Bargaining Unit employees should review their appropriate Collective Bargaining Agreement (CBA) to determine if this procedure applies to them. In case of a conflict between the applicable CBA and these procedures, the provision in the CBA controls.

Procedure No.: AP 7-4
Revision No.: 3

Effective: 7/10/2012
Review Date: 7/10/2013, 09/18/2019, 03/19/2026

Transfer of Sick Leave

OVERVIEW: This procedure describes the procedures to request to transfer sick leave to another employee and to request to receive transfer of sick leave.

SCOPE: This procedure applies to all classified and executive service employees of the Board of County Commissioners.

PROVISIONS:

1. **General Rule.** In extraordinary and/or extenuating circumstances, and with the approval of the department director, an employee may request to voluntarily transfer accrued sick leave to another employee. The use of sick leave is to allow employees time to recover from an illness or injury and return to work. The transfer of sick leave serves as a short term disability benefit to employees.

    a. Sick leave hours can be donated to another employee only in cases of serious illness, injury or accident, inclusive of workers' compensation injury or illness.

    b. The receiving employee must have exhausted, or will exhaust as the result of the illness or injury, all compensatory and sick leave hours. The employee will be allowed to retain a maximum of 24 hours of annual leave and remain eligible to request and receive a transfer of sick leave. During the use of the transferred sick leave the employee's accrued sick and annual leave (other than the maximum allowable 24 hours of annual leave) will be exhausted prior to utilization of the transferred sick leave. The employee must indicate on the Sick Leave Transfer Form if they wish to retain the annual leave and not utilize it during the covered illness or injury period.

    c. The donating employee must maintain a minimum of 60 hours of sick leave after the transfer of any sick leave hours to another employee.

    d. An employee leaving employment may transfer sick leave; however, any sick leave transferred by a donating employee must be approved prior to the donating employee's last day of employment and the receiving employee must meet the criteria under 1.a.. The donating employee may transfer all remaining sick leave; there is no need to retain 60 hours of sick leave after the transfer. The transfer of the sick leave will occur on the transferring employee's last day of employment.

e. The receiving employee must present a doctor's certification in order to be eligible to receive the transferred sick leave hours.

f. An employee in the initial probationary period with the County may receive a transfer of sick leave.

g. An employee must have completed the initial probationary period with the County to transfer sick leave to another employee.

2. **Requesting Transfer of Sick Leave.** Requests for transfer of sick leave must be submitted in writing to the department director or, in the case of the Attorney's Office, the County Attorney and be accompanied by justifying documentation.

    a. Publicly broadcast requests for transfer of sick leave for an employee must be approved by the employee prior to their release. The employee must indicate on the Sick Leave Transfer Request Form, or through some other documented means, if (s)he authorizes release of details for the medical condition. The broadcast request must be approved by the Administrating Official prior to it being sent out.

    b. Approval of such requests shall be at the sole discretion of the department director or the County Attorney.

    c. The decision of the department director or County Attorney shall be based on a number of factors regarding the employee's sick leave usage over the previous three years including:

        i. Prior use of leave by the receiving employee;

        ii. Prior approvals of transferred sick leave;

        iii. Past disciplinary history of the receiving employee;

        iv. Operational and budget consideration in continuing the receiving employee in an extended paid leave status; and

        v. The imprudent use or one instance of abuse of the use of sick leave, which will result in instant disapproval of the request.

    d. In the event the Department Director denies the request to receive transfer of sick leave, the employee may appeal in a written memorandum to the Sick Leave Transfer Committee. The committee will consider the appeal and will make a recommendation to the Administrating Official, whose decision on the appeal is final.

    e. <u>Definitions.</u>

        i. Abuse of Sick Leave. For purposes of the transfer of sick leave, as presented in this procedure, abuse of sick leave is defined as:

a. a. The use of more than four instances of unverified sick leave in a 90 day period.

b. A pattern of unverified sick leave or use of unverified sick leave in combination with days off, holidays off or other time off, or

c. Any combination of a. and b. above.

ii. An Instance of Sick Leave. An instance of sick leave is defined as any absence due to sickness, illness or injury for any number of consecutive workdays or parts thereof.

iii. Unverified Sick Leave. Unverified sick leave is defined as any sick leave instance for which no medical certification is provided.

iv. Verified Sick Leave. Verified sick leave is defined as any sick leave instance verified by medical certification, including illness in the employees' immediate family, FMLA and Workers' Compensation.

3. **Transferred Sick Leave** shall be permanently retained by the receiving employee. The receiving employee will not receive payment for any remaining transferred leave at the time of separation from the County.