



## 8.100

### Voluntary Leave Donation

Employees may donate Paid Time Off (PTO) to a sick leave bank for eligible employees experiencing serious health condition or caring for family members who is suffering from a serious health condition that is likely to require the employee to be absent from duty for a prolonged period, resulting in a substantial loss of income because of the employee's lack of available paid leave.

Note: The threshold for "a substantial loss of income" is absence (or expected absence) from duty without available paid leave for at least 24 hours for a full-time employee.

Leave donation is not intended to extend maximum allowable time under the provisions of the Family Medical Leave Act (FMLA). An additional leave bank separate from all other employees will be created solely for IAFF members (rank and file Firefighters) purposes.

#### **Available Paid Leave:**

Available paid leave includes an employee's accrued PTO. It does not include floating holidays or compensatory time off.

#### **Requesting Leave:**

- Employees are eligible to receive leave in the following instances:
  - If the employee has exhausted all available leave balances (but does not include current pay period leave accrual at time of donation payment) and is not eligible to apply for, awaiting determination of, or receiving any county pay or supplemental pay including but not limited to: workers' compensation indemnity, short term disability or long term disability, and will attest in writing that they are not receiving any state supplemental payments or federal social security disability.
  - If the employee can document a temporary inability to work due to their own serious health condition; or
  - If the employee is needed to care for a spouse, child (of any age), parent, or legal dependent (as that term is defined for IRS purposes), who is suffering from a documented serious health condition.
  - If the employee has not exceeded up to four (4) instances or a total of 160 hours per fiscal year of transferred sick leave. Multiple periods of absence for the same cause are considered as a single instance for this purpose.



- Employees requesting to be a leave recipient must complete the form, *Application to Become a Leave Recipient* for consideration and approval.
- Leave shall not be granted for waiting periods, as a supplement to, or replacement for, other means of compensation as defined above.
- Donated leave bank hours are not eligible for payment of unused hours in the event an employee voluntarily resigns or is separated from employment, or for an employee who retires.
- The Leave Bank leave terminates when the recipient's employment terminates, the health care provider releases the employee to return to work, maximum benefits have been reached under this program or the recipient is granted benefits such as workers compensation, disability or social security. The recipient employee must immediately notify the Director of Human Resources or designee if any of these occur. Failure to notify may subject the employee to disciplinary action.

#### **Donating Leave:**

Any Hernando County employee with at least one year of permanent status service may make a voluntary donation to the sick leave bank (subject to the limitations listed below) as long as the donor has at least 80 hours of accumulated annual leave remaining after the donation is made. In the event that after the donation is requested, but before it is processed the leave bank falls below 80 hours the transaction shall be reversed. No compensatory leave is allowed to be donated or considered in reaching the threshold.

- The form, *Request to Donate Annual Leave* must be completed for verification and approval.
- Donations must be made in whole hour increments.
- Donations may be made during the months of September and May of each year.
- Donations are irrevocable (except for administrative errors or insufficient leave balance).
- All donated leave hours shall be placed in the leave bank. Upon transfer such benefits may be used in accordance with the applicable PTO leave and FMLA provisions of the collective bargaining agreements and or applicable policy.

#### **Donation Approval and Other Program Requirements:**

- Requests should be made in advance of need, whenever possible. The initial request must be a minimum of 4 hours.
- Upon written request utilizing the designated forms, the Director of Human Resources or designee shall be the final authority in determining eligibility, leave available based upon payroll records, and amount, if any, to be donated to the bank. No grievances shall be available to contest the decision.
- Employees who have been disciplined within the previous 12 months for chronic absences from work or abusing leave policies are not eligible to participate in the Leave Pool.



- Transferred sick leave credits shall be used for absences associated with the documented serious health condition beginning with the 25th consecutive hour or on the first day the employee has exhausted all eligible leave, whichever is later.
- FRS contributions will be made, and credit given, in accordance with state laws and regulations as they may be changed from time to time, on behalf of the receiving employee.
- Donated leave 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. No leave accruals will be earned for donated leave used.
- Donations received shall be wages paid by the receiving employee's department for all purposes, including but not limited to withholding of deductions for benefits and tax purposes.
- Human Resources will provide authorization reflecting the donation and the receipt to payroll.
- In the event the employee returns to work prior to using all leave granted, any unused leave shall be returned to the Sick Leave Pool.
- Employees shall not attempt to pressure, threaten, or intimidate other employees to donate sick leave credits. Donating employees shall not sell or receive anything of monetary value in return for sick leave donations. An employee's violations of this policy may subject the employee to disciplinary action, up to and including dismissal, in accordance with the County's procedures.