

Leave Donation Program Policy

This Leave Donation Program is a voluntary program through which an employee may choose to assist fellow employees in times of need by permitting employees to donate leave to a co-worker as provided in this Leave Donation Program Policy (“LDP Policy” or “Policy”). A leave donation will only be approved for employees who have extenuating circumstances, have been on an approved leave of absence and have exhausted all their available, accessible personal leave time to include vacation, sick, floating holidays, personal time, and other benefits as defined by this Policy. Leave donation hours are received from employees who volunteer to donate their available leave hours for the benefit of a co-worker. Employees are strictly prohibited from coercing, pressuring, or influencing another employee to donate leave hours or promising anything of value to another employee in exchange for donating leave hours. Human Resources shall ensure the reason for a leave donation and any corresponding receipt of leave donation hours meets the LDP Policy guidelines and any abuse or misuse of leave under this Policy will be subject to discipline up to and including termination of employment and to include prohibition of participation in the Leave Donation Program.

1. Eligibility/Conditions for use of Donated Leave

- This policy applies to all permanent, full-time employees who have completed their probationary/introductory period. Temporary employees are not eligible to participate in the Leave Donation Program.
- Donated leave is for extenuating circumstances only, such as an employee’s own personal, catastrophic illness, accident or injury (excluding workers’ compensation injuries) and corresponding serious health condition or an employee’s family member’s illness and corresponding serious health condition. Donated leave may not be used for baby bonding associated with the birth of a child or placement of a child with the employee for adoption or foster care.
- For purposes of this Policy, “family member” is the employee’s spouse, son, daughter, or parent as defined by the FMLA and “serious health condition” is as defined by the FMLA.
- If the reason for the donation is the receiving employee’s own illness or an approved family member’s illness, the employee must exhaust their vacation, personal holidays, sick leave, an all other available, paid leave before using the donated leave.
- Receiving employees must be absent from the workplace for a minimum of 40 consecutive work hours from the onset of the serious health condition of the employee or the employee’s family member. This will be required for each separate serious health condition that donations are being requested.

- Also, the receiving employee must not be eligible to apply for, awaiting determination of or receiving any supplemental pay for long term disability benefits or federal social security disability benefits.
- Donated and transferred leave hours will be used for absences that begin after the 41st hour of absence occasioned by the employee's or the employee's family member's serious health condition; or on the first day the employee has exhausted all accrued, unused and available leave benefits to include, but not limited to, vacation, sick, personal time, floating holidays, short term disability, long term disability, and/or any other wage replacement/supplement benefit, whichever occurs latest.

2. Required Information Necessary to Complete the Request:

- Recipient Employee Name
- Short Description of the Need for the donation
- Completed Leave Donation request form
- Substantiation for Serious Health Condition

3. Donation and Transfer of Hours

- Leave donations may be made by District employees upon commencement of their employment with the District, there is no waiting period or minimum period of employment necessary for an employee to make a leave donation.
- In order for an employee to donate leave hours from the employee's leave bank the donating employee must contact Human Resources and make a donation request as well as complete the requisite forms as provided by Human Resources regarding the donation amount, the individual employee to receive the donation, and other information necessary to process the donation request.
- Human Resources reviews donation requests on a case-by-case basis to ensure requirements of this Policy are met and will either approve or disapprove the requested donation.
- Leave donations must be made in whole hour increments.
- Leave donations can be made at any time.

- Upon approval by Human Resources of a donation request, the leave donation hours provided by the donating employee will be transferred from the donating employee's leave bank to the receiving employee's leave bank as they are needed by the receiving employee. All donation hours will be transferred from the donating employee's leave bank to the receiving employee's leave bank in the order received from donating employees. The receiving employee will draw down the leave as they would normally draw down leave from their leave bank.
 - The donated leave hours may not be paid out as a lump sum under any circumstances, including upon termination. *Donated hours shall have no terminal value upon separation.*
 - *If an employee with donated leave hours in the employee's leave bank separates their employment with unused leave donation hours in the employee's leave bank, the unused donated hours remaining in the separating employee's leave bank will be credited back to the donating employees on a last in, first returned basis until all remaining, unused leave donation hours in the separating employee's bank have been credited back to donating employees.*
 - *Under the last in, first returned credit-back system, the employees who first donated leave hours to the receiving employee may not receive any credit of leave donation hours back to their leave bank. Credit back to a donating employee's leave bank will depend upon the number of donated hours used by the receiving employee and the number of donated hours remaining in the receiving employee's bank upon separation as well as the timing of the donating employee's donation (last donated, first returned).*
 - Leave donations are irrevocable.
4. Request for and Use of Donated Hours
- An employee may request use of donated leave if:
 - (i) the employee meets the eligibility requirements of this Policy; and
 - (ii) the employee has exhausted all available and accessible leave and time off balances (including vacation, sick, floating holidays, personal days, and leave with pay to include long term disability or other supplemental/wage replacement benefits) and is not eligible to apply for, awaiting determination of or receiving supplemental pay in the form of long term disability benefits or federal social security disability benefits.

- Employees may be required to provide documentation to substantiate the request for donated leave hours to include a healthcare provider certification regarding a serious health condition pursuant to this Policy.
- Human Resources receives requests to use donated leave hours and reviews the request to ensure requirements of this Policy are met and will either approve or disapprove the request. Regardless, an employee may not draw from or use any donated leave hours until that leave has been credited to and appears as available in the receiving employee's leave bank.
- Leave donation hours may not be used to cover a waiting period or as supplement to or replacement for other means of compensation as referenced in this section.
- Leave donation hours can be used consecutively or intermittently. In the event of intermittent use, leave donation hours must be used in full shift increments (e.g. an employee who works an 8 hour shift is not permitted to work a partial shift of 4 hours and use 4 hours of leave donation hours for the remainder of the shift, instead an employee who works an 8 hour shift and desires to use leave donation hours must do so for the full shift period – 8 hours).
- If an employee accrues vacation, sick, floating holiday, or other personal leave benefits while using and/or receiving donated leave benefits, the employee is required to exhaust, in no smaller than one hour increments, any and all earned, accrued, and unused benefits as they accrue in order to continue to participate in the Leave Donation program and to receive donated leave hours in accordance with this Policy.
- Employees will be able to use leave donation hours to bring the employee to 100% of their "Base Pay." "Base Pay" for purposes of this policy will be calculated as follows: (1) for employees who receive compensation in the form of a weekly salary, regardless of whether the employee also receives overtime compensation, Base Pay is the employee's base weekly salary, as maintained in the District's payroll system, in the employee's assigned job classification; and (2) for employees who receive compensation in the form of an hourly rate of pay and based upon the number of hours worked in a week, Base Pay is the employee's base hourly rate of pay, as maintained in the District's payroll system, in the employee's assigned job classification, for 40 hours; however, if an employee is designated in the Company's Human Resources Information System as a "48 hour" employee, Base Pay will be the employee's base hourly rate of pay, as maintained in the District's payroll system, in the employee's assigned job classification, for 48 hours.

- An employee may receive donated leave hours on up to 4 instances per calendar, but in no event may an employee receive leave donation hours in excess of 160 hours in any one rolling, 12 month period. Multiple periods of absence for the employee's or employee's family member's serious health condition are considered as a single instance for this purpose.
- Regular tax deductions apply to all leave donation hours.
- Leave hours donated will not accrue towards vacation or sick pay, or any other accrual. Donated leave hours will not be counted as hours worked for any reason, including determination of pay (overtime) or eligibility for other leaves including but not limited to FMLA leave.
- Leave donation hours will be credited back to donating employees on a "last in, first returned" basis if a recipient employee does not use all donated leave hours prior to: (1) returning to work from a consecutive leave of absence for which use of donated leave hours has been approved by the District and is permissible under this policy, or (2) the conclusion of a need to use leave donation hours on an intermittent basis for an employee's own illness or the illness of an employee's approved family member as approved by the District and as is permissible under this policy. The "last in, first returned" credit back system for donating employees is explained further above in Section 3, Donation and Transfer of Hours.
- Donations cannot be applied retroactively