



Department of Administrative Services

Policies & Procedures

Customer Focused, Performance Driven



Published: August 8, 2019

Approved By: J. Alexander Atwood, Commissioner

HR812 – Leave Donation

Overview

The Department of Administrative Services (DOAS) offers a leave donation program that is designed to assist employees who must be absent for extended periods because of personal or family medical reasons. The program allows eligible DOAS employees to donate some of their accrued annual, sick, or personal leave to other DOAS employees who have used all of their own paid leave but must be absent for a qualifying reason. Participation in the program as either a donor or recipient is voluntary.

This policy defines eligibility for participation and establishes other program parameters.

References

- State Personnel Board Rule 478-1-.17 – Leave Donation

Policy

1. General Provisions

- 1-1 Leave donation is an internal agency program. Donated leave cannot be received from or sent outside of DOAS.
- 1-2 Leave donations are accepted only for approved solicitations.
- 1-3 Human Resources manages the leave donation program and serves as approving authority for requests to solicit leave donations.
- 1-4 The following types of leave can be donated:
 - ✚ Annual leave
 - ✚ Personal leave
 - ✚ Sick leave

NOTE: *Forfeited leave and compensatory time cannot be donated.*

- 1-5 All donated leave is credited as sick leave; therefore, donated leave can be used only for absences that qualify for use of sick leave. (See Policy HR803 – Sick Leave.)
- 1-6 The identity of donors is confidential and will not be released to the recipient or to others, unless necessary to administer the donation or required by law.

2. Eligible Recipient

- 2-1 In order to be considered eligible recipients, employees must meet all of the following criteria:
 - 2-1-1 They are absent because of personal or immediate family medical reasons (*“Immediate family” means spouse, child, parent, grandparent, grandchild , and sibling, including active step and in-law relationships, as well as any other legal dependent who resides with the employee*);
 - 2-1-2 They are and have been continuously employed in a state position entitled to earn leave for the 12 months immediately preceding the date they request to solicit leave donations;
 - 2-1-3 They have not received an attendance plan or disciplinary action related to attendance during the 12 months immediately preceding the date they request to solicit leave donations;
 - 2-1-4 They have exhausted all accrued and forfeited leave and all available compensatory time;
 - 2-1-5 They have been in authorized leave without pay status for at least 40 consecutive hours, and their leave of absence has not been designated as contingent leave; and,

***NOTE:** If an employee accrues leave after authorized leave without pay has started, use of this accrued leave can be deferred until after the “40 hours” requirement has been met.*
 - 2-1-6 They have properly requested and received approval to solicit leave donations. (See attached Leave Donation Process for procedures to be followed.)
- 2-2 Employees who have already returned to work are not eligible to solicit and receive leave donations in order to retroactively cover a period of unpaid leave.

3. Eligible Donor

- 3-1 Eligible donors meet all of the following criteria:

- 3-1-1 They are and have been continuously employed in a state position entitled to earn leave for the 12 months immediately preceding the date they donate leave;
- 3-1-2 They surrender any claim to the leave they donate;
- 3-1-3 If donating annual leave, they must have an annual leave balance of at least 60 hours after donation; and,
- 3-1-4 If donating sick leave, they must have a sick leave balance of at least 60 hours after donation.

4. Donation Time Frames & Limits

- 4-1 Human Resources will accept leave donation requests from employees no more than forty (40) days prior to exhausting paid leave and at any time throughout their leave without pay.
- 4-2 DOAS will post leave donation solicitations for 10 business days.
- 4-3 Leave donations must be made in whole hour increments.
- 4-4 A donor can donate any amount of personal leave in whole hour increments.
- 4-5 A donor can donate any amount of annual leave in whole hour increments, provided the donor has at least 60 hours of annual leave after donation.
- 4-6 A donor can donate no more than 120 hours of sick leave in a calendar year, and must have a sick leave balance of at least 60 hours after donation.
- 4-7 Eligible recipients can receive up to a maximum of 520 hours of donated leave per solicitation. Donations received after the maximum has been reached will not be accepted.
- 4-8 Each recipient is limited to receiving a maximum of 1,040 hours of donated leave in any two calendar year period, regardless of the number of solicitations. Donations received after the maximum has been reached will not be accepted.
- 4-9 Donated leave can be used only for the absence for which it was solicited.

5. Crediting & Returning Donations

- 5-1 In order for leave donations to be credited to a recipient, they must be

- ✚ Offered by an eligible donor in response to an approved solicitation;
 - ✚ Properly authorized by the donor; and,
 - ✚ Received within the solicitation period and before the program maximum has been reached. (See items 4-7 and 4-8, above.)
- 5-2 Donations that do not meet the criteria in item 5-1 will not be accepted.
- 5-3 Leave donations are credited in the order received.
- 5-4 Donations are considered available for the recipient's use on the date received, or at the time the recipient has completed the required 40 consecutive hours of authorized leave without pay if the donation is received prior to completion. Donations cannot be used for absences that occurred before the date of receipt from the donor.
- 5-5 While using donated leave, employees may accrue sick and annual leave. This newly accrued leave is used before continuing to use donated leave.
- 5-6 Except as noted in item 5-6-1, below, unused donated leave is returned to donors when 1) the qualifying reason for the recipient's absence ends, 2) the recipient returns to work, or 3) the recipient separates from DOAS employment.
- 5-6-1 Recipients who return to work are allowed to retain up to 40 hours of any remaining sick leave balance.
 - 5-6-2 Unused donated leave is returned in reverse order of when the donations were received.

6. Documentation

- 6-1 Employees must submit directly to Human Resources certification from the attending healthcare provider that supports the medical need for absence from work, when requesting leave donations.
- 6-2 Employees who are absent because of their own medical condition may be required to present a fitness-for-duty medical release before they are allowed to return to work.

7. Prohibited Activity

- 7-1 Employees are prohibited from offering or giving money, gifts, or other benefits to employees in order to influence their leave donation activity. Similarly, donors are prohibited from accepting compensation or gifts from recipients in exchange for leave donations.
- 7-2 Employees are prohibited from threatening or retaliating against other employees for donating leave, for not donating leave, or for requesting, receiving, and/or using donated leave.

- 7-3 Engaging in prohibited activity may result in disciplinary action, up to and including termination from employment.

8. Assistance

8-1 Employees may contact Human Resources for assistance with the leave donation program.

Related Documents

- Leave Donation Process

Forms:

- *Request for Leave Donations (Form HR812-1)*
- *Leave Donation Form (Form HR812-2)*