

## Information Resource Sheet No. 12

# MODEL POOLED SICK LEAVE DONATION REGISTRY POLICY

### Background

Between 2003 – 2006 Palliative Care Victoria (PCV), in partnership with Creative Ministries Network (CMN), auspiced one of the Australian Government funded 37 Caring Communities projects around Australia from National Palliative Care Program funds. The project aimed to develop a Best Practice Support Model for Life-threatening/Terminal Illness in the Workplace.

A Sick Leave Donation Registry policy is one of the policies and strategies that has been incorporated into the Support Model. The merits of this policy have been identified through the Literature Report and the Registry has already been successfully embedded into the workplace culture and practice of the National Australia Bank (NAB) (includes employees involved in NAB international operations). It is important to also acknowledge that the Dept. of Health and Ageing (DoHA) sick leave policy has also been utilised as part of the workplace support policy framework. In particular, the NAB and DoHA policies will form the basis of *this* policy framework and can be adapted to reflect the size of the organisation and the nature of the business.

By adopting this proposed Sick Leave Donation Registry Policy (*your company name*) is demonstrating that appropriate aspects of the Model can be integrated into workplace policy and practice.

*The number of sick leave days suggested in this policy are only guidelines and may need to be adapted to suit individual workplace need and capacity to respond.*

### The Sick Leave Donation Registry

The Sick Leave Donation Registry enables employees in (*your company name*) to donate an amount of their accrued sick leave to a central registry. The sick leave can then be utilised to assist fellow employees who are experiencing hardship due to a catastrophic illness or injury being suffered by the employee or a member of their immediate family, that forces the employee to be away from work after exhausting all of his/her accrued benefit of paid sick leave.

### The donation of sick leave to the registry is totally voluntary.

The intention of an allocation of Sick Leave from the Registry is that it can be used by an employee either intermittently over a period of time or continuously up to 90 days and/or other flexible options negotiated at the discretion of the Director of (*your company name*). After 90 days continuous Sick Leave some other options that can be explored include, but not exclusively, Temporary cessation of work, Leave without pay,

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Centrelink payment support (e.g Disability or Carers Pension support), or Income Protection Insurance benefits. A 'Return to Work' Agreement would need to be negotiated with the Executive Director prior to any cessation of work (either temporary or permanent).

## **Benefits for Employees**

The benefit of having a Sick Leave Registry at (your company name) include:

- Continues to strengthen the sense of community among (your company name) management and employees – looking after and supporting each other – just as we are doing with the communities in which we live and work
- Creates a visible process where employees who are genuinely experiencing hardship due to a lack of sick leave can request assistance
- Provides flexibility and recognises work/life issues by extending workplace support to include hardship that may arise from the catastrophic illness or injury of an immediate family member, where an employee has had to utilise all their own sick leave to attend to the medical and/or treatment needs of their family member
- Provides a strong example of how “modelling the Model” in this way can manifest powerful evidence of setting an example of leadership for others to follow

## **Eligibility and Guidelines**

For employee/s wanting to apply for sick leave allocation, the following eligibility requirements apply:

- An employee must be a permanent employee of (your company name) (or undertaking contract/consultancy work for a minimum period of 2 years)
- The employee or a member of the employee's family has a catastrophic illness or injury that requires the employee to be off work for a significant amount of time (continuously or intermittently or by negotiation with the Executive Director/Manager).
- The employee has used all accrued sick leave.

For employee/s wanting to donate to the sick leave registry, the following guidelines apply:

- Donation is completely voluntarily
- The donating employee has a minimum of 30 days accrued sick leave before they are able to donate to the sick leave registry
- A maximum of 2 days per employee per calendar may be donated

- Understand that the donated time is for use by any eligible employee as decided by the (your company name) Executive Director/Manager, and/or Executive, and/or Chairperson

### **Procedure to apply for sick leave from the Registry**

A Sick Leave Registry application form needs to be completed and can be obtained from the Office Manager/HR/OHS Dept upon request.

The form needs to include an explanation of the illness, expected duration and details of their consulting doctor.

The completed form, with a supporting letter from their doctor, will be forwarded to the Executive Director/Manager for his/her review, approval and signature according to the criteria outlined in this policy\*.

The total number of sick leave days allowed per year will be negotiated with the Executive Director/Manager/executive/sub-committee according to years of service, value to the business, and achievement of KPIs outlined in employee position descriptions (includes KPIs related to actively working with (your company name)/workplace social responsibilities and the Support Model).

\*The employee or their immediate family member has a serious, life-threatening or terminal illness or injury. The (your company name) Chairperson, and executive or nominated sub-committee, will make the final decision as to whether or not an illness is catastrophic.

### **Procedure to donate sick leave to the Registry**

An employee is required to complete the Sick Leave Donation eform and forward it to the Office Manager/HR/OHS Dept.

The employee will be notified by the Executive Director/Manager of the outcome of the decision made in accordance with the above criteria.

### **Permanent Cessation of Work or Retirement from Employment**

A manager and/or employee may voluntarily nominate to donate their accrued sick leave into the Sick Leave Registry upon permanent cessation of work or retirement from employment. The (your company name) Chairperson and/or Executive Director/Manager would need to agree to this arrangement. The Chairperson and/or Executive Director/Manager would need to be prepared to commit to the financial resources being set aside for sick leave for that manager/employee be allocated for in the annual budgetary accounts and made available to management and staff if the criteria in this policy is met.

This strategy would demonstrate an ongoing commitment to (your company name) management and employees, the workplace culture, and the Support Model.

### **Definition of Family Member**

The definition of family member includes the following relatives of the employee:

- a) spouse and parents of the spouse
- b) children, including adopted children, and their spouses
- c) parents
- d) brothers and sisters of their spouses
- e) any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

In addition, coverage is extended to grandparents, grandchildren, and stepchildren pursuant to the intent of this definition to include individuals outside of the traditional nuclear family. The Executive Director/Manager has discretionary authority to extend coverage to other relatives or individuals who have a close relationship with the employee which is like that of a family member.

NB. Note that the definition of family members for purposes of sick leave for family care is different from the definition of family members for Family and Medical Leave Act (FMLA) purposes. The definition of family member for invoking FMLA is limited to caring for an immediate family member (spouse, son or daughter) or parent with a serious health condition.

### **Definition of Serious Health Condition**

The term “serious health condition” includes, but is not limited to, such conditions as: cancer, heart attacks, strokes, severe injuries, Alzheimer’s disease, pregnancy and childbirth, recovery from major surgery, and final stages of a terminal illness. The term “serious health condition” is not extended to cover short-term conditions for which treatment and recovery are very brief; for example, colds, flu, earaches, upset stomach, or routine dental problems.

Employees are required to provide administratively acceptable evidence of a serious health condition and its expected duration to support a request for extended sick leave.

### **Advance Notice and Medical Certification**

Employees shall comply with (your company name)’s notification and medical certification requirements in order to be granted extended sick leave to care for a family member with a serious health condition. Employees are instructed to complete an Application for Leave and Excused Absence, and provide a medical certification from a health care provider supporting the sick leave request.

A certification from the health care provider must address the nature of the family member's serious health condition and the length of incapacitation. In addition the statement must certify the following:

- 1) the family member requires psychological comfort and/or physical care
- 2) the family member would benefit from the employee's care or presence and
- 3) the employee is needed to care for the family member for a specified period of time.

If the need for sick leave is foreseeable based on expected birth or planned medical treatment, employees are expected to provide advance notice of their intent to take sick leave to care for a family member not less than 30 days before leave is to begin. If the need for sick leave does not permit employees to provide 30 days of advance notification, employees are expected to provide as much advance notice as possible. In all such cases, medical documentation supporting the need for extended sick leave must be provided before the leave is to begin. In emergencies when advance notification is not possible, employees, or their representative, are expected to provide notice and supporting medical documentation within 10 working days of when the employee's leave of absence began.

An employee is entitled to a maximum of 12 weeks of sick leave for all family care purposes in a leave year. Part-time employees are entitled to prorated amounts of sick leave for family care purposes based on the number of hours in their regularly scheduled workweek.

*This document has been adapted from the National Australia Bank sick leave donation registry and the Dept. of Health and Ageing, Victoria Office, Human Resource policy documents.*