



Administrative Policy
Accrued Leave Donation Program

AP No.	AP 3-18
Effective Date:	Upon Approval

1. POLICY STATEMENT

It is the policy of the City of Houston to allow employees to confidentially volunteer to donate a portion of their accrued vacation balance to other employees who have a qualifying medical condition or are off duty in order to care for a family member due to the family member's bona fide illness, disease, or injury, and have exhausted (or will exhaust) all their personal accrued hours to which they are entitled.

2. POLICY PURPOSE

The purpose of this policy is to provide a program through which City of Houston employees may financially assist other City of Houston employees through the donation of their vacation hours.

3. SCOPE

This policy applies to all City of Houston employees seeking to participate in this Accrued Leave Donation Program ("Program").

4. DEFINITIONS

FML Coordinator: A person designated by the HR Director to assist in administering, coordinating and facilitating the processes established by the Family Medical Leave Act (FML) within a specified department.

Qualifying Medical Condition: is defined as a condition that has been medically diagnosed and documented, for which an employee is being treated and may be approved for coverage under the FML, and that has a probability of requiring an employee to be off work for at least thirty (30) consecutive calendar days.

5. POLICY DETAILS

5.1. Eligibility to participate in the Accrued Leave Donation Program as a recipient or donor includes the following criteria:

5.1.1. Employees shall have a designation of full-time status; and

5.1.2. Employees shall have completed an initial employment period of twelve (12) consecutive months; or

5.1.3. Former employees, who have been re-employed, shall complete a new initial employment period of twelve (12) consecutive months.

5.2. Donated vacation hours will be credited to recipients as donated sick hours and coded in the recipient's official time records as DSCK.

5.3. Donated vacation hours will be used by the recipient after all personal accrued hours are exhausted, including sick, vacation, personal hours, compensatory time, floating holiday, and any other pay to which an employee is entitled, for a qualifying medical condition.

5.4. If the recipient dies while participating in the Program, accrued donated leave balance hours shall be

Approved:

Handwritten signature of Dylana Turner.

Date Approved:
2/11/2021

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paid to the death termination pay beneficiary on file in the Human Resources Department, at the employee's final rate of pay.

5.4.1. If a death termination pay beneficiary has not been identified, the balance shall be awarded to the employee's basic life insurance beneficiary.

5.5. If a recipient returns to work before using all donations, hours remaining in the recipient's donated sick bank will be available for future qualifying medical conditions that render the employee eligible for donations under the Program.

5.6. If a recipient terminates employment before using all donated vacation hours, provisions of the City's Compensable Sick Leave Plan or the Modified Sick Leave Plan shall govern the balance.

5.7. Donated hours shall not exceed one-half of the donor's current vacation leave balance at the time of donation.

5.8. Donated hours shall be in four (4) hour increments.

5.9. The decision to donate vacation hours is voluntary and irrevocable.

5.10. While a recipient of donated time is absent and using donated sick hours, sick and vacation hours will not continue to accrue.

5.11. When absent and using donated time, the recipient is entitled to receive pay for a City holiday he/she is paid for the day before and the day after the holiday.

5.12. A maximum of 1040 donated sick hours for each approved qualifying medical condition can be credited to the recipient's donated sick leave balance (based on the recipient's hourly rate of pay).

5.12.1. Donated hours will be credited to the recipient based on the expected period of absence supported by the treating physician's statement(s).

5.13. The biweekly payroll schedule applies to the Program.

6. ROLES AND RESPONSIBILITIES

6.1. The employee requesting to receive donated leave shall be responsible for:

6.1.1. Submitting a request in writing to his or her department director or designee to participate in this Program through the department's FML Coordinator; and

6.1.2. If approved to participate in this program, providing any required documentation to participate in the Program to his or her department's FML Coordinator.

6.2. The department director (or designee) shall be responsible for:

6.2.1. Receiving and reviewing an employee's request to participate in this Program;

6.2.2. Approving or disapproving an employee's request to participate in this Program; and

6.2.3. If the employee has been approved to enter the Program, authorizing any communication to the department's employees for solicitation of donated vacation hours to the employee.

6.3. The department's FML Coordinator shall be responsible for:

6.3.1. Coordinating communication between recipient(s), donor(s) and the department director or the

department director's designee, regarding this Program;

6.3.2. Calculating the recipient's and donor's rate of pay, per this Program;

6.3.3. Calculating the value of donated hours, per this Program;

6.3.4. Calculating the number of hours to be credited to the recipient, per this Program; and

6.3.5. Submitting the completed Accrued Leave Donation Program packet to the Administration and Regulatory Affairs Department's Payroll representative.

6.4. The Human Resources Department Director (or designee) shall be responsible for:

6.4.1. Approving or denying a request for an employee to be paid donated leave established by this Program;

6.4.2. Creating any additional forms or guidance to facilitate this Program; and

6.4.3. Reviewing this Program, periodically, and making any recommending revisions to this Program to the Mayor.

6.5. The Administration and Regulatory Affairs Department's Payroll representative shall be responsible for:

6.5.1. Auditing the Accrued Donate Leave Program Packet for accuracy; and

6.5.2. Processing any donate leave as soon as practicable.

7. PROCEDURES

7.1. Employees may request to enter the Accrued Leave Donation Program, in writing, to the department director, through their respective FML Coordinator who will initiate this process. The FML Coordinator will determine whether all leave balances are exhausted or will be exhausted prior to, coincident with or soon after period that the employee is expected to be absent from work.

7.2. Donations will be solicited only if the treating physician's statement or the employee's approved FML states that the employee is unable to come to work for at least 30 consecutive calendar days for medical reasons specifically related to the employee's own condition or the bona fide illness, disease, or injury of the employee's spouse, child or step-child, parent or step-parent, or *in loco parentis*.

7.3. If medical documentation supports the employee's eligibility to participate in the Program, the FML Coordinator will initiate a solicitation for donated vacation hours and upon approval of the Department Director, communicate the solicitation to departmental employees, giving them an opportunity to donate vacation hours to a fellow employee. The FML Coordinator shall attach the memo to the Accrued Leave Donation Packet.

7.4. The employee's FML Coordinator shall accept donation hours up to half of the donor's current vacation balance and attach printout of the accrued leave balance printout to each donation form.

7.5. The FML Coordinator shall verify that donations are only vacation hours.

7.6. The FML Coordinator shall determine the donor's hourly vacation rate of pay by adding the biweekly base pay plus longevity and dividing by 80 hours into the total amount. The FML Coordinator shall exclude any other forms of pay in determining the donor's hourly vacation rate of pay.

- 7.7. The FML Coordinator shall determine the recipient's hourly rate of pay by adding the biweekly base pay plus longevity and dividing by 80 hours into the total amount. The FML Coordinator shall exclude any other forms of pay in determining the recipient's hourly rate of pay.
- 7.8. The FML Coordinator shall determine the value of donated hours by multiplying the hourly rate obtained in 7.6 by the number of donated vacation hours.
- 7.9. The FML Coordinator shall determine the number of hours credit to the recipient by dividing the hourly rate obtained in 7.7 into the value obtained on 7.8.
- 7.10. The FML Coordinator shall record the number of the hours calculated in 7.9 on the donation form.
- 7.11. The FML Coordinator shall sign each donation form in the "verified by" section.
- 7.12. If donated vacation hours from departmental employees are insufficient to cover the expected absence, the FML Coordinator shall notify the employee and discuss the option of inter-departmental solicitation.
- 7.13. If the employee chooses the option to solicit donations inter-departmentally, the employee's FML Coordinator shall coordinate the solicitations of accrued leave donation hours with the FML Coordinator in the requested departments identified by the employee.
 - 7.13.1. To minimize an employee receiving hours in excess of those necessary for him/her to receive pay for the medically documented absence, inter-departmental solicitations shall be limited to three (3) departments for concurrent solicitations.
 - 7.13.2. The FML Coordinators, in the departments identified by the recipient employee, shall coordinate the solicitation within their respective departments, following the procedures identified in section 7.4 through section 7.11, and send all received donations, with accrued leave printouts, to the recipient employee's FML Coordinator.
- 7.14. The FML Coordinator shall not process no more than 40 hours than the hours required to support the documented absence.
- 7.15. The recipients FML Coordinator shall use a spreadsheet to summarize all donations, which should include donor names, donor employee numbers, number of vacation hours donated by each donor, and total number of converted hours donated to the recipient.
- 7.16. The final packet shall include the cover memo, summary spreadsheet, donation forms, and accrued leave balance printout for both the donor(s) and the recipient. The FML Coordinator shall submit the packet to the Human Resources Department Director for final review and approval.
- 7.17. Once the Human Resources Department Director has reviewed and approved the Accrued Leave Donation packet, the FML Coordinator shall forward the approved packet to Administrative and Regulatory Affairs Department's Payroll representative for processing.
- 7.18. The Administrative and Regulatory Affairs Department's Payroll representative shall transfer and convert the accrued donated hours from the donor's vacation accrual balance and credit the recipient's sick leave accrual balance with the value of the donated hours.
 - 7.18.1. If there are any computation errors, the Administration and Regulatory Affairs Department's Payroll representative and the FML Coordinator(s) shall resolved the errors, jointly.

8. RELATED DOCUMENTS AND INFORMATION

- Example of Donation Computation

Example of donation of four (4) hours

Donating employee

\$1,200 biweekly pay + \$12 longevity pay = \$1,212 ÷ 80 hours = \$15.15/hourly

Receiving employee

\$900 biweekly pay + \$6 longevity pay = \$906.00 ÷ 80 hours = \$11.33/hourly

\$15.15 x 4 hours = \$60.60 of value

\$60.60 ÷ \$11.33 = **5.35 hours credited to the recipient**

9. POLICY SPONSOR

Department: Human Resources Department