

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 18-2	Policy # 3.68
Applicability: {x} All DJJ Staff { } Administration { } Community Services { } Secure Facilities	Related Standards & References: State Personnel Board Rule 478-1-.17 DJJ 3.61, 3.65	
Chapter 3: PERSONNEL	Effective Date: 2/15/18 Scheduled Review Date: 2/15/19 Replaces: 4/1/12	
Subject: LEAVE DONATION	APPROVED:  <hr/> Avery D. Niles, Commissioner	
Attachments: A – Request for Leave Donation B – Certification of Health Care Provider C – Solicitation of Leave Donation Announcement D – Leave Donation Authorization		

I. POLICY:

The Department of Juvenile Justice will provide a leave donation program to enable employees to make a voluntary donation of accrued leave to employees who have exhausted all available paid leave due to extended personal or family illness. The program will be conducted in accordance with the Rules of the State Personnel Board.

II. DEFINITIONS:

Donor: An eligible employee who voluntarily elects to donate leave to another eligible employee.

Health Care Provider: A doctor of medicine, doctor of chiropractic, doctor of osteopathy, podiatrist, clinical psychologist, or dentist legally authorized to practice under state law or any other health care provider as defined by DJJ 3.65, Family and Medical Leave.

Immediate Family: The employee's spouse, child, parent, brother, sister, and any other person who resides in the employee's household and is recognized by law as a dependent of the employee.

Recipient: An eligible employee who has been authorized to solicit leave donations.

III. GENERAL PROVISIONS:

- A. Employees who have been continuously employed for not less than 12 months by a state agency in a position(s) entitled to earn leave will be eligible to request approval for solicitation leave donations. The 12-month period will be calculated as of the date the use of donated leave would begin.
- B. Leave donations will only be permitted from one DJJ employee to another DJJ employee, subject to the provisions of this policy.
- C. Leave donation is strictly voluntary. The identity of donors is confidential and will not

Chapter	Subject	Policy #	Page
PERSONNEL	LEAVE DONATION	3.68	2 of 5

be provided to the recipient or to any other individual unless necessary to administer the donation or required by law.

- D. No employee will threaten, coerce, or attempt to threaten or coerce another employee for interfering with rights involving the donation, receipt, or use of leave. Prohibited acts include, but are not 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 because of application for or use of leave donations. Any violation of this provision is considered misconduct and will subject the employee to disciplinary action, up to and including dismissal.
- E. It is the responsibility of the employee to request donated leave.

IV. REQUESTING DONATED LEAVE:

A. Eligibility

1. An employee must meet the following qualifications in order to request donated leave:
 - Be employed in a DJJ position entitled to earn and use leave;
 - Not be on contingent leave without pay;
 - Have been continuously employed for not fewer than 12 months by the state in a position(s) entitled to earn leave, as of the date a request to solicit donated leave is filed;
 - Not have been on a corrective action plan for leave or attendance in the 12-month period preceding the request, or have an active employee accountability and disciplinary action for leave abuse or misuse;
 - Have exhausted all accrued and forfeited sick and annual leave, all holiday time earned, and all available Fair Labor Standards Act (FLSA) and state compensatory time as of the date donated leave is to be used;
2. An employee may not solicit leave donations for:
 - Any occupationally related accident or illness that is compensable under Workers' Compensation benefits; or
 - Disability incurred in the course of committing a felony or assault.

B. Procedure:

1. An employee may solicit leave donations no more than 40 calendar days prior to beginning authorized leave without pay status.
2. An employee must solicit leave donations by submitting the Request for Leave Donation (Attachment A) and medical certification to the appointing authority.
3. Medical Certification

Chapter	Subject	Policy #	Page
PERSONNEL	LEAVE DONATION	3.68	3 of 5

- a. If an employee has previously submitted current, acceptable medical certification (e.g., documentation for Family and Medical Leave), additional medical certification will not be required.
 - b. The certification must cover the period of illness or disability for which donated leave is requested.
 - c. If medical certification has not previously been submitted, a completed Certification of Health Care Provider Form (Attachment B) must be attached to the Request for Leave Donation Form and must be completed in its entirety.
 - d. Employee health information is confidential and will be shared with individuals only on a need-to-know basis. The information is maintained in a confidential medical record separate from the employee's personnel record.
4. Local Human Resources representatives will post solicitation announcements for approved requests on the official bulletin board for not less than 10 working days. Leave 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.
 5. If the maximum amount of donated leave is not received, the recipient may request in writing that the solicitation notice be circulated one additional time during the period of absence.

V. APPROVAL/DENIAL OF REQUEST FOR DONATED LEAVE:

- A. Requests to solicit donated leave will be forwarded to the appropriate appointing authority. The appointing authority will make a recommendation as to approve or deny the request. The appointing authority will forward each request, supporting documentation, and the appointing authority's recommendation to the Office of Human Resources.
- B. If an appointing authority recommends approval of a request and the Office of Human Resources accepts the recommendation, the appointing authority must thereafter approve the use of any donated leave properly requested by the employee.
- C. The Office of Human Resources will review the information submitted and other relevant facts and make a final approval or denial of the request.
- D. Upon approval of the request to solicit leave, the Office of Human Resources will prepare a Solicitation of Leave Donation Announcement Form (Attachment C). The Office of Human Resources will circulate the Solicitation of Donated Leave Announcement throughout the agency via email. The email will encourage staff to share the solicitation with co-workers who do not have access to email.

Chapter	Subject	Policy #	Page
PERSONNEL	LEAVE DONATION	3.68	4 of 5

VI. DONATING LEAVE:

A. Eligibility:

1. To donate leave, an employee must meet the following qualifications:
 - Be employed in a DJJ position entitled to earn and use leave;
 - Have been continuously employed as of the date of the donation for not less than 12 months by a state agency in a position(s) entitled to earn leave;
 - Not have submitted a notice of separation from the agency;
 - Not be the recipient of proposed adverse action for dismissal; and
 - Not be on any form of leave of absence without pay. (Employees on military leave without pay are eligible to participate in the leave donation program.)

2. Donor limitations:
 - The donor may give any amount of annual leave as long as the donor maintains a minimum balance of 60 hours of annual leave after the donation.
 - The donor may give up to 120 hours of sick leave per calendar year, as long as the donor maintains a minimum balance of 60 hours of sick leave after donation.
 - The donor may give any amount of personal leave to a recipient.
 - The donor may not give state compensatory time.
 - Donations are in whole hours, with the minimum donation being eight hours.

B. Procedure:

1. Employees wishing to donate leave must submit a Leave Donation Authorization form (Attachment D) through their local Human Resources representative to the Office of Human Resources.

2. After reviewing the employee's request to donate leave, the Office of Human Resources will provide the potential donor with a written response.

3. Donations not used or eligible to be retained by the recipient will be returned to the donor unless the donor is no longer employed by DJJ. Donations will be returned in the reverse order of their receipt.

VII. RECEIPT AND USE OF DONATED LEAVE:

- A. Donated leave will be credited to the recipient as sick leave and may be used for any purpose authorized under DJJ 3.60, Annual, Sick, and Personal Leave.

Chapter	Subject	Policy #	Page
PERSONNEL	LEAVE DONATION	3.68	5 of 5

- B. Donations not to exceed 520 hours (for full-time employees) will be credited to a recipient in the order in which the donations are received by the Office of Human Resources and as the recipient needs the hours. Donations received after the maximum 520 hours has been reached will not be accepted. Note: Part-time employees may receive a pro-rated amount of donations based on the 520-hour maximum. For example, a part-time employee who works 20 hours per week would be eligible to receive up to 50% of the 520-hour maximum or 260 hours total.
- C. The same recipient may receive multiple donations. However, no recipient, who is a full-time employee, may receive credit for more than 1,040 hours of donated leave in any period encompassing 2 consecutive calendar years. Note: Part-time employees cannot receive credit for more than two times the annual pro-rated maximum. For example, a part-time employee who works 20 hours per week would be eligible to receive no more than 2 times the 260-hour annual maximum or 520 hours total.
- D. Prior to using donated leave, full-time employees must have been on authorized leave without pay for a minimum of 80 consecutive hours. In cases of multiple solicitations for the same employee, the 80-hour requirement must be satisfied only once for the same qualifying event. (The use of any leave accrued after an employee's leave without pay has begun may be deferred until after the 80-hour requirement has been satisfied.)
- E. Prior to using donated leave, part-time employees must have been on authorized leave without pay for the equivalent of a 2-week work period. For example, an employee who works 20 hours a week must have been on authorized leave without pay for a minimum of 40 consecutive hours.
- F. While using donated leave, the recipient will return to pay status and, as a result, will accrue annual and sick leave in accordance with other DJJ policies. The recipient must use all accrued leave prior to continuing to use donated leave.
- G. An employee may not use donated leave in the following circumstances:
- During a period of suspension without pay;
 - During a period of notice of dismissal; or
 - While receiving disability insurance benefits from a policy administered by the State of Georgia.

VIII. RETURN TO WORK:

- A. Once a recipient has returned to work, the local Human Resources representative will notify the Office of Human Resources regarding the amount of leave that was used by the recipient. The Recipient may retain up to 40 hours of unused donated leave that may be used for any purpose for which the use of sick leave is authorized. Donated leave in excess of 40 hours will be returned to the appropriate donor.

IX. LOCAL OPERATING PROCEDURES REQUIRED: NO