


<p style="text-align: center;"><b>MISSOURI DEPARTMENT OF TRANSPORTATION</b></p>  <p style="text-align: center;"><b>PERSONNEL POLICY MANUAL</b></p>	<b>Chapter Title</b> Leaves of Absence		
	<b>Policy Title</b> ShareLeave Program		
	<b>Policy Number</b> 3511	<b>Page</b> 1 of 5	<b>Effective Date</b> October 1, 2015
<b>Approved By</b> Micki Knudsen, Human Resources Director, Signature on File	<b>Supersedes Policy Number</b> 3511	<b>Page</b> 1 of 6	<b>Prior Effective Date</b> January 1, 2013

## **POLICY STATEMENT**

The department has established a ShareLeave program to provide additional paid leave to eligible employees who have exhausted all of their own applicable paid leave time (sick leave, annual leave, and/or comp time). For eligible employees, ShareLeave is available for illness or injury (personal or immediate family) which is life threatening, catastrophic, or resulting in a potentially permanent disability or for the purpose of arranging for a foster or adopted child's placement or caring for the child after placement. All donations of eligible leave shall be voluntary. No employee may intimidate, threaten, or coerce any other employee with respect to donating or requesting leave under this program. Individual leave records are confidential, and no individual employees shall receive remuneration of any kind for leave donated. This program is available to salaried (full-time) and permanent part-time employees (not seasonal, summer, or emergency) of the department as described in this policy.

## **DEFINITIONS**

**Employee Pool:** Defined as a single department-wide pool, which receives voluntary contributions of annual leave (vacation) or compensatory time from salaried and permanent part-time employees and converts them into paid leave credits to be used by eligible salaried and permanent part-time employees on behalf of themselves.

**Family Pool:** Defined as a single department-wide pool, which receives voluntary contributions of annual leave (vacation) or compensatory time from salaried and permanent part-time employees and converts them into paid leave credits to be used by eligible salaried and permanent part-time employees on behalf of covered family members.

Foster and Adoptive Placement and Care Pool: Defined as a department-wide pool, separate from the Employee and Family Pool, which receives voluntary contributions of annual leave (vacation) or compensatory time from salaried and permanent part-time employees and converts them into paid leave credits to be used by eligible salaried and permanent part-time employees for the purpose of arranging for a foster or adopted child's placement or caring for the child after placement. The leave available in this pool may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

## **PROVISIONS / REQUIREMENTS**

1. The "ShareLeave Committee" is a statewide committee, which is responsible for administering the ShareLeave Program. This committee has five members who are appointed by the department director or his designee. Members are appointed from various teams and locations throughout the department.

2. Donation of Annual Leave (Vacation) or Compensatory Time

The program is based on a "pool" concept, rather than donations to a specific department employee. Any salaried or permanent part-time employee is eligible to donate annual leave (vacation) or compensatory (comp) time to the Employee Pool, the Family Pool, or the Foster and Adoptive Placement and Care Pool subject to the following conditions:

- A. Annual leave (vacation) or comp time donations must be in 15-minute increments, with the exception of automatic donations of time in excess of the maximum allowable accumulation.
- B. Donations may not be designated for a specific department employee or an employee's family member;
- C. Donations will be converted to paid leave credits on an hour-for-hour basis; and
- D. Donations made cannot subsequently be returned to the employee who made the donations.

Employees may donate to any pool by submitting a ShareLeave One-Time Donation Form to their supervisor. Supervisors should submit the completed forms as soon as possible in order for the leave time to be made available to the respective pool the following pay period. Employees may also elect to donate a specified number of hours to any pool each month by submitting a ShareLeave Monthly Re-Occurring Donation Form to their supervisor. Donations will be processed on the last day of the month.

3. Lost Annual Leave or Comp Time

In addition to employee donations of annual leave or comp time as described in paragraph 2, "lost" annual leave or comp time may also be donated. Lost annual leave occurs when an employee's annual leave balance exceeds the maximum permissible accumulation at the end of each 12-month period of November 1 through October 31 each year. See Personnel Policy 3001, "Annual Leave," for accumulation limits. Lost comp time occurs when an exempt employee who earns comp time has the maximum comp time balance of 240 hours, and works additional overtime during a pay period. Unless an employee directly opts out of this, by completing and submitting the ShareLeave Automatic Donation Exemption Form to their supervisor, such lost time will be deemed voluntarily donated.

4. Eligibility to Make Withdrawals From Employee and Family Pools and Foster and Adoptive Placement and Care Pool

A. Any salaried or permanent part-time employee who is not on probationary status (initial six-month or disciplinary probation) is considered eligible to receive additional paid leave under the Employee and Family pools and Foster and Adoptive Placement and Care pool provided they meet one of the following qualifying events:

- 1) To qualify for the Employee Pool, the employee must have experienced an illness or injury which is life threatening, catastrophic, or resulting in a potentially permanent disability. The illness or injury must be of an extended duration where it is anticipated the employee will not be able to return to work for at least three months. The illness or injury does not have to be job related.
- 2) To qualify for the Family pool, a member of the employee's immediate household must have experienced an illness or injury which is life threatening, catastrophic, or resulting in a potentially permanent disability. A member of an employee's immediate household includes a spouse or domestic partner or unemancipated child who resides in the employee's home. Under this personnel policy, an unemancipated child means a biological, foster, or adopted child, or a stepchild, who (at any age) is under the employee's care, custody, and control.
- 3) To qualify for the Foster and Adoptive Placement and Care pool, the employee must be the person who is primarily responsible for furnishing the care and nurture of the child. The request must be for the purposes of arranging for a foster or adopted child's placement or caring for the child after placement, which includes, but is not limited to:
  - a. Appointments with state officials, child placing agencies, social workers, health professionals, or attorneys;
  - b. Court proceedings;
  - c. Required travel;
  - d. Training and licensure as a foster parent;

- e. Any periods of time during which foster or adoptive parents are ordered or required by the state, a child placing agency, or by a court to take time off from work to care for the foster or adopted child; or
  - f. Any other activities necessary to allow the foster care or adoption to proceed.
- B. The employee may withdraw from only one pool per qualifying event. The employee must have exhausted all of his/her own applicable paid leave time (sick leave, annual leave, and/or comp time) before being eligible to withdraw from any pool.
- C. The employee must have exhausted all workers' compensation lost time benefits (if applicable) before being eligible to withdraw from the Employee Pool.
- D. The employee cannot receive ShareLeave benefits while receiving disability benefits.
- E. The employee is not required to have previously contributed to any pool to be eligible to receive ShareLeave.

5. Application to Make Withdrawals From ShareLeave Pools

Employees (or a designated representative) may request paid leave from the respective pool by submitting a ShareLeave Request Form to their respective district engineer or division director/state engineer. A doctor's statement describing the illness or injury must accompany the request for Employee or Family ShareLeave and must include the diagnosis of the illness or injury, and a prognosis. A medical certification stating why the employee's absence is required for the personal attention and care of the immediate family member must also accompany requests for sick leave from the Family Pool. Documentation (such as a court order, notice of court proceeding, or letter from a placement agency) stating why the employee's absence is required and the anticipated duration of absence must accompany requests for Foster and Adoptive Placement and Care ShareLeave. Additional documentation may be required.

6. Responsibilities Related to ShareLeave Request

- A. ShareLeave Committee Responsibilities:
- 1) Reviewing ShareLeave requests to verify whether or not employees meet the eligibility requirements for receiving benefits, as provided in paragraph 4.
  - 2) Approving or disapproving each request based on eligibility requirements, and notifying the Financial Services Division-Payroll, the appropriate supervisor/manager, and each employee accordingly.
  - 3) Monitoring the ShareLeave pools' balances to determine the amount of paid leave eligible employees will receive as established in paragraph 7.

- 4) Issuing interpretations and clarifications of the program.
- 5) Recommending personnel policy changes to the Human Resources Director.
- 6) Keeping the Communications Division informed of ShareLeave activities.

B. District Engineer or Division Leader/State Engineer Responsibilities:

- 1) Ensuring the employee is not on probationary status.
- 2) For Employee and Family ShareLeave requests, securing adequate medical documentation from the employee, including medical diagnosis and prognosis, which justifies that the illness is life threatening, catastrophic, or could potentially result in a permanent disability. For Foster and Adoptive Placement and Care ShareLeave requests, securing adequate documentation stating why the employee's absence is required and the anticipated duration of absence.
- 3) Ensuring the employee has exhausted all of his/her own applicable paid leave time (sick leave, annual leave, and/or comp time), and (if applicable) workers' compensation lost time benefits. Also, if applicable, contact should be made with the retirement board to learn the status of the employee's request to receive disability benefits from the retirement system.
- 4) Notifying the Financial Services Division-Payroll immediately upon becoming aware when a leave recipient's medical emergency or Adoptive and Foster Placement and/or Care need terminates.

C. Financial Services Division - Payroll's Responsibilities:

- 1) Maintaining appropriate leave records for donors and recipients.
- 2) Verifying an employee has exhausted all of their own applicable paid leave time and (if applicable) workers' compensation lost time benefits.
- 3) Keeping records of the pools' balances.

D. Communications Division's Responsibilities:

- 1) Assisting the ShareLeave Committee with ShareLeave correspondence.
- 2) Preparing employee communications regarding the ShareLeave Program.

7. Awarding of ShareLeave Benefits

In those cases where an employee is eligible to receive benefits, the payment of benefits will be handled as follows:

- A. The amount of paid ShareLeave an employee is eligible to receive will be based on documentation verifying the need and duration for attendance for qualifying events outlined in paragraph 4. The maximum amount of paid ShareLeave an employee may receive is 504 hours per qualifying event. The amount of paid ShareLeave for the Foster and Adoptive Placement and Care pool will be issued in 1-hour increments. The amount of paid ShareLeave for

the Employee and Family pool will be issued in 168-hour increments.

- B. The amount of paid leave to be granted will be determined on a month-by-month basis and is dependent upon the pools' balances and the number of eligible recipients. Each recipient will receive a proportionate share of paid leave each month, provided it does not exceed the amount he/she is eligible to receive.
- C. If the pools' balances cannot accommodate the amount an employee is eligible to receive, the balance of leave the employee is eligible to receive will be carried over to subsequent months. An employee will continue to receive additional paid leave each succeeding month until he/she reaches the amount for which he/she is eligible, provided he/she is still eligible. The Employee Pool can draw hours from the Family Pool if the balance is insufficient; but, the Family Pool cannot draw hours from the Employee Pool. The Employee and Family Pools cannot draw hours from the Foster and Adoptive Placement and Care Pool. The Foster and Adoptive Placement and Care Pool cannot draw hours from the Family Pool or the Employee Pool.
- D. The ShareLeave Committee has the right to require an updated medical statement and/or documentation from an employee on an as-needed basis. When requested, these statements must be submitted immediately for continued eligibility.
- E. Any amount of paid leave granted, but not needed, will be returned to the respective pool.
- F. An employee may accrue annual leave, sick leave, or holiday credits while using donated leave; however, annual leave and sick leave credits will be used during the next pay period before ShareLeave credits are used.
- G. An employee who uses paid leave from any pool is not required to pay back any paid leave received.

### **CROSS REFERENCE**

[Personnel Policy 3001, "Annual Leave"](#)

### **FORMS**

[ShareLeave One-Time Donation Form](#)

[ShareLeave Monthly Re-Occurring Donation Form](#)

[ShareLeave Automatic Donation Exemption Form](#)

[ShareLeave Request Form](#)