

SUBJECT: Military Donated Leave Program	NUMBER: 60.020.05
DIVISION: Human Resource Services Division	EFFECTIVE DATE: 1/1/10

APPROVED: [Signature on file with the Human Resource Services Division](#)

POLICY STATEMENT: Oregon [state government](#) administers a donated leave program to supplement military [salary of eligible employees](#).

AUTHORITY: ORS 240.015; 240.145(3); 240.250; 240.551; 399.230; 408.240

APPLICABILITY: [All state employees](#)

ATTACHMENTS: [MDLP Toolkit](#)

DEFINITIONS: See State [HR](#) Policy 10.000.01 Definitions; OAR 105-010-0000 Definitions

[Authorized representative:](#) a person who receives power of attorney from an eligible state employee to handle employment issues on his or her behalf.

[Average overtime:](#) any hours attributable to overtime hours for all employees in the classification and representation code during a calendar year.

[Total state compensation:](#) the total of an employee's base salary, differentials and average overtime.

[Total gross active military compensation:](#) the total compensation including allowances, differentials and entitlements.

POLICY:

(1) Military Donated Leave Program (MDLP) Administration

- (a) Each agency director administers State HR Policy 60.020.05.**
- (b) MDLP provides financial assistance to eligible active military duty employees who apply for the assistance. State employees may donate accrued vacation and compensatory time to fund the program.**
- (c) This policy does not guarantee disbursement to anyone who applies for MDLP. MDLP funds may vary from month to month as donations fluctuate.**
- (d) Eligibility: To be eligible, an employee must meet all of the following criteria:**
 - (A) The employee must hold regular status (i.e. the employee must have completed initial trial service).**

- (B) The employee must hold active military duty status, whether voluntarily or involuntarily. An employee who is engaged in annual training is not eligible for the MDLP. Similarly, an employee is not eligible if he or she is on active duty that discharges the annual training obligation.
- (C) The employee must be in leave without pay during active military duty status
Note: Employees may choose to use accrued leave before electing military leave without pay status. Refer to State HR Policy 60.000.25 Military Leave.
- (D) The employee's total state compensation must exceed the employee's total gross active military compensation.
- (e) Documentation Requirements: The employee, or his or her authorized representative, submits the required documents to the employee's agency human resource office within three months following the month in which reimbursement is being requested. The disbursement request must include all of the following:

 - (A) A copy of military orders; if application occurs within three months after active military duty concludes, submit DD214/215.
 - (B) A completed MDLP Disbursement Request. If an employee has designated an authorized representative, a copy of the Power of Attorney documentation authorizing the identified individual act on the employee's behalf must accompany the application. Power of Attorney documentation must contain language that specifically grants permission to handle employment issues on behalf of the employee. HR consults with Department of Justice, Labor and Employment Section for power of attorney confirmation.
 - (C) Leave and Earning Statement (LES) for each month of active duty reimbursement that employee requests. Note: Military employees receive pay twice a month, on the first and fifteenth calendar day. The salary comparison for eligibility is based on a full month.
- (f) Eligible employees qualify for disbursements up to the difference between their total gross active military compensation and their total state compensation. DAS State Payroll reports disbursements under this policy as taxable income.
- (g) Disbursement requests with complete information are processed in the order received. Disbursements occur on the first of each month in accordance with the DAS State Payroll process timelines.
- (h) MDLP disbursements are made either through previously authorized direct payroll deposit or to the authorized representative as identified on the MDLP Disbursement Request Form with approved Power of Attorney documentation.
- (i) Employees may not receive disbursements for the time period from the last day of active duty to the date the employee reports to work, or when the employee terminates state employment.

- (j) Agencies retain all MDLP Administration documentation referred to in this section for three years from date of an employee's request. Payroll documentation processed at the agency is maintained at each agency in accordance with the payroll retention schedule.

(2) Donations to the Military Donated Leave Program

- (a) All state employees may donate available accrued vacation leave or compensatory time, not sick leave, to the program.
- (b) Donations must be made in increments of whole hours.
- (c) Donors must complete and sign a Donation Authorization Form and submit the form to their agency payroll offices for processing.
- (d) Agency payroll offices deduct donate leave from the donor's leave bank and deposits the value of the leave in the MDLP fund. To calculate the value of donated leave to the MDLP, multiply the donor's base hour rate or equivalent hourly rate of pay by the number of hours donated.
- (e) Agency payroll offices retain all MDLP donation documentation in accordance with the payroll retention schedule.

(3) Terms and conditions

- (a) This state policy prohibits retaliation, including but not limited to intimidation and coercion, against any employee who asks about, requests disbursement, donates leave or uses any provision of this policy. Retaliation is grounds for disciplinary action up to and including termination.
- (b) DAS HRSD retains the right to modify, change or discontinue the MDLP at its discretion.