



# Leave Bank Program

## DGO Policy Internal 05

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**Effective Date:** 10/1/2021

**Revised Date:**

**Sunset/Next Review Due:** 10/1/2022

**Approved By:** Jenney Rees

**References/Authority:** Utah Administrative Code Section R477-7-19

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## 1 PURPOSE

This policy establishes a leave bank assistance program by which Department of Government Operations (DGO) employees may donate eligible leave hours to other DGO employees whose leave benefits have been exhausted.

## 2 GUIDING PRINCIPLES

This program provides paid leave to eligible employees who have exhausted all leave balances but need to be absent from work for an extended time because of serious chronic illness or catastrophic illness or injury. Access to this leave bank is not an employee right and shall be authorized at management discretion.

A general leave bank will be established, and eligible employees will receive hours from this bank on a first-come, first-serve basis. If adequate hours are not available in the general leave bank, a specific leave bank may be established for the employee requesting leave assistance.

The Executive Director may make exceptions to this policy as allowed by applicable law.

## 3 POLICY

### 3.1 Definitions

**Catastrophic Illness or Injury:** An illness, acute physical or mental condition, or injury which is life-threatening or incapacitating and which reasonably requires the employee to be absent from work for an extended period of time.

**Eligible Employees:** For purposes of this policy, employees of agencies or entities for which DGO provides oversight by law or are included in the scope of the DGO budget are considered DGO.

**General Leave Bank:** A bank of annual leave hours that are forfeited by employees with an excess of 320 hours at the end of the calendar year. These hours may be automatically donated when the last pay period of the calendar year has been processed.

**Serious Chronic Illness:** A disease or illness of the employee of long duration characterized by slowly progressive and serious debilitation or disability, or by serious and persistent symptoms, if such debilitation, disability, or symptoms reasonably require the employee to be absent from work for an extended period of time. The term "serious chronic illness" does not include any disease or illness for



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which the employee can receive periodic treatments during reasonably short visits to health care providers, and for which the employee can avoid the need for additional leave benefits by making reasonable adjustments in the employee's work schedule to accommodate the necessary doctors' appointments or treatment programs.

**Employee Specific Leave Bank:** A leave bank established for an eligible employee requesting leave assistance when the hours in the general leave bank are not sufficient to cover the hours requested. DGO employees may choose to donate hours to a specific individual approved for a specific leave bank. Donated hours shall be deducted from the donor's leave balances and added to the eligible employee's sick leave balance. Donated hours that are not used will be returned to the donor. Only employees of agencies with approved leave bank programs may donate leave hours to another agency with a leave bank program and only if both agencies agree to allow the donation.

### 3.2 Leave Bank Donations

- A. DGO employees forfeit all accrued annual leave that is in excess of 320 hours at the end of each calendar year per Subsection R477-7-3(6).
  - a. All annual leave that DGO employees would otherwise forfeit may be transferred to the DGO general leave bank.
  - b. To ensure that all leave transfers are voluntary, DGO's assigned Human Resource (HR) Specialist shall annually send an email to DGO employees explaining the policy and giving them the opportunity to decline the transfer of their excess annual leave to the DGO general leave bank.
  - c. All excess annual leave will be transferred to the general leave bank after the final payroll for pay period 26 has been processed.
- B. In the event that a specific leave bank is approved, only the assigned HR Specialist may solicit leave bank hours from other DGO employees..
  - a. No DGO employee may directly donate leave hours to another employee who does not have an approved specific leave bank.

### 3.3 Eligibility to Receive and Use Leave Bank Assistance

- A. Only a DGO employee who is benefit-eligible, and is not currently on corrective or disciplinary action, is eligible to receive assistance under this policy.
- B. DGO may approve leave assistance when an employee has exhausted all available leave but needs an additional extended leave from work because the employee has a catastrophic illness or injury, or serious chronic illness.
- C. An employee requesting leave bank assistance must apply for leave under the Family and Medical Leave Act (FMLA).
  - a. If an employee is not eligible for FMLA, they must provide comparable medical certification to the DGO's HR Specialist so that Human Resources can determine if the employee is eligible to receive donated leave.
- D. An employee may not use the hours from a leave bank until that employee has exhausted all other available leave balances including annual leave, sick leave, converted sick leave, compensatory time, and excess leave as required by Subsection R477-7-19(1)(d).
  - a. Use of donated leave hours may not begin prior to the effective date of assistance as determined by DGO, or until the leave bank has been approved. Leave bank assistance shall not be retroactive. Leave bank assistance shall cease when an employee returns to work.



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- b. Leave is accrued if an employee receives leave hours donated from the leave bank program.
- E. An employee may use 40 hours of leave bank assistance per pay period up to a maximum of 240 hours in any calendar year. An employee who works less than full time is eligible for pro-rated leave hours in accordance with their normal hours worked.
- F. Donated hours shall not be utilized at the same time as Worker's Compensation, Social Security Disability, LTD benefits, or any other income maintenance.
- G. Employee use of leave bank hours shall run concurrently with any leave authorized under the FMLA.
- H. An employee who is on any form of paid leave granted through a leave bank may not engage in outside employment without written approval from the Executive Director or the Executive Director's designee.

### 3.4 Procedures

#### 3.4.1 Leave Bank Request

- A. The employee, the employee's supervisor, or another person on the employee's behalf must complete a DGO Application for Leave Bank Assistance form.
  - a. The completed form shall be submitted to the employee's supervisor, who signs and forwards the form to the HR Specialist.
- B. The employee or another person on the employee's behalf shall send the DGO Leave Bank Medical Verification form and medical documentation separate from the form, directly to the Human Resource Specialist.
- C. If possible, application for leave bank should be made prior to the employee exhausting the employee's leave balances.
- D. The Human Resource Specialist shall review the request for completeness, determine employee eligibility, and, if necessary, verify the medical documentation.
  - a. Access to a leave bank is not an employee right and will be authorized at management discretion after considering the multiple factors including the following:
    - i. documentation of catastrophic or serious circumstances;
    - ii. active corrective or disciplinary action;
    - iii. duration of employment;
    - iv. previous use of leave bank; and
    - v. anticipated duration of illness or condition.
- E. The Human Resource Specialist will forward the request form and appropriate documentation, along with their recommendation for approval or denial, to the Executive Director or the Executive Director's designee for final consideration. The Executive Director or designee will make the final decision to approve or deny the request.
  - a. Decisions made concerning the awarding of leave bank assistance are not subject to appeal and may be revoked at any time.
  - b. The Executive Director or designee will determine the number of hours of leave bank assistance approved.
- F. The Human Resource Specialist will notify the requesting employee and supervisor of the approval or denial of the request.



### **3.4.2 Employee Specific Leave Bank**

If the general leave bank is depleted, an employee specific leave bank may be established for an eligible employee requesting leave assistance. Procedures as described in 3.4.1. will be followed for the leave bank request.

The DGO Human Resource Specialist will notify DGO employees upon approval of a specific leave bank. Notification shall include the name of the employee requesting the leave and the effective date of the leave bank, but shall not include any medical information submitted as part of the leave-bank application process.

- A. Employees who wish to donate leave to an employee with an approved leave bank shall submit their request, using the Division of Finance FI 11 Leave Bank Donation Request Form, to the assigned leave bank administrator for leave adjustment.
- B. Donations will be distributed on a first donated-first applied basis and only used as needed.
  - a. Donated leave shall be deducted from the donor's leave balances and posted on the bi-weekly timesheet as the sick leave is used by the recipient employee, not to exceed the total number of hours approved.
  - b. Donated leave shall not be posted in advance of actual use by the donee employee, or prior to the effective date the leave bank is approved.
  - c. All unused leave donations will be returned to the donor.
- C. Donors' names and the amounts of their donations are confidential information and shall not be disclosed by the Human Resource Specialist or management to the donee employee.

## **3.5 Confidentiality of Medical Information**

- A. All medical data and records about an employee are confidential. DGO employees shall not reveal the medical status or condition learned from these records of a donee employee in oral or written communications.
- B. All medical documents relating to an employee's leave bank shall be kept in a separate medical file maintained by Human Resources and not in the employee's personnel file.

## **4 RELATED DOCUMENTS** (e.g., procedures, other policies, forms etc.)

- DGO Leave Bank Medical Verification
- DGO Application for Leave Bank Assistance
- Leave donation form - FI 11, Leave Bank Donation Request ([Finance Forms page](#))



## Amendment/Change Log

<Policy Name> Amendment/Change Log					
Date	Section/ Heading	Change/Edit	Additional Information (if needed)	Change Approved By	Change Approval Date