

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

Leave Donation

Revised: September 9, 2019, July 15, 2015; January 13, 2005

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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 accrued 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:

- A. **Donor:** an eligible employee who has elected to donate leave to another employee
- B. **Extended Absence:** a period of absence that is more than ten (10) consecutive workdays
- C. **Immediate Family:** an employee's spouse, child, parent, grandparent, grandchild, brother, 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.
- D. **Medical Hardship:** 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
- E. **Recipient:** an eligible employee who has been authorized to solicit donations of leave from other employees.

V. ATTACHMENTS:

- 4.5.2p2.a1 Request to Solicit Leave Donations Form
- 4.5.2p2.a2 Solicitation for Leave Donations Notice Form
- 4.5.2p2.a3 Leave Donation Authorization Form

VI. PROCEDURES:

A. General Provisions

1. Pursuant to the provision of this procedure, an employee experiencing a medical hardship who wishes to participate in the leave donation program must formally request and be approved for donated leave before any solicitation can commence.
2. The donation of leave by eligible System Office or technical college employees is voluntary.
3. All donated leave shall be credited to a recipient as sick leave.
4. The recipient's current position will be held for the employee until his/her return to work at the conclusion of his/her family leave or regular leave of absence.
5. An eligible employee may request that other eligible employees in the same business unit (the System Office or a technical college) donate accrued leave for use by the recipient as sick leave. Note: The System Office includes employees working in the Quick Start Headquarters and all Quick Start Regional Offices and training centers.
6. Donated leave cannot be requested or used by employees who are on a contingent leave of absence without pay.
7. Donated leave can be used by a recipient only for absences that result from medical hardship and for the specific medical hardship for which donations were solicited.
8. 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.
9. No more than 520 hours of donated leave may be received and credited, per solicitation. Although multiple solicitations 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
10. 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.
11. All medical information associated with a request for donated leave shall be considered confidential and may only be shared with officials outside of the Human Resources on a need-to-know basis.

B. Eligible Recipient

1. All criteria referenced below must be met for an employee to be eligible to solicit and use leave donation.
 - a. An employee must be continuously employed in a position entitled to earn and use leave for at least 12 months at the time of the request.
 - b. An employee must be in pay status or on an approved regular leave of absence without pay to solicit leave donations. An employee on contingent leave without pay or unauthorized leave without pay is not eligible to solicit donations. 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, Compensatory Time.

- c. To use donated leave, an employee must first have been on approved leave without pay for forty (40) 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 forty (40) hour requirement has been satisfied.
- d. An employee can only use donated leave while absent for the specific purpose for which the donations were solicited. 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.
- e. 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 are being received or a disability incurred while committing a felony or assault.
- f. 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.
- g. 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

- 1. All criteria referenced below must be met for an employee to be eligible to donate leave pursuant to the provisions of this procedure.
 - a. A donor must work in the same TCSG business unit (i.e., the System Office or a technical college) as the recipient.
 - b. 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.
 - c. If donating annual leave, a donor must have a leave balance of at least sixty (60) hours after a donation has been transacted.
 - d. If donating sick leave, a donor must have a leave balance of at least sixty (60) hours after a donation has been transacted. A donor may not donate more than 120 hours in a calendar year.

D. Request

- 1. 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 Human Resources office 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. If the request to solicit is not approved, the reviewing System Office or technical college Office of Human Resources will notify the employee of the decision in writing. The correspondence will include the reason the request was not approved.

E. 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.

F. Donating Leave

1. Leave can only be donated to another eligible employee in response to a specific solicitation.
2. A donor may donate annual, sick, or personal leave only. Donations must be made in whole, eight (8)-hour increments.
 - a. A donor can donate any amount of personal leave.
 - b. A donor can donate any amount of annual leave, if he/she has an annual leave balance of at least sixty (60) hours after the donation has been accomplished.
 - c. 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.
 - d. A donation cannot be made from a forfeited leave balance.
3. 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 as described in this section or whose available sick leave balance after the donation falls below the sixty (60) hour threshold.
4. 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.
5. The completed Leave Donation Authorization Form must be submitted to the System Office or technical college office of human resources for processing. The HR Office will:
 - 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.

6. 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.

G. 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.

H. Multiple Solicitations

1. Multiple solicitations 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 solicitations are permitted 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. The recipient must submit a new Request to Solicit Donated Leave, (Attachment 4.5.2p2.a2.); 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 forty (40) 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 medical hardships, the recipient must meet all requirements for soliciting leave donations for each solicitation, including the requirement to be on authorized leave without pay for forty (40) consecutive hours prior to receiving donated leave.

I. 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.