

County of Cumberland Board of Chosen Freeholders	Policy Number 2.23	Page: 1 of 3
Chapter: Employee Benefits	Subject: Donated Leave Program	Effective Date: December 16, 2010

## **Donated Leave Program**

### County Policy 2.23

Cumberland County government shall provide for a donated leave program that may allow eligible County employees to remain on leave with continued salary and health benefits.

With respect to an employee seeking donated leave, a catastrophic health condition or injury must be documented. This is a life threatening condition or combination of conditions or a period of disability required by his or her mental or physical health or the health of the employee's fetus and requiring the care of a physician who provides a medical verification of the need for the employee's absence from work for at least 60 work days.

With respect to an employee's immediate family member, a catastrophic health condition or injury is a life-threatening condition or combination of conditions or a period of disability required by his or her mental or physical health and requiring the care of a physician who provides a medical verification of the need for the family member's care by the employee for at least 60 work days.

The County reserves the right to verify any employee's claim of catastrophic illness by either seeking updated medical certification every 20 work days if deemed necessary by management and/or referring the employee to a County-appointed physician for verification of the catastrophic illness.

#### Procedure

- A. A Cumberland County employee shall be eligible to receive donated sick or vacation leave if the employee:
1. Has completed at least one year of continuous County service
  2. Has exhausted all accrued sick, vacation and administrative leave, all sick leave injury benefits, if any, and all compensatory time off
  3. Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and

4. Either:

- a. Suffers from a catastrophic health condition or injury
- b. Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition of injury; or
- c. Requires absence from work due to the donation of an organ (which shall, for example, include donation of bone marrow)

B. A County employee may request that the appointing authority approve his or her participation in the program, as a leave recipient or leave donor. The employee's supervisor may make such a request on behalf of the employee for his or her participation in the program as a leave recipient.

1. The employee or supervisor requesting the employee's acceptance as a leave recipient shall submit to the appointing authority medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury or the donation of an organ, as the case may be.

2. When the appointing authority has approved an employee as a leave recipient, the appointing authority shall, with the employee's consent, post or circulate the employee's name along with those of other eligible employees in a conspicuous manner to encourage the donation of leave time and shall provide notice to all union negotiations representatives representing Cumberland County employees.

- a. If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.

C. A leave recipient must receive at least five sick days or vacation days or a combination thereof from one or more leave donors to participate in the donated leave program. A leave donor shall donate only whole sick days or whole vacation days and may not donate more than 10 such days to any one recipient.

1. A leave recipient shall receive no more than 60 sick days or vacation days, and shall not receive any such days on a retroactive basis.

2. A leave donor shall have remaining at least 20 days of accrued sick leave if donating sick leave and at least 12 days of accrued vacation leave if donating vacation leave.

3. A leave donor shall not revoke the leave donation.

4. If a leave donor is not in the same department or autonomous agency as the leave recipient, appropriate arrangements shall be made between the affected appointing authorities to verify donor eligibility and adjust leave records.

However, the posting requirement set forth in (B) 2 above is limited to the Recipient's appointing authority.

5. To qualify as a leave donor the proposed donor must be earning a salary that is comparable to the salary of the person requesting leave donation. An employee earning at least \$10,000 less in salary than the salary of the donation recipient shall not qualify as a donor.

- D. While using, donated leave time, the leave recipient shall accrue sick leave and vacation leave and is entitled to retain such leave upon his or her return to work.
1. Any unused donated leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work, except that if the prorated leave days results in less than one day per donor to be returned, that leave time shall not be returned.
  2. Upon retirement, the leave recipient shall not be granted supplemental compensation for any unused sick days which he or she had received through the leave donation program.
- E. A County employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with the rights involving donating, receiving or using donated leave time. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in an act of retaliation against an employee.
- F. The Cumberland County Personnel Office shall maintain all records concerning implementation of the donated leave program and shall make said records available to the N.J. Department of Personnel for auditing.