



DONATED LEAVE POLICY

Effective Date: August 1, 2008

Owner	Human Resources
Reviewer(s)	Human Resources
Approver(s)	County Manager
Applicable Policies	ADA & Reasonable Accommodation; Progressive Disc
Applicable Documents	N/A
Storage Location	DCo Services Hub, DocTract
Last Review Date	07/01/2025
Next Review Date	07/01/2028
Review Cycle	Three Years

1. PURPOSE

Durham County recognizes that employees may require additional leave when faced with an illness or injury.

2. POLICY

This policy establishes a voluntary program for regular status employees to donate and/or receive donated leave for illness or injury when all accrued leave has been exhausted.

This policy is not an entitlement to additional leave during illness, nor is it a formal supplement to current employee leave benefits.

DCo reserves the right to modify or terminate this policy as it deems necessary.

3. APPLICABILITY

All regular status County employees who accrue and use sick leave covered by the Personnel Ordinance, and all those pursuant to a Memorandum of Understanding.

4. DEFINITIONS

Illness/Injury - An illness or injury which leaves the employee incapacitated and unable to work for a prolonged time (in excess of four (4) consecutive weeks). The illness or injury cannot be a result of worker's compensation, an illegal act, nor can it be self-inflicted. The inability to work must create a loss of income and economic hardship due to exhaustion of all paid leave.

Donated Leave Bank - Repository of voluntary granted leave donations, and source for authorized leave withdrawals.

Donor - Employee who meets the criteria to donate leave to the Donated Leave Bank.

Recipient - Employee who meets the criteria to receive leave from the Donated Leave Bank.



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5. GENERAL GUIDELINES

A. Donated Leave Bank

- All leave donations will be recorded in the Donated Leave Bank.
- Authorized hourly donations are converted to money based on the donating employee's hourly rate.
- Authorized hourly withdrawals are converted to money based on the receiving employee's hourly rate.
- The Human Resources Department will manage the Donated Leave Bank and notify the Payroll Division/Finance Department of approved leave donations.
- Once a year, the Human Resources Department will hold a Leave Donation Drive for employees to donate leave to the Donated Leave Bank.
- At any point, if the Donated Leave Bank is depleted, a Leave Donation Drive will be held to replenish the bank.
- All donations (by donors and to recipients) are irrevocable and irreversible. There is no guarantee of the availability of donated leave.
- When the Donated Leave Bank has a balance of \$25,000 and more, leave donations can be made specifically for an individual recipient.
 - Leave intended for an individual recipient will be recorded as such in the Donated Leave Bank.
- When the Donated Leave Bank has a balance of less than \$25,000, leave donations cannot be made specifically for an individual recipient.

B. Donated Leave Donor

- Leave donations are voluntary.
- An employee must meet all of the following criteria to be eligible to donate leave:
 - Must be employed on a full-time regular or part-time regular basis
 - Must have completed one (1) year of continuous employment with DCo
 - Must have the minimum sick leave balance



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<i>Work Schedule</i>	<i>Minimum Balance After Donation</i>
37.5 hour employee	150 hours
40 hour employee	160 hours
42 hour employee	168 hours
56 hour employee	224 hours

- Employees separating from employment with DCo, excluding retirement from the organization, may donate sick or vacation leave to the Donated Leave Bank at the time of their exit.
- There is no minimum sick leave balance required after the separating employee's donation.
- Eligible donors must submit a Request to Donate Leave (RDL) form to the Human Resources Department.
- The Human Resources Department will verify the donor's leave balances.
- A copy of the RDL will be forwarded to the Payroll Division/Finance Department.
- Upon receipt of the RDL, the Payroll Division will transfer the donated leave hours into the Donated Leave Bank.
- Donations to an individual recipient will only be granted when the Donated Leave Bank has a balance of \$25,000 and more.
- Donors must indicate on the RDL form if the donation is intended for an individual recipient or to the Donated Leave Bank.
- If the donor's leave to an individual recipient creates a surplus of leave, the excess leave will be placed into the Donated Leave Bank.
- If the individual recipient's leave need is not satisfied by the donor's leave, then the additional hours may be disbursed from the Donated Leave Bank, if available.
- The donation must be a minimum of one (1) hour, not exceeding a maximum of 40 hours in one (1) calendar year.
- Donations from regular part-time employees will be made on a pro-rated basis. The sale of accrued leave to any employee is prohibited.



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C. Donated Leave Recipient

- An employee must meet all of the following criteria to be eligible to receive donated leave:
 - Must be employed on a full-time regular or part-time regular basis
 - Must have completed one (1) year of continuous employment with DCo
 - Must be suffering from an illness or injury
 - Must have medical certification from a licensed physician explaining the nature of the illness/injury or FMLA certification and an estimated amount of time the employee will be unable to work
 - Must have exhausted all accrued leave including sick leave, vacation leave, holiday leave, compensatory leave, and management leave.
 - Must not have been counseled or disciplined for an attendance violation within the past year from the date of the Application for Donated Leave (AOL).
- Employees may not use the Donated Leave program to care for a family member.
- Employee's medical information is confidential and maintained in the Human Resources Department.
- An employee will not be eligible for Donated Leave if they are eligible for Worker's Compensation, Short-Term Disability or Long-Term Disability benefits.
- Eligible recipients must complete an Application for Donated Leave (AOL) form and attach the medical certification to the Human Resources Department.
- Requests may be made by a representative (spouse, child, parent (in-law), guardian, sibling, or other personal relation) only if the employee is incapacitated and unable to make the request.
- The Human Resources Department will notify the employee if the AOL is approved or denied. Approval of the request will be in accordance with the guidelines established by this policy.
- The Human Resources Director will make the final determination regarding recipient's eligibility and AOL approval.
- When the Donated Leave Bank balance allows for donations to be made to an individual recipient, the Human Resources Department will issue an announcement to the recipient's immediate supervisor and department director.



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- The recipient may not solicit or distribute lists requesting leave donations.
- The Human Resources Department will notify the Payroll Division/Finance Department of approved donated leave disbursements on a pay period basis.
- Donated leave will be issued to the recipient on a pay period by pay period basis and only after all accrued leave has been exhausted.
- Donated leave hours will not be credited to the recipient's leave bank. State and Federal Income Tax on the value of the leave donated will be deducted from the recipient's pay at the time of usage.
- The recipient, the recipient's immediate supervisor, and the Payroll Division/Finance Department will be notified when the donated leave disbursement ends.
- Regular part-time employees will receive donations on a pro-rated basis.
- No retroactive donations will be permitted.
- The recipient is eligible for up to six (6) pay periods as the maximum benefit paid per calendar year.

6. RESPONSIBILITY

- It is the responsibility of supervisors and managers to uniformly administer, communicate, and ensure compliance.
- It is the responsibility of the Human Resources Department to interpret, monitor, and update the policy content.
- It is all employees' responsibility to comply with policy guidelines.
- Any violation or policy misuse will result in disciplinary action up to and including dismissal.

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
v.1.0-2008	08-01-2008	Human Resources	Adopted
v.2.0-2016	10-01-2016	Human Resources	Reformat, added wording
v.3.0-2018	04-26-2018	Human Resources	Reformat