



**Office of Human Resources  
Standard Operating Procedure  
HR SOP #609**

**Subject:** Donated Leave

**Effective Date:** December 16, 2019

**Policy Statement:**

An eligible DNR employee may donate accrued annual, sick or personal leave to another eligible DNR employee who has exhausted all paid leave. All donations must be made in accordance with the criteria established in this procedure.

**Definitions:**

**Donor:** An eligible DNR employee who has elected to donate leave to another eligible DNR employee.

**Eligible:** Meeting the requirements set forth in this Rule for leave donation or receipt.

**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.

**Recipient:** An eligible DNR employee who has been authorized to solicit donations of leave from other DNR employees.

**Procedure:**

**Donation of Leave:**

To be eligible to donate leave to a recipient for use in connection with a medical hardship, a donor must:

- Be a DNR employee.
- Be in active pay status;
- Be in a position entitled to earn and use leave;
- Have been continuously employed for not less than 12 months by the State of Georgia in a position(s) entitled to earn leave;
- Have a remaining balance, after the donation, of not less than 60 hours of annual leave, if donating annual leave; and
- Have a remaining balance, after the donation, of not less than 60 hours of sick leave, if donating sick leave.

To be eligible to donate leave, a donor cannot:

- Donate to a recipient that has not been authorized to receive leave donations;
- Donate leave unless the solicitation has been approved and distributed;
- Donate more than 120 hours of sick leave in a calendar year; or
- Donate from forfeited leave.
- Have submitted their resignation;
- Have applied for retirement;
- Be within 1 month of retirement;

### Receipt of Donated Leave

To be eligible to solicit and use donated leave in connection with a medical hardship, a recipient must:

- Be employed by DNR in a position entitled to earn and use leave;
- Have been continuously employed, for not less than 12 months by the State of Georgia in a position(s) entitled to earn leave, as of the date a request to solicit donated leave is filed with the DNR HR Director;
- Have exhausted ALL accrued leave (to include Annual, Sick, Holiday Deferral and Personal Leave) and all available FLSA and Georgia compensatory time, Forfeited Leave and restored Sick Leave from any available Previous Unpaid Leave balance;
- Have been on Authorized Leave Without Pay for 40 consecutive hours; and
- Have the solicitation approved by the DNR HR Director and distributed by the Office of Human Resources (OHR).

An employee will not be eligible to solicit leave donations:

- For any job-related accident or illness which is compensable under Workers' Compensation benefits;
- While receiving any other form of payment (from any source) to include disability benefits or Social Security disability benefits;
- For any Contingent Leave Without Pay situations;
- During the 12-month period following the completion of an adverse action taken for leave abuse or misuse; or
- More than 40 days before going into Leave Without Pay status.

A recipient may request and use donated leave ONLY for purpose related to a medical hardship. If eligible a recipient must be placed on available Family and Medical Leave (FML) With Pay or FML Without Pay, unless or until the 12 workweeks of FML have been exhausted. This will be done with or without a request from the employee.

A recipient CANNOT use donated leave:

- For FML associated with bonding following the birth or adoption of a child, or for placement of a child for foster care;
- For intermittent absences. (Due to the requirement to be on Leave Without Pay for 40 consecutive hours before soliciting donated leave.);
- While receiving any other form of payment (from any source) to include disability benefits or Social Security disability benefits;
- To care for a qualifying family member when the qualifying family member is no longer disabled or in the event of death; or
- To settle personal or family estate matters following the death of a family member.

A recipient may be removed from the Leave Donation Program for reasons including, but not limited to, failure or refusal to submit updated medical information by a requested deadline. Removal is at the discretion of the DNR Human Resources Director.

### To Request Solicitation of Donated Leave:

An employee must complete and submit the required forms listed below:

- *Request for Leave Donations* (Attachment 1);
- *Certification of Health Care Provider* (Attachment 2); and
- *Donated Leave Solicitation Request* (Attachment 3).

If an employee is unable to complete applicable portions of these forms due to personal illness or disability, a designee may do so. Division HR Representatives are designated to assist the requestor in developing the solicitation information for the *Donated Leave Solicitation Request* (Attachment 3), if needed.

**NOTE:** A copy of a previously submitted medical certification covering the period of illness or disability for which donated leave is to be used is acceptable in lieu of the *Certification of Health Care Provider* (Attachment 2) if all required information is provided.

After all appropriate information and signatures have been obtained, the forms listed above are to be forwarded immediately to the DNR Human Resources Director. Forms can be mailed from the requestor to DNR OHR, Suite 1258, East Tower, #2 MLK Jr. Drive, S.E., Atlanta, Georgia, 30334, or faxed to 404-657-9837, or scanned and emailed to [Tracy.Bowers@dnr.ga.gov](mailto:Tracy.Bowers@dnr.ga.gov). All forms in the solicitation package must be completed and submitted in a timely manner. If any portion of a form is incomplete, the package will be returned to the appropriate requestor. OHR is not responsible for delays caused by incomplete forms or delays in submitting forms.

OHR will determine the eligibility of the requestor and will notify the Division HR Representative of approval or denial of the request to receive donated leave.

OHR will distribute the approved solicitation via the [HumanResources.News@dnr.ga.gov](mailto:HumanResources.News@dnr.ga.gov) email address.

The recipient is responsible for submitting updated medical documentation at least every 6 weeks when the *Certification for Health Care Provider* (Attachment 2) does not specify an ending date or expected duration of disability.

### To Donate Leave:

Leave donations:

- Can be any combination of sick, annual and personal leave but must total a minimum of 8 hours; and
- Must be in increments of whole hours.

The donors must complete and sign an *Accrued Leave Donation Form* (Attachment 4) authorizing the deduction of leave. By signing this form, the donors surrender claim to any donated leave. The donation will not be processed without the donor's signature.

Leave donation shall be from DNR employee to DNR employee and shall be strictly voluntary. The identity of the donors will be confidential and will not be provided to the recipient or to any other individual unless necessary to administer the donation or unless the disclosure is required by law.

To ensure confidentiality of the donor, the completed and signed *Accrued Leave Donation Form* (Attachment 4) must be mailed from the donor to DNR OHR, Suite 1258, East Tower, #2 MLK Jr. Drive, S.E., Atlanta, Georgia, 30334, or faxed to 404-657-9837, or scanned and emailed to [Tracy.Bowers@dnr.ga.gov](mailto:Tracy.Bowers@dnr.ga.gov). OHR will be responsible for transferring all leave donations from the donor's accrued leave balances to the recipient's sick leave balance.

### Processing Leave Donations:

A maximum of 520 hours of donated leave will be accepted per solicitation. However, if the 520 maximum is not reached with the first solicitation, and the recipient continues to be eligible, a second solicitation will be distributed by OHR.

Once the 520 hour maximum has been received, and the employee continues to be eligible, an additional request may be submitted for a second 520 hours. The employee is not required to complete another 40 hours of authorized leave without pay in order to be granted a second request for solicitation for an additional 520 hours. No recipient will be credited with more than 1040 hours of donated leave in any consecutive 2 calendar year periods (January through December).

A recipient is allowed a maximum of 2 solicitations per 520 hours of donated leave received. Therefore, no more than 4 solicitations for the maximum total of 1040 hours of donated leave will be allowed.

Donations are date and time stamped when received by OHR and are processed in the order received. Only those donations which are needed during the recipient's current absence will be processed.

OHR will process all leave until the employee returns to work. Local Personnel Representatives are responsible for completing and processing all *Personnel Action Request Forms* (PAR) to place an employee on (or return them from) Leave Without Pay, and FML With or Without Pay, as applicable.

While using donated leave, the recipient will accrue annual leave, sick leave, and holiday credits if the accrual criteria are met. Newly accrued leave/holiday credits will be used prior to continuing use of donated leave.

All approved donated leave which is needed for the recipient will be credited to that individual (up to the maximum allowed). Donations accepted but not used will be returned to the appropriate donors.

### **Return to Work:**

If the recipient was using donated leave due to a personal medical condition, a statement from the attending health care provider releasing the employee to return to duty is required. This statement must indicate the recipient has been medically released to return to work and able to resume normal duties including 'transitional' or modified duty assignments. This statement must be submitted to the local personnel representative prior to returning to work. See HR SOP #508, *Return to Work* and Attachments 1, 2 and 3 for more information on 'transitional' or modified duty assignments.

The local Personnel Representative must immediately notify OHR of the employee's return to work.

A recipient, who returns to work for any amount of time, must complete another 40 hours of Authorized Leave Without Pay and must submit another completed solicitation package to continue to participate in the program.

Not more than 40 hours of donated leave may be retained for the recipient's use as sick leave upon return to work. Any additional leave donations that have been deducted but are not needed, due to the employee returning to work, will be returned to the donor.

### **Prohibition and Penalties:**

Leave donation is strictly voluntary. No individual shall 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 shall include, but are not limited to;

- Promising to confer or conferring a benefit such as appointment, promotion or salary increase,
- Making a threat to engage in, or engaging in an act of retaliation against an employee for using the Leave Donation program.

Donors are prohibited from accepting compensation or gifts from recipients in exchange for leave donations.

Any violation of this procedure shall be considered misconduct and subject to disciplinary action (up to and including dismissal) and/or removal from the Leave Donation Program.-

### **Attachments:**

Attachment 1 - *Request for Leave Donations*

Attachment 2 - *Certification of Health Care Provider*

Attachment 3 – *Donated Leave Solicitation Request*

*Attachment 4 - Accrued Leave Donation Form*