

**KANAWHA COUNTY BOARD OF EDUCATION POLICY
DIRECTED SICK LEAVE DONATION POLICY**

Series: G80

Reference: West Virginia Code §§18A-4-10(f)

Issued: 12.13.2007

Revised:

Revision Number:

80.01 Purpose: The purpose of the Directed Sick Leave Donation program is to allow permanent regular employees to direct the donation of accrued sick leave to another permanent regular employee who is absent from work due to a catastrophic medical emergency of the employee or immediate family member.

80.02 Definitions:

Catastrophic medical emergency: Means a medical or physical condition that: (1) incapacitates an employee or an immediate family member for whom the employee will provide care; 2) is likely to require the prolonged absence of the employee for at least twenty or more total working days; and (3) will result in substantial loss of income to the employee due to exhaustion of all accrued sick leave, or ineligibility to receive sick leave, including exhaustion of sick leave from the Sick Leave Bank.

Immediate family member: Means a spouse, parent or child of the employee.

Employee: Means a permanent, regularly employed professional personnel or school service personnel who is employed by Kanawha County Schools and is entitled to accrue sick leave as a benefit of employment. Substitute employees are not eligible to participate in this program.

Donor Employee: Means a permanent, regularly employed professional personnel or school service personnel employed by Kanawha County Schools who voluntarily contributes sick leave to another employee.

Receiving Employee: Means a permanent, regularly employed professional personnel or school service personnel employed by Kanawha County Schools who receives donated sick leave from another employee.

80.03 Leave Donation Program: The Kanawha County Board of Education hereby establishes, as required by state statute, a Directed Sick Leave Donation program by which a donor employee may voluntarily select a receiving employee and transfer accrued sick leave to the sick leave account of the designated receiving employee. An employee may not be coerced or compelled to contribute to the leave donation program.

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80.04 Limitations on Days Available to Donate or Receive: There is no limit on the number of days a donor employee may transfer to a receiving employee who is his/her spouse. There is also no limit on the total number of days a receiving employee may receive. Donor employees may donate a maximum of five days to a receiving employee who is not his/her spouse.

80.05 Limitations on Use of Donated Leave: Donated leave may not be used to qualify for or add to service for any retirement system or to extend PEIA insurance coverage. Donated leave will count toward the elimination period of the disability plan provided by the Board. Donated leave may only be used for an absence due to the purpose for which the leave was transferred. Any transferred days remaining when the catastrophic medical emergency ends revert back to the donor employee(s). All unused days will be returned to the donor employees on an equal percentage basis with rounding down to the whole day factor.

80.06 Leave Deductions & Credits: Each donated sick leave day shall be deducted from the number of sick leave days to which the donor employee is entitled. These days shall be deducted from the donor employee's available sick leave days. Vacation days cannot be contributed. Personal "without cause" leave days shall not be used if sufficient sick days are otherwise available.

An approved donated day will be credited to the receiving employee as one full sick leave day and may not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee.

80.07 Form: Donations to a receiving employee must be made on a Directed Sick Leave Donation Form completed by the donor employee.

80.08 Physician's Statement: Each receiving employee shall be required to submit a Physician's Statement form signed by the treating physician describing the medical emergency with a prognosis for a date to return to work and verifying the inability of the employee to work due to the catastrophic medical emergency.

80.09 Incapacitation: In case a receiving employee has been incapacitated and cannot complete the application process, the application may be submitted by a member of the employee's family.

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80.10 No Effect on Attendance/Incentive Plans: A donation to the Directed Sick Leave Donation Program will have no effect on the donor employee's eligibility for any incentive plan for unused sick leave, nor will the donation be counted as an unauthorized absence under any attendance policy.