

- iv. Before an employee may receive donated leave, he or she must provide the school district superintendent or his designee with a physician's statement that states that the illness meets the catastrophic criteria established under this section, the beginning date of the catastrophic injury or illness, and a prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.
- v. Before an employee may receive donated leave, the superintendent of education of the school district shall appoint a review committee to approve or disapprove the said donations of leave, including the determination that the illness is catastrophic with the meaning of this section.
- vi. If the total amount of leave that is donated to any employee is not used by the recipient employee, the whole days of donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.
- vii. Donated leave shall not be used in lieu of disability retirement. 37-7-307

11. JURY DUTY / OTHER LEAVE

This school board shall provide leave **with pay** for employees who serve as witnesses under subpoena and/or on juries. The school board cannot recover jury fees from employees who serve on juries. (Attorney General Opinion, *Middleton*, 1991)

12. LEAVE DUE TO DECLARED EMERGENCY CLOSURES

The school board may, in its discretion, provide additional administrative leave with pay for all employees (professional, certified, and classified) in the event of declared emergency closures.

CROSS REF.: Policies GBRIA Family and Medical Leave Act
GBRID Military Leave

DONATING LEAVE TO ANOTHER EMPLOYEE

In compliance with MS Code 37-7-307(9) 1972, any employee of the Hollandale School District may donate a portion of his/her unused accumulated personal leave or sick leave to another employee of the school district or another school district who is suffering from a catastrophic injury or illness, as defined by state law, or who has a member of his or her immediate family suffering from a catastrophic injury or illness. the superintendent is hereby directed to develop the appropriate administrative regulations to implement this policy.

A summary of MS Code 37-7-307 which governs the donation of leave to other employees is as follows:

for the purpose of this subsection, the following words or phrases shall have meaning ascribed in this paragraph unless the context requires otherwise:

(i) "Catastrophic injury or illness" means a ~~severe condition or combination of conditions affecting the mental or physical health~~ **life-threatening injury or illness** of an employee or a member of an employee's immediate family, ~~including pregnancy, that requires the services of a licensed physician for an extended period of time~~ **that totally incapacitates the employee from work, as verified by a licensed physician**, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the local school district for the employee.

Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, that result in intermittent absences from work and that are long-term in nature and require long recuperation periods may be considered catastrophic.

(ii) "Immediate family" means spouse, parent, stepparent, sibling, child or stepchild.

~~"Normal pregnancy" is not considered catastrophic but a pregnancy with complications resulting in total incapacity from work for the employee will be considered catastrophic as defined in MS Code 37-7-307(10).~~

Any employee of the Hollandale School District may donate a portion of his or her unused accumulated personal leave or sick leave to another employee of the Hollandale School district who is suffering from a catastrophic injury or illness or who has a member of his or her immediate family suffering from a catastrophic injury or illness, in accordance with the following:

- a) The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of unused accumulated personal leave and sick leave that is to be donated, and shall notify the school district superintendent or his designee of his or her designation.
- b) The maximum amount of unused accumulated personal leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than seven (7) days of personal leave remaining, and the maximum amount of unused accumulated sick leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the unused accumulated sick leave of the donor employee.
- c) An employee must have exhausted all of his or her available leave before he or she will be eligible to receive any leave donated by another employee. Eligibility for donated leave shall be based upon review and approval by the donor employee's supervisor.
- d) Before an employee may receive donated leave, he or she must provide the school district superintendent or his designee with a physician's statement that states that the illness meets

the catastrophic criteria established under this section, the beginning date of the catastrophic injury or illness, a description of the injury or illness, and a prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.

- e) **Before an employee may receive donated leave, the superintendent of education of the school district shall appoint a review committee to approve or disapprove the said donations of leave, including the determination that the illness is catastrophic within the meaning of this section.**
- f) If the total amount of leave that is donated to any employee is not used by the recipient employee, the whole days of donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.
- g) **All days donated by any employee must be used in full before days from a subsequent employee can be received**
- h) Donated leave shall not be used in lieu of disability retirement.

LEGAL REF.: MS CODE Section 37-7-307

CROSS REF.: Policy GBRI Absence from Duty

FAMILY MEDICAL LEAVE ACT (FMLA)

Refer to HSD Policy – GBRIA

PAYROLL DEDUCTIONS – HSD Policy – DJC

The law requires payroll deductions to cover federal, state, and local income taxes and Social Security/Medicare (FICA) and retirement. These deductions are made automatically. Other deductions for other programs will be made upon a written authorization by the employee and with the approval of the District.

Deductions can be made for health, life and salary protection insurance as well as board approved tax-sheltered annuities, and teacher credit union contributions. All requests for changes in deductions must be submitted, in writing, prior to the 1st of each month. Deductions may also stem from garnishments. When a garnishment is imposed, the administration of the HSD complies by withholding a percentage of the employee's salary, as mandated by law.

It is our policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). Therefore, we prohibit any improper deductions from the salaries of exempt employees.