GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department on Disability Services

Administration or Office: Department on Disability Services	
Responsible Program or Office: Human Capital Administration	Number of Pages: Eight (8)
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Subject: Voluntary Leave Transfer Program	

1. PURPOSE:

The purpose is to communicate how the employees of the Department on Disability Services
(DDS) can elect to transfer accrued annual or universal leave to another employee within DDS and how such transfer activities will be managed within the Agency.

2. AUTHORITY:

The Voluntary Leave Transfer Program is developed under the authority of D.C. Law 15-68, The Voluntary Transfer of Leave Amendment Act of 2003, effective February 6, 2004.

3. POLICY:

The DDS shall establish and administer a Voluntary Leave Transfer Program to allow agency employees to transfer accrued annual or universal leave to the annual or universal leave account of any other eligible employee.

4. SCOPE OF POLICY:

The Voluntary Leave Transfer Program is separate and distinct from the Annual Leave Bank.

A. Program pursuant to D.C. Official Code Sections 1-612.04 through 1-612.11 and Sections 1250 through 1258 of Chapter 12 of the D.C. Personnel Regulations, Hours of Work, Legal Holidays and Leave. The Department of Human Resources (DCHR) administers the Annual Leave Bank Program.

B. Annual or universal leave transfers under the DDS Voluntary Leave Transfer Program shall be on an hour-to-hour basis.

C. A recipient employee under the DDS Voluntary Leave Transfer Program shall receive no more than three hundred and twenty (320) hours during any twelve (12) month period.

D. The transfer of leave is from one DDS employee (the donor) to another DDS employee (the recipient) and is not to a leave bank.

5. ELIGIBLE EMPLOYEES:

A. Donor Employee- A District employee of the DDS who accrues annual or universal leave may choose to voluntarily donate annual or universal leave to another employee in DDS if the other employee has applied and been approved to receive the leave donation.

B. Recipient Employee- A District employee of the DDS who: accrues annual or universal Leave; has a documented need that warrants an extended absence; has or will exhaust all accrued or expected leave; and may be eligible to apply for Donated Annual Leave. The employee applying for Donated Annual Leave must provide a written statement from a licensed physician indicating the need for an extended absence due to the medical condition of the employee or a statement regarding a requirement for the employee to provide care to an immediate family member supported by a medical certificate from the family member's physician. An employee may also apply for Donated Annual Leave for the purpose of caring for a newborn or newly adopted child.

C. If an employee is eligible for leave under the Family Medical Leave Act, provisions 28 U.S.C. Section 2601 et seq., the request to be a donated leave recipient shall be granted.

D. If the Agency Director excludes an employee or group of employees from the program, he or she shall submit a report to the Director of the Office of Human Resources specifying how the organization or program would be substantially disrupted in carrying out its functions or would incur additional costs. This information shall be included in the annual report prepared by DDS on or before January 1, each year.

6. PROVISIONS OF THE DDS VOLUNTARY LEAVE TRANSFER PROGRAM/RECIPIENT APPLICANTS:

A. Requesting to receive donated leave under the DDS Voluntary Leave Transfer Program.

1. The employee must be eligible to accrue annual or universal leave.

2. The employee must have exhausted or expect to exhaust all accrued sick, annual, compensatory, advanced or universal leave due to the current situation.

3. The employee must have a written statement from a licensed physician indicating that the employee must be absent for personal medical reasons or a statement indicating the need to care for an immediate family member and indicating the expected duration of absence, or the employee must have written documentation of the recent birth or adoption of a child.

4. If the eligible employee is not capable of making an application on his/her own, another agency employee or a family member of the employee or the employee's union representative may make written application on the employee's behalf.

5. The information contained in the employee's application for donated leave may only be used for the purpose of making a determination with regard to the donation of leave and all information contained in and accompanying the application must be kept confidential.

6. The application to receive donated leave shall be submitted on the DDS "Application for Donated Leave" form or in a written format containing the following:

   a) Eligible employee's name, position title, grade and administration;
   b) Contact information for the applying employee, including telephone number and mailing address;

   c) The anticipated duration of the absence;

   d) The number of hours of leave requested;

   e) A statement that the employee has exhausted, or the date the employee will exhaust, all currently accrued sick, annual, advanced, compensatory or universal leave;

f) If the leave is to care for a family member, an affidavit (i.e. a notarized statement) attesting that the individual requiring personal care is an immediate family member, or that the personal care is due to the recent birth or adoption of a child; and

g) Certification from a licensed physician that the eligible employee must be absent for medical reasons for his/her self or a doctor's certificate from the family member's physician stating the family member needs care and the anticipated duration of the absence.

B. Application to become a donated leave recipient must be submitted to the DDS, Human Capital Administration (HCA), located at 1125 15th Street, N.W. 2nd Floor, Washington, D.C. 20005. The application will be accepted from an eligible employee. In instances where the employee is incapacitated or otherwise unable to submit the application, applications will be accepted from an employee's family member or the employee's union representative or another agency employee acting on behalf of the eligible employee. All applications to become a donated leave recipient will be date stamped upon receipt in the HCA and a receipt document will be provided.

1. Applicants for donated leave shall receive written confirmation of the receipt of their application within five (5) workdays of receipt by the HCA. A final decision shall be given to the applicant within ten (10) workdays of receipt of the application.

2. An application may be denied if it is determined that the agency or program would be substantially disrupted from carrying out its functions or would incur additional costs because of an employee's or group of employees' participation in the Program. The agency will be accountable to the DC Office of Human Resources for documenting how the organization or program would be substantially disrupted from carrying out its functions or would incur additional costs if the eligible employee (or group of employees) is allowed to participate in the Program.
3. The HCA will review if the employee has met all criteria for receiving donated leave.

4. The HCA will not take into consideration the employee's leave record or the severity or nature of the medical situation that is stimulating the request for leave when reviewing and approving/denying a request for donated leave.

C. Final approval or denial of the request will be made by the Director of DDS, or the Director's designee, and will be provided in writing to the requesting employee within ten (10) workdays of receipt of their application.

D. The approval of a request to receive donated leave will generate the establishment of a "Donated Leave Account" in the employee's name within the DDS Human Capital Administration. The Human Capital Administration (HCA) will maintain all records of leave donated.

1. The HCA will prepare an official memorandum announcing the establishment of the Donated Leave Account for the recipient employee and will seek the review and concurrence of the receiving employee or the employee's designee, if the employee is incapable of review. The memorandum will be distributed throughout the DDS.

2. Donations will be accepted prior to and during the established period of absence.

3. Employees in the receiving employee's work group may engage in activities or provide additional information to help generate awareness of the receiving employee's request for donated leave. Prior written approval of the administrator is required before any activities begin on the job site or during work hours. No District funds may be used in this awareness activity beyond the initial distribution of the memorandum of notification.

4. If the receiving employee separates from District employment, with a balance of unused donated leave, the remaining balance will be forfeited.

5. Recipient employees do not have authority to transfer donated leave to another employee.

6. Recipient employees may elect to receive notification of the names of donors and the amounts donated. If the donor wishes to remain anonymous, the donor's preference will prevail.

7. The Human Capital Administration will provide an update by pay period of the amount of leave donated to a particular leave recipient and the amount used. The update information will be forwarded to the employee and the employee's administrator.

E. Receipt and use of transferred leave

1. Donated leave can be used by the recipient employee provided that any annual, sick, compensatory, advanced or universal leave has been exhausted.
2. During the period in which transferred leave is being used, no annual, universal or sick leave shall accrue to the recipient employee.
3. Unused donated leave is not subject to any form of lump-sum leave payment upon the recipient employee's separation from the District government service.

4. The use of transferred leave shall terminate when the recipient employee is no longer affected by the medical or family situation that generated the Voluntary Leave Program donation request. Determination of "no longer affected" will be based on the employee's return to work, a statement of ability to return to work by the employee's physician, or a statement from the physician caring for the ill family member that the employee was required to care for, stating that the employee is no longer required to care for the family member.
5. The use of transferred leave shall terminate on the effective date of a tendered resignation or notification of separation.

7. PROVISIONS OF THE DDS VOLUNTARY LEAVE TRANSFER PROGRAM/ DONOR APPLICANTS:

A. Applications to be a leave donor may be submitted by eligible employees to the DDS Human Capital Administrator (HCA), located at 1125 15th Street, N.W. 2nd Floor Washington, D.C. 20005. All applications will be date stamped and a receipt will be provided.

1. Applications to be a leave donor will only be accepted from current DDS employees who have an existing balance of annual or universal leave.

2. An employee cannot donate more than one half (1/2) of the amount of annual or universal leave that the employee would have been entitled to accrue during the leave year, regardless of their leave balance.

3. An employee may contribute any amount of restored annual leave.

4. Annual leave donations must be made using the DDS "Voluntary Leave Donation" form. Donations will not be accepted on any other document, verbally or by email.
5. Donated annual leave will be credited directly to the leave balance of the recipient employee identified on the Voluntary Leave Donation form.

6. The donating employee's leave balance will be reduced at one time, by the amount contributed to the Voluntary Leave Transfer Program on the first pay period following approval of the donation by the Human Capital Administrator.

7. The HCA will prepare and forward to the Payroll Unit, with a copy to the donor employee's timekeeper, a leave adjustment form to reduce the leave donor's annual leave balance in the automated leave system by the number of hours of leave contributed with the notation "contribution of

annual leave to the DDS Voluntary Leave Transfer Program" in the "Remarks" section.

8. The timekeeper of the donor employee will make a notation in the "Remarks" section of the leave donor's time and attendance report for the pay period in which the annual leave donation is reduced, *i.e.* transferred to the account of the recipient.

9. A donating employee may elect to have their donation remain anonymous.

10. Annual leave transferred under the Voluntary Leave Transfer program that is not used by the designated recipient employee will be withdrawn from the recipient employee's account and donated to the DCHR Annual Leave Bank if the employee's reason for receiving donated leave is concluded as a result of the employee returning to work, termination of employment or death

11. Donated leave cannot be returned to the donor or transferred to another employee.

B. Maintenance and transfer of donated leave will be under the direction of the HCA.

1. A maximum of 320 hours of donated leave can be accrued in the donated leave account by any single leave recipient during a twelve (12) month period.

2. The donated leave will be transferred to the leave balance of the recipient employee within the same pay period that the leave is withdrawn from the balance of the donating employee.

3. Use of transferred leave shall terminate when the recipient employee separates from employment.

8. PROHIBITION OF INTIMIDATION, THREAT OR COERCION:

Agency employees shall not be directly or indirectly intimidated, threatened or coerced by any other employee or manager for the purpose of interfering with any right that the employee may exercise to contribute, receive or use annual or universal leave under this program. The Voluntary Leave Transfer Program shall be administered in a fair and equitable manner.

9. DDS VOLUNTARY LEAVE TRANSFER PROGRAM REPORT:

A. The Human Capital Administrator will prepare an annual report on or before January 1st of each year for the preceding 12-month period to include:

1. A list of all voluntary leave bank contributors, including those who wish to remain anonymous (all names will be coded) and the amount donated.

2. A list of all leave bank recipients (names will be coded) and the amount of leave that was received.

3. Documentation of the actual account establishment and transfer activities.

4. A list of eligible employees or groups of employees excluded from the Program because approving the request would have resulted in substantial disruption of the functions of the agency as a whole or a component/program or would have resulted in additional costs. The amount of additional costs or nature of the disruption will be described.

5. A list of all bargaining unit members who applied to be leave donors or leave recipients who were denied approval and details of the reason for the denial.

6. This report shall reflect the bargaining unit and local union for each bargaining unit employee listed in the report.

B. This report shall be provided to each local union on January 1, of each year. If the local unions have not received the report within the time specified, they shall be provided a copy of this report upon request.

C. Labor and management shall meet periodically to review and make needed adjustments to the program.

10. RESPONSIBILITY:

Deborah Bonsack; Human Capital Administrator