



ADMINISTRATIVE DIRECTIVE

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	EFFECTIVE DATE	
September 1, 2017		

I. **PURPOSE**

To provide a process that allows employees to donate accrued Vacation Leave and/or Sick Leave (A.D. 2.01-7A and 2.01-7B,) to a designated employee to assist the employee who has exhausted all paid leave and is in need of additional paid time off for a personal or family Medical Emergency. In addition, Donated Leave will be available for an employee who has exhausted all paid leave for extended time off following the loss of a spouse, child or parent.

II. **POLICY**

This policy allows eligible employees to donate leave to a designated employee, as defined and outlined below. The City maintains the right to terminate or amend the donated leave program at any time, including during the time that a donor employee is using approved leave.

III. **DEFINITIONS**

A. **Medical Emergency:** A major illness or serious medical condition of an employee or family member of the employee, including normal pregnancy and the period of confinement and recuperation associated with it, which is likely to require an employee's absence from duty for a prolonged period of time and substantial loss of income to the employee because of the unavailability of paid leave.

Major illness or serious medical condition as used in this Administrative Directive means severe, debilitating injuries or illnesses that are incapacitating for an extensive period of time. Conditions such as flu, common illnesses, common injuries, elective surgeries such as cosmetic surgery or Lasik eye surgery, and maternity/paternity leave for bonding are not considered major or serious illnesses or injuries and will not be approved for receipt of Donated Leave.

The condition must be documented by a Certification of Health Care Provider form, completed by the employee's health care provider and accepted by the Human Resources Employee Leaves Division as part of an approved Family Medical or Medical Leave of Absence (A.D 2.01-7C and 2.01-7D).

B. **Substantial Loss of Pay:** The employee must have exhausted all accrued time including but not limited to Sick Leave, Vacation Leave, Compensatory Time, and Floating Holiday/Birthday, to be deemed eligible as a Recipient of Donated Leave.

C. **Recipient:** Eligible employee who has exhausted all of his or her Sick Leave, Vacation Leave, Compensatory Time, Floating /Birthday Holiday and is receiving or requesting to receive donated leave.

D. **Donor:** Employee who is donating or requesting to donate leave.



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IV. RECIPIENT ELIGIBILITY

- A.** To be eligible to receive hours from a Donor, the following criteria must be met by the employee requesting Donated Leave:
1. Recipient must be on approved Family Medical Leave or Medical Leave (A.D. 2.01-7C and 2.01-7D) for a Medical Emergency, substantiated by a Certification of Health Care Provider Form, submitted to Human Resources.
 2. Recipient must be absent from performing his or her essential job functions due to the Medical Emergency for:
 - a. more than the equivalent of two consecutive workweeks and
 - b. less than one year (12 consecutive months). Donated hours are not available to an employee who has been absent from performing the essential functions of his or her job duties for 12 consecutive months.
 3. Recipient must have exhausted all paid leave, including, but not limited to Sick Leave, Vacation Leave, Compensatory Time, and Floating/Birthday Holiday.
 4. Recipient must be:
 - a. Permanent or appointed, benefits eligible, and employed by City of Tucson for a minimum of six (6) consecutive months; and
 - b. Normally scheduled to work 40 or more hours per pay period.
 5. Recipient may not be receiving Long Term Disability (LTD) benefits through the City's LTD program.
 6. Recipient may not receive donated leave for work-related injuries.
 7. Recipient employees may begin using donated leave as soon as the employee's request is approved and donated leave is available.
 8. Recipient employees who have not used donated leave for ninety (90) days will be removed from the program. An employee removed from the program may re-apply if necessary.
 9. Recipient employees, co-workers or family members may not solicit leave donations. A list of employees seeking donated leave will be posted on the Intranet.
- B.** Donated Leave for extended time off following the loss of an employee's spouse, child or parent will supplement the provisions of City Administrative Directive 2.01-7H, Bereavement Leave.



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V. DONOR ELIGIBILITY

To be eligible to donate leave, the following criteria must be met:

- A.** Donor must be permanent or appointed, and benefits-eligible.
- B.** Donor may not be on an approved Leave of Absence or Absent Without Official Leave (AWOL) (See A.D. 2.01-7).
- C.** Donor must have sufficient Sick Leave and/or Vacation Leave accrual balance to donate. After the donation is processed, the Donor's own combined Sick Leave and Vacation Leave accrual balance may not total less than 260 hours, which is equal to half of the group Long Term Disability Buy-Up waiting period. This ensures that the Donor has available leave balances in the event of his or her own Medical Emergency that may require time away from work.
- D.** Donation of accrued Earned Paid Sick Time is prohibited.
- E.** A transfer from Donor to Recipient is irrevocable upon processing, the hours will not be returned to Donor, this includes, but is not limited to, situations where Recipient is later approved for Worker's Compensation, disability or retirement benefits.

VI. PROCEDURES

A. Employees Requesting Donated Leave (Recipient):

- 1.** Recipient may not receive direct Donated Leave hours that would result in a Leave of Absence exceeding 12 consecutive months.
- 2.** Recipient may receive Donated Leave hours only after exhausting all paid leave, including, but not limited to Sick Leave, Vacation Leave, Compensatory Time, and Floating/Birthday Holiday.
- 3.** The Human Resources Department Employee Leaves Division must receive the Recipient's completed Request for Donated Leave Hours form to be considered for Donated Leave.
 - a.** A completed, current Certificate of Health Care Provider form, verifying the need for leave, must be received and processed by the Employee Leaves Division of the Human Resources Department before a disbursement of Donated Leave hours will be considered.
 - b.** A Recipient who returns to work after using Donated Leave hours and then has a recurrence of a Medical Emergency must submit a new Request for Donated Leave Hours form for re-qualification, regardless of whether the Recipient's request is related to the same, previously approved Medical Emergency or a new illness.



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4. Recipient may receive a maximum of 12 weeks of Donated Leave in a calendar year.
5. Recipients must use all Donated Sick or Vacation Leave as Sick Leave.
6. Recipient must use hours received as Donated Leave in half day or full day increments based on the Recipient's regularly scheduled workday.
7. Pay for hours received as Donated Leave is taxable at the Recipient's rate of pay.
8. Donated Leave hours are treated the same as unpaid leave as follows:
 - a. Pay received from Donated Leave does not make the Recipient eligible for Holiday Pay if the Recipient otherwise would have been ineligible. However, a day of Donated Leave hours may be used on a holiday.
 - b. Donated Leave hours does not make the Recipient eligible for overtime.
 - c. Donated leave hours do not make the Recipient eligible for the \$250.00 wellness incentive.
9. Recipients do not accrue Sick leave and Vacation Leave on the hours received from Donated Leave hours.
10. Recipients may not engage in outside employment while receiving Donated Leave.

B. Employees Donating Leave (Donor):

To donate Sick Leave and/or Vacation Leave to a designated eligible employee, Donor must complete a confidential Request to Donate Leave form and submit it to the Employee Leaves Division of the Human Resources Department.

1. Donation Minimum: Leave must be donated in half day or full day increments based on Recipient's regularly scheduled workday.
2. Donation Maximum: Donors may donate up to 120 hours per calendar year; after making a leave donation, the Donor's own combined sick leave and Vacation Leave accrual balance may not total less than 260 hours.

If donating would cause the Donor's accruals to total less than 260 hours, the donation will not be processed; the Donor will be notified and given the opportunity to correct the donation.



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- 3. Donated leave is paid at the Recipient employee’s normal rate of compensation.
- 4. After Human Resource receives the completed donation form, donations will not be available for use until the pay period following the date Human Resources certifies and approves the request in accordance with this AD. If the Donor separates from employment (including retirement) prior to or within the pay period that their donation is scheduled to take effect, his or her donation will not be processed.
- 5. Donations are recorded as leave adjustments, not as leave usage, and do not impact the Donor’s ability to:
 - a. Transfer sick accruals to vacation in accordance with A.D. 2.01-7B
 - b. Receive the \$250.00 Wellness Incentive
 - c. Participate in Sick Leave Sell Back
- 6. Donors may not claim on their personal tax return an expense, charitable contribution, or loss deduction for any leave that they donate.

VII. GENERAL PROVISIONS

- A. All authorizations to transfer Sick or Vacation Leave will be handled by the Human Resources Department, except donations between City Court employees donating leave to a qualified recipient who is also employed by City Court.
- B. Donors may designate a specific employee(s) as the Recipient(s) of their Donated Leave.
 - a. Name(s) of Donor(s) will not be provided to Recipient(s)
 - b. Employees may not donate to an immediate supervisor without written approval from the Department Director.

Forms All forms may be obtained through the Human Resources Department.

References (for a complete list of all references for the entire AD Leaves series, please see AD 2.01-7)

- 2.01-7 Employee Leaves
- 2.01-7A Vacation Leave
- 2.01-7B Sick Leave
- 2.01-7C Family and Medical Leave (FML)
- 2.01-7D Medical Leave and Parental Leave
- 2.01-7F Leaves Without Pay
- 2.01-7N Earned Paid Sick Time



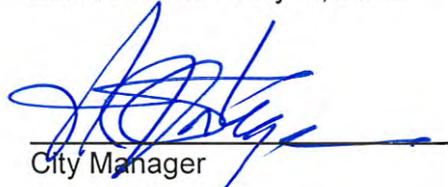
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**Review Responsibility
and Frequency**

The Human Resources Director will review this directive as needed.
Last reviewed: July 14, 2013.

Authorized



City Manager
Michael J. Ortega



Date