

**Rules of the
Prosecuting Attorneys's Council of Georgia**

Chapter 10

Donated Leave Policy

10.1 Purpose:

To assist those employees who, through no fault of their own, find themselves in an unforeseen position of needing sick leave to avoid falling into an extended leave without pay situation.

Authority: O.C.G.A. § 15-18-19; ratified Dec. 6, 2002; effective Jan. 1, 2003.

10.2 Policy:

Leave donation may only be used in limited, unusual circumstances. Leave donation will be from employee to employee and will be strictly voluntary. The identity of donors will be confidential and will not be provided to the recipient or to any other individual unless necessary to administer the donation or required by law. The Executive Director will be the custodian of all donated leave records.

Authority: O.C.G.A. § 15-18-19; ratified Dec. 6, 2002; effective Jan. 1, 2003.

10.3 Eligible Employees:

All full-time, non-temporary state paid employees of a District Attorney's office and the Prosecuting Attorneys Council and who meet the eligibility requirements set forth in this policy.

Authority: O.C.G.A. § 15-18-19; ratified Dec. 6, 2002; effective Jan. 1, 2003.

10.4 Eligibility:

(a) Recipient

- (1) A recipient must have been continuously employed in any state agency in a position entitled to earn leave for a minimum of twelve (12) months;

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- (2) A recipient must have exhausted all accrued and forfeited leave and all available compensatory time; and have been on authorized leave without pay for eighty (80) consecutive hours per occurrence of eligible condition, provided, however, that this requirement may be waived by the Executive Director under extraordinary circumstances;
- (3) An employee will not be eligible to solicit leave donations for:
 - (A) Any occupationally related accident or illness which is compensable under Workers' Compensation benefits, or,
 - (B) Disability incurred in the course of committing a felony or assault.

(b) Donor

Be a state paid employee of a District Attorney or an employee of the Prosecuting attorneys' Council, and have been continuously employed in any state agency in a position entitled to earn leave for a minimum of twelve (12) months; and

- (1) If donating annual leave, have a balance of not less than sixty (60) hours of annual leave after donation; and
- (2) If donating sick leave, have a balance of not less than sixty (60) hours of sick leave after donation.

Authority: O.C.G.A. § 15-18-19; ratified Dec. 6, 2002; effective Jan. 1, 2003.

10.5 Procedures

(a) Recipient

- (1) A recipient may request solicitation of donated leave no more than forty (40) days prior to going on leave without pay status.
- (2) A recipient will provide a completed Family Leave Request Form and/or Medical Certification Form and the Request for Donated Leave Form to the Executive Director of the Prosecuting Attorneys'

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Council. If the recipient is an employee in a District Attorney's office, the form must be approved by the District Attorney. The recipient may be asked to provide medical re-certification. It is the responsibility of the recipient to obtain the required medical certification.

- (3) The Executive Director will notify the recipient of their eligibility to receive donated leave and the approval to solicit leave donations.
 - (4) Following approval of a request to solicit leave donations, the Executive Director or his/her designee will assist the recipient in developing a solicitation announcement.
 - (5) The recipient or the recipient's designee will agree, in writing, that the announcement is satisfactory prior to any circulation of such announcement.
 - (6) Solicitation announcements will be circulated to all District Attorneys offices and the Council staff and will be posted for ten (10) workdays.
 - (7) Donated leave is to be used only for sick leave purposes as prescribed by R. 3.20(c) regardless of the type of leave donated.
 - (8) The recipient must use newly accrued sick and annual leave as it is earned before using donated leave.
- (b) The limits of leave donations are as follows:
- (1) The total number of hours an employee may receive under a solicitation request is based on his/her unbroken, years of service with State government.
 - (A) An employee may receive up to the total number of hours which he/she has earned, not to exceed a total of five hundred and twenty (520) hours. (Example: an employee has been with State government for 22 months, he/she would have earned 440 hours of leave (counting both sick and annual). Therefore, the maximum number of hours that may be donated are 440 hours).

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- (B) Donated leave will be credited to the recipient on an as needed basis (by pay period) and in the order it is received. Donations received after the maximum has been reached will not be accepted.

- (c) Donor
 - (1) A donor will complete and submit the Donated Leave Form by the date stated on the solicitation request to the Executive Director.
 - (2) A donor may donate any amount of annual leave or personal leave and not more than one hundred and twenty (120) hours of sick leave in a calendar year.
 - (3) A donation may not be made from a forfeited leave balance.
 - (4) All donations will be in increments of whole hours.
 - (5) Donated leave is transferred as needed by the pay period; donors will be notified by Executive Director of the date and amount of leave that was actually donated.
 - (6) Executive Director will not transfer the donor's leave if his/her leave balance after transfer is less than 60 hours.
 - (7) Donors will be notified by Executive Director of donations that are not used, and therefore not taken from their leave balances.

- (d) Multiple Donations
 - (1) Second solicitations may be requested by an employee who has been continuously employed for a minimum of three (3) years in Georgia state government; and
 - (2) The employee may be requested to provide medical re-certification.

- (e) Recipients will be notified by the Executive Director of their eligibility and approval for a second solicitation.

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- (f) The Executive Director or his/her designee will assist the recipient in writing the second solicitation.
- (g) The recipient will agree, in writing, that the solicitation is satisfactory prior to circulation.
- (h) The solicitation will be circulated to all District Attorneys offices and the prosecuting Attorneys Council staff and posted for a minimum of 10 days.
- (i) If the request is for the continuance of the original occurrence, newly donated leave will immediately be donated to the recipient on an as needed basis without the recipient being placed in a second leave without pay status; or
- (j) If the second request is for an occurrence that is not a continuance of the original, the employee will be required to follow the process as stated in this policy, including having been on leave without pay status for a period of (80) consecutive hours.
- (k) For a second solicitation, an employee may receive up five hundred and twenty (520) hours.
- (l) The recipient will be credited with no more than the maximum number of hours that he/she is eligible to receive not to exceed one thousand forty (1040) hours of donated leave in any consecutive two calendar year period.

Authority: O.C.G.A. § 15-18-19; ratified Dec. 6, 2002; effective Jan. 1, 2003.

10.6 Return to Duty

The maximum number of hours that may be donated to an employee upon their return to work, whether part-time or full-time, is 40 hours.

Authority: O.C.G.A. § 15-18-19; ratified Dec. 6, 2002; effective Jan. 1, 2003.