

Policy Title: LEAVE SHARING	Policy No.	No. of Pages
	EMP13	5
	Eff. Date	Rev. Date
	1/9/2014	

- I. **PURPOSE:** This leave sharing program (hereinafter **Program**) is intended to allow employees to help ease the burdens of fellow employees who would otherwise need to take time off from work without pay to recover from a serious personal illness/injury or to care for a family member who has a serious illness/injury and is incapable of self-care. General guidelines are consistent with the Department of Education (DOE) leave sharing program, with modifications made only to approving authorities as applicable to the Corporation and its Schools.

- II. **DEFINITIONS:**
 1. "Serious personal illness/injury" – a life threatening or critical, severe, and debilitating, **and** totally incapacitating illness, injury, or impairment, such as cancer, heart attack or disabling accident which:
 - a. may be a physical or mental condition;
 - b. is certified by a physician, as defined under HRS §386-1, Workers' Compensation law as being totally incapacitating and the cause for the employee's inability to work for at least thirty (30) consecutive calendar days within the past twelve (12) months; and
 - c. is not covered under the Workers' Compensation law.

 2. "Family member" – an employee's spouse, parent, or unmarried child in a blood or legal relationship, or a "hanai" relationship through the Hawaiian custom, provided the employee is the primary caregiver.

 3. "Per year" – For the purpose of administering this Program, 12-month employees shall operate on a calendar year (January-December) and 10-month employees shall operate on a school year (July-June).

- III. **POLICY:**
 1. The Program shall ensure the fair treatment and freedom from coercion of employees. Due to applicability issues, employees on DOE payroll may not participate in the Program.

 2. The Program shall consist of two (2) options of donating leave: 1) to a central leave bank; or 2) directly to another individual. Requests for shared leave shall be granted or not granted based on standards of eligibility and need as determined by the Principal.

3. In order to be eligible to donate shared leave, an employee must meet the following conditions:
 - a. Has not asked/received anything of value in exchange for the donation;
 - b. When donating vacation days, the donor must maintain a minimum accumulated balance of at least 10 days (80 hours) of vacation leave **after** the donation is made;
 - c. When donating sick days, the donor must maintain a minimum accumulated balance of at least 30 days (240 hours) of sick leave **after** the donation is made.
 - d. Each employee, whether donating leave to the central bank and/or directly to an eligible recipient, shall be allowed to donate no more than a cumulative total of ten (10) shared leave days per year.
4. Employees entitled to earn and use vacation leave may **only** donate vacation days. Only employees who are **not** entitled to earn and use vacation leave may donate sick days. Employee may not donate personal leave days.
5. Donations of leave shall be made in increments of one-day equivalents. For full-time employees, one-day equivalent shall mean eight (8) hours. For half-time employees, one-day equivalent shall mean four (4) hours.
6. In order to be eligible to receive shared leave, an employee must meet the following conditions:
 - a. Has been employed in a position with at least fifty percent full-time equivalency (0.50 FTE) for at least six (6) continuous creditable months of service;
 - b. Where the leave share request is for a serious personal illness/injury, is not covered under HRS §386, or if covered, has exhausted all other available eligible benefits, including vacation, sick leave, compensatory time credits, and temporary disability insurance.
 - c. Where the leave share request is for a family member with a serious personal illness/injury, the employee is the family member's primary caregiver and has exhausted vacation leave, compensatory time credits, and sick leave for family leave purposes only pursuant to HRS §398;
 - d. Is suffering from a serious personal illness/injury or is the primary caregiver for a family member suffering from a serious personal illness/injury which caused the employee to be absent from work for at least thirty (30) consecutive calendar days within the past twelve (12) months;
 - e. Has no disciplinary record of sick leave abuse within the past two (2) years;
 - f. Has not yet received the full amount of combined cumulative total shared leave days permitted (240 days for 12-month employees; 190 days for 10-month employees) for the duration of his/her tenure with the State government;
 - g. The request is made within thirty (30) calendar days prior to or after the beginning date of the leave without pay period to which it is intended to apply.
 - h. Eligible employees may receive up to a maximum of five (5) shared leave days from the

central bank, if available.

7. While using shared leave credits, an eligible recipient shall continue to earn sick and vacation leave credits consistent with applicable leave provisions. As these credits are periodically earned and made available for use, continued illness/injury-related absences shall mandatorily be charged in the following order:
 - a. Sick leave
 - b. Vacation leave
 - c. Available shared leave

IV. PROCEDURES

1. Procedures for donating leave shall be as follows:
 - a. After reviewing the donation guidelines, an eligible employee completes the DOE OHR 300-002, Leave Sharing – Donation Form and submits to Principal. The employee shall designate on the form whether the donation is to the central leave bank or to a specific employee in need.
 - b. Principal reviews Leave Sharing Donation Form for eligibility, approves, and submits for processing.
 - c. During processing, donated leave is deducted from the employee's balance and deposited into the central leave bank or to the designated recipient's account. Direct share leave donations in excess of the designated recipient's maximum allowable limit shall be deposited into the central leave bank.
2. Procedures for receiving shared leave shall be as follows:
 - a. Eligible employees prepare and submit DOE OHR 300-003, Application for Leave Sharing Program form, and provides other required informational documents (including physician's report) to verify eligibility as specified on the form, to Principal.
 - b. Principal reviews the application for eligibility and approves request. Principal transmits the request to Corporation Executive Director (or designee) for final approval.
 - c. Corporation Executive Director (or designee) shall respond to Principal and by extension, the requesting employee, within ten (10) working days after receipt of request and shall specify the number of shared leave days approved if any and the number of days granted from the central leave bank when applicable.
 - d. Distribution of approved form and documents are as follows:
 - a. Requesting Employee – original
 - b. Principal/School – copy
 - c. Corporation – copy
 - e. Recipient completes standard leave request as appropriate.
3. Appeals

- a. In the event that an employee's application for shared leave is denied, the requesting employee shall be issued a written response by the Principal or Corporation Executive Director (or designee) explaining why the request was disapproved.
- b. Any employee whose application for shared leave was denied may appeal for a review of the decision by submitting a DOE OHR 300-004, Appeal and/or Complaint Form, Leave Sharing Program form, within ten (10) working days after receipt of written notice of the denial. Appeals shall be submitted to Corporation Executive Director (or designee) and shall include the following information:
 - i. A request to review the application for shared leave and the specific reasons for the reconsideration of the application;
 - ii. The facts in support of the reconsideration; and
 - iii. The remedy which the employee is seeking.
- c. A meeting with the Corporation Executive Director (or designee) and the employee (or duly authorized representative) shall occur within fifteen (15) working days after receipt of the appeal in order for the employee (or representative) to present any materials, additional facts, documents, other evidence, or testimony that may be pertinent to the appeal. The Corporation Executive Director (or designee) shall render a decision in writing within ten (10) working days from the date of the appeal meeting or at a later date mutually agreed upon. The decision shall be considered final and conclusive.

V. GENERAL

1. Approval of shared leave shall be discontinued or rescinded under the following conditions:
 - a. The shared leave recipient separates or is separated from service;
 - b. The shared leave recipient no longer suffers from the illness/injury for which the shared leave was approved;
 - c. The reason for which the shared leave was approved no longer exists (e.g., the shared leave recipient is no longer the primary caregiver for the family member or no longer needs to provide primary care to the family member);
 - d. The recipient is found to be entitled to benefits under HRS §386, or the temporary disability insurance benefits; or
 - e. The recipient did not meet all of the conditions for eligibility as set forth in this document.
2. The recipient shall be notified and furnished the reason in writing whenever approval of shared leave has been terminated. All unused or rescinded shared leave credits shall be returned to the central leave bank.

3. An employee shall not directly or indirectly intimidate, threaten, or coerce any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using shared leave under this Program.
4. If an employee feels that he/she has been intimidated, threatened, or coerced as described above, the employee should submit a written complaint in timely manner to the Principal for appropriate action. Retaliation against an employee who files a complaint as described above is prohibited and will be addressed and dealt with appropriately.
5. The following forms shall be used for this policy:

DOE OHR 300-002	Leave Sharing – Donation Form
DOE OHR 300-003	Application for Leave Sharing Program
DOE OHR 300-003a	Licensed Physician’s Certification of Serious Illness/Injury or the Primary Care of Family Member For Leave Share
DOE OHR 300-004	Appeal and/or Complaint Form, Leave Sharing Program