

Town of Windham

Leave Sharing Policy

I. Policy

A leave sharing program is established for the purpose of permitting Town employees to transfer a portion of their own paid leave time to a co-worker in their own or in any other department who is suffering from, or has a relative or household member suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition.

This program is being established as a pilot program subject to review by the Town Manager who, in his sole discretion¹, may cancel this program at any time or extend it from time to time.

II. Conditions for Receipt of Shared Leave

The Human Resources Director, with the Town Manager's approval, may permit an employee to receive shared leave if:

- A. The employee
 - 1. is unable to work because of an illness or injury that is not work-related and which does not render the employee eligible for Workers Compensation benefits; or
 - 2. requires leave to personally provide care for a member of his/her immediate family who suffers from a severe illness or impairment;
- B. The employee has successfully completed the six months introductory period;
- C. The employee does not have any paid leave available (sick, vacation or comp time);
- D. The employee has abided by the Town's sick leave policy;
- E. The grant of leave would not significantly burden the Town's ability to provide services to its citizens;
- F. The employee upon request provides appropriate medical justification and documentation both of the necessity for the leave and the time which the employee can reasonably be expected to be absent.

III. Conditions for Donation of Shared Leave

Employees may request the transfer of a specified amount of accrued sick leave or vacation leave to a co-worker who has been authorized to receive shared leave, subject to the following conditions:

- A. Transfers shall be in increments of not less than one full work day;
- B. The donating employee must retain a minimum of eighty hours of total accrued sick leave and vacation leave, after the transfer of shared leave;
- C. All donations of shared leave shall be entirely voluntary;
- D. The donating employee sign and date a written request for transfer of such donated leave, using the following format (the amounts are illustrative only):

¹ Town Charter Article III, Section 2

For employees who work 8-hour days:

I hereby request that the Town of Windham transfer eight (8) hours from my accrued sick leave accrued vacation leave to the benefit of my co-worker, _____ I understand that this transfer will reduce my paid leave balance and that it may not be revoked by me, but will be transferred to my coworker as needed up to the amount specified herein.

[Print name] [Signature]

Dated: __/__/____

For employees who work 10-hour days:

I hereby request that the Town of Windham transfer ten (10) hours from my accrued sick leave accrued vacation leave to the benefit of my co-worker, _____ I understand that this transfer will reduce my paid leave balance and that it may not be revoked by me, but will be transferred to my coworker as needed up to the amount specified herein.

[Print name] [Signature]

Dated: __/__/____

The amount of shared leave which an employee may receive shall be decided on a case by case basis and must have the Town Manager's approval.

IV. Employment Status of Employees Using Shared Leave

Nothing contained herein shall increase the amount of leave which an employee is authorized to take under the Maine or Federal Family Medical Leave² laws, or other applicable laws. Shared leave, if granted, merely allows for paid leave where otherwise leave would be unpaid.

- A. While an employee is using shared leave, he or she shall continue to be classified as a Town employee and shall receive the same treatment in respect to salary and employee benefits as he or she would normally receive if using accrued sick leave or vacation leave. All salary payments made to an employee while using shared leave shall be charged to the department to which that employee is assigned.
- B. The salary rate, total salary, and earned benefits of an employee using shared leave shall not change as a result of the employee being on shared leave, but shall continue as if the employee were using accrued sick leave or vacation leave.
- C. Sick or vacation leave shall be transferred on a dollar-for-dollar basis so that the cost to the Town shall be neutral. The value of the leave shall be determined at the current hourly wage of the donating employee and the leave available to the receiving employee shall be calculated at the receiving employee's current hourly rate.

² Family and Medical Leave Act of 1993 (FMLA), as amended, and 26 MRSA § 843 et seq.,

For example:

(8-hour work day)

Employee A donates 8 hours of sick time to Employee B

Employee A's hourly rate of pay is \$19.151 and Employee B's hourly rate is \$18.702. The value of the donated time for payroll purposes would be calculated as follows:

Employee A has donated 8 hours x 19.151 = \$ 153.21

Employee B receives \$153.21 divided by his hourly rate of \$18.702 = 8.19 hours.

(10-hour work day)


Employee A donates 10 hours of sick time to Employee B

Employee A's hourly rate of pay is \$19.151 and Employee B's hourly rate is \$18.702. The value of the donated time for payroll purposes would be calculated as follows:

Employee A has donated 10 hours x 19.151 = \$ 191.51

Employee B receives \$191.51 divided by his hourly rate of \$18.702 = 10.24 hours.

- D. The Finance Director shall be responsible for computing the values of donated leave and shared leave, and shall also be responsible for adjusting the accrued leave balances of the employees affected.
- E. The Human Resources Director shall monitor the use of shared leave with the objective of establishing uniform administration of this policy. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave.
- F. The Finance Director shall determine the appropriate fund transfers.

APPROVED:  Date: 6/30/2020

Barry A Tibbetts
Town Manager

February 24, 2016

February 20, 2017 (Reviewed)

February 16, 2018 (Reviewed)

February 18, 2019 (Reviewed)

June 29, 2020 (Reviewed/Reformatted/Revised)