

<h1 style="margin: 0;">DONATED LEAVE POLICY-PROCEDURE</h1>	
<b>- Effective</b>	September 1, 2008
<input checked="" type="checkbox"/> <b>Purpose</b>	To set forth the process in which ODNR employees donate and/or receive donated leave.
<b>Authority</b>	<u>Donated Leave Application - Employee Statement (Word 97 document)</u> <u>Donated Leave Application – Physician/Practitioner Statement (Word 97 document)</u> <b>Leave Donation - Donor Form (Word 97 document)</b> <b>Office of Human Resources</b> <b>Office of Budget and Finance - Payroll Coordinator</b>
<b>Reference</b>	<u>Donated Leave Application - Employee Statement (Word 97 document)</u> <u>Donated Leave Application – Physician/Practitioner Statement (Word 97 document)</u> <b>Leave Donation - Donor Form (Word 97 document)</b>
<b>Resource</b>	<b>Office of Human Resources</b> <b>Office of Budget and Finance - Payroll Coordinator</b>

**POLICY**

It is the policy of the Ohio Department of Natural Resources to allow eligible employees to request Donated Leave from other DNR employees and eligible DNR employees to voluntarily donate leave.

**DEFINITIONS**

For the purposes of this policy, the following definitions apply:

*Serious Illness:* A medical condition of an employee or a member of the employee’s immediate family that is likely to require the prolonged absence of such employee from his/her position.

*Immediate Family:*

- a. Exempt - spouse, parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parent, step-children, step-sibling or a legal guardian or other person who stands in the place of a parent.
- b. OCSEA/AFSCME Employees - spouse or significant other ("significant other" is defined to mean one who stands in place of a spouse and who resides with the employee), child, step-child, grandchild, parent, step-parent, grandparent, great-grandparent, brother, sister, step-sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law or legal guardian or other person who stands in the place of a parent (in loco parentis).
- c. FOP Employees - spouse or significant other (which is defined to mean one who stands in place of a spouse and resides in the home of the employee), children, step-children, grandchildren, parents, grandparents, brothers, sisters, mothers-in-law, fathers-in-law, daughters-in-law, sons-in-

law, sisters-in-law, brothers-in-law, or legal guardian or other person who stands in the place of a parent (in loco parentis).

### **ELIGIBILITY**

An employee may receive donated leave, up to the number of hours the employee is scheduled to work each pay period, up to a maximum of 480 hours per rolling year, if the employee (or a member of the employee's immediate family) has a serious illness or injury, demonstrates critical need for the leave, and meets all of the following required criteria and has submitted the application to request donated leave:

1. Employee has no accrued leave;
2. Employee has not been approved to receive other state-paid benefits; and,
3. Employee has applied for any paid leave (e.g., workers compensation, or benefits program for which the employee is eligible. An employee who has applied for these programs may use donated leave to satisfy the waiting period for such benefits when applicable. After the waiting period, donated leave may be used up to an amount equal to the benefit for which the employee applied (e.g., 70% for disability leave benefits) while the employee's application is pending approval. Once an employee has been approved for one of the state paid benefit programs, he/she becomes ineligible to receive donated leave. Thus donated leave may not be used to supplement an employee's approved disability leave benefits.

### **DONATION CRITERIA**

Employees may donate leave, except compensatory time, *if* the donating employee:

1. Voluntarily elects to donate leave and does so with the understanding that donated leave will not be returned;
2. Donates a minimum of eight hours; and
3. Retains a combined leave balance of at least eighty (80) hours of paid leave, excluding compensatory time. Leave shall be donated in the same manner in which it would otherwise be used. Employees may choose to donate vacation, sick or personal leave; however, new sick leave must be exhausted before donating old sick leave.

Employees who wish to donate leave shall certify:

1. The name of the employee for whom the donated leave is intended;
2. The type of leave and number of hours to be donated;
3. That the employee will have a minimum combined leave balance, excluding compensatory time, of at least eighty (80) hours; and
4. That the leave is donated voluntarily and the employee understands that the donated leave used will not be returned.

### **GENERAL PROVISIONS**

The Leave Donation Program shall be administered on a pay period-by-pay period basis. Employees using donated leave shall be considered in an active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. In addition, the use of donated leave by an employee will be charged toward his/her annual FMLA time. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be used or received.

Donated leave shall not count toward the probationary period of an employee who receives donated leave during his or her probationary period. Service credit towards an employee's probation period will resume upon the employee's return to work. Donated leave **cannot be converted to a cash benefit** during the annual conversion period for sick leave and personal leave, etc.

It is the Employer's responsibility to ensure the following:

- Donated Leave shall not exceed 480 hours in a rolling year
- No employees are forced to donate leave
- Direct solicitations of leave are prohibited
- Donation of leave shall occur on a strictly voluntary basis

- Employees' rights to privacy are respected.

The employer may, with the permission of the employee who is in need of leave or a member of the employee's immediate family, inform employees of their co-worker's critical need for leave.

## **PROCEDURE**

### **TO REQUEST DONATED LEAVE**

In order to determine if an employee is eligible to receive donated leave as a result of their serious illness or injury or the serious illness or injury of the employee's immediate family member, the Office of Human Resources (OHR) must be provided sufficient documentation to establish the existence of a serious medical condition. An employee requesting donated leave will complete the ODNR Application to Request Donated Leave Form or any other equivalent documentation to establish the serious illness or injury.

### **OFFICE OF HUMAN RESOURCES (OHR) CERTIFICATION**

Upon OHR receiving the Application to Request Donated Leave, the OHR will review the medical documentation to ensure it meets both the standard for sick leave usage and the criteria for donated leave.

It is the responsibility of the employee to provide sufficient documentation for certification. Leave donation requests will not be processed until all necessary documentation is provided.

The OHR may require additional medical documentation in order to determine eligibility or to extend the duration of the leave donation usage.

### **DONATION PROCESS**

Employees wishing to donate leave to a fellow employee must complete the Donated Leave Program – Donor Form and certify the following information:

- The name of the employee for whom the donated leave is intended;
- The type of leave and number of hours to be donated during the pay period;
- The employee donating the leave will have a minimum combined leave balance of at least eighty (80) hours (excluding compensatory time); and,
- The leave is being donated voluntarily and the employee understands that the donated leave that is used **will not be returned**.
- The Donor Form needs to be sent to the division/office Human Resources Professional - (or designee) in an envelope marked '**CONFIDENTIAL**'. The Donor Form will then be forwarded to OHR for processing. Upon the establishment of need and utilization of donated leave, the OHR will perform the following functions:
- The department's payroll coordinator will post to the donated leave to payroll for the affected employees.
- If OHR determines the leave meets the FMLA criteria, the leave time will be charged against the employee's yearly entitlement.

Respect of privacy will be given to all ODNR employees and all medical conditions and information will remain confidential. The only information which will be divulged is the fact that an employee of ODNR is eligible and in need of donated leave.

In addition, division/office -Human Resources Professional and/or employees **are prohibited** from solicitation of co-workers for leave donation time.