General Order

Houston Police Department

ISSUE DATE:	NO.
February 19, 2019	300-29

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-29, dated September 22, 2010

SUBJECT: DONATION OF TIME

POLICY

The City of Houston Accrued Leave Donation Program allows employees to confidentially volunteer to donate a portion of their accrued personal leave to other employees who have exhausted (or will exhaust) all accrued personal leave to which they are entitled due to a *qualifying medical condition* or due to being off work in order to care for a family member due to the family member's bona fide illness, disease, or injury.

Donated leave time shall be credited to classified recipients as Paid Time Off (PTO) and to civilian recipients as sick time.

Classified employees may donate only PTO hours. Civilian employees may donate only vacation hours. The decision to donate leave time is irrevocable.

This General Order applies to all employees.

DEFINITION

Qualifying Medical Condition. For the purpose of this General Order, a medical condition that has been medically diagnosed and documented, for which an employee is being treated and may be approved for coverage under the Family and Medical Leave Act, and that has a probability of requiring the employee to be off work at least 30 consecutive *calendar* days.

1 ADMINISTRATIVE GUIDELINES

To be considered as a recipient of the Accrued Leave Donation Program, an employee shall initiate a written request through the employee's division commander to the HPD Office of Budget and Finance. The letter of request shall have attached both a division-prepared Circular that asks for employee accrued leave donations and either the treating physician's statement or a copy of the employee's approval for family medical leave. See section 2 of this General Order for documentation guidelines.

The request may be made prior to the end of the 30-*calendar*-day absence. Requests for donated leave shall be reviewed and approved or denied by a committee consisting of supervisors from the Office of Budget and Finance and the Employee Services Division. The committee shall then forward the request to the Chief of Police for review and issuance of a Circular requesting donation of time if approved.

If the request is approved, donations of time will be accepted by personnel in the City of Houston Human Resources Department, who will prepare a donation package and submit it for approval.

Time shall be donated in four-hour increments and shall not exceed half of the classified donor's current benefit year's PTO balance or half of the civilian donor's vacation leave balance.

The recipient shall not accrue time while using donated time.

Requirements

Medical documentation is required from all employees requesting participation in the program as a recipient. Employees under full dock status shall remain so until the City of Houston Human Resources Department has approved the request.

If the recipient returns to work before all donated time is exhausted, the donated time remains in the recipient's time balance. If the recipient dies before all donated time is used, the equivalent of the donated time goes to the recipient's estate.

2 RECIPIENT GUIDELINES

Except as provided in section 4 of this General Order, donated time may be given or considered only when all of the following are true:

a. Recipient has completed the full new-hire probationary period (first 12 consecutive months of employment).

b. Recipient has a *qualifying medical condition* as defined herein or the recipient is off duty in order to care for a family member due to the family member's bona fide illness, disease, or injury documented by the *treating physician's statement* and the recipient anticipates a qualifying medically documented absence for 30 or more consecutive *calendar* days.

c. The *treating physician's statement* or the employee's approval for family medical leave 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 parent, spouse, son, or daughter.

d. Recipient's available personal leave balances are or will soon be exhausted.

No hours shall be credited beyond the employee's projected return to work date or the commencement of social security disability benefits or long-term disability benefits. Except as provided in section 4 of this General Order, the maximum amount of donated time that can be received by an employee per illness or injury is 1,040 hours.

3 DONOR GUIDELINES

Donor participation in the program is voluntary. There is no restriction on the number of persons to whom an employee may donate time.

Employees donating accrued personal leave must have completed their full new-hire probationary period.

After a request for donated leave is approved, employees who want to make a donation shall complete a *Donation of Accumulated Leave* form (available on the department's Intranet Portal) and submit it to the City of Houston Human Resources Department.

4 DONATING PTO TO FAMILY MEMBERS

In addition to and separate from the City's Accrued Leave Donation Program, officers may request to donate up to 480 hours of accrued PTO to a family member who is also a classified employee of the Houston Police Department and who has been approved for family medical leave. This provision, which is outlined in the classified Meet and Confer Agreement, does not apply to an individual who is participating in the Phase Down Program, whether as a donor or recipient.

Family member shall include a parent, spouse, son, or daughter as defined by the Family and Medical Leave Act and interpretive regulations. The determination of whether an individual is a qualifying family member will be made by the City of Houston Legal Department.

To donate accrued PTO hours under this provision, an officer shall submit a request through his chain of command to the chair of the department's Labor Relations Committee. Such donation requests may be approved regardless of whether the receiving family member has exhausted or will exhaust all accrued personal leave hours to which the receiving employee is entitled.

Donated leave must be deducted from the most recent accruals prior to the benefit year in which the donation was made. An officer who donates accrued PTO and who has reached or exceeded the allowable PTO cap at the time of the donation is prohibited from carrying over more than the 120 hours in any year thereafter. An officer who donates accrued PTO and who is within 480 hours of reaching the applicable PTO cap at the time of the donation shall be limited to carrying over 120 hours in any year thereafter.

All other terms of the City's Accrued Leave Donation Program administrative procedure shall control.

5 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

300-09, **Absence from Duty – Classified**
300-30, **Volunteering Time for Convalescing Officers**
900-01, **Absence from Duty – Civilian**
Meet and Confer Agreement (Classified)
City of Houston Administrative Procedure No. 3-18, Accrued Leave Donation Program

Art Acevedo
Chief of Police