

# JEFFERSON COUNTY COMMISSION

## Leave Donation Policy



### I. Purpose

The Jefferson County Commission recognizes that employees may experience serious medical hardships resulting in extended absences from work. This policy permits eligible employees to voluntarily donate accrued annual or sick leave to a fellow County employee who:

- Is experiencing a qualifying medical hardship;
- Has exhausted all available accrued leave balances; and
- Remains under an approved Family and Medical Leave Act (FMLA) designation.

This policy ensures consistency across all County departments.

### II. Scope

This policy applies to all regular full-time employees of the Jefferson County Commission. Elected officials and component departments may adopt this policy at their discretion.

### III. Definitions

**Medical Hardship:** A serious health condition as defined under FMLA affecting the employee or the employee's immediate family member.

**Donor Employee:** An eligible employee who voluntarily transfers accrued leave to an approved recipient.

**Recipient Employee:** An eligible employee approved to receive donated leave under this policy.

**Immediate Family Member:** As defined under the Family and Medical Leave Act (FMLA).

**Good Standing:**

For purposes of this policy, an employee is considered in good standing if the employee:

1. Is actively employed by Jefferson County;
2. Is not currently under suspension without pay;
3. Is not subject to a pending termination recommendation that has been formally issued in writing; and
4. Is not separated from employment.

Participation in a performance improvement plan (PIP) or receipt of prior corrective action, standing alone, shall not automatically disqualify an employee from eligibility under this policy.

## **IV. Eligibility to Receive Donated Leave**

To be eligible to receive donated leave from another employee, the recipient must:

1. Be actively employed by Jefferson County for a minimum of one calendar year.
2. Have an approved FMLA designation.
3. Have exhausted all accrued annual leave, sick leave, and compensatory time.
4. Be in good standing
5. Submit a Leave Donation Request Form to HR.

Donated leave will run concurrently with approved FMLA leave and does not extend FMLA entitlement beyond the statutory 12-week limit.

Eligibility to receive donated leave does not alter performance expectations. Employees remain subject to all applicable performance standards, policies, and disciplinary procedures while utilizing donated leave.

A recipient's use of donate leave ceases when, for any reason, the recipient returns to work; the recipient ceases employment with Jefferson County; the recipient voluntarily requests termination of the use of donated leave; the circumstances requiring the recipient's absence cease to exist; or the leave donated to the recipient is exhausted.

## **V. Eligibility to Donate Leave**

An employee may donate leave if:

1. The donation is voluntary and the donor employee understands the donated leave will not be returned.
2. Donor employee retains a minimum combined leave balance of eighty (80) hours following donation, including no fewer than forty (40) hours of sick leave.
3. The donation is made in increments of no less than four (4) hours.

Donations must be designated for an approved recipient and may not be pooled or redistributed.

## **VI. Limitations and Administrative Controls**

- Donated leave may only be used for the approved FMLA qualifying reason.
- The maximum amount of donated leave a recipient may receive shall not exceed 480 hours per rolling 12-month period, unless otherwise approved by the County Administrator in consultation with HR.
- Donated leave will be converted hour-for-hour and paid at the recipient's regular rate of pay.
- Employees utilizing donated leave shall be considered in a paid status for purposes of leave accrual. Accordingly, employees will continue to accrue annual and sick leave while using donated leave.

- If an employee exhausts all available leave, including donated leave, and transitions to Leave Without Pay (LWOP) status, accrual of annual and sick leave shall cease for the duration of the LWOP period. Accruals will resume upon return to a paid status.
- If the recipient separates from County employment for any reason during use of, eligibility to use donated leave ceases immediately and will be forfeited.
- Donated leave has no cash value and is irrevocable once processed.

## VII. Disposition of Unused Leave

Donated leave is intended solely to provide income replacement during an approved qualifying leave period. In the event an employee returns to active work status before exhausting donated leave, any remaining donated hours shall be forfeited. Donated leave may not be retained, converted to another form of leave, or returned to donating employees.

## VIII. Confidentiality and Non-Coercion

- The County will maintain confidentiality regarding the medical circumstances of the recipient consistent with applicable law.
- Donations must be voluntary. No employee shall solicit, coerce, or pressure another employee to donate leave. Reports of coercion will be reviewed by HR.

## IX. Sick Leave Retirement Acknowledgment Requirement

Under West Virginia retirement provisions, accumulated sick leave may be credited toward years of service at the time of retirement in accordance with the rules of the West Virginia Public Employees Retirement System (PERS). *Employees who elect to donate accrued sick leave permanently forfeit those donated hours and any potential retirement service credit associated with those hours.* A signed acknowledgment form must accompany any sick leave donation request confirming the donor's understanding of this forfeiture.

Donated leave is provided as a payroll mechanism to maintain compensation during an approved absence but does not constitute leave earned by the recipient employee. Donated leave hours shall not be treated as accrued annual or sick leave for purposes of calculating future leave balances, retirement service credit, or any other benefit tied to earned leave. Nothing in this policy alters, expands, or guarantees retirement eligibility or service credit calculations under PERS or any other applicable retirement plan.

## X. Procedures

### A. Procedure for Requesting Donated Leave

#### 1. Submission of Request

An employee seeking to receive donated leave must submit a completed Leave Donation Request Form to the Office of Human Resources. The request must confirm

approved FMLA designation and anticipated or actual exhaustion of all accrued annual leave, sick leave, and compensatory time.

**2. HR Review and Verification**

The Office of Human Resources shall verify:

- Eligibility requirements, including minimum service and good standing status;
- Approved FMLA designation and remaining entitlement;
- Exhaustion of accrued leave balances;
- Compliance with the maximum 480-hour rolling 12-month limit.

HR may consult Payroll to confirm leave balances and eligibility.

**3. Approval Determination**

If approved, HR shall provide written confirmation to the employee and notify the applicable department director that the employee has been approved to receive donated leave. Medical details shall remain confidential in accordance with applicable law.

If denied, the employee shall be notified in writing.

**4. Administration of Donated Leave**

Upon approval, HR shall accept Leave Donation Authorization Forms from eligible donor employees. Donated leave shall be tracked and processed until the maximum allowable hours are reached, the employee's FMLA entitlement ends, the employee returns to active work, or the employee separates from employment.

HR may suspend acceptance of donations at any time once the approved maximum has been reached or if the recipient is no longer eligible.

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**B. Procedure for Donating Leave**

**1. Eligibility Confirmation**

Prior to donation, the donor employee must meet all eligibility requirements set forth in this policy, including minimum leave balance retention requirements.

**2. Submission of Authorization Form**

The donor employee must submit a completed Leave Donation Authorization Form to the Office of Human Resources specifying:

- The type of leave to be donated (annual or sick);

- The number of hours to be donated (minimum four (4) hour increments);
- Required acknowledgments regarding irrevocability and, if applicable, retirement service credit forfeiture for sick leave donations.

**3. HR Review and Processing**

HR shall verify the donor's leave balance and eligibility prior to approval. Upon approval, HR shall forward the authorization to Payroll for processing. Payroll shall deduct the approved hours from the donor's leave balance and credit the recipient accordingly.

Once processed, donations are irrevocable and may not be restored to the donor.

## **XI. Administrative Oversight**

The Office of Human Resources, in conjunction with the County Clerk's Payroll Office, shall administer this policy and maintain documentation of all approvals and transfers.

The Commission reserves the right to amend, suspend, or discontinue this policy at any time.