



**Responsible Department:** Human Resources and Inclusive Community

**Recommended By:** Provost and Executive Vice Chancellor, SVC Business and Financial Affairs and Interim Vice Chancellor of Human Resources and Inclusive Community

**Approved By:** Chancellor

**Policy Number**  
HRIC 3.30.040

**Effective Date**  
9/15/2021

## I. INTRODUCTION

The University of Denver recognizes that staff may experience a major disaster that necessitates additional paid time off in excess of the staff member’s available paid leave. The University of Denver establishes this Leave Bank Program to address these needs. The University retains the right to modify or discontinue this Leave Bank Program at any time.

Under the Leave Bank Program, eligible appointed staff may donate accrued vacation leave or paid time off (“PTO”) from their unused accrued balance to the Leave Bank value, and eligible appointed staff may request administrative paid leave from the Leave Bank. Participation in the Leave Bank Program is strictly voluntary for both donors and recipients.

## II. POLICY OVERVIEW

University of Denver Leave Bank Program is only available to staff who hold an appointed position and have completed at least six (6) months of continuous employment at the University of Denver to participate as a donor or recipient in the Leave Bank Program. Staff who are currently on an approved leave of absence cannot donate to the Leave Bank Program. Human Resources & Inclusive Community (HRIC) will make determinations regarding meeting requirements for eligibility for participation in and for requests for leave from the Leave Bank Program. HRIC will not disclose the identity of donors or recipients except to those University employees who have a need to know for legitimate business reasons.

## III. PROCESS/PROCEDURE OVERVIEW

### Donation of Leave

The University will operate the Leave Bank Program as a pilot program allowing eligible staff to donate to the Leave Bank between May 1, 2020 and June 30, 2020 (60-day period). The Leave Bank Program may open again for donations in approximately six (6) months after the University has the opportunity to assess the efficacy of the program. Eligible staff may donate accrued vacation leave or PTO up to a maximum of forty (40) hours per fiscal year. Staff must make donations in full hour

increments and cannot donate unaccrued leave. The amount of leave that may be donated by a staff member in any year cannot exceed the maximum amount of leave that the staff member normally accrues during the year.

- Donations are based on hours of leave, not the donor's rate of pay.
- Donations are made to the Leave Bank and cannot be designated for specific staff members (or their family members).

## Requests for Leave

- Eligible staff may request leave from the Leave Bank beginning on May 1, 2020. For each Major Disaster, the University will adopt a reasonable limit, based on the severity of the disaster, on the period of time after the Major Disaster occurs during which a staff member may donate leave to the Leave Bank, and a staff member who receives leave from the Leave Bank due to the Major Disaster must use the leave (the "Reasonable Limit").
- Staff who request leave from the Leave Bank must demonstrate that they are experiencing a situation that will result in an absence of the staff member from work and loss of income to the staff member due to the exhaustion of all paid leave available based on a Major Disaster, as defined below. Staff requesting leave from the Leave Bank based on a Major Disaster must show that they have been adversely affected by a Major Disaster. A staff member is considered to be adversely affected by a Major Disaster if the disaster has caused severe hardship to the staff member or a family member of the staff member that requires the staff member to be absent from work.
  - *Major Disaster* means a major disaster declared by the President of the United States under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (which is codified at 42 U.S.C. § 5170) (the "Stafford Act") that warrants individual assistance or individual and public assistance from the federal government under the Stafford Act.
- Staff must meet the following requirements for their request for leave from the Leave Bank to be considered:
  - Complete all required documentation, including any disaster hardship forms;
  - Have exhausted or will exhaust all available paid leave time, including vacation and sick leave; and cannot be under a furlough designation.
  - The amount of leave available depends upon the number of hours in the Leave Bank. The University will coordinate payment of leave from the Leave Bank.
- Leave deposited on account of one Major Disaster may be used only for staff affected by that Major Disaster. Except for amounts so small as to make accounting for it unreasonable or administratively impracticable, any leave deposited under the Major Disaster component of the Leave Bank Program that is not used by leave recipients by the end of the period specified in the Reasonable Limit must be returned within a reasonable period of time to the leave donors (or, at the University's option, to those leave donors who are

still employed by the University) so that the donor will be able to use the leave. The amount of leave returned to each donor must be in the same proportion as the amount of leave donated by the leave donor bears to the total amount of leave donated on account of that Major Disaster.

- Leave will be allocated on a first come first serve basis based on the University's receipt of a completed application.
- For Major Disasters, the University will make a reasonable determination, based on need, as to how much leave each approved leave recipient may receive under the Leave Bank Program. If there is no leave available in the Leave Bank, the request will be placed in pending status for sixty (60) days (leaves for Major Disasters are subject to the Reasonable Limit). If there are no hours available in the Leave Bank at the end of the 60-day period, the request will be closed. The requesting staff member may submit a subsequent request for leave from the Leave Bank.
- A staff member may request up to forty (40) hours at one time with a maximum of eighty (80) hours per fiscal year. To request an additional allocation, a staff member must submit a new request, including required documentation.
- Leave is paid at the requestor's most recent rate of pay. Each leave recipient must use this leave for purposes related to the Major Disaster. Payments for leave that a staff member receives from the Leave Bank: (i) are not eligible as a contribution to the University of Denver Retirement Plan; (ii) are not eligible for the University's match; (iii) are not accrued leave for the recipient staff member; and (iv) will not be paid to the staff member upon separation from the University.
- The amount paid from the Leave Bank, combined with other payments that the staff member receives through the University (e.g., disability payments) may not exceed the recipient staff member's wages at the time the leave began.
- A staff member receiving leave from the Leave Bank may not convert the leave received under the Leave Bank Program into cash in lieu of using the leave.
- Distributions from the Leave Bank will occur the first pay period following the approval of the distribution and are not retroactive.
- Distributions from the Leave Bank will end the earlier of when the staff member (a) returns to work at the University; (b) separates from the university; or (c) exhausts the allocated leave from the Leave Bank.

### **Tax Treatment**

- Donated leave does not qualify as a charitable contribution, expense, or loss deduction by the donor.

- The value of paid leave from the Leave Bank is subject to all applicable taxes, tax deductions, and withholdings at the requestor’s most recent rate of pay.
- The University does not provide tax advice. Staff should consult with their own qualified tax advisor regarding the tax consequences of donating leave to, and receiving leave from, the Leave Bank Program.

**No Funding**

- The Leave Bank Program is unfunded. All approved paid leaves are paid from the general assets of the University. The University does not segregate any amounts or hold any amounts in trust to pay paid leaves under the Leave Bank Program.

**Not a Welfare Benefit Plan**

- The University intends for the Leave Bank Program to be a “payroll practice” described in 29 C.F.R. § 2510.3-1(b) that is not subject to ERISA.

**IV. DEFINITIONS**

**Major Disaster** - means a major disaster declared by the President of the United States under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (which is codified at 42 U.S.C. § 5170) (the “Stafford Act”) that warrants individual assistance or individual and public assistance from the federal government under the Stafford Act.

<b>Revision Effective Date</b>	<b>Purpose</b>
<i>9/15/2021</i>	<i>Minor revisions</i>

