

PROCEDURE No. 610.1
Area: Human Resources

Date Adopted: May 14, 1999 Certified by _____

Dr. Adolphus Andrews
Executive Vice President and
Chief Financial Officer

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**Subject: DONATION OF LEAVE TO OTHER
EMPLOYEES**

Employees affected by a medical or family medical emergency must apply in writing to their immediate supervisor to become a leave recipient. A sample Donor Application Form is attached. Specific requirements of the initial request are described in Attachment I. In the event that an employee is not capable of applying on his or her own behalf, another employee may make the application. Upon approval by the Executive Vice President, a more generic request for Donation of Leave Program (DLP) leave donation is prepared by the Human Resources Office for dissemination to potential leave donors. As stated earlier in this issuance, e-mail is an acceptable, as well as encouraged, method of transmission.

1. Purpose

Under the DLP, unused accrued annual vacation leave belonging to one employee may be transferred for use by another employee who has been determined to have a medical or family medical emergency and has been approved as a leave recipient.

2. Definitions

- a. Medical Emergency means a medical condition of an employee or a family member that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee (24 hours for full-time employees) because of the unavailability of paid leave. (Absence from duty necessitated by pregnancy and childbirth is an acceptable reason for requesting use of the DLP.)
- b. Family member means the following relatives of the employee: (a) spouse, and parents thereof; (b) children, including adopted children and spouses thereof; (c) parents; (d) brothers and sisters, and spouses thereof; (e) any

individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

3. Applying to Become a Leave Recipient

- a. Current employees affected by a medical or family medical emergency must apply in writing to become a leave recipient. In the event that an employee is not capable of making application on his or her own behalf, another employee in the department, an employee's representative, or a family member may make the application.
- b. Each application for DLP is to be initially submitted to the immediate supervisor of the potential leave recipient for consideration and must include:
 - i. The name, position title, and pay level of the prospective leave recipient,
 - ii. A brief description of the nature, severity, and anticipated duration of the medical or family medical emergency affecting the applicant, and
 - iii. A statement from a physician or other appropriate expert (e.g., Christian Science Practitioner, chiropractor, psychologist, etc.) and any additional information, as appropriate, that shows the nature, severity, and duration of the medical or family medical emergency.

4. Retroactivity

Transferred annual vacation leave may be substituted retroactively for a period of leave without pay (LWOP) or to liquidate advanced annual or sick leave granted to the approved leave recipient to cover absences during a medical or family medical emergency.

5. Processing Applications

The actual approval or disapproval of an application must be based on the determination by designated officials as to whether the potential leave recipient's absence from duty without available leave because of the medical emergency is (or is expected to be) at least 24 hours. (In case of a part-time employee or an employee with an uncommon tour of duty, the determination should be made on the basis of 30% of the average number of hours of work in the employee's biweekly scheduled tour of duty.) Such absence can be consecutive or intermittent hours during the leave year.

6. Using Transferred Leave

- a. A recipient's annual and sick leave accrued and accumulated prior to the approval date of the recipient's application must be used **before** any transferred annual vacation leave.
- b. Transferred leave may not be:
 - (1) Transferred to another leave recipient.
 - (2) Included in a lump-sum payment.
 - (3) Made available as transfer credit upon reemployment by a state agency.
 - (4) Used after the recipient's medical or family medical emergency is terminated.
 - (5) Normally extended beyond a sixty (60) working day period for any one illness and/or medical condition.

7. Accrual of Annual and Sick Leave

- a. Once the employee is using the transferred leave, he/she continues to accrue annual and sick leave up to a maximum of 40 hours in each category (or, in case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's weekly scheduled tour of duty). Once 40 hours of each are accumulated in this separate account and the medical emergency still exists, this separate leave accumulation **stops**.
- b. This annual and sick leave accrued by the employee while in transferred leave status must be kept in a separate leave account. It must not be available for the employee's use until the first applicable pay period beginning after the date on which the employee's medical emergency ends, except that it may be used if the employee exhausts all donated leave.
- c. Any leave recipient who returns to work on a part-time schedule while still in a medical emergency situation (e.g., therapy, gradual return to work under doctor's orders, family member's therapy) will earn **regular** annual and sick leave. All leave earned during that pay period is credited to the employee's regular leave account. This accrued regular leave must be used before any donated leave.
- d. If an employee who is in a leave transfer status terminates his/her state service, these separate 40-hour annual and sick leave accruals may not be credited to the employee for lump-sum leave purposes.

8. Donating Leave

- a. Without a waiver, a leave donor may not donate more than one-half of the amount of annual vacation leave he/she would be entitled to accrue during the leave year in which the donation is made. This one-half limit applies whether the leave is donated all at one time or in increments at various times during the leave year. The Executive Vice President can approve waivers.
- b. Without a waiver, a leave donor who is projected to have annual vacation leave that otherwise would be subject to forfeiture at the end of the leave year may not donate more than the lesser of:
 - (1) Half the amount of annual vacation leave he/she would be entitled to accrue during the leave year in which the donation is made, or
 - (2) The number of work hours remaining in the leave year (as of the date of the transfer) for which he/she is scheduled to work and receive pay.
- c. An employee cannot donate annual vacation leave to his/her immediate supervisor.
- d. An immediate supervisor cannot donate annual vacation leave to his/her employee.

9. Restoring Transferred Annual Vacation Leave

Upon termination of a medical or family medical emergency, unused annual vacation leave donated to the recipient must be restored to the donor(s) account(s).

ATTACHMENTS:

Donor Application Form

Leave Recipient Application Form