

GEORGIA DEPARTMENT OF HUMAN RESOURCES
Human Resource/Personnel Policy #1010

LEAVE DONATION

EFFECTIVE DATE: August 16, 2003

RELEASE DATE: August 16, 2003

REFERENCES: Rules of the State Personnel Board - Rule 30 (Leave Donation)
DHR Human Resource/Personnel Policies

The leave donation program has been established to permit employees to assist other employees within their Department who will be absent from work for an extended period due to personal illness/disability or the illness/disability of a qualifying family member. Eligible DHR employees (recipients) may request that other DHR employees (donors) donate their annual, sick or personal leave for use by the recipient as sick leave.

(Section A)
GENERAL
PROVISIONS

1. The donation of leave is voluntary.
2. Donated leave can only be credited to an employee of the same State department. DHR employees cannot donate leave to or receive donated leave from non-DHR employees.
3. Employees must request and be approved for appropriate leave during the extended absence in order to be considered for participation in the leave donation program.
4. For purposes of this policy, an employee is considered to be on "approved leave without pay" if the employee is on Family and Medical Leave (FML) Without Pay or, if not eligible for FML, the employee has requested and received approval for an Authorized (Regular) Leave of Absence Without Pay.
5. If the employee is on approved Family and Medical Leave Without Pay or Authorized (Regular) Leave of Absence Without Pay, or in pay status using donated leave, the position which the employee occupied or a position of equal grade and pay, benefits and comparable working conditions is held for the employee's return.
6. All types of donated leave (annual, personal and sick leave) are credited to a recipient's sick leave balance.
7. Donated leave can only be used by recipients for absences that qualify for sick leave (see Policy #1006).

LEAVE DONATION (continued)

8. The identity of donors is confidential and will not be provided by individuals administering the donation process to the recipient or to any other individual unless necessary to administer the donation or required by law. [MOVED]

(Section B)
**ELIGIBLE
RECIPIENT**

All criteria listed below must be met for an employee to be eligible to solicit and use leave donations.

1. The employee must be employed in a position entitled to earn and use leave.
2. The employee must have been continuously employed by a state agency in position(s) entitled to earn and use leave for at least twelve (12) months immediately preceding the request to solicit leave donations.
3. The employee must either be in pay status or on approved leave without pay in order to solicit leave donations. (See Section A.4. and Section D.1.)

NOTE: An employee who is absent without pay, but has not requested and specifically been approved for FML or Authorized (Regular) Leave of Absence Without Pay, is not eligible to solicit or use leave donations.

4. In order to use leave donations, the employee must have exhausted all annual, personal, sick and forfeited leave and all available compensatory time.
5. The employee must have been on approved leave without pay for eighty (80) consecutive hours prior to crediting and using donated leave. (See Section A.4.)

NOTE: If the employee accrues leave before going on leave without pay, said accruals can be deferred until the previously referenced eighty (80) hour leave without pay requirement has been satisfied.

6. The employee can ONLY use donated leave while absent for the specific sick leave purpose for which the donations were solicited (i.e., due to personal illness/disability or for the necessary care due to the illness/disability of a spouse, child, parent, brother, sister or any other per-

LEAVE DONATION (continued)

son who resides in the employee's household and is recognized by law as a dependent of the employee).

7. **The employee is NOT eligible to solicit or use leave donations if on a contingent leave of absence without pay.**
8. **The employee is NOT eligible to solicit or use leave donations if the employee was on an attendance plan or undergoing disciplinary or other corrective action for leave abuse or misuse in the twelve (12) month period preceding the request.**
9. **The employee is NOT eligible to solicit or use leave donations for an absence due to a job-related injury or illness for which Workers' Compensation benefits may be received or a disability incurred while committing a felony or assault.**
10. **The employee CANNOT solicit leave donations after returning to work in order to retroactively cover a period of absence. Due to the nature of intermittent leave, leave donations are also not appropriate to cover intermittent absences from work.**

(Section C) ELIGIBLE DONOR

In accordance with the Rules of the State Personnel Board, a donor must meet all criteria listed below in order to be eligible to donate leave to a DHR employee.

1. **The donor must be a DHR employee.**
2. **The donor must have been continuously employed for at least twelve (12) months by a state agency in a position(s) entitled to earn and use leave.**
3. **The donor must have a balance of at least sixty (60) hours of annual leave after donation, if donating annual leave.**
4. **The donor must have a balance of at least sixty (60) hours of sick leave after donation, if donating sick leave.**

(Section D) REQUEST

1. A DHR employee may request to solicit leave donations no more than forty (40) calendar days prior to going into an authorized leave without pay status.

LEAVE DONATION (continued)

2. A completed DHR REQUEST TO SOLICIT LEAVE DONATIONS Form (See Attachment #1) must be submitted to the employee's immediate supervisor by the employee (or the employee's designee if the employee is unable to personally submit the request).
 - 2.1 The request must describe the reason for soliciting donated leave.
 - 2.2 A medical statement supporting the need for absence must be submitted with the request.

NOTE: The medical information contained in the statement must be considered confidential and is to be shared with individuals only on a need-to-know basis. The statement is to be maintained in a confidential file separate from the employee's personnel file.

3. The immediate supervisor is to forward the DHR REQUEST TO SOLICIT LEAVE DONATIONS Form to the appropriate approving manager (e.g., Division/Office Director, or designee) for review and approval.

(Section E)
**DETERMI-
NATION**

1. Approval of a request to solicit leave donations is at the discretion of the approving manager based on the provisions of this policy.
2. **When reviewing the request, the approving manager should consider the following:**
 - Reason for absence;
 - Employee's years of service;
 - Employee's documented performance, behavior and attendance records; and,
 - Needs of the organization.
3. If the request to solicit leave donations is determined inappropriate, the approving manager, human resource/personnel representative or designee will notify the employee of the denial in writing.
4. If the request is determined appropriate, the approving manager will designate an employee who will develop a DHR SOLICITATION FOR LEAVE DONATIONS NOTICE (See Attachment #2) to post/circulate.

LEAVE DONATION (continued)

(Section F)

SOLICITATION NOTICE

1. The DHR SOLICITATION FOR LEAVE DONATIONS NOTICE must include the following:
 - 1.1 posting date,
 - 1.2 the deadline to receive leave donations,
 - 1.3 the employee's name and work location,
 - 1.4 the reason leave donations are requested, and
 - 1.5 the human resource/personnel office, or DHR organizational unit, responsible for receiving leave donations.
2. The employee, or the employee's designee, must agree in writing that the solicitation notice is satisfactory **prior to** circulating the notice.
3. The approving manager, human resource/personnel representative, leave keeper or designee, will circulate the solicitation notice to the extent necessary in order to encourage donations for at least ten (10) work days.

NOTE: If employees do not receive the maximum amount of donated leave, they may request that the solicitation notice be circulated one additional time during the period of absence or within a three month period, whichever is less, to encourage additional donations not to exceed 520 hours.

(Section G)

MAKING A DONATION

1. **Leave can only be donated in response to a specific solicitation.**
2. Leave donations must be made in whole eight (8) hour increments.
3. A donor can donate any amount of personal leave.
4. A donor can donate any amount of annual leave, as long as the donor has at least 60 hours of annual leave after donation.
5. A donor can donate up to 120 hours of sick leave in a calendar year, as long as the donor has at least 60 hours of sick leave after donation.

LEAVE DONATION (continued)

6. A donation cannot be made from a forfeited leave balance.
7. No exceptions to the leave donation limits are made for employees who are leaving State government and wish to donate sick leave that would otherwise be lost. In accordance with the Rules of the State Personnel Board, departing employees can only donate up to a maximum of 120 hours of sick leave in a calendar year, and a balance of 60 hours of sick leave must remain after donation.
8. A donor must complete a DHR LEAVE DONATION AUTHORIZATION Form (See Attachment #3) to:
 - 8.1 authorize the deduction of leave from an accrued balance;
 - 8.2 identify the recipient; and,
 - 8.3 specify the type and amount of leave to be donated.
9. This completed form must be submitted to the leave keeper who maintains the leave records for the donor. This leave keeper will then do the following:
 - 9.1 certify the donor's leave balance(s);
 - 9.2 make appropriate adjustments to the donor's leave balance(s) on the DAILY RECORD OF LEAVE USED, or similar form;
 - 9.3 provide the original of the DHR LEAVE DONATION AUTHORIZATION Form directly to the recipient's human resource/personnel office, or other designated individual, by the posted deadline date. The donated leave will be added to the recipient's sick leave balance. **(NOTE: the form may be faxed prior to mailing the original for information purposes);** and,
 - 9.4 report to the donor's human resource/personnel office, or other designated individual, the amount of leave to be deducted from the donor's leave balance(s) in the system.
10. The recipient's human resource/personnel office, or other designated individual, will stamp the **date and time** of receipt on the DHR LEAVE DONATION AUTHORIZATION Form to determine the order of donations.

LEAVE DONATION (continued)

(Section H)

CREDITING DONATED LEAVE

1. All types of leave donations, up to a maximum of 520 hours, will be credited as sick leave to a recipient in the order received, **and** on an as-needed basis.
2. Donations received after the maximum has been reached or after the posted deadline will not be accepted and will be returned to the appropriate donor(s).
3. While using donated leave, the recipient will accrue annual and sick leave if in pay status for the required number of hours in a pay period. This newly accrued leave must be used prior to continuing to use donated leave.
4. The recipient will be advised in writing by the appropriate human resource/personnel office, or other designated individual, of the amount of leave donated.
5. Each individual leave donation will be credited in its entirety. (See exceptions and limitations, below.) Leave donated in excess of what is needed by the recipient will be returned to the donor(s); however, **if a portion of a leave donation is needed, the remainder, up to forty (40) hours, will not be returned to the donor.**
 - 5.1 An exception occurs when a leave donation from one donor would result in over 520 hours being received. In this case, the recipient's sick leave balance is credited up to the maximum, and the excess leave is returned to the donor.
 - 5.2 Once a recipient has returned to duty, no more than forty (40) hours of previously donated leave may be retained for the recipient's use.

(Section I)

MULTIPLE DONATIONS

1. Multiple donations will be permitted for the same recipient; however, no recipient will be credited with more than 1,040 hours of donated leave in any consecutive two (2) calendar year period.
2. **Multiple donations can be solicited for the same absence if the recipient receives and uses the maximum of 520 hours of donated leave, and continues to be absent. [REWORDED]**

LEAVE DONATION (continued)

- 2.1 The recipient must submit a new DHR REQUEST TO SOLICIT LEAVE DONATIONS Form, and
- 2.2 A new DHR SOLICITATION FOR LEAVE DONATIONS NOTICE must be posted/circulated.
- 2.3 The recipient will not be required to be in an additional authorized leave without pay status for a period beyond the eighty (80) hours required for the initial leave donation solicitation.
3. If multiple donations are solicited for different absences, the recipient must meet all requirements for soliciting leave donations for each solicitation, including the requirement to be on authorized leave without pay for eighty (80) consecutive hours prior to receiving donated leave.

(Section J)

PLACEMENT ON FAMILY AND MEDICAL LEAVE (FML)

1. **Supervisors must determine if an employee using donated leave is absent for a reason that also qualifies for FML. (See DHR Human Resource/Personnel Policy #1005 - Family and Medical Leave.)**
2. **If the employee meets all eligibility criteria for FML, the supervisor must notify the employee of placement on FML, and forward a REQUEST FOR PERSONNEL/PAYROLL ACTION to the appropriate Transactions Center for system entry.**
3. An employee may be placed on FML without a request from the employee.

(Section K)

RETURN TO WORK

1. **If an employee was receiving donated leave due to personal illness or disability, the employee may be required to submit a return-to-work statement from the attending health care provider prior to returning to work.**
2. **This statement must certify that the essential functions of the position can be performed with or without reasonable accommodation.**
4. **Employees who do not provide a "required" statement to their supervisor should not be allowed to return to work.**

LEAVE DONATION (continued)

(Section L)

**PROHIBITED
ACTIVITY**

1. No employee will 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. Such prohibited acts will include, but not be 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.
2. Any employee who violates the Prohibited Activity Section will be subject to disciplinary action up to and including dismissal.

For additional information or assistance, please contact the Office of Human Resource Management and Development (OHRMD) - Operations and Benefits Section at 404/656-4588.

ATTACHMENTS:

Attachment #1 - DHR REQUEST TO SOLICIT LEAVE DONATIONS

Attachment #2 - DHR SOLICITATION FOR LEAVE DONATIONS NOTICE

Attachment #3 - DHR LEAVE DONATION AUTHORIZATION
