



OPERATING PROCEDURE NO. 20-65
DEDICATED SICK LEAVE PROGRAM

Effective Date*: October 6, 2021, approved by Yvette Villanueva, Senior Vice President, Human Resources *Yvette Villanueva*

Responsible Department: Human Resources

- I. **PURPOSE:**
To set forth the NYC Health + Hospitals (hereafter referred to as the "System") Dedicated Sick Leave (DSL) policy and procedures.
- II. **SCOPE OF ELIGIBILITY:**
This program applies to Group 11 and Group 12 employees serving in a System title with at least two years of continuous full-time System service.
- III. **DEFINITION(S):**
 1. **Donated Leave:** Sick, comp or annual leave of absence that has been accrued that the donor wants to give to another NYC Health and Hospitals employee of the System.
 2. **Dedicated Leave:** Leave given to a specific NYC Health and Hospitals employee employed by the System.
- IV. **POLICY:**
 1. The DSL Program enables staff to voluntarily donate accrued sick leave and/or annual/comp leave for use as paid sick leave directly to a designated seriously ill or injured employee who is out on a leave of absence approved by HRSS Leave Administration and who has exhausted all paid leave. Once an employee meets the eligibility criteria, requests for approval to receive DSL is based solely upon the nature and severity of the illness or injury. Eligible recipients may receive up to 180 days (1,260 hours) of donated DSL in any rolling one-year period.

*Supersedes memorandum dated November 21, 2001 from Frank Cirillo, Senior Vice President, related to Corporate-wide Dedicated Sick Leave Program.

A. Eligibility Criteria for Receiving Dedicated Leave

1. Employee's injury or illness must not be job-related and must require an absence of at least 30 continuous working days. Absence due to illness or injury must be supported by acceptable medical documentation provided to the HRSS Leave Administrator.
2. The employee must have exhausted all leave balances, including annual leave and sick leave (including vested leave), compensatory time, leave advancements, sick leave grants, and floating holiday (if applicable).
3. Eligible recipients may receive up to 180 days (1,260 hours) of donated dedicated sick leave in any rolling one-year period.
4. Dedicated leave may not be used as a supplement to income benefits under any System, City or union short-term or long-term disability program. If the employee has already received income benefits under any System, City or union short-term or long-term disability program, those benefits must be reimbursed.
5. All donations must be made confidentially to the extent possible. Potential donors will be advised that the HRSS Leave Administrator will not reveal the identity of individual donors to the recipient.

B. Eligibility Criteria for Donating Dedicated Leave

An employee who decides to donate annual leave/comp leave and/or sick leave to a specific individual must meet the criteria below.

1. Employee must be active in a Group 11 or Group 12 title.
2. Donation of sick leave may be made by only employees with a sick leave balance of at least 160 hours days (including vested sick leave).
3. Donations of annual/comp leave may be made by all employees. There is no minimum length of service or leave balance required to donate annual leave.
4. Donations are made in full one-day units and the minimum donation is one day of annual leave or sick leave. The number of hours that comprise a day is determined by the title of the donor.
5. Donors may designate up to 180 days (1,260 hours) of designated sick leave in any one-year period.
6. Employees who are designated to receive donated leave must meet eligibility criteria and must be approved before receiving dedicated leave.

C. Program Requirements

1. Protection of Privacy:
 - a. A prospective recipient's consent should be obtained before efforts are made to secure/verify donations of leave. Every reasonable effort will be made to maintain confidentiality of employee medical information.
 - b. Identity of donors and donor applicants is kept confidential to the reasonable extent possible and is not released to the recipient.
2. All donations are in one-day units and the minimum donation is one day of annual/comp time or sick leave, i.e. 7, 7.5, or 8 hours, depending on the donor's title and full-time or part-time status. The number of hours that comprise a day is determined by the title of the donor, regardless of whether the individual donor is on a part-time, full-time or alternative work schedule.
3. All dedicated leave is irrevocable.
4. Each day of annual leave/comp time donated will be **debited** from the donor's leave balance as **one full day**; however, for employees deciding to donate who were hired prior to July 1, 2004, **two days of sick leave** donated will be credited to the recipient as **one full day**. For such donors hired after July 1, 2004 who are in certain titles, **three days of sick leave** donated will be credited to the recipient as **one full day**.¹ The particular titles to which this 3:1 donation ratio is determined and applied by the Payroll Department.
5. Each day of **annual leave/comp time** donated will be credited to the recipient as one **full day**.
6. The leave donated by Group 11 employees will be the most recently accrued sick leave or annual leave/comp time.
7. If the number of days dedicated is more than the number of days actually used by the recipient, the unused days will be forfeited after one-year elapses from the date of the recipient's return to work. In the event of a medically documented recurrence of the original illness or injury during this one-year period, the recipient will be permitted, to utilize the unused balance provided that all other leave balances have been exhausted.

¹ The Payroll Department will apply the appropriate ratio of sick leave donated to recipients.

8. DSL will be granted to the recipient for the first day of absence without pay. A recipient utilizing dedicated sick leave is deemed to be in active pay status as though the employee were using their own sick leave, and will be accruing annual and sick leave but will not be credited with such accrued leave until the employee returns to work.
9. If a request to receive DSL is not approved, the employee may request a review of the disapproval decision by the Senior Vice President of Human Resources. The request for a re-evaluation review must be made in writing and submitted to the HRSS Leave Administrator, within 15 working days of the disapproval notice.

V. RESPONSIBILITIES:

1. Employee that Needs Donation:

- A. Identifies H&H employee donors to dedicate sick or annual/comp leave from their balances to you so that you can continue your salary after you have exhausted all other options for pay.
- B. Complete and submit the Dedicated Sick Leave Program-Application To Receive Annual/Com/Sick Leave (Form 2209) to HRSS Leaves Administration.

2. Employee Seeking to Donate:

Complete and submit an Application To Donate Annual/Comp/Sick Leave Dedicated Sick Leave (DSL) Program (Form 2208) to HRSS Administration.

3. HRSS Leaves Administration:

- A. Review the eligibility of staff to donate and receive DSL and send the applications of eligible staff to the Payroll Department.
- B. Notify staff donor and recipient of the status of their application in writing once the Payroll has calculated the applicable leave time donated and received.

4. Payroll Department:

- A. Calculate the correct leave donated and received by DSL donors and recipients; and report the results to HRSS Leaves.
- B. Manage the leave balances of DSL applicants and recipients.
- C. Manage a Sick Leave Accruals to the recipient that receives donations that were forfeited by DSL recipients after one year as well as leave donations that are not dedicated to a specific employee.

VI. INTERPRETATION:

The Senior Vice President of Human Resources is responsible for interpreting and waiving this Operating Procedure as necessary.