



RULES OF THE STATE PERSONNEL BOARD

478-1-.17 Leave Donation

(1) Introduction:

Agencies may establish a leave donation program to enable eligible employees to voluntarily donate accrued leave to other eligible employees of the same agency who have exhausted all paid leave. This Rule provides parameters for an agency's policy on leave donation.

(2) Applicability:

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.

(3) Definitions:

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.
- (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 hardship" 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.

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(4) General Provisions:

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.

(5) Donation of Leave:

- (a) To be eligible to donate leave to a specified recipient for use in connection with a medical hardship, 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.

(6) Receipt of Donated Leave:

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

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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) If a recipient accrues leave after beginning a period of leave without pay, such leave may be deferred until the 40-hour requirement referenced in subsection (6) (a) 4 has been met.
- (c) 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.
- (d) The agency will determine the form, scope, and frequency of solicitation announcements, which will be posted or circulated for a minimum of ten (10) workdays, or until the 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.
- (e) 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.
- (f) 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.

(7) Use of Donated Leave:

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

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- (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.
- (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).

(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. §§ 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)