

Leave Bank Policy

OVERVIEW

The Leave Bank Program (the “Program”) is a voluntary program that allows a donor to contribute accrued sick leave to the Leave Bank (the Bank) and a recipient to use donated leave hours from the Bank. (Please see the definition of sick leave in the appropriate university rule.)

To ensure confidentially questions are to be directed to the Manager, Benefits Administration or individual designated individual by Human Resources.

The use of any donated leave will run concurrently with an eligible employee’s Family Medical Leave (FML), if applicable. Determination of FML is set from the Family Medical Leave policy and can be found at:

<http://www.uakron.edu/hr/benefits/fmla.dot>

I. DEFINITIONS:

- A. Catastrophic illness or non-work-related injury (“Catastrophic Illness”) means time away from work due to a catastrophic, non-worker’s compensation health condition that incapacitates the employee. A catastrophic illness, or non-work-related injury is defined as a catastrophic illness, injury (non-work related), or physical or mental impairment that is present for more than ten (10) consecutive working days.

Catastrophic illness/ non-work-related injury involves:

1. A period of incapacity of more than ten (10) days for treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility; or
2. A period of incapacity requiring absence of more than ten (10) consecutive working days, and that also involves continuing treatment by (or under the supervision of) a licensed health care provider; or
3. An absence to receive multiple treatments or a surgical procedure (including any period of recovery therefrom) to treat an illness, non-work-related injury or for a chronic condition (a condition that would require an absence of more than 10 days if not treated) such as cancer or kidney disease. For purposes of this policy:
 - a. a period of incapacity means that the employee cannot perform her/his essential job functions and/or does not have the ability to perform normal activities in her/his daily life. Convalescence means returning to health after illness or incapacity after illness or non-work-related injury.
 - b. major life activities include, but are not limited to, activities such as: caring for oneself; performing manual tasks; seeing, eating, standing, reaching, breathing, communicating, and interacting with others; major bodily functions, such as functions of the brain or immune system; or normal cell growth. Use of medical supplies or medications to lessen the effects of the disability, other than the use of ordinary eyeglasses or contact lenses, may not be considered in determining if a disability exists. Other aids that should not be considered include hearing aids, prosthetics, and assistive technology.
4. Conditions that are less serious and temporary in nature, such as cold, flu, and minor injuries are generally not considered catastrophic.

Leave Bank Policy

B. Eligible Employee - Except as otherwise provided herein, Employees whose positions are eligible to donate and receive leave hours, include:

- Full-time classified/unclassified unrepresented staff employees,
- Full-time contract professional employees,
- Full-time unrepresented faculty

****Employees covered by a collective bargaining agreement are not included, unless specifically stated in their agreement. Grant-funded employees are not eligible for this Program**

C. Recipient - A Recipient is an Eligible Employee who is suffering from a Catastrophic Illness and who has exhausted her/his own paid leave (vacation, sick, and compensatory time off). An Eligible Employee (see definition above) who wants to withdraw hours from the Bank must meet **all** of the following criteria:

1. Be eligible to accrue and use sick leave;
2. Be suffering from a catastrophic illness or non-work-related injury OR caring for a member of their immediate family suffering from a catastrophic illness or injury. Caring for immediate family requires that the employee's presence is deemed medically necessary and documented as such by a physician and that the individual receiving care is defined as immediate family by applicable University Rule 3359-11-01 or 3359-26-04);
3. Have exhausted all accrued vacation, sick leave, and where appropriate, compensatory time, or will do so before the return-to-work date;
4. Not be presently receiving, nor has ever received Workers' Compensation benefits for the requested condition;
5. Have donated a minimum of eight (8) hours of sick leave in one of the last two calendar years prior to submitting a request to use hours from the bank; *and*
6. Received between 0 and a maximum of 240 hours from the Bank, within a rolling 12-month.
7. Have no prior record of disciplinary action related to the abuse of leave time or absenteeism on record, prior to the request for utilization of donated leave.

D. Donor - A University employee who is eligible to accrue and use sick leave accruals may request approval to participate as a donor to the Bank. The donation of leave will be reviewed for compliance with the Program guidelines. An employee who wants to donate hours must meet **all** of the following criteria:

1. Be an Eligible Employee; and
2. Have at a minimum, and maintain one hundred twenty (120) hours of accrued sick time after having donated hours to the Bank; and
3. Donations of sick time must be made in eight (8) hour increments with a maximum of forty (40) donated hours at any one time. Donations are irrevocable.

Leave Bank Policy

4. The Donor will have the opportunity during the Donation Enrollment period to donate hours to the Bank by completing the Leave Enrollment (Donation) Form, available at, www.uakron.edu/hr/benefits.

E. Donation Enrollment - Two types of enrollment will allow employees to donate to the Bank:

1. Annual Enrollment - Yearly enrollment offered through the Office of Human Resources (HR). The enrollment period generally will be held during the fall of each year.
2. Emergency Enrollment - Only to be enacted in situations where the Bank falls below 500 hours. The need for emergency enrollment will be determined by HR. The enrollment period will be advertised and offered through HR.

II. POLICY AND RESTRICTIONS:

Donated leave will be recorded on the Leave Enrollment (Donation) Form, thereby allowing said Eligible Employees to participate in the Program. The Bank is available to all employees who meet the eligibility requirements.

- A. The Bank will allow Eligible Employees to donate hours during an annual enrollment period with provisions for emergency donations if the Bank drops below 500 hours.
- B. Bank withdrawal requests will be processed on a first-received basis. A first-received basis means that all applicable forms are properly completed and received by Human Resources.
- C. Employees in their first year of a leave-accruing position are eligible to apply if they meet all guidelines above except the previous years' donation. Employees who take advantage of the Bank in their first year of employment will be required to donate the minimum number of hours to the Bank in a subsequent enrollment after the employee has met the minimum 120 hours leave accrual.
- D. Once Recipient's own paid leave is exhausted, the Recipient may request up to 240 hours within a rolling 12-month period.
- E. In compliance with the Program policy, withdrawals from the Bank made by an eligible Recipient will cease according to one of the following criteria:
 1. The return-to-work date listed by the doctor on the Recipient's verification of illness or non-work related injury, Please note: the Manager, Benefits Administration, or designee, has authority to award hours (not to exceed the total maximum allowed 240 hours) to assist in a Recipient's gradual recovery and transition back to the full number of the Recipient's regular standard weekly hours. If the Recipient is unable to return to work to full hours of the job, these awarded hours can be used on an intermittent basis or reduced work schedule for a maximum of two consecutive weeks after the stated return-to-work date.
 2. The end of the approved leave of absence;
 3. The Recipient has received the allowed maximum of 240 hours of donated leave;
 4. The Recipient applies for and is approved for a disability retirement benefit including but not limited to state disability retirement, Alternative Retirement Plan or, if eligible, Social Security benefits; or

Leave Bank Policy

5. The separation of service from the University or upon the death of the Recipient or immediate family member; or at any time upon request by the Recipient.
 6. The Recipient becomes eligible for short-term disability, long-term disability, workers compensation, or any other form of replacement compensation.
- F. The unused hours will be returned to the Bank.
- G. Any questions or concerns regarding the Bank are to be directed to the Manager, Benefits Administration or designee.
- H. The identity of donors must be held as confidential information. This confidentiality also applies to the Bank recipients. All information will remain confidential to the extent permitted by applicable Ohio law.
- I. Leave donations are not tax deductible for the donor.
- J. Decisions by the Manager, Benefits Administration or designee may be appealed to the Associate VP, Human Resources within five (5) business days of the original determination. The decision by the Associate VP, Human Resources is final.

III. RESPONSIBILITIES AND PROCEDURES:

- A. In the event of catastrophic illness or non-work-related injury, a family member with appropriate proof of authority may act on the Recipient's behalf. The Recipient/family member will:
1. Consult with HR for questions about the Program's guidelines, eligibility criteria, etc.
 2. Follow established campus and/or unit procedures for informing HR and the Eligible Employee's supervisor about the use of remaining paid leave or a leave of absence due to the Catastrophic Illness.
 3. Contact the Benefits Office for consultation regarding benefits related to the University disability and/or benefits program.
 4. Submit the Bank Leave Request Form, along with a doctor's verification of illness or injury the Office of Human Resources, 185 E. Mill St, Akron, Ohio 44325-0602.
 5. Understand that, in any given pay period, any accrued time in the prior pay period will be applied to pay status before the Bank hours will be applied.
 6. Notify HR if any change of circumstances has altered or will alter the Recipient's eligibility for the Bank hours as originally established.
 7. The requestor may sign a HIPPA release for this case.
- B. Recipient's Supervisor – If inquiry about the Program is made by an Eligible Employee, it is the supervisor's responsibility to refer her/his direct reports to their appropriate university rule and HR concerning the availability of the Bank. The supervisor will:

Leave Bank Policy

1. Consult with the Benefits Office regarding the Program and related considerations, such as: UA Family Medical Leave, Personal Leave, accrued sick and vacation leave, payroll time reporting, etc.
 2. Receive a notification of awards that the Recipient is approved for purposes of time leave reporting.
- C. Office of Human Resources (HR) - HR will support the dissemination of communications advertising the existence of a Bank. HR will:
1. Conduct enrollment period annually.
 2. Ensure the confidentiality and anonymity of all participants, to the extent permitted by applicable Ohio law.
 3. Review all applications and make decisions whether or not the individual meets all eligibility criteria.
 4. Once verification is received that the donated hours have been applied to the Bank:
 - a. Deduct hours donated to the Bank from the Donor's accrual balance.
 - b. Transfer hours from the Bank to the Recipient's leave accrual.
 5. Provide an annual report to the University of Akron Board of Trustees and the University Council Talent Development and Human Resources subcommittee each August. The report will include aggregate information concerning the use of the Bank, including: hours used; number of employees donating to, and receiving hours from the Bank, and hours remaining in the Bank.