

<b>System-wide Policy:</b>	
<b>HR0383 - Sick Leave Transfer Between University Employees</b>	
<b>Version: 2</b>	<b>Effective Date: 10/01/2017</b>

## HR0383 – Sick Leave Transfer between University Employees

### Topics:

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### Objective:

To define guidelines by which sick leave may be voluntarily transferred to sick leave bank members who have suffered a continuing disability due to illness or injury.

### Policy:

1. The decision to donate sick leave to a sick leave bank member at any University of Tennessee campus or institute should be a choice made freely by each employee. Any person attempting to unduly influence another employee to donate leave shall be subject to disciplinary action and any prior agreement made to donate leave under these conditions shall be voided.

### Eligibility Criteria to Receive Sick Leave

2. In order to receive sick leave donated from another employee, all of the following criteria must be met. The receiving employee must:
  - a. be a current member of a sick leave bank;
  - b. have a continuing disability resulting from personal illness or injury and be unable to perform job duties;
  - c. have received approval for sick leave bank hours from the sick leave bank trustees;

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- d. have used all accumulated sick, annual, and other paid leave and used all days approved through the sick leave bank for each separate illness or recurring diagnosed illness or accident; and
  - e. not be receiving any other form of compensation including social security disability benefits, any workers' compensation benefits, or disability compensation through any retirement plan.
3. The maximum amount which an employee may receive is limited to 90 days for which the employee would not otherwise be paid per separate illness or recurring diagnosed illness or accident. Before an employee is eligible to receive donated leave, his or her physician must certify that the employee has a disability resulting from personal illness or injury and is unable to perform job duties. Once medical certification is received, the employee is eligible to receive up to 20 consecutive days (160 hours) of leave for which he or she would otherwise be without pay. From this point forward, the employee will be authorized to use donated sick leave in up to 20-day increments, with additional medical certification documenting the employee's continued disability required after each 20-day period.
4. If any sick leave is granted but not used by the employee, the unused portion of the amount of sick leave transferred is subsequently returned to the donating employee or employees. This would apply in the case of an employee's death or recovery from the illness or injury.

**Criteria for Donating Leave to Another Employee**

5. In order to donate sick leave to a sick leave bank member, a full-time employee must have a minimum balance of 160 hours of sick leave and agree to donate a minimum of 40 hours of leave. Part-time employees must have a minimum balance and agree to donate on a pro-rata basis. The maximum amount of sick leave an employee may donate during his or her employment is a total of 720 hours. A donating employee is not required to be a member of a sick leave bank.

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6. An employee may donate more than one time to a single individual or to multiple individuals. At any time, the employee may not donate more than one-half of his or her leave balance in effort at the point leave is deducted.

### Procedural Guidelines

Sick leave transfer between employees requires the following procedures:

- a. An employee donating leave to another employee must complete and sign a **SICK LEAVE TRANSFER REQUEST FORM** providing the name of the employee to whom leave is being donated and the amount of leave the employee is agreeing to donate. The form must state the conditions under which the leave is being donated and that the leave is being donated by the employee of his or her own free will. Once completed, the employee should send this form to his or her human resources officer.
- b. The human resources officer or designee must sign the form acknowledging receipt. After verifying that the employee has the leave balance to cover the amount of leave being donated and is not donating more than one-half of that balance, a copy of the agreement should be placed in the donating employee's personnel file.
- c. Donor forms will be date and time stamped in the order received. This will determine the order in which sick leave will be deducted from donating employee's leave balances in situations where there are multiple employees agreeing to donate to a single individual.
- d. The human resources officer will notify the department employing the person to whom leave is being donated. Before sick leave is officially transferred, the employee receiving the leave must submit a current medical form from his or her health care provider certifying that the employee continues to be unable to perform job duties. A new medical form will be required for every 20 days of donated sick leave.

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**PROCEDURES:**

To view links to campus policies and procedures, click here:

<https://policy.tennessee.edu/campus-policies-procedures>

**Related Policies:** [HR0380 - Sick Leave](#), [HR0382 - Sick Leave Bank](#)