



ADMINISTRATIVE OFFICE OF THE
Nineteenth Judicial Circuit
Lake County, Illinois

Circuit Policy

Sick Leave Pool



May 2016

I. Purpose

The 19th Judicial Circuit recognizes that circumstances may arise that result in an employee's need for additional time off in excess of their available benefit time. This policy addresses a donation program whereby accrued vacation leave may be voluntarily donated to a sick leave pool for sharing with benefits-eligible employees (County paid employees). This policy is strictly voluntary. This policy does not apply to State of Illinois employees.

II. Policy

A. Eligibility

To qualify the employee requesting donated time from the sick leave pool must:

1. Have a non-work related serious illness or injury that requires a prolonged absence, as verified in writing by a health care provider, which meets the definition of a serious health condition under the Family and Medical Leave Act (FMLA) and an estimated date of return to full duty from the health care provider; or

Have a spouse or dependent with a serious illness or injury, as verified in writing by a health care provider, which meets the definition of a serious health condition under the Family and Medical Leave Act (FMLA); or

Be in quarantine due to exposure to contagious disease; and

2. Have an insufficient amount of benefit time to cover the estimated period of absence; and
3. Have donated at least 4 hours of vacation time to the pool initially and at least one (1) hour each time the pool goes below the minimum threshold; and
4. Be an employee of the County of Lake; and
5. Cannot be in a grant funded position.

B. Donation of Vacation Leave to Sick Leave Pool

1. The donation of vacation leave is strictly voluntary and is irrevocable. No employee shall be coerced, threatened, intimidated, or financially induced into donating vacation leave for purposes of this program.
2. Donated vacation leave may only be given to a pool for use by any eligible employee and not to a specific employee.
3. The donation of vacation leave will be converted to dollars based on the donating employee's rate of pay. Deductions from the pool will be based on the requesting employee's rate of pay. Therefore, eight (8) hours of donated vacation time may not convert to eight (8) hours of sick time.

For example: Employee A, who makes \$10 per hour, donates 16 hour of vacation time to the pool. \$160 is added to the pool. Employee B, making \$20 per hour, receives permission to use eight (8) hours of sick time. \$160 dollars is subtracted from the pool.

4. The minimum number of vacation leave hours that an employee may donate is four (4) hours per year and at least one (1) hour each time the pool goes below the minimum threshold. All donations will be in increments of whole hours.
5. The maximum number of vacation leave hours an employee may donate in one calendar year is 40 hours. An employee must maintain a vacation balance of 80 hours after making a donation to the sick leave pool.
6. No employee may donate sick leave, personal leave time, overtime, holiday floater or comp-time to this pool.

C. Use of Donated Leave

1. An employee using donated sick time shall be in active pay status and shall accrue sick time and be entitled to any other benefits they would normally receive. All sick time or other paid leave provided to or accrued by an employee while using donated sick time shall be used in the following pay period first before donated sick time is used.

2. Sick leave received by the employee pursuant to this program will be paid at the same rate the receiving employee currently earns.
3. The sick leave received by an employee from the sick leave pool will be designated as donated sick leave and will be maintained separately from all other sick leave.
4. No individual full-time employee may receive donated leave that is less than 24 hours and not in excess of 240 hours (six weeks) during the course of one consecutive 12-month period. The time shall be granted in blocks no greater than 80 hours which may be extended up to two additional times.
5. No individual part-time employee may receive donated leave in excess of 120 hours (six weeks) during the course of one consecutive 12-month period. The time shall be granted in blocks no greater than 40 hours which may be extended up to two additional times.
6. An employee approved to receive donated leave time shall be eligible to receive such leave until the employee:
7. Returns to working at least the same number of full or part-time hours as they were previously scheduled; or
8. Exhausts all donated leave.
9. Sick leave received by an employee pursuant to an application for donation from the pool can only be used for the condition verified by the physician pursuant to that particular application and any unused days will be returned to the pool.
10. In the event of a chronic illness or injury requiring episodic treatment, for example: dialysis, chemotherapy, radiation therapy, physical therapy, the employee may use donated leave in non-consecutive increments.
11. Employees absent from work and receiving donated sick leave may not work, perform services, receive or earn compensation for or from any other entity, including the employee's own business, from the beginning of such absence until the employee returns to work.

D. Membership

All full-time and part-time employees may become members of this program provided they contribute vacation hours to the bank. After the initial donation period closes, members may not access the sick leave pool bank until the employee has been a member of the sick leave pool for one (1) year.

Employees are responsible for initiating the sign-up process and may enroll in this program within one month of accruing 84 vacation hours or during one of the two annual donation periods.

1. All employees shall contribute at least four (4) hours of vacation leave upon becoming members of the program, at least 4 hours every year thereafter and at least one (1) hour each time the pool goes below the minimum threshold.
2. The minimum value of hours in the sick leave bank shall be \$5,000.
3. Hours contributed become the property of the sick leave pool and will no longer count toward the individual member's accumulated or current benefit time. Hours contributed shall remain in the sick leave bank until exhausted.
4. If the required minimum value of hours cannot be met (other than on the initial enrollment period), the remaining hours in the pool will not be returned to the donating employees.
5. Only qualifying members of the sick leave pool may receive donations under this policy.

E. Conditions or Circumstances that do not Qualify for Receipt of Donated Leave

Employees may not receive donated leave in the following circumstances:

1. Any occupationally-related accident or illness which is compensable under Workers' Compensation benefits.
2. Disability related to an uncomplicated pregnancy/delivery.
3. An employee may also not utilize donated leave:

- During the period of any disciplinary suspension.
 - While receiving disability payments from the Illinois Municipal Retirement Fund (IMRF).
 - While receiving disability insurance/Social Security Income (SSI) benefits.
 - After the termination of employment.
4. An employee employed less than one year is ineligible to receive donated leave.
 5. Requests may be denied or only partially granted if there are not sufficient hours available in the "sick leave pool".
 6. An employee's qualification for donated sick leave from the "sick leave pool" does not change their employment status from "At-Will".

F. Application to Utilize Donated Leave Process

An eligible employee may request donated leave by submitting a written request using the Sick Leave Pool Request Form and the physician's certification form to the Director of Administrative Services.

1. The employee will be required to submit a medical certificate from a physician verifying the severe or extraordinary nature and expected duration of the condition and may be required to produce additional certifications to verify the continued severe or extraordinary nature of the condition and expected duration. "Severe or extraordinary" may include severe conditions resulting in non-elective surgery, as well as life-threatening conditions, but does not include ongoing or sudden conditions that are not severe, extraordinary or life-threatening and does not include routine or non-life-threatening chronic conditions.
2. In order for the Sick Leave Pool Committee to evaluate whether an application for donation for sick leave days qualifies under this policy, the requesting employee must sign a release stating that members of the Sick leave Pool Committee will be authorized to receive information regarding the nature and extent of the applicant's condition or the condition of the

- household member for which leave is requested, and may be required to provide additional certifications to verify the continued severe or extraordinary nature of the condition and expected duration. The Sick Leave Pool Committee members will be required to sign an agreement to keep all such information confidential.
3. The Director of Administrative Services for the Nineteenth Judicial Circuit shall convene the Sick Leave Pool Committee to review requests for donated leave and make the final determination of granting the requested leave. This committee shall consist of a representative from at least three of the six divisions. A member of the requesting employee's Division shall not be included on the committee.
 4. Eligibility for donation and number of sick leave days shall be decided by a majority vote of the Committee. In the case of a tie vote, the Director of Administrative Services shall make the final decision.
 5. The Sick Leave Pool Committee will review the request for donated leave within 5 business days of receiving the request. The Committee may communicate by e-mail or phone or other means in lieu of an in-person meeting.
 6. A letter from the supervisor may accompany the application. This letter can be of a general nature and does not need to include reference to the medical condition.
 7. The Director of Administrative Services shall notify the applicant of the Committee's decision.
 8. If approved, the Director of Administrative Services will inform the employee that the request is approved and the date he/she may start drawing leave from the pool. The applicant's division director will also be notified of this decision and starting date.
 9. If the request is denied, the Director of Administrative Services will inform the employee and the employee's director of the denial.
 10. All determinations made by the Committee are final.

G. Procedure for Donating Vacation Time

1. An employee who wishes to donate vacation time to the "sick leave pool" must complete the Accrued Vacation Donation Authorization Form.
2. The completed form should be submitted to the Director of Administrative Services. The Director of Administrative Services will verify that the employee has met the criteria for donating to the sick pool.
3. Once the confirmation is made, the Director of Administrative Services will approve the donation and submit it to County Human Resources for processing and notify the employee that their request has been approved.

H. Reconciliation

The Director of Administrative Services shall maintain all records for the Sick Leave Pool and on annual basis produce a report delineating:

- The vacation hours donated by employees.
- The value of those hours.
- The number of sick hours used by qualified employees.
- The value of the sick hours used.
- The associated employee names and dates for the above.

This report shall be submitted to the Lake County Departments of Human Resources and Financial and Administrative Services. It shall be the responsibility of the Director of Administrative Services to satisfactorily reconcile this report with the above departments.