

COMPASSIONATE DONATION PROCEDURE

PURPOSE

Compassionate Donation is a method by which one employee may donate earned time or annual leave to another employee who needs extended time off from work due to his or her own serious health condition or that of an immediate family member, and who has exhausted or will exhaust all applicable paid time off. Compassionate Donation is donated directly to an individual in need; it is not donated to a common donation bank.

In the event that the employee exhausts all applicable paid time off, University employees may want to donate some of their accumulated earned time or annual leave to help ease the burden of the employee who would otherwise need to take time off from work without pay. Such donation of accumulated earned time or annual leave will be irrevocable and applied as follows:

ELIGIBILITY

Any full-time or part-time status employee is eligible to receive or donate time after completing the University's initial introductory period. Faculty members who are on 12-month appointments and not covered under the collective bargaining agreement are eligible for the plan.

To be eligible to receive Compassionate Donation an employee needs to meet all of the following criteria. An employee must:

- be on an approved Family and Medical Leave (FMLA) that is anticipated to require the employee to be absent from work for a minimum of 30 consecutive calendar days.
- exhausted, or expect to exhaust, all earned time/annual leave, sick leave/sick pool, and compensatory time; and must be facing a minimum of five (5) days of unpaid leave. Note: Eligible faculty and staff with at least one year of benefits-eligible service may use up to a maximum of 10 days of accrued sick leave/sick pool time per fiscal year for "Family Leave". If, after using 10 days, there remains a sick leave/sick pool balance, they may receive Compassionate Donation to care for family members even though they have a sick leave/sick pool balance.
- have received no more than 20 Compassionate Donation days in the 12-month period immediately preceding the receipt of Compassionate Donation. The total number of received days shall not exceed 20 workdays in a revolving 12-month period immediately preceding the receipt of Compassionate Donation.
- expect to return to work for a period of at least 30 calendar days following the leave.

Employees are NOT eligible if one or more of the following apply:

- do not meet eligibility criteria above
- are otherwise eligible for or receiving USNH disability benefits or workers' compensation (excluding privately purchased short-term disability insurance)
- are in a Performance probationary status due to attendance issues, at the time of application
- are in an intermittent FMLA situation

DEFINITIONS

Compassionate Donation (Donor) – an employee who voluntarily requests that earned time/annual leave be used to provide payment to another employee who needs Compassionate Donation because of the serious medical condition of employee or eligible family member. The donating employee must have a minimum balance of one week (e.g., 40 hours/5 days) of earned time/annual leave after donating time.

Compassionate Donation (Receiver) – See “Eligibility” above.

Immediate Family Member - spouse, parent, same-sex domestic partner, or legal dependent child (natural, foster, adopted, legal ward or stepchild).

Serious health condition – as defined under FMLA, in short means an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. The receiving employee must provide Form A - Employee Health Certification Form indicating that the employee has a serious health condition, or has caregiver responsibilities for a qualifying relative or household member with a serious health condition.

A year - For the purpose of receiving time is defined as a revolving 12-month period spanning the 12 months immediately preceding the donation request/receipt.

DONATING TIME

The total number of donated ET/vacation hours/days shall not exceed 12 work days per fiscal year. Time may be donated to more than one individual provided the total amount of time donated does not exceed 12 days. The maximum amount of time donated is pro-rated for part-time appointments (for example, the total number of days donated by an employee with a 75%-time appointment shall not exceed nine days per fiscal year).

Time must be donated in minimum increments of 4 hours/.5 days.

The donating employee must have a minimum balance of one week (e.g., 40 hours/5 days) of earned time/annual leave after donating time. During the course of the compassionate donation period, the receiver may wish to maintain his or her privacy. All employees involved in a Compassionate Donation transfer should make every effort to be as discreet as possible.

All Compassionate Donation must be given voluntarily and anonymously, to avoid a sense of peer pressure. No employee may be coerced, threatened, intimidated, or financially induced into Compassionate Donation. Supervisors should avoid any appearance of soliciting leave from subordinates for transfer. Compassionate Donations will remain anonymous to the receiver.

Any Compassionate Donation not used during each occurrence may not be retained by the receiver. The excess donation would be returned to the donor(s) who was the last to contribute.

Compassionate Donation may not count toward the donating employee's minimum usage requirement.

Compassionate Donation may be donated up to 30 days after the employee returns to work.

RECEIVING TIME

The total number of received days shall not exceed 20 work days in a revolving 12-month period immediately preceding the receipt of Compassionate Donation. The maximum amount of time an individual may receive is pro-rated for part-time appointments (for example, the total number of days received for employee with a 75%-time appointment shall not exceed 15 days in a revolving 12-month period).

One unit (hour/day) of Compassionate Donation must be regarded as one unit (hour/day) of Compassionate Donation for the receiver. The value of the donation is based on the receiver's current salary/hourly rate.

Compassionate Donation may be used during the period of medical leave (up to six months) following the last day worked. It may not be used beyond the six-month disability period.

Only one University employee from a family may receive Compassionate Donation at a time to care for a family member.

OTHER COMPASSIONATE DONATION INFORMATION

An employee may donate time and receive time in the same fiscal year.

Compassionate Donation may be donated between employees in different University departments and different employment types (e.g., OS, PAT, EE, non-AAUP Faculty)

A receiver may not transfer Compassionate Donation to another receiver.

ROLES

Receiving Employee will meet eligibility requirements. The receiving employee will follow the normal medical leave process: complete a Request for Leave of Absence form with signatures, and have Form A - Employee Health Certification Form submitted to Human Resources.

Supervisor of Receiving Employee will follow University procedure regarding medical leave, and verify employee eligibility including earned time, annual leave/sick leave balances.

Supervisor of Donating Employee will verify that donating employee meets minimum leave balance and other program requirements to qualify as a donor. The supervisor is responsible for ensuring that employee leave records reflect the Compassionate Donation.

Human Resources will verify employee leave eligibility (based on Request for Leave form *and* Form A - Employee Health Certification Form.) Human Resources will maintain the Compassionate Donation forms.

LEAVE RECORD KEEPING

At the end of the pay period/month, the donating employee will deduct the applicable number of earned time hours or annual leave days from his/her balance and place an explanation on the ET/annual leave record (e.g., code for Compassionate Donation). For donating employees who maintain their time via web time entry, the Human Resources office will deduct donated time from their current leave balance.

Donated time does not count toward annual minimum usage requirement for earned time and annual leave.

Employees may not donate earned time/annual leave that would otherwise have been forfeited to meet minimum usage requirement or to not exceed maximum accrual amount. For example, a PAT staff member who has reached maximum accrual of 45 annual days and donates two days for compassionate donation, would have a remaining balance of 43 days.

BENEFITS CONTINUATION

A Compassionate Donation receiver may be eligible to receive the same benefits such as medical, dental, life insurance, disability, and retirement contributions while on leave without pay, administered through the USNH Benefits Office. He or she would contact the USNH Benefits Office to arrange payment of benefits premiums.

Earned Time and sick/annual leave will not accrue while receiving Compassionate Donation payments.

ADMINISTRATION

Compassionate Donation will be administered by the department where the employee requesting assistance works. The receiver's home department shall pay the salary of an employee's time away covered by Compassionate Donation, at the current regular rate of pay. The receiver shall be paid according to his or her regular work schedule and current labor distribution.

The University shall not assume any tax liabilities that would otherwise accrue to the employee. Compassionate Donation is not tax deductible as a charitable contribution.

Certain garnishments may still be subject to withholding for an employee receiving Compassionate Donation payments.

Any information received on Compassionate Donation Applications, Request for Leave of Absence Form, Form A - Employee Health Certification Form, and related information is confidential.

PROCEDURE

- Request to receive Compassionate Donation. An employee wishing to receive Compassionate Donation completes the "[Compassionate Donation - Receiver](#)" form and submits for departmental verification and Human Resources authorization. The receiver also needs to have submitted Request for Leave of Absence form and Certification of Health Care Provider forms, consistent with FMLA policy.

Medical information is treated confidentially and is kept separate from the employee's Human Resources file. Employees are not required to share information about their medical condition or that of family members with their supervisor. The University reserves the right to request continual updates, second opinions, and other medical information as needed.

- Request to donate Compassionate Donation. An employee wishing to donate earned time/annual leave completes the "[Compassionate Donation - Donor](#)" form and submits for departmental verification and Human Resources authorization.

The employee's immediate supervisor will forward the Request Form to the Dean/ Director/Department Head for signature.

The University has the discretion to deny Compassionate Donation for employees with a written record of disciplinary action for sick leave abuse or misuse, or other attendance-related reasons, within the past twenty-four (24) months.

TERMINATION OF DONATION - Compassionate Donation terminates when one or more of the following occur:

- Receiver's employment terminates
- Illness or injury of employee or family member no longer requires absence from work
- Employee returns to work (Employee may receive retroactive Compassionate Donations for up to 30 days after returning to work)
- Health care provider releases the employee to return to work
- Maximum Compassionate Donation allowance has been exhausted
- Receipt of donations has ended