



RULES OF THE STATE PERSONNEL BOARD

478-1-.17 Leave Donation

(1) Introduction:

A leave donation program enables eligible employees to voluntarily donate accrued leave to other eligible employees of the same agency who have exhausted all paid leave. ~~Recipients have typically been absent for extended periods due to their own or a family member's illness. This Rule provides parameters for an agency's policy on leave donation.~~

~~(a) For the purposes of this Rule, the following terms and definitions apply in addition to those in 478-1-.02 (Terms and Definitions):~~

- ~~1. "Donor" means an eligible employee who has elected to donate leave to another employee.~~
- ~~2. "Recipient" means an eligible employee who has been authorized to solicit donations of leave from other employees.~~

(2) ~~Applicability~~General Provisions:

This Rule applies to executive branch employers, local departments of public health, and community service boards. It does not apply to other public corporations, authorities, or the Board of Regents of the University System of Georgia. An agency may adopt a policy to permit eligible employees to donate or receive leave from other employees of the same agency. Any leave donation policy adopted should specify criteria to be used in authorizing solicitations for donated leave, designate staff to administer leave donations, specify how donations will be credited to the recipient, and be published to employees. The agency may also prescribe a minimum donation amount in the policy.

(3) ~~Definitions~~Approval and Solicitation:

For the purposes of this Rule, the following terms and definition apply in addition to those in Rule 478-1-.02, Terms and Definitions:

- (a) "Donor" means an eligible employee who has elected to donate leave to another eligible employee.
- (b) "Eligible" means meeting the requirements set forth in this Rule for leave donation or receipt.
- (c) "Extended absence" means a period of absence which is more than ten (10) consecutive workdays.

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(d) "Immediate family" means the employee's spouse, child, parent, grandparent, grandchild, brother, and sister, including active step and in-law relationships. Immediate family also includes any other person who resides in the employee's household and is recognized by law as a dependent of the employee.

(e) "Medical emergency" means a medical condition of an employee or the employee's immediate family member that will require the employee's extended absence and will result in a substantial loss of income to the employee.

(f) "Recipient" means an eligible employee who has been authorized by the agency to solicit donations of leave from other employees of the same agency.

~~The agency shall have the discretion to approve all requests for solicitation of leave donations prior to the circulation of such solicitation. Following approval of a request to solicit leave donations, the agency shall designate staff to assist the recipient in developing a solicitation announcement. The recipient or the recipient's designee shall agree, in writing, that the announcement is satisfactory prior to any circulation of such announcement.~~

~~(a) Solicitation announcements shall be circulated to the extent necessary in order to encourage donations. The agency shall determine the scope and duration of solicitation announcements; provided, however, solicitation announcements shall be posted for not less than ten (10) work days.~~

(4) General Provisions Donor:

An agency's leave donation policy should outline eligibility criteria for donors and recipients, specify limitations on use of donated leave, designate staff to administer leave donations, specify how donations will be credited to the recipient, and be published to employees. The policy may also prescribe a minimum donation amount. The policy must be applied consistently and in a non-discriminatory manner to all employees of the agency. ~~To be eligible to donate leave a donor must: Have been continuously employed for not less than twelve (12) months by the state in a position(s) entitled to earn leave; Be an employee of the same department as the recipient; If donating annual leave, have a balance of not less than sixty (60) hours of annual leave after donation; and, if donating sick leave, have a balance of not less than sixty (60) hours of sick leave after donation.~~

~~(a) A donor may donate any amount of annual leave or personal leave and not more than one hundred and twenty (120) hours of sick leave in a calendar year. A~~

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~~donation may not be made from a forfeited leave balance. The agency may determine a minimum donation amount; provided, however, all donations shall be in increments of whole hours.~~

~~(b) A donor shall authorize the identity of the recipient and the type and amount of leave being donated. Such authorization shall specify that the donor surrenders any claim to any donated leave credited to the recipient.~~

~~(c) Leave may not be donated to any recipient that has not been authorized by the agency to receive such donations.~~

(5) Donation of Leave: Recipient:

(a) To be eligible to donate leave to a specified recipient for use in connection with a medical emergency, an employee must

1. have been continuously employed for at least twelve (12) months by a state agency in position(s) entitled to earn leave;

2. be a current employee of the same agency as the recipient;

3. if donating annual leave, have a balance of at least sixty (60) hours of annual leave after donation; and

4. if donating sick leave, have a balance of at least sixty (60) hours of sick leave after donation.

(b) The donated leave authorization will designate the recipient and specify that the donor surrenders any claim to donated leave credited to the named recipient.

(c) The donated leave authorization will specify the type and amount of leave being donated. The agency may determine a minimum donation amount, but all donations shall be in increments of whole hours.

(d) In a calendar year, a donor may donate any amount of annual or personal leave so long as the donor retains at least sixty (60) hours of annual leave, but a donor may not donate more than one hundred twenty (120) hours of sick leave. A donation may not be made from a forfeited leave balance.

~~To be eligible to use donated leave a recipient must: Be employed in a position entitled to earn and use leave and not in contingent leave without pay status; Have been~~

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~~continuously employed, as of the date a request to solicit donated leave is filed with the appointing authority, for not less than twelve (12) months by the state in a position(s) entitled to earn leave; Have met criteria established by the appointing authority; Have exhausted all accrued and forfeited leave and all available compensatory time; and, Have been on authorized leave without pay for eighty (80) consecutive hours; provided, however, that the use of any leave accrued after leave without pay status has commenced may be deferred until the previously referenced eighty (80) hour requirement has been satisfied.~~

~~(a) No more than forty (40) days prior to going into leave without pay status, a recipient may request solicitation of donated leave. The recipient shall request solicitation of donated leave in the form and manner specified by the appointing authority and shall provide such documentation as the agency may deem appropriate.~~

(6) Receipt of Donated Leave ~~Donations and Credits:~~

(a) To be eligible to receive donated leave for use in connection with a medical emergency, a recipient must

1. be employed in a position entitled to earn and use leave and not in contingent leave without pay status;
2. have been continuously employed, as of the date a request to solicit donated leave is filed with the appointing authority, for at least twelve (12) months by a state agency in a position(s) entitled to earn leave;
3. have exhausted all accrued and forfeited leave and all available compensatory time;
4. have been on authorized leave without pay for forty (40) consecutive hours; and
5. have met any additional criteria established by the appointing authority.

(b) No more than forty (40) days prior to exhausting paid leave, a recipient may submit a written request for solicitation of donated leave. The request must be in the form and manner specified by the appointing authority and include such documentation as the agency may deem appropriate.

(c) The agency will determine the form and scope of solicitation announcements, which will be posted or circulated for a minimum of ten (10) workdays, or until the

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applicable maximum is reached. The solicitation must not contain medical or other personal information about a recipient, other than the recipient's name, without the recipient's written consent.

(d) Donations, not to exceed five hundred and twenty (520) hours per solicitation, will be credited to a recipient in a manner determined by the agency.

(e) Multiple solicitations and donations are permitted for the same recipient, but no recipient will be credited with more than one thousand forty (1040) hours of donated leave in any period of two consecutive calendar years.

~~Donations, not to exceed five hundred and twenty (520) hours, shall be credited to a recipient in a manner determined by the agency; provided, however, that donations received after the maximum has been reached shall not be accepted and shall be returned to the appropriate donor.~~

~~(a) Donations accepted but not used by the recipient may, if authorized by agency policy, be returned to the appropriate donor(s) in the manner specified by such policy. Once a recipient has returned to duty, not more than forty (40) hours of previously donated leave may be retained for the recipient's use.~~

~~(b) Multiple donations shall be permitted for the same recipient; provided, however, no recipient shall be credited with more than one thousand forty (1040) hours of donated leave in any consecutive calendar year.~~

~~(c) The recipient may use credited donated leave for any purpose authorized under the provisions of Rule 478-1-.16 (Absence from Work).~~

(7) Use of Donated Leave ~~Prohibitions and Penalties:~~

(a) A recipient may use donated leave only as sick leave and only for purposes related to the medical emergency.

(b) Once a recipient has returned to duty, up to forty (40) hours of previously donated leave may be retained for the recipient's use as sick leave.

(c) Donations received after the maximum for the solicitation or time period has been reached will not be accepted and will be returned to the appropriate donor.

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(d) Donations will be used in the order in which they were received. Donations accepted but not used by a recipient or retained in accordance with Section (7) (c) of this Rule will be returned to the appropriate donor(s).

~~Leave donation is strictly voluntary. No employee may threaten, coerce or attempt to threaten or coerce another employee for the purpose of interfering with rights involving the donation, receipt or use of leave. Prohibited acts include, but are not limited to: promising to confer or conferring a benefit such as appointment, promotion or salary increase; or making a threat to engage in, or engaging in an act of retaliation against an employee because of leave donation. Any employee violating this Rule may be subject to disciplinary action, up to and including termination of employment. Donors are prohibited from accepting compensation or gifts from recipients in exchange for leave donations.~~

(8) Prohibitions and Penalties:

(a) Leave donation is strictly voluntary. No employee may threaten, coerce or attempt to threaten or coerce another employee for the purpose of interfering with rights involving donation, receipt, or use of leave. Prohibited acts include but are not limited to:

1. promising to confer or conferring a benefit such as appointment, promotion or salary increase; or
2. making a threat to engage in, or engaging in, an act of retaliation against an employee because of participation in a leave donation program.

(b) Donors are prohibited from accepting compensation or gifts from recipients in exchange for leave donations.

(c) Any employee violating this Rule may be subject to disciplinary action, up to and including termination of employment.

Authority:

O.C.G.A. §§ Secs. 45-20-3, 45-20-3.1, and 45-20-4 (duties and functions of the State Personnel Board and Department of Administrative Services related to the Rules of the State Personnel Board)

O.C.G.A. § 45-20-16 (State Personnel Board authority to establish rules for accrual and usage of leave)

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History. Original Rule entitled “Salary” adopted as R. 478-1-0A. F. July 31, 1985, eff. July 1, 1985, as specified by the Board.

Amended: F. Jan. 9, 1986; eff. Dec. 31, 1985, as specified by the Board.

Amended: F. Jan. 22, 1988; eff. Nov. 12, 1987, as specified by the Board.

Amended: F. Nov. 8, 1989; eff. June 28, 1989, as specified by the Board.

Amended: R. 478-1-0A repealed and renumbered R. 478-1-17 of same title adopted. F. Sept. 3, 1992; eff. Aug. 6, 1992, as specified by the Board.

Amended: ER. 478-1-0.1-17 adopted. F. Nov. 16, 1992; eff. Sept. 14, 1992, the date of adoption. This ER. shall expire in not more than 120 days immediately following its adoption or upon adoption of a permanent Rule covering the same subject matter superseding this ER., as specified by the Board.

Amended: Permanent Rule adopted and Rule further amended. F. Jan. 28, 1993; eff. Jan. 6, 1993, as specified by the Board.

Amended: F. June 28, 1993; eff. June 9, 1993, as specified by the Board.

Amended: F. June 30, 1994; eff. July 1, 1994, as specified by the Board.

Amended: F. Oct. 17, 1994; eff. Oct. 6, 1994, as specified by the Board.

Amended: F. July 11, 1995; eff. June 30, 1995, as specified by the Board.

Amended: F. Oct. 30, 1995; eff. Oct. 16, 1995, as specified by the Board.

Amended: F. Dec. 31, 1996; eff. Sept. 20, 1996, as specified by the Board.

Amended: F. Dec. 31, 1996; eff. Nov. 18, 1996, as specified by the Board.

Amended: F. Feb. 7, 1997; eff. Jan. 29, 1997, as specified by the Board.

Amended: F. Apr. 22, 1997; eff. Apr. 9, 1997, as specified by the Board.

Amended: F. June 12, 1997; eff. June 6, 1997, as specified by the Board.

Amended: F. Nov. 4, 1997; eff. Oct. 27, 1997, as specified by the Board.

Repealed: New Rule of same title adopted. F. July 15, 1999; eff. Oct. 1, 1999, as specified by the Board.

Amended: F. July 31, 2000; eff. July 14, 2000, as specified by the Board.

Amended: F. Aug. 22, 2001; eff. Aug. 13, 2001, as specified by the Board.

Amended: F. June 12, 2002; eff. May 21, 2002, as specified by the Board.

Amended: F. Dec. 8, 2003; eff. Aug. 19, 2003, as specified by the Board.

Amended: F. Jan. 17, 2007; eff. Jan. 4, 2007, as specified by the Board.

Repealed: New Rule entitled “Leave Donation” adopted. F. Dec. 23, 2008; eff. Dec. 17, 2008, as specified by the Board.