

Union Proposal #21
Sick Leave Pool

April 6, 2021

ARTICLE 12: SICK LEAVE

SECTION: XX SICK LEAVE POOL [NEW]

Sick Leave Pool (Voluntary Sick Leave Donation Opt-In Option)

Section XX. Sick Leave Pool. The Appointing Authority shall establish a sick leave pool, hereinafter "Pool". The Pool provides additional paid leave for employees who have exhausted their accrued sick and vacation leave benefits as the result of a catastrophic illness, accident, or injury. The Pool serves as a repository into which employees donate accrued sick leave for allocation to eligible employees. There shall be no limits on the amount of sick leave donation.

Eligibility to Donate Sick Leave

To be eligible to donate sick leave to this Pool, the employee must:

1. Be a current bargaining unit employee.
2. Have an accumulated sick leave balance sufficient to cover the donation.

Eligibility to Receive Sick Leave from the Pool

To be eligible to receive sick leave under this Pool, the employee must:

1. Be a current bargaining unit employee with one (1) year of employment with the State after voluntarily donating eight (8) hours to the Pool.
2. Have exhausted their accumulated sick leave and all other paid leave, such as accrued vacation, if applicable, at the time the employee requests a donation from the Pool.
3. Be eligible for leave under the Family Medical Leave Act (FMLA) prior to the beginning of the need for donated sick leave.
4. Not be receiving benefits from Workers Compensation.
5. Have a serious health condition and need a prolonged absence from work.

Definitions

1. "Serious health condition" has the same meaning as in 29 CFR, Section 825.113(a) of the FMLA regulations, except that elective surgeries and minor illnesses are not covered as serious health conditions.
2. "Substantial loss of income" means the employee has exhausted all paid leave available and has been unpaid for five (5) work days at the employee's usual FTE.

Donation Process

1. To donate sick leave to the Pool, an eligible employee must complete a Sick Leave Pool Donation Form and submit it to the Appointing Authority.

2. Donations must be in whole hour increments.
3. Donations, once made and processed by the Appointing Authority, are irrevocable.
4. Donations are not taxed to the donor and are not tax deductible.
5. Sick leave hours donated to the Pool are donated at the donor employee's regular rate of pay.

Application for Pool Benefits

To receive sick leave from the Pool, an eligible employee must complete a Sick Leave Pool Recipient Form and submit it to the Appointing Authority. Medical documentation of the employee's eligibility must be included with the Recipient Form. Updated documentation of the serious medical condition must be provided by the employee upon request by the Appointing Authority. An eligible employee or their designee may have union representation in the submittal of an application for use of Pool leave.

Pool Benefits

1. Sick leave time received may only be used on a prospective basis, beginning with the first day following determination of eligibility. Sick leave time received shall not be used retroactively.
2. A recipient may not receive more paid time from this Pool than they would otherwise receive if they were working.
3. A recipient's pay will continue to be taxed in accordance with state and federal tax laws, and all authorized deductions will continue to be deducted from the recipient's paycheck.
4. Any use of this Pool will run concurrently with leave under FMLA. Use of the Pool will not extend the FMLA period.
5. Hours received are paid at the eligible recipient's regular rate of pay.

Pool Administration

1. The identities of donors and recipients are private data consistent with the Minnesota Government Data Practices Act. The recipients of sick leave from this Pool shall not be informed of the identities of the donors and donors may not be informed about the identity of recipients nor shall donors be allowed to designate specific recipients for their donation. Employees shall not intimidate, threaten, or coerce any other employee with respect to donating or receiving leave under this Pool.
2. The Pool shall be administered by the Appointing Authority. In the event that an eligible employee's request for Pool leave is denied, the eligible employee or their designee may submit a written appeal to their Joint Labor Management Committee. The employee submitting an appeal shall be eligible for union representation throughout the appeal process.
3. Donated hours shall be distributed to eligible recipients on a first-come, first-served basis and in no case may the number of distributed hours exceed the number of hours donated. If more than one qualifying request is received on the same day and insufficient donations exist in the Pool, then existing Pool donations will be divided equally among the qualified recipients.
4. Alleged abuse of the use of this Pool shall be investigated, and, on a finding of wrongdoing, the employee shall repay all sick leave hours received from the Pool and shall be subject to such other disciplinary action, as determined by the Appointing Authority.

Annual Reporting

On March 1st of every year, the Appointing Authority shall provide to MAPE the Pool balance, the number of participants, and how many Pool hours each participant used for the previous calendar year. In addition, the Appointing Authority shall include the number of requests for use of the Pool and the reasons for any denial to use the Pool.