

PROFESSIONAL/SUPPORT STAFF VOLUNTARY TRANSFER OF ACCRUED ANNUAL OR SICK LEAVE

The District recognizes the existence of circumstances under which non-job-related, seriously incapacitating, and extended illnesses and injury may exhaust accrued leave of employees. To provide some measure of relief in such situations, a limited mechanism, based upon voluntary transfer of accrued annual or sick leave, is established. The mechanism will be termed transfer of accrued annual or sick leave for a medical emergency. The definition of a “medical emergency” will be as follows: A medical condition of the employee or a family member of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available.

Limits to Donations

The donated leave will be limited to annual leave or sick leave (sick leave will be any paid leave that the district, by policy, allows to be used for that purpose).

Donations will be by accrued days of leave, using either the donor’s current daily wages or hourly wages earned for each donated day. The recipient shall receive the donation converted to the daily wages or hourly wages they currently earn.

All donations shall be for the current contract year and shall not exceed that period based upon the current contract earnings of the person to whom the donation is made.

All donations shall be on behalf of a specific recipient with the donation made to the district plan for transfer of leave based upon a medical emergency.

All unused donated leave shall revert to the donating employees on a prorated basis.

The employee donating leave, may donate earned leave from 3-5 days per donation, per person in need, to a maximum of 20 total days per year and must maintain accrued leave of at least 30 days of sick leave (or the equivalent) at the time of donation.

Notice and Receipt of Donations

Notice of need for leave donations will be posted by need for licensed professional staff, central office and building level professional supervisory staff and support staff including the name of the individual.

Posting will be by placing the notice of need in District e-mail.

Forms will be provided on which employees may make their donations known to the district office.

Eligibility for Use of Transferred Leave

The approved applicant shall:

- Be an employee eligible to earn sick leave.
- Have a “medical emergency” as defined in this policy.
- Have exhausted all earned/accrued leave of any nature or kind including compensatory time and be eligible for an unpaid leave of absence.
- Not be eligible at the time of request for disability benefits, including but not limited to Social Security, Worker’s Compensation wage replacement benefits and long or short term disability benefits.
- Be one whose return to duty is projected to occur no later than the beginning of their next contract year.
- Submit an application, which shall be received by the district office at least ten (10) days prior to the beginning of the applicant’s unpaid leave status, when practicable.
- The application must be supported by a certified document by a health care provider that describes the nature, severity and anticipated duration of the emergency condition of the recipient and that includes a statement that the recipient is unable to work all or a portion of the recipients work hours.

Determining Eligibility

The Superintendent shall appoint an application screening committee consisting of at least a minimum of one health education professional, one support staff member, one licensed teacher and one professional supervisory person to review the applications and make a recommendation to the Superintendent.

The Superintendent shall receive the applications and make the final determination of eligibility using the criterion of eligibility and in consideration of the recommendation of the advisory committee.

No continuing rights are established by this policy. In compliance with established procedure, the Governing Board reserves the right to modify, change or delete any policy in accord with its own guidelines. An appeal of the decision of the Superintendent may only be taken using the Staff Grievance Policy.

Reference: NMSA 1978 10-7-22