INTRODUCTION

Pursuant to the University of Colorado’s Administrative Policy Statement entitled “Leave Sharing for Officers, Exempt Professionals and Faculty on Twelve-month Appointments” (effective January 1, 2008) and the State of Colorado Personnel Board Rules and Director’s Administrative Procedures 5-8 and 5-9, a Leave Sharing Program (Program) has been created for University of Colorado at Boulder and System Administration classified employees, officers, exempt professionals and faculty members (including research faculty) on 12 month appointments. The Program provides a pool of annual leave donated by employees for the benefit of eligible employees. The maximum amount of time that can be awarded to classified employees, officers, exempt professionals and faculty members (including research faculty) on 12 month appointments is 520 hours per fiscal year.

The Program is administered pursuant to this document by the Leave Sharing Committee Chairperson (Chair), an employee in the Office of Employee Relations, with the assistance of the Leave Sharing Committee (Committee). The Executive Director of the Department of Human Resources, in consultation with the Chair, appoints the Committee members.

Employees who donate to the Program only donate annual leave hours and not the corresponding compensation for those hours. Accordingly, the department of the employee who receives leave sharing hours through the Program is responsible for compensating the employee for those hours.

DONATION PROCESS

Any University of Colorado at Boulder or System Administration employee may donate annual leave hours (not sick leave hours) to the Program. Donations are voluntary. The annual leave hours donated may include those hours that would be forfeited because of excess balances at the end of the fiscal year.

Donors may designate a specific, qualified employee for donated hours. If for any reason the designated employee does not use the donated hours, the hours will be returned to the Program.

To make a donation to the Program, donors must complete the donation form located here. The payroll liaison of the donor’s department must verify that the donor has enough annual leave to cover the amount of hours being donated. The payroll liaison submits the donation form to the OLR after it has been signed by the payroll liaison and the employee. The donations are deducted by the payroll liaison in the donor’s department using the applicable HRMS procedures. The payroll liaison also deducts the hours from the employee’s departmental work record. Information regarding deduction of leave hours is located on the Payroll and Benefit Services Procedures Guide, available here.
APPLICATION PROCESS

Employees wishing to apply to the Program for leave sharing hours may obtain an application on the Employee Relations website. Applications must be completed and signed by the employee, appointing authority and payroll liaison.

Where the employee is seeking leave sharing hours for a situation that falls under Section 3.A below, the employee must also have his/her physician or the family member’s physician fill out the relevant portions of the application. An employee requesting leave sharing hours for situations falling under Sections 3.B-D below will be required to provide documentation of the catastrophic event or military service for which they are seeking leave sharing hours. The appointing authority must provide written support regarding the employee’s request before the Committee will consider the application. The employee’s annual and sick leave records for the current and prior fiscal year must be attached to the application. The employee, or someone on the employee’s behalf if the employee is unable, also must submit a personal statement explaining the reason for the employee’s request for leave sharing.

ELIGIBILITY REQUIREMENTS FOR THE PROGRAM

1. Employee eligibility

University of Colorado at Boulder and System Administration employees who have a minimum of one year of State service or University of Colorado employment are eligible to apply for leave sharing hours.

2. When leave sharing hours can be used

Leave sharing hours may only be used once the employee has exhausted all compensatory time, and accrued sick and annual leave (except where noted below in Section 3.B-D). Leave sharing hours may not be used to make an employee whole who is receiving short-term or long term disability benefits or worker’s compensation benefits. However, an employee may use leave sharing hours to cover the unpaid portion of the waiting period leading up to the commencement of short term disability benefits. Officers, exempt professionals, and faculty on 12 month appointments who have opted not to purchase short term disability coverage and are requesting leave sharing for their own condition may only use leave sharing hours to cover what would have been the unpaid portion of their waiting period had they purchased coverage. Any leave sharing hours awarded must only be used in connection with the condition stated in the application. Any leave sharing hours not used in connection with the stated condition must be returned to the leave sharing bank.

3. Situations that qualify for a grant of leave sharing hours

In April 2009, the Colorado Legislature passed HB09-1008, granting the State Personnel Board Director the authority to establish procedures to allow for leave sharing for “an unforeseeable life altering event beyond the employee’s control.” As a result, in May 2009, the State Personnel Board Director enacted a State Personnel Board Rule to comport with this change. In doing so, the State Personnel Board Director left it up to the individual state departments to establish criteria for those events that would qualify under this new broader definition. Accordingly, employees of the University of Colorado at Boulder or System Administration may apply to this Program if their situation falls within one of the following categories:

Updated 07/14
A. The employee, or the employee’s immediate family member, is experiencing a physical or mental illness or injury that either:
   a. Poses a direct threat to life, or
   b. Is catastrophic – meaning the illness or injury requires inpatient, outpatient, hospice or residential care and results in a period of incapacity (or anticipated incapacity) for a period of 30 consecutive calendar days or more.

The illness or injury that poses a direct threat to life or requires inpatient, outpatient, hospice, or residential care and will result in an incapacity (or anticipated incapacity) lasting 30 or more consecutive days must be certified by a legally credentialed healthcare provider.

Healthcare Provider is defined as any doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, physician’s assistant, nurse midwife and clinical social worker performing within the scope of his/her practice as defined under State law; Chiropractors and Christian Science practitioners are health care providers to the extent defined under FMLA regulations. Also included is any healthcare provider recognized by the University of Colorado group health plan for reimbursement of services.

An employee’s “immediate family member” is defined as an employee’s child who is under the age of 18 or an adult child incapable of self-care, parent, spouse, legal dependent, or a person in the household for whom the employee is the primary caregiver. The appointing authority and Committee may require documentation of the familial or caregiver relationship.

“Incapacity” means that the employee or employee’s family member is substantially limited in performing activities in his/her daily life which he/she can normally perform. For example, the employee/employee’s family member is substantially limited in seeing, speaking, hearing, breathing, sitting, standing, walking, lifting, reading, learning, performing cognitive tasks, or feeding, bathing, dressing or grooming him/herself.

Examples of illnesses and injuries that this policy is intended to cover include: heart attacks, heart conditions requiring heart bypass or valve operations, terminal disease, most cancers, periods of incapacity due to serious chronic medical illnesses (such as diabetes, asthma, epilepsy and emphysema), back conditions requiring surgical procedures and extensive therapy, spinal injuries, strokes, life-threatening infections, most major and emergency impatient surgeries, serious mental illness requiring inpatient care, and injuries caused by serious accidents suffered outside of work.

Examples of illnesses and injuries that this policy is not intended to cover include: short-term or sporadic conditions or illnesses such as colds, sore throats, sprains, broken limbs not requiring extensive surgery, migraines, mild mental illness requiring only outpatient care, normal pregnancy and cesarean sections, and routine, corrective, elective and outpatient surgeries.

B. An employee who experiences a catastrophic event or emergency affecting his/her primary residence, such as a wildfire, flood, tornado, or other natural disaster, or accidental event such as a fire or natural gas explosion, that results in a loss of life or substantial damage or complete destruction of the employee’s primary residence is also
eligible to apply for leave sharing hours. Leave sharing hours are only available after the employee has exhausted all annual leave and compensatory time, sick leave, if applicable, and any administrative leave he/she may be granted.

Leave sharing hours awarded for catastrophic events or emergencies should be used for the immediate needs following the catastrophic event such as finding shelter, food, clothing, childcare, and addressing disaster recovery issues that include accessing applicable resources (e.g. FEMA, insurance companies, and emergency mitigation services).

Substantial damage\(^1\) is defined as damage of any origin sustained by a residence whereby the cost of restoring the residence to its before-damaged condition would equal or exceed 50 percent of the market value of the residence before the damage occurred. Applicants will be required to provide documentation of the catastrophic event for which they are seeking leave sharing hours.

Determining substantial damage must be assessed by qualified authorities able to determine damage or assess repair costs. Examples of qualified authorities include home appraisers, licensed general contractors, professional construction estimators, insurance adjusters, and FEMA representatives. Official documentation verifying substantial damage (equal to or greater than 50% of the value of the residence) must be included with the leave sharing application.

C. An employee who is serving as a first responder (e.g. fire fighter, paramedic, National Guard volunteer, etc.) called to respond to such catastrophic events or emergencies listed in Section B. Leave sharing hours are only available after the employee has exhausted all annual leave and compensatory time, and any administrative leave he/she may be granted.

D. An employee who is on active military service or other military operations and is experiencing serious financial hardship during the initial call up. The hours donated must be used to make up the difference between the employee’s base salary (excluding premiums) and the total gross military pay and allowances. Leave sharing hours are only available after the employee has exhausted all paid military leave, annual leave, compensatory time, and any administrative leave he/she may be granted.

REVIEW PROCESS

The Committee generally meets once a month to review applications but may make special arrangements to meet on an as-needed basis in the event that an application needs immediate review.

Submitted applications are treated in a highly confidential manner and are only reviewed by the Committee. After carefully reviewing the employee’s entire submission, the Committee, led by the Chair, puts to a vote the decision whether to grant or deny an employee’s request for leave sharing hours. The Chair and all of the members of the Committee have equal voting rights.

\(^1\) The definition of substantial damage is based largely on how it is defined by the Federal Emergency Management Agency and the Colorado Department of Natural Resources.

Updated 07/14
The request for leave sharing hours may be denied for a variety of reasons including the ineligibility of the qualifying event, the ineligibility of the employee for the Program, an incomplete application or a pattern of leave abuse. Leave sharing hours are not an entitlement and cannot be grieved or appealed.

NOTIFICATION PROCESS

Notification of the Committee’s decision is sent to the employee and the employee’s payroll liaison and appointing authority. The payroll liaison makes the necessary adjustments to the departmental record and to PeopleSoft. If the employee does not use all the leave sharing hours granted to him or her, the department will notify the Chair of these unused hours and the hours will be returned to the Program for future use by other eligible employees.

This document supersedes all University of Colorado at Boulder leave sharing policies and procedures in effect prior to the effective date of this document.