

# Procedure: 4.5.2p2. (III.U.6.a)

## Leave Donation

**Revised:** September 15, 2015; July 15, 2015; January 13, 2005

**Last Reviewed:** September 15, 2015

**Adopted:** October 2, 2001



### I. PURPOSE:

The State of Georgia's leave donation program has been established in applicable State Personnel Board Rules and permits eligible employees to assist other eligible employees who are or will be absent from work for an extended period of time due to a personal illness or disability or the illness/disability of a qualifying family member.

Within the Technical College System of Georgia, an eligible employee may request that other eligible employees working in the same business unit (i.e., the System Office or, as applicable, a technical college) to donate leave (i.e., annual, sick, or personal leave) for use by the recipient as sick leave.

### II. RELATED AUTHORITY:

State Personnel Board Rule 17 – Leave Donation

State Board Policy 4.5.2. – Leave

TCSG Procedure 4.5.1p. – Family and Medical Leave Act

### III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

### IV. DEFINITIONS:

**Donor:** an eligible employee who has elected to donate leave to another employee. **Recipient:** an eligible employee who has been authorized to solicit donations of leave from other employees.

### V. ATTACHMENTS:

Attachment: 4.5.2p2.a1. – Request to Solicit Leave Donations Form

Attachment: 4.5.2p2.a2. – Solicitation for Leave Donations Notice Form

Attachment: 4.5.2p2.a3. – Leave Donation Authorization Form

### VI. PROCEDURES:

#### General Provisions

1. Pursuant to the provision of this procedure, an employee desiring to participate in the leave donation program must formally request and be approved for donated leave before any solicitation can commence.
2. Eligibility for requesting donated leave alone does not ensure that that a request will be approved.

3. The donation of leave by eligible System Office or technical college employees is voluntary.
4. All donated leave (i.e., annual, sick or personal leave) shall be credited to a recipient as sick leave.
5. For purposes of this procedure, an employee is considered to be on an approved leave of absence without pay if the employee's absence has been designated as family leave without pay or, if ineligible for family leave, the employee has requested and been approved for a regular leave of absence without pay.
6. While in either employment status referenced in Paragraph VI.A.5., the recipient's current position or a position of equal grade, pay, benefits and comparable working conditions will be available for the employee upon his/her return to work at the conclusion of his/her family leave or regular leave of absence without pay.
7. An eligible employee may request that other eligible employees in the same business unit (i.e., the System Office or, as applicable, a technical college) donate leave (i.e., annual, sick, or personal leave) for use by the recipient as sick leave. For purposes of this procedure the System Office includes employees working in the Quick Start Headquarters and all Quick Start Regional Offices and training centers.
8. Donated leave cannot be requested or used by employees who are on a contingent leave of absence without pay.
9. Donated leave can be used by a recipient only for absences that qualify as sick leave and for the specific sick leave purpose for which donations were solicited.
10. The identity of donors is confidential and will not be provided by individual(s) administering this program in the System Office or a technical college to the recipient or to any other employee unless necessary to administer the donation or as required by law.
11. No more than 520 hours of donated leave may initially be received and credited as sick leave to any recipient. Although multiple donations are permitted for the same recipient, no recipient will be credited with more than 1,040 hours of donated leave in any consecutive two (2) calendar year period
12. After a recipient has returned to work, no more than forty (40) hours of previously donated leave may be retained for the recipient's use.

**B. Eligible Recipient**

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

1. An employee must be employed in a position entitled to earn and use leave.
2. An employee must have been continuously employed by a State of Georgia agency in position(s) entitled to earn and use leave for at least twelve calendar (12) months immediately preceding a request to solicit leave donations.
3. An employee must be in pay status or on an approved leave of absence without pay (i.e., a regular leave of absence without pay) to solicit leave donations. NOTE: An employee in a non-pay status but who has not requested or been designated for placement on family leave or, who has

not requested and been approved for placement on a regular leave of absence without pay is not eligible to solicit or use leave donations.

4. To use donated leave, an employee must first have exhausted all accrued annual and sick leave, all available personal leave, as well as all available forfeited leave and, as applicable, FLSA Compensatory Time.
5. To use donated leave, an employee must first have been on approved leave without pay for eighty (80) consecutive hours; however, the use of any leave accrued after placement in a leave without pay status has commenced may be deferred until the previously referenced eighty (80) hour requirement has been satisfied.
6. An employee can only use donated leave while absent for the specific sick leave purpose for which the donations were solicited (i.e., due to a personal illness/disability or for the necessary care due to the illness/disability of a spouse, child, parent, brother, sister, or any other person who resides in the employee's household and is recognized by law as a dependent of the employee).
7. An employee is not eligible to solicit or use leave donations if on a contingent leave of absence without pay.
8. An employee is not eligible to solicit or use leave donations if the employee was on an attendance plan or under disciplinary or other corrective action for leave abuse or misuse in the twelve (12) month period preceding the request.
9. An employee is not eligible to solicit or use leave donations for an absence due to a job-related injury or illness for which Worker's Compensation benefits may be received or a disability incurred while committing a felony or assault.
10. An employee cannot solicit leave donations after returning to work 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.
11. A recipient may initiate a request for donated leave no earlier than forty calendar (40) days prior to transitioning into a leave without pay status.

#### **C. Eligible Donor**

All criteria referenced below must be met for an employee to be eligible to donate leave pursuant to the provisions of this procedure.

1. A donor must work in the same TCSG business unit (i.e., the System Office or a technical college) as the recipient.
2. A donor must have worked continuously for a State of Georgia agency for a period of twelve (12) calendar months in a position entitled to earn and use leave.
3. If donating annual leave, a donor must have a leave balance of at least sixty (60) hours after a donation has been transacted.
4. If donating sick leave, a donor must have a leave balance of at least sixty (60) hours after a donation has been transacted.

#### **D. Request**

1. As provided in Paragraph VI.B.11., an employee may request to solicit leave donations no more than forty (40) calendar days prior to moving into an authorized leave without pay status.

2. A completed Request to Solicit Leave Donations Form (Attachment: 4.5.2p2.a1.) must be submitted to the donor's immediate supervisor by the employee or the employee's designee if the employee is unable to personally submit the request. The request must describe the reason the request was initiated and include a medical statement from the employee's attending health care professional supporting the need for the leave of absence.
3. All medical information associated with a request for donated leave shall be considered confidential and may only be shared with other System Office or technical college officials on a need-to-know basis. The request and accompanying medical statement and/or medical information shall not be maintained in the employee's official personal file. Instead, the materials shall be maintained in a separate file with other medical information/documents.
4. The employee's immediate supervisor shall forward a submitted Request to Solicit Leave Donations form to his/her reviewing manager or other designated System Office or technical college official authorized by the Commissioner or technical college president to make a determination as to whether the request should be approved or denied.

**E. Determination**

1. In consultation with the System Office or technical college Director of Human Resources (or his/her designee), requests to solicit leave donations shall be approved or denied at the discretion of the designated System Office or technical college official pursuant to the provisions of this procedure.
2. When reviewing the request, the reviewing official should consider the following information:
  - a. the reason for the absence;
  - b. the employee's years of service in the applicable TCSG work unit;
  - c. the employee's documented performance, as applicable, disciplinary history, and attendance records; and,
  - d. the needs of the System Office or technical college.
3. If the request to solicit leave is approved, the authorized Request to Solicit Leave Donations Form and supporting documentation should be forwarded to the System Office or technical college Office of Human Resources within the pay period during which the request was approved. Staff in the System Office or technical college Office of Human Resources will assist the employee in developing a Solicitation for Leave Donations Notice (Attachment 4.5.2p2.a2.).
4. If the request to solicit leave is not approved, the reviewing System Office or technical college official, with assistance from the System Office or technical college director of human resources, will notify the employee of the decision in writing. The correspondence/memorandum will include the reason(s) the request was not approved.

**F. Solicitation Notice**

1. The Solicitation for Leave Donations Notice (Attachment 4.5.2p2.a2.) must include the following information:
  - a. the posting date;
  - b. the deadline to receive leave donations;

- c. the employee's (recipient's) name, work location, and position title;
  - d. the reason leave donations are requested; and,
  - e. the name of the staff member in the System Office or technical college Office of Human Resources responsible for receiving completed Leave Donation Authorization Forms.
2. The employee or employee's designee must agree, in writing, that the solicitation notice is satisfactory prior to the notice's circulation.
  3. The System Office or technical college director or human resources or his/her designee will circulate the solicitation notice for a minimum of ten (10) business days in an effort to encourage donations.
  4. If an employee does not receive the maximum amount of donated leave, he/she may request that the solicitation notice be circulated one additional time (for a minimum of ten [10] business days) during the period of absence or within a three (3) month period, whichever is less, to encourage additional donations.

**G. Making a Donation**

1. Leave can only be donated to another eligible employee in response to a specific solicitation.
2. Annual, sick, or personal leave donations must be made in whole, eight (8)-hour increments.
3. A donor can donate any amount of personal leave in conjunction with the requirement of Paragraph VI.G.2.
4. A donor can donate any amount of annual leave, provided that he/she has an annual leave balance of at least sixty (60) hours after the donation has been accomplished.
5. A donor can donate up to one hundred twenty (120) hours of sick leave in a calendar year provided he/she has a sick leave balance of at least sixty (60) hours after the donation has been accomplished.
6. A donation cannot be made from a forfeited leave balance.
7. No exceptions may be made to the established leave donations limits for an employee who is leaving State of Georgia employment and who wishes to donate more sick leave than permitted in Paragraph VI.G.5. or whose available sick leave balance after the donation falls below the sixty (60) hour threshold.
8. A donor must complete a Leave Donation Authorization Form (Attachment 4.5.2p2.a3.) to:
  - a. authorize the deduction of leave from his/her accrued leave balance(s);
  - b. identify the recipient; and,
  - c. specify the type and amount of leave to be donated.
9. The completed Leave Donation Authorization Form must be submitted to the System Office or technical college office of human resources for processing to:
  - a. certify the donor's initial leave balance(s) before donations are made;
  - b. to make appropriately adjustments to the donor's leave balance(s) after deductions are made;
  - c. to ensure that the donated leave is added to the recipient's sick leave balance; and,

- d. to report to the amount of leave to be deducted from the donor's leave balance's in PeopleSoft.
10. It is permissible to fax the completed Form to the Office of Human Resources to ensure receipt before the established deadline date. The donor must, however, ensure that the original document is submitted to the Office of Human Resources as quickly as possible after the fax is submitted.
11. Staff in the System Office or technical college's Office of Human Resources will time stamp and date each Leave Donation Authorization Form upon receipt to determine the order of donations received.

#### **H. Crediting Donated Leave**

1. All 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 date will not be accepted or processed. In these instances, the completed Forms will be returned to each donor.
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 a representative of the System Office or technical college Office of Human Resources of the amount of leave donated.
5. Each individual leave donation will be credited in its entirety. 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.
6. An exception occurs when a leave donation from one donor would result in over 520 hours being received. In this instance, the recipient's sick leave balance is credited up to the maximum and the excess amount of leave is returned to the donor.
7. 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.

#### **J. Multiple Donations**

1. Multiple donations will be permitted for the same recipient; however, no recipient can 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 520 hours of donated leave and continues to be absent from work.
3. In conjunction with the provisions of Paragraph VI.I.2., the recipient must submit a new Request to Solicit Donated Leave (4.5.2p2.a1.); a new Solicitation for leave Donations Notice (Attachment 4.5.2p2.a2.) must be posted/circulated; and, 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.
4. In the event that a multiple leave donation requests are initiated for the same recipient based on different criteria (e.g., one request based on an employee's personal illness and a second request based on the

employee's need to care for his/her child with an illness), 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.

**K. Placement on Family Leave**

1. In conjunction with staff in the System Office or technical college Office of Human Resources, an employee's supervisor must determine if an employee requesting/using donated leave is absent for a reason that qualifies as family leave.
2. In these instances, the employee must be placed on family leave provided all or a portion of the twelve (12) week family leave entitlement is available for the employee's use.
3. An employee may be placed on family leave without a request (from the employee) or the employee's concurrence.

**L. Return to Work**

1. If an employee was receiving donated leave due to a personal illness or disability, the employee is required to submit a return-to-work statement or, as applicable, a fitness for duty certificate from his/her attending health care provider prior to returning to work. This requirement also pertains to an employee returning to work directly from family leave.
2. In these instances, the health care provider must certify that the employee can perform the essential functions of his/her position with or without a reasonable accommodation.

**M. 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, the use of donated leave. Such prohibited actions 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. Donors are prohibited from accepting compensation or gifts from recipients in exchange for leave donations.
3. Any employee who violates these provisions will be subject to disciplinary action up to and including dismissal from employment.

**VII. RECORD RETENTION:**

All employment-related documents created or collected pursuant to this procedure shall be maintained in a manner consistent with the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records. NOTE: all medical information obtained/collected in conjunction with a donated leave request shall be maintained in a file separate from the employee's official personnel file with limited access.

Attachment: 4.5.2p2.a1.



**Request to Solicit Leave Donations**

Employee Name: \_\_\_\_\_ Employee ID: \_\_\_\_\_

Work Location: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Position Title: \_\_\_\_\_

I request to solicit and receive donated leave from other System Office or, as applicable, technical college employees for my use as sick leave due to the following:

Personal illness or disability

Care of my:

Child  Spouse  Parent  Brother/Sister  Other legal dependent

I understand that to solicit leave donations, my attending health care provider MUST provide a medical statement supporting the need for my absence. As evidenced by my signature below, I authorize the release of information from the attending health care provider concerning (1) my medical care and/or treatment, or (2) the medical care and/or treatment of my family member or dependent to my employer.

\_\_\_\_\_  
Date \_\_\_\_\_  
Signature of Requesting Employee or Designee

Employee's Supervisor: \_\_\_\_\_ Date Request Received: \_\_\_\_\_

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\_\_\_\_\_  
Signature of Commissioner/President or Designated System Office or Technical College Official

\_\_\_\_\_  
Date

Request Approved

Request Denied (reason for denial required)

Note: A medical statement supporting the need for absence must be submitted with this request.



**Attachment: 4.5.2p2.a2.**



**Solicitation for Leave Donations Notice**

Name of Employee (Recipient): \_\_\_\_\_

Work Location: \_\_\_\_\_ Position Title: \_\_\_\_\_

Posting Date: \_\_\_\_\_ Deadline for Receiving Donations: \_\_\_\_\_

The TCSG employee listed above has been authorized to solicit accrued leave for the following reason:

- € The employee's personal illness or disability or
- € To care for the employee's:
  - € Child
  - € Spouse
  - € Parent
  - € Brother/Sister
  - € Other legal dependent

The donation of accrued leave is voluntary. All leave donated by System Office or, as applicable, technical college employees to the above referenced employee will be credited as sick leave and may only be utilized (by the employee) for the purpose stated above.

To donate accrued leave to this employee, please complete and submit the TCSG Leave Donation Authorization Form to your leave keeper at least one (1) week prior to the posted deadline date.

Any questions regarding the leave donation process or to obtain necessary forms, please contact \_\_\_\_\_ in the System Office or, as applicable, technical college Office of Human Resources.

All completed Leave Donation Authorization Forms should be submitted to \_\_\_\_\_ in the (System Office/technical college) Office of Human Resources no later than the deadline date referenced above.

**NOTE:** this notice will be posed for a period of \_\_\_\_ days beginning on \_\_\_\_\_ and ending on \_\_\_\_\_.

I agree that this Solicitation for Leave Donations Notice is satisfactory and should be posted/circulated as written.

\_\_\_\_\_  
Signature of Requesting Employee or Designee

\_\_\_\_\_  
Date

**Attachment: 4.5.2p2.a3. Leave Donation Authorization Form**

**Technical College System of Georgia**

**LEAVE DONATION AUTHORIZATION FORM**

<b>SECTION I: To be completed by the donor</b>		
Pursuant to the Leave Donation Procedure, I will donate: <i>(must be in 8 hour increments)</i>		
	<input type="checkbox"/>	hours of my annual leave <i>(requires balance of 60 hours after donation)</i>
	<input type="checkbox"/>	hours of my personal leave
	<input type="checkbox"/>	hours of my sick leave <i>(requires balance of 60 hours after donation)</i>
To be used by: (list name below)		
<b>Name of Employee (Recipient)</b>		<b>Work Location</b>
I understand that the above amount(s) of donated leave will be deducted from my accrued annual, and/or personal, and/or sick leave balance(s) and will not be available for my use.		
<b>Printed Name of Donor</b>	<b>Work Phone #</b>	<b>Employee ID #</b>
<b>System Office/Technical College Work Unit</b>		
<b>Signature of Donor</b>		<b>Date</b>
<b><i>This donation will not be processed without a signature</i></b>		
<b>SECTION II: To be completed by the donor's Personnel Leave Keeper</b>		
<b>Date &amp; Time Received by Leave Keeper</b>	<b>Leave Balance(s) AFTER Donation</b>	
		ANNUAL
		PERSONAL
		SICK
<b>Signature of Leave Keeper</b>		<b>Date</b>
<b>SECTION III: To be completed by the recipient's Human Resource Office, or other designated individual.</b>		
	Amount of Leave Donated	<b>Date &amp; Time received by Human Resources Office, or designated individual</b>
	Amount of Leave Returned	