

TO: MCC Staff

FROM: Office of the President

SUBJECT: Donated Leave Program (DLP)

DATE: April 27, 2023

PURPOSE: To establish procedures for administration of the Donated Leave Program (DLP)

SCOPE: This procedures memorandum applies to all full- and part-time regular employees (.70 FTE) employed at Metropolitan Community College.

GENERAL PRINCIPLES:

Metropolitan Community College recognizes that employees may need special consideration and assistance for time off from work to deal with a serious health condition. A donated leave program (DLP) has been established to provide assistance in such circumstances.

1. Eligibility

- A. Regular employees must be in good-standing with the College with no documented attendance concerns dated within the previous 12-month period.
- B. The employee must have donated a minimum of one day of accrued leave to the bank for the current fiscal year in order to apply to be a recipient of DLP hours.
- C. The employee must have enough accrued annual leave that their remaining balance is not less than 16 hours after the requisite donation is made.
- D. Regular employees who wish to participate in the program must complete a donation form during the designated donation period for the upcoming fiscal year starting July 1.
- E. All donors, except faculty, may contribute unlimited accrued annual leave per fiscal year to the DLP. Faculty may contribute accrued personal leave up to two days per fiscal year to the DLP. For faculty, a day shall be equal to seven (7) hours. For full-time regular employees other than faculty, a day shall be equal to eight (8) hours. For part-time regular employees (.70 FTE), a day shall be equal to 5.5 hours. **Once donated, the leave will not**

be restored to the donating employee.

- F. To be eligible to receive DLP hours, the employee or his/her immediate family member must be suffering from a serious health condition as defined by the FMLA which necessitates the employee's absence from work and for which the employee has no available accrued paid leave (sick, annual, and/or personal).
- G. The maximum number of hours that an employee may receive from the bank in a fiscal year is as follows: faculty – 210 hours, full-time regular employees other than faculty – 240 hours, and part-time regular employees – 165 hours. The number of hours received is dependent on availability of donated leave hours and the employee meeting the eligibility criteria.
- H. Participation in the donated leave program will cease upon the exhaustion of the maximum number of hours allowed, termination of employment, death of the employee or eligible family member, or end of the fiscal year.

2. Administrative Processes

A. Procedure for requesting donated leave

- 1) Before an employee is eligible to receive donated leave, his/her health care provider must provide current certification that the employee or immediate family member has a serious health condition.
- 2) Employee requests to utilize donated leave will be determined of the office of Human Resources in consultation with such College personnel as may be necessary.
- 3) Human Resources will manage the donated leave program and communicate to Payroll the number of hours to be paid to the employee.
- 4) Employees approved for reduced work hours may utilize donated leave only in such an amount as will make them whole.
- 5) The amount of pay received will be based on the current hourly base rate (non-exempt employees) or current daily rate (exempt employees) of the employee utilizing the donated time. All monies received will incur appropriate taxes and other required deductions.
- 6) While an employee is using donated leave, he/she will receive the same employee benefits uniformly provided to active regular employees

B. Maintenance of the donated leave program

- 1) Donated leave hours will be converted into an equivalent number of recipient sick leave hours, regardless of differences between participants' pay rates.
- 2) The identity of the donors and recipients will be kept confidential except as required to administer the program or as may be required by law.
- 3) Hours remaining in the DLP bank at the end of a fiscal year will be carried over to the next fiscal year.
- 4) Requests for donated leave hours are subject to availability. The College is not responsible for filling requests from the DLP bank if no hours, or insufficient hours, are available.
- 5) The College can amend or terminate the program at any time. Upon amendment or termination of the program, days remaining in the DLP bank will not be returned to donating employees.

3. Definitions

A. Serious health condition – an illness, injury, impairment, or physical or mental condition as defined by the FMLA (see also: PM VI-13 Employee Short-Term Leave Procedures).

B. Family member – parent, spouse, child or other qualifying relative as defined by the FMLA.

- 1) The term 'parent' means the biological parent of an employee or an individual who stood in loco parentis (had day-to-day responsibility for and provided financial support) to an employee when the employee was a minor. The term does not include an employee's parent-in-law.
- 2) The term 'spouse' means a husband or wife, as the case may be, recognized or defined as such under applicable state law.
- 3) The term 'child' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is (a) under eighteen (18) years of age; or (b) eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability that substantially limits one or more of his or her major life activities as defined in the Americans with Disabilities Act regulations at 29 CFR, Part 1630.

Nothing in this Procedures Memorandum or the Donated Leave Program creates or extends any expectation of or right to continued employment beyond those rights that are

created by state or federal law, contract or collective bargaining agreement, as may be applicable. Approval of utilization of donated leave is not and shall not be construed as a guarantee of continued employment through the exhaustion of said leave eligibility.

Adopted 5/15/16; Amended 5/15/17; 8/4/21; 4/27/2023