



# OFFICE OF ADMINISTRATION ADMINISTRATIVE POLICY

POLICY TITLE: <b>ShareLeave</b>	AUTHORIZED BY: <b>Douglas E Nelson</b>
POLICY: <b>B-30</b>	PAGE: <b>1 of 6</b>
ISSUED: <b>January 1, 1994</b>	REVISED: <b>October 2015</b>

## **I. General Statement**

The purpose of this policy is to establish a ShareLeave Program that provides additional paid leave to Office of Administration employees who have exhausted all accrued leave time (sick leave, annual leave and compensatory time) and applicable workers' compensation indemnity payments and who have experienced a catastrophic personal illness or injury which is life threatening, terminal or likely to result in a substantial permanent disability. Office of Administration employees may also receive ShareLeave if their spouse or child(ren) have experienced a catastrophic illness or injury which is life threatening, terminal or likely to result in a substantial permanent disability and requires the employee's personal care and attention. Medical documentation presented with a request for ShareLeave must clearly show that a catastrophic illness or injury is life threatening, terminal or likely to result in substantial permanent disability.

This policy is enacted under the authority of, the rules of the Personnel Advisory Board (1CSR 20-5.025) and Section 36.350 RSMo.

This policy does not create any property right that entitles any employee to ShareLeave benefits. The Office of Administration may grant ShareLeave benefits to an eligible employee. The final decision concerning the granting of leave under this policy rests with the Commissioner of Administration.

## **II. ShareLeave Pool**

A "pool" is defined as a single department-wide pool which receives voluntary contributions of annual leave and compensatory time from employees.

## **III. Donation of Annual Leave**

The program is based on a "pool" concept, rather than donations to a specific department employee. Any employee working in a position of a permanent or continuing nature and who has successfully completed his/her original probationary period is eligible to donate annual leave and/or compensatory time to the pool subject to the following conditions:

- A. Annual leave and compensatory time contributions must be in fifteen (15) minute increments.
- B. Employees may make one-time donations or may designate a contribution amount to be donated to the pool each pay period.
- C. Contributions may not be designated for a specific department employee.



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- D. Contributions will not be returned to the donor employee (unless the employee becomes eligible as a recipient).

Employees may donate to the pool by emailing the Office of Administration Human Resources Service Center, who shall be responsible for entry into the HR/Payroll system. Central entry of donations and usages will facilitate tracking the department-wide ShareLeave pool balance. In addition to the above, annual leave that lapses October 31 of each year or annual leave that is over the two year maximum accrual when an employee leaves the department will be automatically donated to the ShareLeave pool unless the employee gives written notification to the Office of Administration Human Resources Service Center to the contrary.

#### **IV. Eligibility to Be Considered To Receive Leave from Shareleave Pool**

Any Office of Administration employee who is working in a position of a permanent or continuing nature and who has completed his/her original probationary period or 6 months of successful performance is eligible to receive ShareLeave. In order to have an application considered, the following conditions must be met:

- A. The employee must have experienced a catastrophic personal illness or injury which is life threatening, terminal or likely to result in a substantial permanent disability and which has caused the employee to be absent from work for 168 hours or more in the preceding 12 months due to the particular illness or injury. In the event that an employee requests ShareLeave to care for his/her spouse or child(ren), the employee must have missed 168 hours of work during the preceding 12 months to care for the spouse or child(ren) due to the particular illness or injury. If approved, ShareLeave is retroactive to the first day of absence once accrued leave time, compensatory time and workers' compensation indemnity payment have been exhausted. The illness or injury does not need to be job related.

Medical documentation presented with any ShareLeave application must clearly show that the illness or injury in question is a catastrophic illness or injury which is life threatening, terminal or likely to result in a substantial permanent disability.

- B. The employee must have exhausted all of his or her accrued leave time (sick leave, vacation and compensatory time) before eligible to withdraw an initial amount of leave from the pool.
- C. The employee must have also exhausted all workers' compensation indemnity payments (if applicable) before eligible to withdraw from the pool.
- D. The employee cannot receive ShareLeave benefits while eligible to receive long term disability benefits.



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- E. The employee with the illness or injury is not required to have previously contributed to the pool before he or she can withdraw pool leave.
- F. Absences prior to ShareLeave eligibility due to the illness or injury may be either continuous and extended or recurring and episodic. Absences must total 168 hours of work within the preceding 12 months due to the particular illness or injury before an employee is eligible to receive ShareLeave.
- G. Covered absences that have been approved for ShareLeave can be used either continuously or on a recurring or episodic basis.
- H. The maximum benefit that can be authorized for any one employee for any one instance of eligibility shall not exceed the equivalent of four months of regular salary. One instance of eligibility refers to a particular injury, illness or condition. An employee cannot receive ShareLeave beyond the maximum benefit for continuing symptoms, recurrences or complications related to the same illness or injury.
- I. The employee receiving donated leave shall be credited with his/her regular leave (annual and sick) accruals during the period covered by ShareLeave.

## V. Processing Procedures

### A. Responsibilities of Employee/Applicant:

Employees (or a designated representative) may request leave from the pool by submitting a "ShareLeave Application" to their respective division director. A health care provider's statement describing the illness or injury must accompany the request and must include the diagnosis of the illness or injury and a prognosis. The health care provider's statement should clearly indicate that the illness or injury is catastrophic, life threatening, terminal or likely to result in a substantial permanent disability. An application for ShareLeave may be made prior to depletion of the employee's accrued leave time (sick leave, vacation or compensatory time). However, no ShareLeave can be used initially until all of the employee's leave and compensatory time balances have been exhausted. An application should not be submitted or reviewed, nor will ShareLeave be approved, until the employee has been absent from full time employment for the required length of time (168 work hours) due to the illness or injury.

It is the sole responsibility of the employee/applicant to provide information and documentation requested by the Office of Administration Human Resources Service Center or ShareLeave Committee.

### B. Responsibilities of Division:



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1. Ensure that the employee is not in a temporary or original probationary status.
2. Forward "ShareLeave Application" forms and supporting documentation to the Office of Administration Human Resources Service Center along with a recommendation as to whether the employee meets the above eligibility requirements.
3. Notify the employee of approval or disapproval to receive ShareLeave. In the event that ShareLeave is approved, the division should also notify the employee of the number of hours approved.
4. Notify the Office of Administration Human Resources Service Center immediately upon becoming aware that a leave recipient's eligible condition terminates for any reason.

C. The Office of Administration Human Resources Service Center shall:

1. Maintain appropriate leave records for donors and employees requesting ShareLeave.
2. Ensure that the ShareLeave applicant has exhausted all accrued leave time (annual and sick); compensatory time and workers' compensation indemnity payments (if applicable). Also, verify that the employee has not been determined eligible for long term disability benefits and has missed the required amount of work (168 hours).
3. Maintain records of the pool balance records.
4. Forward "ShareLeave Application" forms to the ShareLeave Committee.
5. Secure adequate medical documentation from the employee which justifies whether the illness is catastrophic, life threatening, terminal or likely to result in a substantial permanent disability.
6. Take appropriate payroll actions to implement approved grants from the ShareLeave pool. This will include entering information from timesheets into the Human Resources/Payroll system for ShareLeave donations and approved usages.

D. Responsibilities of ShareLeave Committee

The ShareLeave Committee will be made up of up to seven members appointed by the Deputy Commissioner of Administration. Appointees to the Committee will be selected from volunteers or nominations submitted to the Deputy Commissioner and



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will serve a period of two years staggered to provide continuity in the process . A representative of the Human Resources Service Center will be available for all ShareLeave Committee meetings.

The Shareleave Committee shall:

1. Review ShareLeave applications on an as needed basis to determine if eligibility requirements are met.
  2. Make recommendations to the Deputy Commissioner of the Office of Administration for the approval or disapproval of applications based on eligibility requirements and the information provided.
  3. Request updated medical information from the employee on an as-needed basis.
  4. Monitor the ShareLeave pool balance.
  5. Maintain strict confidentiality on all ShareLeave requests.
- E. Responsibilities of the Commissioner and Deputy Commissioner of Administration

The Deputy Commissioner shall:

1. Approve or disapprove applications for ShareLeave based upon the recommendations of the ShareLeave Committee.
2. Issue interpretations and clarifications of the ShareLeave Policy.

The Commissioner shall:

1. Review and/or modify interpretations of the ShareLeave Policy, as necessary.
2. In the event that an applicant for ShareLeave does not agree with a ShareLeave Committee decision or a decision made by the Deputy Commissioner, an appeal can be made to the Commissioner. The Commissioner will review the appeal and render a decision. The Commissioner is the final authority on decisions related to applications for ShareLeave and interpretations of the ShareLeave Policy.

## **VI. Awarding of Shareleave**

- A. Payments for ShareLeave will be made through the regular payroll process.



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- B. If the pool balance cannot accommodate the amount which employees are eligible to receive, the amount of ShareLeave granted will be determined on a pay period basis and is dependent upon the pool's balance and the number of eligible recipients. Each recipient will receive a proportionate share of ShareLeave each pay period, provided it does not exceed the amount he/she is eligible to receive.
- C. An employee who uses leave from the pool is not required to pay back any leave received.

## **VII. Prohibition of Coercion**

An employee may not intimidate, threaten or coerce any Office of Administration employee with respect to donating or receiving donated ShareLeave under this program, nor any member of the ShareLeave Committee, the Deputy Commissioner or the Commissioner with respect to approvals and disapprovals of requests.