

Employee to Employee Extended Illness Bank Leave Donation Plan Document

Authority

This plan implements the provisions of Texas Government Code, Section 661.207, DONATION OF SICK LEAVE, as codified in statute by HB 1771, 84th Texas Legislature, 2015, and State Auditor's Office Sick Leave Donation Guide (August 2015), within the context of MD Anderson's leave policies.

Target Audience

Benefits-eligible administrative staff, classified, and faculty are eligible for this program.

Eligibility

- The donating and receiving employee must be employed by the University of Texas MD Anderson Cancer Center in a benefits-eligible status at the time of donation and receipt.

Exclusions

- Educational appointees and non-benefits-eligible employees are not eligible to participate in this plan.
- Extended Illness Bank accruals or sick leave may not be donated or received by an employee of another State of Texas agency or Institution of Higher Education.

Funding

Funding for this program is at the departmental level.

Donation of Extended Illness Bank Accruals

- The leave donor determines the number of accrued EIB hours to be donated.
- Eligible employees who are separating or retiring may donate EIB accruals prior to the effective date of the separation or retirement. The maximum number of hours a donor may donate each pay period is subject to the individual having enough earnings to cover the taxes during that particulate pay period.
- Whether the Extended Illness Bank Donated (EID) hours are used or not, the donation of EIB accruals is irrevocable (non-returnable) as of the date the donation form is fully executed by Human Resources.
- When EIB is donated, the donor's EIB balance will be reduced and it will be recorded as EID in the time and attendance system.
- The dollar value equivalent of the EID hours donated will be treated as income to the donor. For example, if the donor makes \$25/hour and donates 8 hours of EIB, the donor will have \$200 taxable income) and applicable taxes would be withheld from their paycheck.
- The value of the donated hours is not considered retirement-eligible earnings.
- The donor may not receive or give any financial payment (remuneration) or gift in exchange for an EIB donation.

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- The donor will keep any medical or personal information received from the recipient confidential unless disclosure is permitted by the recipient.
- The donating employee understands it is their responsibility to maintain a sufficient Extended Illness Bank (EIB) balance to account for future utilization.
- Retroactive donation of EIB hours is not permitted.

Recipient of Extended Illness Bank Accruals

- In most cases, 16 hours of PTO (prorated based on full-time equivalency) is required before EIB and Extended Illness Bank Received accruals (EIR) may be utilized. All EIB accruals and any donated and received EIR accruals received by the recipient must be used prior to use of Reduced Salary Paid Leave (RPL).
- Any hours donated to the recipient are available from the date of donation going forward. Hours donated are not retroactive back to the date in which the recipient goes on leave.
 - If the recipient is currently on RPL and during the RPL receives donated EIB hours, awarded RPL must be utilized prior to use of donated EIB.
- Donated EIB hours may be utilized for both continuous and/or intermittent leave.
- The recipient may not receive donated leave for any period which is covered by unemployment benefits or worker's compensation. If the recipient subsequently receives unemployment or worker's compensation for a period in which EIR was utilized, the EIR constitutes an overpayment and the recipient must repay the University of Texas MD Anderson Cancer the overpayment amount. Failure to repay within 30-days, the overpayment will be sent to the University of Texas Office of General Counsel for collection.
- Donated EIB hours may be used for an employee's or their immediate family member's leave of absence due to illness/injury.
- The employee may solicit donated EIB hours from the date they go on leave.
- The recipient, or his or her personal representative, is responsible for finding donors.
- The recipient may not receive or give any financial payment (remuneration) or gift in exchange for this donation.
- There is no limit on the number of EIB hours a recipient may receive in accordance with Texas Government Code, Section 661.207.
- The recipient understands donated hours will be added to the Extended Illness Bank Received accrual account in the time and attendance system.
- The recipient's manager will be informed of the number of EIR hours that have been donated to the employee.
- Utilization of EIR accruals is not treated as taxable income to the recipient.
- Utilized hours of EIR are considered creditable income for retirement purposes.
- Unutilized EIR hours are not transferrable to other employee.
- If the recipient leaves the University of Texas MD Anderson for any reason, the remaining donated EIR will be forfeited and is not restored upon rehire.

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Privacy

Persons involved in the donated leave program are responsible for guarding the privacy of recipients and donors. Communications with either group must be kept confidential. No information should be revealed to anyone (including to a recipient who wishes to thank donors) who does not have a need to know or to anyone without the written and specific permission of the person whose privacy may be broached. Individuals granted access must be advised of the requirements of this paragraph.

Definitions

Accruals

- **PTO – Paid Time Off** – PTO accruals are designed to provide paid time off for an employee's discretionary and employee and immediate family member illness/injury.
- **PT6 – Paid Time Off within 1st 6 months**– PTO accruals are designed to provide paid time off for an employee and immediate family member illness/injury within the first six-month of employment.
- **EIB – Extended Illness Bank** – EIB accruals are designed to provide paid time off for an employee or immediate family member illness or injury.
- **EIR – Extended Illness Bank Received** – EIR accruals are designed to provide paid time off for employee or immediate family member illness injury based on employees donating EIB hours to the employee.
- **EHB – Earned Holiday Bank** – EHB accruals are designed provide time off for employees who work an institutional holiday and have 12-months to utilize the accruals or they are forfeited in accordance with state law.
- **PHB – Preserved Holiday Bank** – PHB accruals are designed for those employees hired before Sept. 1, 2004 and are available for use for discretionary and illness/injury of the employee or their immediate family member.
- **RPL – Reduced Salary Paid Leave** – RPL is a salary continuance program in which employees and immediate family members are eligible for based on application and approval from the program nurse case manager.

Leave Coding

- **EID – Extended Illness Donor** –Extended Illness Bank hours that are deducted for donation to another employee.
- **EIR – Extended Illness Recipient** –Extended Illness Bank hours that are received from other employees as part of the EIB donation program.

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Other Terms

- **Leave Donor** – A current employee whose voluntary written request to transfer EIB hours to the account of an approved recipient.
- **Leave Recipient** - A current employee whose application to receive EIB hours from the accounts of one or more donors has been authorized by Human Resources.
- **Retirement-eligible Earnings** – Compensation that counts towards the calculation of Teacher Retirement System (TRS) of Texas or the Optional Retirement Plan (ORP) contributions. Extended Illness Bank Received (EIR) when used are considered retirement-eligible earnings.

General

An employee may not directly or indirectly intimidate, threaten, or coerce any other employee or interfere with any right that an employee may have with respect to donating, receiving, or using EIB. Such acts of coercion will be the basis for taking disciplinary action up to and including termination.

False statements or other misrepresentations made in connection with an employee's application to be a leave recipient or a donor may be cause for: disqualification from the program; disciplinary action, up to and including termination; criminal prosecution; and liability for the amount of leave dishonestly gained.

As a general matter, medical information held by an employer for employment-related purposes is not subject to HIPAA privacy requirements. Medical information obtained from the employee instead of directly from the provider is not subject to HIPAA privacy regulations.

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