



Leave Donation Policy

Purpose

The intent of this Leave Donation Policy (“Policy”) is to define circumstances in which employees may voluntarily donate paid leave to their co-workers who are in need of leave due to the serious illness or injury of the employee or a member of the employee's immediate family.

Scope

This Policy is applicable to all ODA employees, unless conflicting provisions exist within the collective bargaining agreement applicable to bargaining unit employees, in which case the provisions of the collective bargaining agreement control.

References

- a. O.R.C. § 124.391
- b. Ohio Admin. Code 123:1-46-05

Definitions

(1) “Immediate family member” is defined in Ohio Admin. Code 123:1-47-01 as an employee’s spouse, significant other (significant other is defined as one who stands in place of a spouse, and resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (*loco parentis*).

(2) "New sick leave" means sick leave an employee has accrued pursuant to section 124.382 of the Revised Code on or after November 15, 1981.

(3) "Paid leave" means sick leave, personal leave or vacation leave. For purposes of this rule, "paid leave" does not include compensatory time.

(4) “Serious Health Condition” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Guidelines

ODA employees may donate paid leave to another ODA employee who is otherwise eligible to accrue and use sick leave in accordance with the provisions of this Policy.



Procedures

Receiving Donated leave

- a. An employee may receive donated leave, up to the number of hours the employee is scheduled to work each pay period or as provided in this Policy, if the employee who is to receive donated leave:
 - i. Is paid by warrant of the director of budget and management;
 - ii. Is employed by the same agency, board, or commission as the employee who is donating the paid leave;
 - iii. Is eligible to accrue and use sick leave when in active pay status;
 - iv. Has no accrued leave;
 - v. Has a need for the paid leave due to the serious illness or injury of the employee or a member of the employee's immediate family; and
 - vi. Has applied for and not yet been approved for any state-paid leave, workers' compensation, or benefits program which is available to the employee. If the employee is not eligible for any such program, then this requirement is not applicable and does not impact the employee's eligibility to receive donated paid leave. An employee who has applied for these programs may use donated paid leave to satisfy the waiting period for any such benefits, if applicable. After the waiting period, donated paid leave may be used up to an amount equal to the benefit for which the employee has applied (e.g., sixty-seven per cent for disability benefits) while the employee's application is pending approval. If the employee's application for any state-paid leave is approved, the employee shall not use donated leave to supplement the approved state-paid leave.
- b. Employees who are eligible to receive donated leave may request participation in the Leave Donation program by contacting the ODA Payroll and Benefits Coordinator.

Donating Leave

- a. **Employees Eligible to Donate Paid Leave.** An employee is eligible to donate paid leave if the donating employee:
 - i. Is paid by warrant of the director of budget and management;
 - ii. Is employed by the same agency, board, or commission as the employee receiving the donated paid leave;
 - iii. Voluntarily elects to donate leave and does so with the understanding that donated leave will not be returned;
 - iv. Donates a minimum of eight (8) hours;



- v. Retains a combined leave balance of at least eighty (80) hours after the donated paid leave is deducted from the donating employee's leave balances;
- vi. Donates new sick leave, if the employee is donating sick leave; and
- vii. Certifies, in writing, the following:
 - 1. The name of the eligible employee for whom the donated paid leave is intended;
 - 2. The pay period(s) to which the offer to donate leave is applicable;
 - 3. The type of paid leave and the number of hours to be donated, with the minimum number of such hours being eight (8);
 - 4. That the donating employee will retain a minimum combined leave balance of at least eighty (80) hours after the donated paid leave hours have been deducted from the donating employee's balances; and
 - 5. That the leave is being donated by the employee voluntarily and that the employee understands that the donated paid leave will not be returned.

Administration of Program

- a. The leave donation program shall be administered on a pay period-by-pay period basis.
- b. Appointing authorities shall only deduct the maximum amount specified by the donating employee from the donating employee's leave balance, but under no circumstance shall an appointing authority deduct more from the donating employee's leave balance than the amount of leave that is necessary to bring the receiving employee up to the maximum number of hours the receiving employee is scheduled to work in the pay period. Banking of donated leave is not allowed. Leave accrued by an employee while using donated paid leave shall be used, if necessary, as soon as it is available before additional donated paid leave may be received and used by the employee.
- c. If an appointing authority receives more than one offer to donate leave to a qualifying employee for any pay period, the appointing authority shall process the requests in the order they are received.
- d. An eligible employee shall receive no more than eight hundred (800) hours of donated leave from all sources combined in any calendar year period.
- e. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled.
- f. Donated leave shall not count toward the probationary period of an employee who receives donated leave during his or her probationary period.
- g. Donated leave shall be considered sick leave, but shall never be converted into a cash benefit.



Certification

Employees who wish to donate leave may do so by completing a leave donation form and submitting it to the ODA Payroll and Benefits Coordinator.

Prohibitions

ODA supervisors and administration shall ensure that no employees are forced or coerced into donating paid leave. Leave donations are to be entirely voluntary on the part of the donating employee. An employee's right to privacy shall be respected; however, the Office of Human Resources may, with the permission of the employee who is in need of leave or a member of the employee's immediate family, inform employees of their co-worker's critical need for leave. ODA supervisors and administration shall not directly solicit leave donations from individual employees. The donation of leave shall occur on a strictly voluntary basis.

ODA supervisors and administrator may also preclude an employee from donating leave, at the discretion of the Human Resources Director.

Contact

The Human Resources Director is available for consultation or questions regarding the Leave Donation Policy.

This Policy supersedes any previously issued policy or directive and will remain effective until cancelled or superseded.

Revision History

Date	Description of Change
3/2004	Initial Policy Issued
8/2012	Revisions to Policy Issued
12/2015	Revision to Policy Issued

