments from long-term disability or Social Security.
- d. If FMLA requirements have been exhausted or Recipient is otherwise not eligible for FMLA, their respective Vice President, or the President, must approve that the Recipient may receive donated leave.
- e. The Recipient must have exhausted all other personal leave accruals (for SP employees this includes compensatory leave and their personal day).
- f. Donated hours may be used intermittently for the serious health condition where such use is allowed by FMLA and employee has no accrued leave.
- g. Unused donated hours will be credited to the University Sick Leave Pool.

### 3. Donor Criteria

- a. Donors may donate accrued leave in increments of eight (8) hours.
- b. Donor shall retain a minimum combined annual and sick leave balance of eighty (80) hours following the donation of leave to be eligible to make the leave donation.
- c. Donation increments and minimum leave balance requirements are pro-rated for part-time Donors.
- d. An employee who is separating from University employment with ten (10) continuous years of service and was hired prior to September 30, 2013 may donate a maximum of eighty (80) hours of accrued leave to a Recipient or the Sick Leave Pool, provided the donation is made prior to the effective date of separation and calculation of cash-out, if any. The separating employee must identify the Recipient to whom their donation is made unless the donation is made to the Sick Leave Pool.

### 4. Requesting a Donation

- a. The potential Recipient, or a person acting on behalf of a potential Recipient, may request donations of potential Donors after an appropriate medical certification has been submitted to Human Resources.
- b. Requests shall be informal and without pressure.
- c. Unacceptable solicitations include:
  - 1) Repeated contacts;
  - 2) Exerting pressure to donate, particularly with respect to subordinate employees;
  - 3) Playing on people's emotions; or
  - 4) Imposing a feeling of guilt or implying a lack of compassion for not donating.
- d. Use of email to solicit a donation is permissible.
- e. Communications shall not contain the specifics regarding the medical condition of the Recipient or their Eligible Family Member.

### 5. Process for Donations

- a. The potential Recipient, or person acting on their behalf, confirms with the employee's Vice President or President that leave donation will be allowed.

- b. Human Resources confirms that the potential Recipient meets the Recipient criteria.
- c. In the event that, at the time of the requested donation, the potential Recipient has been on any form of medical leave for a period of six (6) months or more during the previous twelve (12) months, the approval of the President or respective Vice President is also required for receipt of leave donations.
- d. In the event the Recipient criteria is not met or the Vice President or President does not approve the receipt of leave donations and all FMLA entitlements have been exhausted, the process is ended and the employee may not receive leave donations.
- e. If the potential Recipient is eligible and donations are allowed, the potential Recipient or person acting in their behalf may then contact potential Donors.
- f. Donor completes a “Leave Donation Program” form and submits it to Human Resources.
- g. Human Resources will confirm that a valid medical certification is on file and that the maximum number of donated hours has not been reached.
- h. Human Resources will adjust Donor and Recipient leave records.

*Authority*

*BOG Regulation 1.001, University Board of Trustees Powers and Duties*

*History of Policy*

*New 04/13/04; Amended 05/17/11; Amended 12/01/15; Amended organizational change 11/01/17; Format Changed 09/10/19; Amended 09/07/21*

**APPROVED**

\*s/Michael V. Martin  
Michael V. Martin, President

September 7, 2021  
Date