The Commonwealth of Kentucky supports Leave Sharing Programs. These programs provide assistance to employees in the event certain conditions exist and specific qualifications are met per each program. The two programs are the Sick Leave Sharing Program and the Annual Leave Sharing Program.

Eligibility requirements for both programs include:

- Employees who are regularly appointed to positions in state service, who are compensated on a full-time, part-time, or interim basis, who are entitled to accrue sick and annual leave, have leave records maintained by the Commonwealth of Kentucky, and are employed by the Executive, Legislative, or Judicial branches of government, are eligible to participate in these programs, as outlined in KRS 18A.196. Additionally, the Administrative Office of the Courts, Legislative Research Commission, sworn personnel in State Police covered by KRS Chapter 16, and Teachers’ Retirement System are eligible to participate. If you are unsure if your agency is eligible to utilize the leave sharing programs, please contact the Personnel Cabinet for further information.

- Both the donor and the recipient must be in an active status at the time of the application/donation.

- An employee becomes eligible to receive donated leave at the point in time when criteria specific to the leave sharing program in question have been met (see detailed program guidelines below).

- Donors must have accrued a leave balance of more than seventy-five (75) hours and may not request a transfer of an amount of leave that would result in reducing their balance to less than seventy-five (75) hours.

Program Guidelines:

1. The applicant for leave sharing shall be responsible for filing the appropriate Leave Sharing Application and other necessary paperwork.

2. The Appointing Authority shall determine the amount of leave, if any, which an employee within their agency may receive.

   a. Transfers of leave shall not exceed the amount requested by the recipient. (See maximum amount under details for Annual Leave Sharing Program.)

   b. Leave shall not be donated to an employee regularly scheduled to work thirty seven and one-half (37.5) hours per week in an amount less than seven and one-half (7.5) hours.

   c. Leave shall not be donated to an employee regularly scheduled to work forty (40) hours per week in an amount less than eight (8) hours.

3. Transferring of Leave: Leave may be transferred between employees of the same agency, with the approval of the Appointing Authority. Leave may be transferred between employees of different state agencies with the approval of the Appointing Authorities of both agencies.
a. If multiple donors donate leave to an eligible recipient, agencies shall transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified to be needed by the recipient.

b. Donated leave shall not be utilized retroactively except to cover the period between the date the request was submitted to the employee's supervisor or agency representative and the date of approval by the Appointing Authority.

c. The Leave Sharing Administrator shall be responsible for monitoring the amount of leave donated and used.

d. Leave that an employee accrues while receiving donated leave must be used before the donated leave can be use. Donated leave will be used in the order in which it is donated, and on consecutive days.

e. If a leave donor resigns, retires, or is otherwise terminated from state employment before the process of transferring leave to the recipient has begun, the leave shall not be available for use by the recipient.

f. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation. Please see information below for exceptions to this general rule specific to the type of leave sharing program used.

4. While using leave donations, an employee shall be deemed a state employee and shall receive the same treatment with respect to salary, wages, and employee benefits.

5. All salary and wage payments made to an employee, while using leave sharing, shall be made by the agency employing the person receiving the leave.

6. No employee shall directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the employee's right to voluntarily contribute leave-sharing donations. “Intimidate, threaten, or coerce” means promising to confer or conferring any benefit or effecting, or threatening to effect, any reprisal.

Some important notes:

- It is important to remember that participation in any leave-sharing program is at the discretion of the employee.

- Keep in mind that participation in either of the leave sharing programs is subject to the approval of the Appointing Authority.

- When working with any facet of either of the leave sharing programs, you must consider both the statute and the regulations for each (see below).

Annual Leave Sharing Program (101 KAR 2:106 and KRS 18A.203)
In the event of a catastrophic loss to an employee’s personal property, due to either a natural disaster or fire, eligible employees who accrue annual leave and who have exhausted their leave balances, may have annual leave donated to them by other eligible state employees.
**Requirements Unique to the Annual Leave Sharing Program**-
To request donated annual leave, the following conditions must be met:

The employee suffers from a catastrophic loss to his or her personal property, due to either a natural disaster or fire, that either has caused or will likely cause, the employee to go on leave for at least ten (10) consecutive working days;

1. The ten (10) consecutive days of leave required for eligibility by KRS 18A.203 shall be leave with or without pay.

2. The employee has exhausted his or her accumulated annual leave and compensatory leave balances.

3. The employee has complied with administrative regulations governing the use of annual leave.

4. The total amount of donated annual leave that may be received, or used, by an eligible employee for the purposes specified by this administrative regulation, shall be limited to 200 work hours per each qualifying event.

5. When the recipient of donated leave returns to work, unused, donated leave shall be restored to the donors in reverse order of donation, unless the recipient provides evidence that the original condition for which annual leave was donated will continue.

**Sick Leave Sharing Program (101 KAR 2:105 and KRS 18A.196 and18A.197)**
In the event of a prolonged or catastrophic illness or injury, or an extended absence due to the illness of an immediate family member, eligible employees who accrue sick leave, and who have exhausted their leave balances, may have sick leave donated to them by other eligible state employees.

**Requirements Unique to the Sick Leave Sharing Program**-
To request donated sick leave, the following conditions must be met:

1. The employee, or member of the employee’s *immediate family*, suffers from a **medically certified** illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten (10) consecutive working days;

   *Immediate family* means (a) the employee's spouse, mother, father, grandparent, son or daughter; or (b) A person of similarly close relationship who has resided with the employee for at least thirty (30) days prior to application; or for whom the employee is legally responsible.

   **Medically certified** means the employee's need for absence is certified by a licensed, practicing physician or Advanced Practice Registered Nurse.

2. The employee has exhausted all of their available paid leave.

3. The employee has complied with administrative regulations governing the use of sick leave.

4. The applicant for sick leave sharing shall be responsible for filing the appropriate medical certificates certifying the medical necessity.
5. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in the reverse order of donation, unless the recipient provides medical evidence that continued, periodic medical treatment relating to the original condition for which the leave was donated is required.

6. An **Appointing Authority** may require a sick leave recipient to provide an updated medical certificate attesting to the continued need for leave after thirty (30) working days of sick leave.

NOTE: An employee who is receiving worker’s compensation benefits shall be eligible to receive donated sick leave to maintain a regular level of pay, if all of the sick leave sharing requirements have been met.

**Process Information**

Listed below is the chronological flow of actions and documents, related to the leave sharing process.

1. **The HR Administrator is aware of the need for a leave sharing application to be sent to an employee.** The HR Administrator prepares the leave-sharing packet and mails it to the employee or his/her designee if the employee is unable to receive the mailing personally. As part of this process, the HR Administrator can run the `ZTM_LEAVE_RUNOUT` transaction in KHRIS to help project when the employee’s accrued leave will be exhausted and to indicate when donated leave may be needed.

2. **The recipient completes the application and submits it, along with appropriate certification, to the HR Administrator.** The HR Administrator reviews the application to ensure that the appropriate certification has been provided and the form is completed correctly. The HR Administrator should verify that the employee would exhaust his/her leave during the projected absence.

NOTE: The employee does not have to have exhausted his/her leave before they submit the application. The employee does not have to have already been off for 10 days in order to apply, but must have a situation where it is likely to cause an absence of at least 10 consecutive working days. The HR Administrator creates a file folder for the recipient. All medical information must be kept in a locked file, separate from the personnel files.

3. **The HR Administrator collects all information, and transmits the appropriate documents to the appointing authority for approval or disapproval.** The HR Administrator mails notification to the employee or his/her designee stating if the leave sharing request is approved or denied. If the request is denied, the process is complete.

4. **Process Approved Requests:**
   a. **Utilizing KHRIS:** Upon approval by the Appointing Authority, the HR Administrator will utilize the `ZLEAVE_SHARING` transaction code in KHRIS to create the leave sharing event. Agencies typically have one or two people set up as **Leave Sharing Approvers.** The **Leave Sharing Approver** must approve each request for leave sharing in the ESS/MSS worklist in KHRIS before the recipient can receive donations. This process also sets up the **Leave Sharing Bucket** for donated sick leave (06) or donated annual leave (07).
   
   b. **Not utilizing KHRIS:** If your agency is unable to utilize the leave sharing functionality in KHRIS, a copy of the application should be forwarded to the Personnel Cabinet. The HR Administrator will manually set up a quota bucket for either donated sick leave (06) or donated annual leave (07), and manually credit any donations using quota corrections. When performing
quota corrections, you must select “Edit” and “Maintain Text” to make a note indicating the reason for the quota correction.

NOTE: Overlapping leave sharing events may cause problems with certain functionalities of the leave sharing program, and reporting in KHRIS. Please ensure that leave sharing events do not overlap dates. For example, if you did not set up the appropriate start date for the leave sharing event, you should request to have this incorrect event manually closed by the Personnel Cabinet before you create the correct event with an earlier start date. The leave sharing functionality in ZLEAVE_SHARING will allow you to amend a request to extend the date of the event longer, or to change the amount of leave requested. However, it will not let you change the begin date of the leave sharing event. **If you feel you have overlapped two events in error, please submit a business request for assistance in correcting this issue.**

5. Donor Process:
   
a. The donor completes a donation form and submits to his/her HR Administrator.
   
b. HR Administrator verifies the donor's leave balance for eligibility.
      
   - A minimum donation of 7.50 hours to a 37.50 hour per week employee and 8.0 hours to a 40.0 per week employee for sick leave or annual leave donations.
   
   - The donor must retain at least a 75-hour balance after the donation for either sick leave and annual leave donations.
   
   - For annual leave donations, the recipient can receive no more than 200 hours for each qualifying event.
   
   c. The donor’s Appointing Authority must approve the form before it can be credited to the recipient.
      
   - If the donation is going to another agency, the donor’s HR Admin should send a courtesy copy to the recipient's HR Administrator via secure email or fax.
   
   - The donor’s HR Administrator utilizes the ZLEAVE_SHARING transaction code using the “Donate Leave” option to transfer the donated time.
   
   - File a copy of the donation form in a secure location at the donor’s agency, not in the donor’s personnel file.
   
   - If the donation is within the same agency, the HR Administrator processes the leave donation through the leave sharing functionality in KHRIS and files the paperwork in the recipient’s file.

6. Receiving Leave Sharing Donations:
   
a. Leave sharing donations received on paper/by email should be dated and numbered, or date/time stamped, so the order in which the donations are received can be tracked. This is necessary information so the HR Administrator can enter the donations into KHRIS in the appropriate order.
   
   b. Leave donations coming from outside agencies through the ZLEAVE_SHARING functionality in KHRIS, will be processed by that agency. Once the donation(s) have been processed and
approved by the donating agency, these donations will come directly into the recipient’s leave bucket for donated sick. **It is important for the leave sharing approver to approve donations in the work list in ESS/MSS in the correct order.** Any unused leave donations remaining after the event has ended and is closed will be returned to donors in the reverse order they were received (last in/first returned).

c. Once the leave donation is processed and approved on the ESS/MSS work list by the Leave Sharing Approver, the KHRIS system will reduce the donor's sick or annual leave balance in KHRIS and will increase the recipient’s donated leave balance, after time evaluation has been updated (every two hours).

**NOTE:** If your agency is unable to utilize the leave sharing functionality in KHRIS, the donor’s HR Administrator should forward a copy of all leave donations to the Personnel Cabinet. The HR Administrator will also have to contact any outside agencies and share leave donations via secure email or fax. The HR Administrator for the donor will manually deduct leave from donors, and the HR Administrator for the recipient will manually credit to recipients by creating quota corrections in KHRIS. The HR Administrators will need to track the order of the donations manually. **Remember:** When performing quota corrections, you must select “Edit” and “Maintain Text” to make a note indicating the reason for the quota correction.

7. **Sequence of leave time usage:**
   a. Transfer all donated leave to the recipient at the time of the donation, not on a pay period basis, up to the amount requested. As the recipient accrues leave of their own, the HR Administrator will ensure the employee’s own leave time is used first (this includes annual, sick, and comp leave). If the agency tries to enter donated leave before the employee exhausts their own leave, they will receive a time error stating that the employee’s leave must be used before donated leave.
   b. Once all of the recipient’s leave has been exhausted, they can then use donated time.
   c. Donated leave should be used in the order it is received.
   d. As the employee utilizes leave for the leave sharing qualifying condition, they will be paid as usual, reporting donated leave used. This is a paid leave code.
   e. The KHRIS absence code for the use of donated sick leave is **RSCK**. The KHRIS code for the use of donated annual leave is **RANL**.

8. **Leave Sharing Report used to view/track leave sharing events:**
   a. The HR Administrator may utilize the KHRIS transaction code **ZTM_LEAVE_SHARING** to execute a report showing a leave sharing event for an individual, or a group of individuals.
   b. This report will show the system-generated leave sharing request number, the PERNR and name of the recipient, the beginning and end date of the request, the type of leave requested, the requested amount of leave, and all leave donations received, including the donor’s name, their PERNR, and the amount donated by each.
   c. This report will also show if the event is open or closed and will indicate if leave donations have been returned.

9. **The Recipient may retain the donated leave upon return to work**, only if the recipient documents that leave will be needed for continuing treatment relating to the condition, which caused the individual's absence. For example, if the employee was absent due to surgery to remove a malignant tumor and returns to work, but will require periodic absences for radiation therapy, the excess donated leave may be retained for that purpose. However, the employee may not retain the excess leave to use for any unrelated condition.
10. **Sequence of restoring unused leave to donors.** When the recipient returns to work and the donated leave is no longer needed for the qualifying condition, excess leave shall be returned to the donors in the reverse order the donations were received.

   a. **For active employees,** the HR Administrator will use the ZLEAVE_SHARING transaction code to return the unused donations and close the event. The system will automatically return the unused donations in the reverse order (last in/first returned) and will close the leave sharing request.

   b. **If the donor has left state employment,** the returned hours will be manually credited to the inactive record for restoration to the donor if they are rehired in the future. Do this by manually creating a quota correction, **PRIOR TO CLOSING** the leave-sharing event in ZLEAVE_SHARING.

   c. **If your agency is unable to utilize the leave sharing functionality in KHRIS, this is a manual process using quota corrections to return unused leave to the donor(s).** Remember when performing quota corrections, you must always select “Edit” and “Maintain Text” to make a note indicating the reason for the quota correction.

For detailed instructions on creating, amending, or closing a leave request, and crediting or returning a donation, see the Personnel Cabinet’s HR Website, under the “Time” section, “Leave Sharing”, “Instructions for Processing in KHRIS”.