Individual employees may voluntarily donate sick leave hours to another employee as authorized by House Bill 1771, 84th Legislature, Regular Session. This is in addition to the Sick Leave Pool.

Language is being added to UPPS 04.04.30 University Leave Policy. The following is provided as interim policy guidance:

* Recipient must work for the same agency.
* Recipient must have exhausted all of their own leave including any hours the employee may be eligible to receive from the sick leave pool.
* Donor may not accept any compensation or gift in exchange for the donated hours.
* Hours may be donated in any increment with no minimum, maximum, or expiration date.
* Donated sick leave hours can only come from the donor’s accrued sick leave.
* The donor can donate sick leave to more than one recipient.
* Donated hours do not get returned to the donor if the recipient does not use them.
* The effective date for donated hours must be on or after September 1, 2015, and before the donor’s termination date.
* The value of donated sick leave may invoke tax consequences for the donor if the recipient’s need for sick leave donation does not qualify as a medical emergency pursuant to IRS guidelines. For sick leave donation purposes, a medical emergency is defined as “a major illness or other medical condition that requires a prolonged absence from work, including intermittent absences that are related to the same illness or condition”.
* Medical certification is required to determine if use qualifies under the IRS definition of “medical emergency”. Human Resources will review and make this determination.
* Donated hours can only be used for the certified medical illness or condition.
* Donated hours may be used for the employee or family member as defined in the regular sick leave policy (UPPS 04.04.30).
* Medical certification must be submitted timely; hours may not be permitted retroactively.
* Recipient can refuse to accept the hours.
* Current department will be notified of hours accepted.
* Donated sick leave cannot be transferred to another state agency.
* Donated sick leave cannot be paid out to the estate if the recipient passes away.
* Donated sick leave cannot be used towards retirement credit.
* Donated sick hours must be recorded as lost when the recipient terminates. They cannot be transferred to the sick leave pool.
* If the recipient terminates and is rehired at the same agency where donated sick hours were lost, the hours cannot be reinstated.

**New forms** **|** [Sick Leave Donation to Individual – Donor](https://gato-docs.its.txstate.edu/jcr:563dc9be-67bf-4435-9c71-51a41f47bbf7/VS%20Sick%20Leave%20Donation%20to%20Individual%20-%20Donor_1.2018.docx) **|** [Sick Leave Donation to Individual – Recipient](https://gato-docs.its.txstate.edu/jcr:ffd57925-83fb-4ba8-b8a4-3eddb223e0ea/VS%20Sick%20Leave%20Donation%20to%20Individual%20-%20Recipient_1.2018.docx)

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