

Board of County Commissioners

Escambia County, Florida

Title: Employee's Annual Leave/PTO Donation Policy –
Section II: C.30

Date Adopted: April 7, 2005

Effective Date: April 22, 2010

Reference: Section 125.01, Florida Statutes

Policy Superseded: April 7, 2005, May 1, 2005, April 22, 2010

A. Purpose

Pursuant to the Human Resources Policies and Procedures, a Leave Donation Policy has been established to assist employees faced with a serious illness or injury to himself or herself or an immediate family member. "Family member" is defined as spouse, child, parent, stepfather, stepmother, grandparents, or grandchildren of either the employee or the employee's spouse. The Leave Donation Policy allows employees to voluntarily transfer accrued annual leave/paid time off (PTO) hours to another qualified employee who has exhausted all other paid leave.

B. Eligibility

The County views this policy as an employment benefit to augment leave benefits provided. These benefits do not apply to employees who are not otherwise eligible to receive granted-sick and annual or PTO leave. Eligible employees are:

1. Classified or unclassified.
2. Full-time or part-time.
3. Those who accrue leave.

C. Criteria

1. Donating Employees – Donation of Leave:
 - a. An employee donating leave must have a leave balance of 160 hours after the donation of leave.

- b. Only annual or PTO leave may be donated. Sick leave, management option benefits (MOB), extended leave bank (ELB) or compensatory time may not be donated.
 - c. Non-refundable leave is donated on a voluntary basis in increments of one hour up to a maximum of 40 hours per donor per calendar year.
 - d. No employee will be coerced or influenced to donate leave to other employees.
2. Requesting/Receiving Employee – Receiving of Leave:
- a. An employee must be employed for at least 6 months before requesting a donation.
 - b. The employee making the request must have exhausted all paid leave, including, sick, annual, PTO, ELB, compensatory, and MOB.
 - c. An employee receiving Long-Term Disability benefits may not receive donated leave. An employee may receive donated leave during the elimination period. The elimination period is the timeframe between when the employee is declared disabled by a physician and when he/she starts receiving benefits for their disability.
 - d. An employee receiving workers' compensation benefits may not receive donated leave.
 - e. The following are not covered by this policy: Elective surgery, disabilities resulting from alcoholism, or intentional self-inflicted injuries.
 - f. An employee may receive a maximum of 480 hours within a 5-year period. The 5-year period will be based on a "rolling 12-month" calendar.
 - g. If the recipient employee returns to work before using all the donated leave, the balance will remain in his/her account for a 6-month period, based on the approval date. Any donated leave remaining after the 6-month period will transfer to the sick leave pool.
 - h. Employees-participating in the Sick Leave Pool must use Sick Leave Pool hours before requesting leave from this program.
 - i. Donated leave shall run concurrently with leave under the Family Medical Leave Act.

D. Procedures

1. Service Accruals And Other Benefits

- a. Donated annual leave or PTO will be converted in increments of one hour on a straight hour-for-hour basis to the recipient employee's ELB or sick leave balance.

- b. An employee who is using donated leave will continue to earn annual and sick leave or PTO while he or she is in a paid status.
- c. Employees using donated leave will continue to be eligible for County-paid health benefits as long as the employee maintains his or her premium payments during this period of time.

2. Donating Annual Leave

The following are guidelines for donating leave:

- a. Qualified employees can donate leave to an eligible employee
- b. Any eligible employee requesting to donate leave must complete the proper form and shall have it validated by the Bureau/Division Recordkeeper.

3. Requesting Annual Leave

- a. The documentation listed below shall be submitted at least 15 days prior to the need for the leave. The application period may be extended if the Human Resources Manager determines that the delay in making the request was caused by factors outside the leave recipient's control.

(1) Annual Leave Donation Request.

(2) HIPAA authorization Form.

(3) Doctor's statement including the nature of the illness or injury, the anticipated recuperation period required, and prognosis for recovery.

(4) Provide a written statement to be published on the internal web page and to be posted on bulletin boards.

- b. Notification of determination of the leave request will be made within 10 working days of receipt of a request. Human Resources will send a letter to the employee with a copy to the bureau and payroll.
- c. If the request to use donated leave is approved, the receiving employee shall not be required to pay back the leave awarded except upon investigation and a finding of abuse to the program.
- d. If the request to use donated leave is denied, the employee shall have the opportunity to appeal the denial. The appeal will be submitted through the Human Resources Manager and the County Administrator will make the final determination. Notification of the final decision will be made within 5 working days of filing the appeal.

- e. Upon the employee's return to work, the Division Recordkeeper will forward an email to the Human Resources Benefits Section and the Payroll Office notifying them that the employee has returned to work. The Record Keeper will include the number of donated leave hours used.
- f. Procedure and forms will be established and posted on the Human Resources web page.