

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Leave Donation Program		
<b>Policy Number:</b> 104.39.13	<b>Effective Date:</b> 12/9/2019	<b>Page Number:</b> 1 of 9
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

**I. Introduction and Summary:**

An eligible employee (Donor) of the Georgia Department of Corrections (GDC) may donate accrued leave to another eligible employee (Recipient) of the GDC. All donations must be made in accordance with the criteria established in this procedure, and Recipients must be eligible to receive leave benefits. Donated leave can only be used by Recipients for absences that qualify as sick leave. Leave donation shall be from employee to 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 required by law.

**II. Authority:**

- A. State Personnel Board Rules: Rule 16, Absence from Work and Rule 17, Leave Donation; and
- B. GDC Standard Operating Procedures (SOPs): 104.23, Return-to-Work Program, 104.39.06, Sick Leave, 104.39.12, Family and Medical Leave Act, and 104.61, Performance Management.

**III. Definitions:**

- A. **Donor** - An eligible GDC employee who has elected to donate leave to another eligible employee. To be eligible to donate leave, a Donor must:
  1. Be an active GDC employee;
  2. Have been continuously employed for not less than twelve (12) months by a State agency in a position(s) entitled to earn leave;
  3. If donating annual leave, have a balance of not less than sixty (60) hours of annual leave after donation; and
  4. If donating sick leave, have a balance of not less than sixty (60) hours of sick leave after donation.

**NOTE:** There is no minimum balance requirement for donating personal leave.

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Leave Donation Program		
<b>Policy Number:</b> 104.39.13	<b>Effective Date:</b> 12/9/2019	<b>Page Number:</b> 2 of 9
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

- B. **Immediate Family** - The employee's spouse, child, parent, grandparent, grandchild, brother, and 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.
- C. **Recipient** - An eligible GDC employee who has been authorized to solicit donations of leave from other employees. To be eligible to solicit and use donated leave, a Recipient must:
1. Be employed in a position entitled to earn and use leave;
  2. Have been continuously employed, as of the date a request to solicit donated leave is filed with the Appointing Authority, for not less than twelve (12) months by a State agency in a position(s) entitled to earn leave;
  3. Have exhausted ALL accrued and forfeited leave and all available compensatory time;
  4. Have been on authorized leave without pay for forty (40) consecutive hours; and
  5. Not be receiving short-term disability benefits or Workers' Compensation from any source.

**IV. Statement of Policy and Applicable Procedures:**

- A. An employee will not be eligible to solicit leave donation:
1. For any job-related accident or illness which is compensable under Workers' Compensation benefits. The local Human Resources (HR) Representative is responsible for ensuring that Workers' Compensation benefits are not received;
  2. While receiving any other form of payment (from any source) to include Social Security disability benefits and short-term disability;
  3. For any Contingent Leave Without Pay situations;
  4. For any disability incurred in the course of committing a felony or assault;

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Leave Donation Program		
<b>Policy Number:</b> 104.39.13	<b>Effective Date:</b> 12/9/2019	<b>Page Number:</b> 3 of 9
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

5. For an absence expected to last less than thirty days, including the qualifying period of 80 hours of leave without pay; or
  6. During the twelve (12) month period following the completion of an adverse action taken for leave abuse or misuse.
- B. A Donor may donate annual, sick or personal leave or combinations thereof, however an employee may not:
1. Donate more than 120 hours of sick leave in a calendar year;
  2. Donate from forfeited leave;
  3. Make donations in increments of less than a whole hour; or
  4. Make donations of less than 8 (eight) hours.
- C. The Recipient may request and use donated leave only as sick leave for serious medical conditions as described below:
1. A personal illness, injury, impairment, or physical or mental condition which involves inpatient care in a hospital, hospice, or residential health care facility; or the continuing treatment by a health care provider; or
  2. The necessary care due to illness or disability of the recipient's immediate family.
  3. An eligible employee who is using donated leave must be placed on available Family Leave with pay, unless or until the (12) work weeks of Family Leave have been used for the calendar year. This may be done without a request from the employee.
  4. An employee cannot use donated leave for the purpose of settling personal or family estate matters following the death of a family member.
  5. Authorization for use of donated leave to care for a qualifying family member will cease at the time the qualifying family member is no longer disabled or in the event of death.

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Leave Donation Program		
<b>Policy Number:</b> 104.39.13	<b>Effective Date:</b> 12/9/2019	<b>Page Number:</b> 4 of 9
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

6. An employee cannot use donated leave for purpose of Family Leave associated with bonding following the birth or adoption of a child, or for placement of a child for foster care.
- D. A Recipient may request solicitation of donated leave no more than forty (40) days prior to going into leave without pay status.
- E. To request solicitation of donated leave, an employee must:
1. Complete the Request for Leave Donations and the Certification of Health Care Provider forms. If an employee is unable to complete these forms due to personal illness or disability, a designee may do so. The designee should be a member of the employee's immediate family.

**NOTE:** A copy of a previously submitted medical certification form covering the period of illness or disability is acceptable in lieu of the Certification of Health Care Provider form if all required information is provided.

2. The local HR Representative must verify that the employee meets eligibility requirements to solicit donated leave, i.e., will exhaust all paid leave in 40 days or less, has had no adverse action taken/completed for misuse or abuse of leave within the previous 12 months, etc.
3. The request must be forwarded to the Appointing Authority for approval. Leave cannot be donated to any Recipient who has not been authorized by the Appointing Authority to receive such donations.
4. The Appointing Authority may approve or deny the request for leave donation. However, if the decision is to deny the request, the Appointing Authority must contact the Department HR Director prior to notifying the employee. If both concur, the denial must be given, in writing, to the employee.
5. After approval has been obtained from the Appointing Authority, the request must be forwarded to the local HR Representative who will assist the Recipient or designee in completing the Solicitation Request form. The Recipient or designee must agree, in writing, that the request is satisfactory prior to the solicitation's distribution.

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Leave Donation Program		
<b>Policy Number:</b> 104.39.13	<b>Effective Date:</b> 12/9/2019	<b>Page Number:</b> 5 of 9
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

6. After all appropriate signatures have been received, the Request for Leave Donations, the Certification of Health Care Provider, and Solicitation Announcement forms are to be forwarded immediately (via email) to the Correctional Human Resources Management (CHRM) Audit & Compliance Representative who is responsible for distributing the solicitation to all work units of the Department.

**NOTE:** All solicitations are posted on the GDC Bulletin Board on the Intranet/CAPTIVA.

7. Appointing Authorities and supervisors in each office/facility will ensure that the solicitation is posted in a conspicuous manner on an unofficial bulletin board for not less than ten (10) working days. The solicitation must be posted as written. Donations, however, will be accepted until the maximum number of hours (520) is received or until the Recipient returns to work and is no longer eligible for leave donations.
8. Donations will not be accepted in CHRM unless the solicitation has been approved and distributed.
9. All forms in the solicitation package must be completed and submitted timely. If any portion of a form is incomplete, the package will be returned to the appropriate personnel office. CHRM is not responsible for delays caused by incomplete forms. Required forms are:
- a. Request for Leave Donations;
  - b. Certification of Health Care Provider; and
  - c. Solicitation Request.
10. The Recipient is responsible for submitting updated medical documentation at least every six (6) weeks when the Certification for Health Care Provider form does not specify an ending date or expected duration of disability.
- F. No employee may directly contact other GDC employees for the purpose of soliciting donations of leave, either on their own behalf or on the behalf of another employee. This is considered coercion (see IV. P.1. and IV. P.2.) and will be grounds for disciplinary action and/or removal from the Leave Donation Program.

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Leave Donation Program		
<b>Policy Number:</b> 104.39.13	<b>Effective Date:</b> 12/9/2019	<b>Page Number:</b> 6 of 9
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

- G. Leave donations cannot be used to retroactively cover a period of absence.
- H. To donate leave, an employee must:
1. Complete and sign an Accrued Leave Donation Form authorizing the deduction of leave. By signing this form, the Donor surrenders claim to any donated leave. The donation will not be processed without the Donor's signature.
  2. To ensure confidentiality of the Donor, the completed and signed leave donation form must be emailed from the Donor or local HR Representative directly to the CHRM Audit & Compliance Representative. Faxed forms will not be accepted. CHRM will be responsible for transferring all leave donations from the Donor's accrued leave balances to the Recipient's sick leave balance.
  3. Once it is known or anticipated that an individual's employment is ending (for any reason), that individual cannot donate leave.
- I. A maximum of five hundred and twenty (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, he/she may request a second distribution of the solicitation.
1. Once the five hundred and twenty (520) hour maximum has been received, and the employee has not been medically released to return to work, an additional request may be submitted for a second five hundred and twenty (520) hours. No Recipient will be credited with more than one thousand and forty (1040) hours of donated leave in any consecutive two (2) calendar year period (January through December).
  2. Two (2) solicitations per five hundred and twenty (520) hours will be permitted; therefore, no more than four (4) solicitations per one thousand and forty (1040) hours will be allowed.
  3. Once the five hundred and twenty (520) hour maximum has been reached on the initial request, and the employee has not been medically released to return to work, the employee is not required to complete another forty (40) hours of authorized leave without pay in order to be granted a second request for solicitation (additional 520 hours).

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Leave Donation Program		
<b>Policy Number:</b> 104.39.13	<b>Effective Date:</b> 12/9/2019	<b>Page Number:</b> 7 of 9
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

4. An employee who returns to work for any amount of time must complete another forty (40) hours of authorized leave without pay and must submit another completed solicitation package to again participate in the program.
- J. Donations are date and time stamped when received by CHRM. Therefore, donations are processed for each pay period in the order received. Only those donations which are needed during the Recipient's current absence will be processed each pay period with the following exceptions:
1. A single donation will be processed in its entirety even if the donation exceeds the amount needed for the current pay period. Remaining donations will not be processed until all newly accrued leave and prior donated leave have been used; and
  2. All donations received after the maximum (520 hours) has been reached will not be accepted, or processed, but will be returned to the appropriate Donor.
- K. Recipient inquiries must be directed to their local HR Representative. If the Recipient inquires about the amount of leave donated, the local personnel representative may contact CHRM regarding current pay period leave balances.
- L. CHRM will process all leave until the employee returns to work. Local HR Representatives are responsible for completing and processing all Personnel Action Request (PA) Forms to place an employee on (or return them from) leave without pay, and Family Leave with or without pay, as applicable.
- M. While using donated leave, the Recipient will accrue holidays, annual and sick leave if in pay status the required number of hours in a pay period. Newly accrued leave/holidays will be used prior to continuing use of donated leave. Using donated leave does not affect an employee's eligibility for retirement benefits or salary increases. However, employees who do not work a minimum of 50% of their designated performance period will not be awarded a salary increase for that period (see GDC SOP 104.61, Performance Management).
- N. 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 date. This will be at the discretion of the Appointing Authority but only after approval of the Department HR Director.

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Leave Donation Program		
<b>Policy Number:</b> 104.39.13	<b>Effective Date:</b> 12/9/2019	<b>Page Number:</b> 8 of 9
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

O. Return to Work:

1. If the Recipient was using donated leave due for a medical disability, 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. This statement must be submitted to the local personnel office before or immediately upon returning to work.
2. The local HR Representative must immediately notify CHRM of the employee's return to work.
3. All donated leave which has been processed for the Recipient will be credited to that individual (up to the maximum allowed/needed). All donations, which were not processed, will be returned to the Donors.
4. Not more than forty (40) hours of processed donated leave may be retained for the Recipient's use upon return to work.

P. Prohibition/Penalty:

1. 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 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 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.

V. **Attachments:**

- Attachment 1: Request for Leave Donations
- Attachment 2: Certification of Health Care Provider
- Attachment 3: Solicitation Request Form
- Attachment 4: Accrued Leave Donation Form



<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Leave Donation Program		
<b>Policy Number:</b> 104.39.13	<b>Effective Date:</b> 12/9/2019	<b>Page Number:</b> 9 of 9
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

**VI. Record Retention of Forms Relevant to this Policy:**

Upon completion, Attachments 1, 2 and 3 will be retained permanently in the Recipient's Leave Donation File in CHRM, and in the local medical file. Attachment 4 will be retained permanently in the Recipient's Leave Donation File in CHRM, (if leave is used); if leave is not used, returned to Donor and no copy retained.