

SUBJECT: Donated Leave	NUMBER: 60.025.01
DIVISION: Chief Human Resources Office	EFFECTIVE DATE: 2/01/2019

APPROVED: Signature on file with the Chief Human Resources Office

POLICY STATEMENT: Oregon state government recognizes the importance of replacing income and continuing benefits when an employee or an employee’s eligible family member suffers serious, long-term health problems.

AUTHORITY: ORS 240.015; 240.145(3); 240.250; 240.551; OAR 166-300-0035

APPLICABILITY: All employees except temporary employees and employees represented by a collective bargaining agreement

ATTACHMENTS: Interagency Donated Leave Transfer (PD625)

DEFINITIONS: **Family member:** This term applies to the employee’s spouse or domestic partner, and the following for the employee and their spouse or domestic partner:

- Parent (includes one who stood in loco parentis (in place of a parent) when the employee was a child)
- Child (and child’s spouse) (includes a child whom the employee stood in loco parentis)
- Sibling (and sibling’s spouse)
- Grandparent
- Grandchild
- The above include step, adoptive and foster
- Members of the immediate household

Parental Leave: Leave from work that is taken for the birth, adoption or placement of a foster child. As used in this policy, Parental Leave does not include pregnancy-related disability, post-partum serious illnesses of either the child or the parent.

Also refer to State HR Policy 10.000.01, Definitions

POLICY:

- (1) State agencies administer a donated leave program that allows state employees to support other state employees in serious need by donating paid leave time. For bereavement donated leave, refer to State HR Policy 60.000.10.

- (a) Program Administration
 - (A) The appointing authority administers this policy as the agency's program. The policy allows an employee to voluntarily donate vacation leave, compensatory time or both to an eligible employee's sick leave account.
 - (B) The agency may only apply donated leave to an eligible employee as the need occurs.
 - (C) The agency will base the amount of donated hours on the conversion of the donor's salary rate to sick leave hours at the recipient's base rate of pay. The amount of leave transferred to the recipient may not exceed the equivalent of the recipient's normal rate of pay.
 - (D) If the recipient of donated leave needs more leave than the initial amount time requested, they may submit subsequent requests for donated leave and updated medical certification.
 - (E) An employee may not donate time they have lost due to leave accrual limits set by state HR rule or policy.
 - (F) The agency must consider time taken under this program to be sick leave with pay. The agency must consider these hours to be time worked for purposes of leave accrual and holiday pay.
- (b) Eligibility and Request for Donated Leave
 - (A) A regular status employee may request and be eligible to receive donated leave under either of the following circumstances:
 - (i) To recover from or seek treatment for a serious health condition or parental leave expected to continue for at least 15 consecutive calendar days after an employee has used all accumulated leave; and for which the total absence is expected to last at least 30 consecutive calendar days or;
 - (ii) To care for or seek treatment for a family member with a serious health condition which is expected to continue for at least 15 consecutive calendar days following the employee's exhaustion of accumulated leave and the total absence is expected to last at least 30 consecutive calendar days
 - (B) An eligible employee must submit a written request for donated leave to the appointing authority.
 - (i) If an employee is unable to submit a written request, the appointing authority may accept a written request from a family member or other responsible party.
 - (ii) The request must include the specific amount of time requested based on the projected need.
 - (iii) A certification from an attending physician or practitioner must accompany the request, verifying a qualifying medical need exists for either the employee or a family member. The certification must state the estimated amount of time the

employee will need away from work; it must also be consistent with the amount of time the employee requests. Medical certification obtained for other purposes such as FMLA or OFLA may also be used for the purpose of verifying an employee's eligibility to receive donated leave.

- (C) An employee may not request donated leave for short-term or sporadic conditions or illnesses that are common, expected, or anticipated. This includes, but is not limited to, sporadic, short-term recurrences of chronic allergies or conditions, short-term absences due to contagious diseases, short-term, recurring medical or therapeutic treatments. Each situation must be examined and decided on a case-by-case basis and must be handled consistently and equitably within an agency.
 - (D) An employee may not request donated leave when they are eligible to receive or are receiving workers' compensation.
 - (E) Donated leave can impact long- and short-time disability benefits. Before applying for donated leave while receiving disability benefits, employees should consult their agency payroll office for information on how donated leave will impact their specific circumstances.
- (c) Donations within the same Agency:
- (A) The donor must submit a written request to donate leave to an eligible employee. The donor's request must be processed as per agency program procedures before the transfer of leave occurs
 - (B) An employee may donate leave only in one-hour increments to a recipient.
 - (C) Donated hours transfer from the donor's accrued leave as needed by the recipient. If total leave donated exceeds the total amount of leave accepted, the unaccepted leave remains in the donor's accrued leave balance.
- (d) Donations between Agencies:
- (A) Subject to the approval of both agencies, an employee may donate leave to an eligible recipient by completing and signing the Interagency Donated Leave Transfer form (PD 625) and submitting it to their agency's appointing authority or designee.
 - (B) An employee may donate leave only in one-hour increments to a recipient.
 - (C) An appointing authority or designee may disallow the transfer of donated leave between agencies for legitimate business reasons including, but not limited to, restrictions on the use of dedicated funding sources.
- (e) Documentation Requirements. Agencies maintain the following documentation in the separate confidential medical file for each request for donated leave for a period of four years from the date of the request:
- (A) Employee's request to receive donated leave with supporting medical certification
 - (B) Appointing authority (or designee) approval or denial of request for donated leave

- (C) The donor's authorization to donate leave with appropriate signatures, including the appointing authority or designee, payroll staff, and number of hours donated
- (D) Record of total leave accepted by receiving employee.

(2) Policy Clarification:

- (a) Agencies inform employees that the use of donated vacation leave or compensatory time as sick leave may offset disability payments. The following language is suggested for inclusion on agency donated leave request forms: "I understand that my use of donated vacation leave or compensatory time as sick leave may offset the receipt of any disability payments."
- (b) Donated leave may be taken on an intermittent basis for the same condition and only after an employee has met the initial eligibility criteria listed in (1)(b).
- (c) Reduced Work Schedules: An employee meets the eligibility requirements in (1)(b)(A) when a serious health condition requires a reduced work schedule resulting in partial day absences in excess of 15 calendar days following the exhaustion of accrued leave and whose absence related to the condition exceeds 30 calendar days, (whether partial or full days) in combination of paid and unpaid leave.