

**ARIZONA DEPARTMENT OF ADMINISTRATION
POLICIES AND PROCEDURES**

Policy Number: ADOA/HRD PA6.01	Issued: December 7, 2012
Subject: Leave – Donation of Annual Leave	Effective: September 29, 2012
Policy Section: Human Resources	Revised: July 1, 2015
Policy Owner: HRD – Shared Services Office	

This policy does not create a contract for employment between any ADOA employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Department are at will employees and serve at the pleasure of the appointing authority.

Scope:

This policy applies to all Arizona Department of Administration (ADOA) employees.

Authority:

A.R.S. § 41-748, Transfer of accumulated annual leave; definitions
R2-5A-B602(F), Donation of Annual Leave

Definitions:

“Disability that is caused by pregnancy or childbirth” means, as certified by a licensed health care practitioner:

- An employee is unable to work due to the employee’s pregnancy, childbirth, or medical care associated with the pregnancy or childbirth; or
- A member of the employee’s immediate family requires assistance to perform regular daily activities due to the immediate family member’s pregnancy, childbirth, or medical care associated with the pregnancy or childbirth.

“Donor” and *“donating employee”* have the same meaning and mean an employee who is eligible to donate leave to another individual and does so in writing.

“Employee” means any covered or uncovered employee eligible to accrue and use annual and sick leave.

“Extended” means a period of at least three consecutive weeks.

“Immediate family” means an employee's parent, spouse, or child, whether natural, adopted, foster or step. [A.R.S. § 41-748(B)(1)]

“Medical certification” means a written statement completed by a duly licensed doctor of medicine or health care provider from whom the State will accept certification of the existence of a seriously incapacitating and extended illness or injury, or a disability caused by pregnancy or childbirth. The statement is to include the anticipated date of recovery.

“Recipient employee” means an employee who is eligible to receive donation of annual leave by meeting the defined criteria.

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“*Same family*” means an employee's spouse, natural child, adopted child, foster child, stepchild, natural parent, stepparent, adoptive parent, grandparent, grandchild, brother, sister, sister-in-law, brother-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew or niece. [A.R.S. § 41-748(B)(2)]

“*Seriously incapacitating*” means, as certified by a licensed health care practitioner:

- An extended illness or injury that involves in-patient care; or
- An illness, injury, pregnancy, or childbirth that involves continuing treatment, which confines the employee or immediate family member to home or bed for an extended period.

Policy:

An employee may donate annual leave to another employee in the same agency. An employee may donate leave to an employee in another agency if the employees are members of the same family. Annual leave donations may occur only if the employee to whom the leave is donated has exhausted all available leave balances (i.e., sick leave, compensatory leave, and annual leave) and either:

- Has a seriously incapacitating and extended illness or injury or a disability caused by pregnancy or childbirth. or
- A member of the employee's immediate family has a seriously incapacitating and extended illness or injury or a disability caused by pregnancy or childbirth,

Information regarding an employee's need for donation of annual leave may be circulated or posted on bulletin boards by the ADOA Donated Annual Leave (DAL) Coordinator. Information notices are limited to identifying the employee with the need for leave and should refer prospective donors to the ADOA DAL Coordinator.

Donation of annual leave is voluntary and confidential. There shall be no suggestion or pressure on any employee to donate or not donate leave. Donor information is confidential and shall not be released to the employee requesting donations.

Eligibility

To receive donation of annual leave

An employee who has exhausted all available leave balances is eligible to receive donations of annual leave if, as certified by a licensed health care practitioner:

- The employee is unable to work due to:
 - A seriously incapacitating and extended illness or injury, or
 - A seriously incapacitating and extended disability that is caused by pregnancy or childbirth; or
- The employee needs to care for a member of the employee's immediate family who has:
 - A seriously incapacitating and extended illness or injury, or
 - A seriously incapacitating and extended disability that is caused by pregnancy or childbirth.

An employee may submit a request to receive donations of annual leave either before the commencement of the employee's leave or during the leave, provided the employee meets or will meet eligibility requirements. An employee need not have been on leave for three weeks prior to submitting a request to receive annual leave donations.

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To donate annual leave

An employee may donate annual leave to another employee who has exhausted all available leave balances if:

- The recipient employee is:
 - Employed in the same agency as the donating employee; or
 - Employed in another agency if the employees are members of the same family.
- The donating and receiving employees (includes covered and uncovered employees) must be eligible to accrue and use annual and sick leave.

Exhaustion of available leave

Before using donated annual leave, a recipient employee:

- With a qualifying illness, injury, or disability caused by pregnancy or childbirth shall exhaust all available sick leave, compensatory leave, and annual leave; or
- Whose immediate family member has a qualifying illness, injury, or disability caused by pregnancy or childbirth shall exhaust sick leave granted in accordance with R2-5A-B603(A)(4), if available, and all available compensatory leave and annual leave.

Medical Documentation

An employee who requests donation of annual leave is required to provide a statement from the attending health care practitioner, on an appropriate form or the practitioner's letterhead, verifying:

- The date the illness or injury commenced and the date the employee became unable to work, if different;
- That the illness and/or injury are seriously incapacitating and extended; and,
- The anticipated date the employee may return to work.

Computation of Donated Annual Leave

Donated annual leave is increased or reduced proportionally by the difference in the salaries of the donating employees and the recipient employee.

Use of Donated Annual Leave

If an employee is approved for donation of annual leave, donations of annual leave may be used by the recipient employee starting with the pay period in which the donating employee's written donation is received by the ADOA DAL Coordinator.

A recipient employee becomes ineligible for annual leave donations if the employee recovers and returns to work, is determined eligible for Long-Term Disability benefits, separates from state employment, is on leave for six consecutive months, or if the need for the leave is otherwise abated. A recipient employee may use a maximum of six consecutive months of leave for each qualifying occurrence unless the recipient employee applies for Long-Term Disability (LTD) by the end of the fifth month of the employee's leave, in which case the recipient employee may continue to use donated annual leave for up to 60 additional days or until LTD benefit payments begin, whichever is sooner.

Return to Work

Part-time Basis

A recipient employee released to return to work less than full-time may continue to receive and use donated annual leave until released for full-time work. The recipient employee shall submit medical documentation substantiating the partial medical release to the employee's supervisor. The supervisor shall forward the medical documentation to the

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ADOA DAL Coordinator. If approved, the recipient employee may continue to receive partial annual leave transfer payments while released to work part-time.

Modified Duty

A recipient employee released to return to work with restrictions/limitations as certified by the attending licensed health care provider and:

- If no modified duty assignment consistent with the restrictions stipulated is available, the employee will continue to remain eligible for donated annual leave.
- If a modified duty assignment is available but the employee declines the modified duty, the employee shall cease to be eligible for donated annual leave.

Full-time Basis

A recipient employee released to return to work full-time, even if the employee may require leave on an intermittent basis, such as for follow-up appointments, is no longer eligible for donations of annual leave.

Procedure:

- The employee requesting donated annual leave will complete the Request to Receive Donation of Annual Leave Form, which is available under Related Forms/Attachments, below, and submit the request to the employee's immediate supervisor, along with a statement from the licensed health care provider certifying the seriously incapacitating and extended illness or injury, or seriously incapacitating and extended disability that is caused by pregnancy or childbirth. If the employee is unable to complete and sign the form, a spouse, parent, or supervisor may sign on the employee's behalf.
- The supervisor shall forward the request through the division personnel coordinator, to the ADOA DAL Coordinator in the ADOA Human Resources Division.
- The ADOA DAL Coordinator will review the information. If the request cannot be approved, the DAL Coordinator will inform the employee of the reason.
- If the employee is eligible, the ADOA DAL Coordinator will inform the ADOA Payroll Office that transfer of annual leave is authorized.
- Following confirmation of eligibility, the ADOA DAL Coordinator will send an informational email informing ADOA employees of the recipient employee's need for donations of annual leave.
- An ADOA employee may donate one or more hours of annual leave to another ADOA employee who has been approved to receive donations of annual leave by sending a signed authorization to the ADOA DAL Coordinator. Once an employee donates annual leave, the donating employee may not request to have the donated leave returned. Leave donations are returned to donating employees only in cases where the recipient employee has unused donated leave, as described below.
- The ADOA DAL Coordinator will inform the ADOA Payroll Office if the donor employee is eligible to donate leave and of the donation of leave.
- The ADOA Payroll Office maintains documents, deducts annual leave from donating employees' leave balances, and posts donations of leave to the recipient employee's

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leave balances and payroll record. The ADOA Payroll Office will ensure that all annual leave is applied on a proportional basis and any unused annual leave is returned on a proportional basis. The ADOA Payroll Office will also maintain an adequate audit trail.

The dollar value of annual leave donated will be adjusted proportionately in relation to the salary of the employee donating leave. For example:

- An employee whose pay rate is \$19.50/hour donates two hours of annual leave; these two hours of annual leave equate to \$39.00 ($\$19.50/\text{hour} \times 2 \text{ hours} = \39.00)
 - The recipient employee's pay rate is \$13.00/hour, which results in three hours of donated annual leave for the recipient employee ($\$39.00 \text{ divided by } \$13.00/\text{hour} = 3 \text{ hours}$)
- If the recipient employee recovers prior to using all leave donated, is approved for Long-Term Disability, separates from state employment, or the need for the leave is otherwise abated, all unused leave donated to the recipient is returned to the donors on a pro-rata basis.
 - Once the need for leave is terminated, the ADOA Payroll Office will submit leave donation payroll documentation to the ADOA DAL Coordinator for the official files.

Related Forms/Attachments:

- Request to Receive Donation of Annual Leave Form

Corresponding Policies:

- ADOA Policy and Procedures - Family and Medical Leave Act (FMLA)
- ADOA Policy and Procedures - Modified Duty
- State of Arizona Accounting Manual (SAAM) 5550, Donation of Annual Leave Between Employees

Contact:

If you have any questions related to this policy, please contact your division Personnel Coordinator or the Human Resources Division Shared Services Office.

Policy History (supersedes):

ADOA Policy and Procedures - Leave - Donation of Annual Leave (12/01/2011)