



## FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROCEDURE

**Title:** Sick Leave Donation/Transfer Plan Procedures

**Related Policy:** FDJJ – 1002.13

### I. DEFINITIONS

**Abuse** - Misrepresentation or misuse of the Sick Leave Donation/Transfer Plan.

**Accident, Childbirth, Illness, or Injury** - An act or medical condition as defined by the treating healthcare provider.

**Disability Leave** - Any period of absence during which the employee is receiving state-funded disability benefits intended to replace all or a portion of the employee's income, to include workers' compensation.

**Disciplinary Action** - The means by which the Department gives formal notice to the employee of (1) what he/she did wrong; (2) the rule or standard violated; (3) corrective action needed; and (4) what the employee can expect if the offense is committed again. Disciplinary actions include oral reprimands, written reprimands, reductions in pay, suspensions, demotions, and dismissals.

**DJJ Sick Leave Donation/Transfer Request to Use Form** - The Department's official document to request to use donated sick leave credits. (*Attachment 1*)

**Donation** - A voluntary contribution of personal sick leave credits.

**Donor** - An employee who donates personal sick leave credits.

**Family Medical Leave Act (FMLA)** - A federal law that entitles eligible employees to take unpaid, job-protected leave for medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

**Flexible Work Schedule** - A work schedule wherein fixed times of arrival and departure are replaced by a workday which is composed of "Core Work Time" and work hours other than 8:00 a.m. to 5:00 p.m.

**Full-Time Equivalent (FTE)** - The number of paid working hours that represent one (1.0) position during a workweek, from Friday to Thursday (i.e. 40 hours = 1.0).

**Healthcare Provider** - A licensed practitioner who authorizes medical treatment.

**Interagency Sick Leave Transfer Request to Donate Form** - The official document used to donate sick leave credits to a recipient at an agency with an established formal sick leave transfer plan. (*Attachment 2*)

**Medical Certification** - Written documentation that provides pertinent health information about the recipient.

**Recipient** - An employee approved to receive donated sick leave credits.

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**Recovery Period** - Expected time determined by the treating healthcare provider to recuperate.

**Regular Schedule** - Established time period an employee is required to perform the duties and responsibilities assigned to their position, normally 8.0 hours a day between 8:00 a.m. to 5:00 p.m.

**Sick Leave Donation/Transfer Coordinator** - The Bureau of Human Resources employee responsible for coordinating and maintaining the formal Sick Leave Donation/Transfer Plan. The Sick Leave Donation/Transfer Coordinator may be contacted via email to [HRAttendance&Leave@djj.state.fl.us](mailto:HRAttendance&Leave@djj.state.fl.us).

**Sick Leave Donation/Transfer Plan** - A formal program pursuant to Rule 60L-34.0042 Sick Leave which allows for the receipt and donation of sick leave credits.

**State Personnel System (SPS)** - The employment system comprised of positions within the Career Service, Selected Exempt Service, or Senior Management Service within all state agencies, except those in the State University System, the Florida Lottery, the Legislature, the Justice Administrative System, or the State Courts System.

**Workweek** - Forty hours in a period of seven consecutive calendar days. For operational purposes, the SPS workweek runs from 12:00 a.m. on Fridays through 11:59 p.m. on Thursdays (midnight to midnight).

## **II. STANDARDS/PROCEDURES**

The Sick Leave Donation/Transfer Plan applies to current Career Service, Selected Exempt Service, and Senior Management Service employees. Part-time employees are eligible to participate.

### **A. Donor:**

1. An employee may donate their personal sick credits to an eligible recipient in the department or at another state agency participating in the Sick Leave Transfer Plan.
2. Participation in the plan shall be voluntary.
3. A minimum of eighty (80) hours of sick leave credits must remain in leave balance after donation.
4. The minimum donation shall be eight (8) sick leave credits.
5. Sick leave credits can be donated up to two business days before retirement or separation.
6. Once separated from employment, all donated sick leave credits shall expire.
7. OPS employees are not eligible.

### **B. Recipient:**

1. Must have a documented accident, childbirth, illness, or injury, as certified by their treating healthcare provider.
2. Must not be eligible for disability leave, to include workers' compensation.

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3. Must not have used more than 1040 hours of transferred sick leave credits in the preceding twelve-month period.
4. Shall exhaust all personal leave, excluding the Personal Holiday.
5. May solicit sick leave donations from coworkers, family, and friends within DJJ, as well as from other agencies that participate in the Sick Leave Transfer Plan.
6. Shall not attempt to coerce or pressure other employees to donate sick leave credits.
7. Must be absent from the workplace five (5) consecutive scheduled workdays for a regular schedule and four (4) consecutive scheduled workdays for a 4/10 flexible schedule.
8. Flexible work schedules not defined in these procedures shall be reviewed on a case-by-case basis.
9. OPS employees are not eligible.

C. Request to Donate:

1. The [Interagency Sick Leave Transfer Request to Donate Form](#) must be completed and submitted to the Sick Leave Donation/Transfer Coordinator two (2) business days before payroll deadline. The form shall be emailed to: [HRAttendance&Leave@djj.state.fl.us](mailto:HRAttendance&Leave@djj.state.fl.us).
2. Donations received after the deadline will be considered for the following pay period, and may result in Leave Without Pay (LWOP) for the requested pay period.
3. The [Interagency Sick Leave Transfer Request to Donate Form](#) shall not be withdrawn once submitted.
4. The [Interagency Sick Leave Transfer Request to Donate Form](#) shall be used to process donated sick leave credits within the agency and for interagency request.
5. Incomplete forms will not be processed.

D. Request to Use:

1. The [DJJ Request to Use Sick Leave Donation/Transfer Form](#) must be completed and received by the Sick Leave Donation/Transfer Coordinator within the Bureau of Human Resources two (2) business days before payroll deadline. The form shall be emailed to: [HRAttendance&Leave@djj.state.fl.us](mailto:HRAttendance&Leave@djj.state.fl.us).
2. Requests received after the deadline will be considered for the following pay period, and may result in Leave Without Pay (LWOP) for the requested pay period.
3. Retroactive payments will not be made for requests received after the deadline. It is important that the donor, recipient, supervisors, and HR liaisons understand and adhere to the deadline.

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4. To receive donations after the expected to recover or released to duty date, the recipient shall provide an updated medical certification or doctor's note to the Sick Leave Donation/Transfer Coordinator two (2) business days before the documented end date.
5. If medical certification is not received to validate the continued use of sick leave credits or the recipient returns to work, the case will be closed.
6. When the **DJJ Request to Use Sick Leave Donation/Transfer Form** does not provide a return to work date or states unknown, the recipient must provide an updated medical certification or doctor's note every 30 days.
7. The recipient shall not use more than 1,040 hours of donated leave credits in the preceding 12-month period from the date of first use.
8. Incomplete forms will not be processed.

E. Processing:

1. Recipient: The **DJJ Request to Use Sick Leave Donation/Transfer Form** (Attachment 1) must be completed and submitted to the Sick Leave Donation/Transfer Coordinator two (2) business days before payroll deadline.
2. Donor: The **Interagency Sick Leave Transfer Request to Donate Form** (Attachment 2) must be completed and submitted to the Sick Leave Donation/Transfer Coordinator two (2) business days before payroll deadline.
3. Recipients approved for leave under the Family Medical Leave Act (FMLA) may provide the FMLA approval letter and a copy of the Certification of Health Care Provider Form to the Sick Leave Donation/Transfer Coordinator to certify Part II and Part III, of the **DJJ Request to Use Sick Leave Donation/Transfer Form**. Part I of the **DJJ Request to Use Sick Leave Donation/Transfer Form** must be completed. The information must be received by the Sick Leave Donation/Transfer Coordinator two (2) business days before payroll deadline.
4. Donated sick leave credits shall not be credited to the recipient if they have not requested to use sick leave donations pursuant to these procedures.
5. Sick leave credits shall only be used for the recipient's documented accident, childbirth, illness, or injury, as certified by the treating healthcare provider.
6. Donated sick leave credits cannot be used for another person's accident, childbirth, illness, or injury.
7. Donations shall begin on the sixth consecutive scheduled workday (or partial workday – when absence is intermittent) for a regular schedule.
8. Donations shall begin on the fifth consecutive scheduled workday (or partial workday – when absence is intermittent) for a 4/10 flexible schedule.

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9. Flexible work schedules not defined in these procedures shall be reviewed on a case-by-case basis. At a minimum, the recipient must be absent from the workplace for an entire workweek. Donations shall begin the next consecutive scheduled workday.
10. All sick leave donated under this plan shall be credited to the recipient on a first in, first out basis as follows:
  - i. Donations from the recipient's spouse, parents, grandparents, brothers, sisters, children, and grandchildren of the recipient and the spouse will be processed before donations are processed from other employees.
  - ii. Donation between DJJ employees will be processed before donations from other agencies.
11. When transferring sick leave credits, the Sick Leave Donation/Transfer Coordinator shall credit the recipient with only the amount of sick leave credits compensable for the pay period.
12. Sick leave credits shall not exceed the recipient's scheduled hours for the workweek.
13. Sick leave credits shall not be used to place a recipient in an overtime status.
14. Upon termination of the qualifying accident, childbirth, illness or injury, any unused sick leave credits shall be returned to the donor(s).
15. Donated leave may be used consecutively, intermittently, or in increments of a quarter hour, as needed or requested.
16. An employee who is approved for sick leave credits will be placed on a regular work schedule.
17. In the event of an untimely notification of return to work, the recipient may receive a salary overpayment letter and will be required to repay donated sick leave credits not entitled.

**III. RESPONSIBILITY AND DUTIES**

A. Donor:

1. Shall complete the [Interagency Sick Leave Transfer Request to Donate Form](#) and submit to the Sick Leave Donation/Transfer Coordinator two (2) business days before payroll deadline.
2. Cannot cancel the donations once the [Interagency Sick Leave Transfer Request to Donate Form](#) has been submitted.
3. Shall not receive compensation or favors in return for the donation of sick leave credits.
4. Must maintain a minimum of eighty (80) hours of sick leave credits after donation.
5. Must donate a minimum amount of eight (8) hours for each transaction.

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**B. Recipient:**

1. Shall complete the **DJJ Request to Use Sick Leave Donation/Transfer Form** and submit to the Sick Leave Donation/Transfer Coordinator two (2) business days before payroll deadline.
2. Shall not attempt to coerce or pressure other employees to donate sick leave credits.
3. Shall not use or attempt to use donated sick leave credits for another person's accident, childbirth, illness or injury.
4. Shall exhaust all personal leave, excluding the Personal Holiday.
5. Shall repay donated sick leave credits that were not entitled.
6. Must be absent from the workplace five (5) consecutive scheduled workdays for a regular schedule and four (4) consecutive scheduled workdays for a 4/10 flexible schedule.
7. Shall notify the Sick Leave Donation/Transfer Coordinator and supervisor if returned to work earlier than expected and provide an authorized medical release from the treating healthcare provider before returning to work.

**C. Supervisor:**

1. When notified of a potential need by their employee of a request to use donated sick leave hours due to the employee's accident, childbirth, or injury, they may initiate the request to use sick leave donations in the absence of the employee.
2. Must sign the **DJJ Sick Leave Donation/Transfer Request to Use Form**.
3. Shall forward the **DJJ Sick Leave Donation/Transfer Request to Use Form** to the Sick Leave Donation/Transfer Coordinator upon receipt on behalf of the employee.
4. Will be notified of the approval or denial of their employee's request to use sick leave donations by the Sick Leave Donation/Transfer Coordinator.
5. Shall initiate the process of placing the employee on FMLA provided the employee meets the FMLA criteria.

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D. HR Liaison:

1. Shall assist the supervisor, donor, and recipient with the sick leave donation process.
2. Shall forward forms received via email to [HR Attendance and Leave](#).
3. Shall assist the Sick Leave Donation/Transfer Coordinator.
4. Notify the Sick Leave Donation/Transfer Coordinator if the employee returns to work earlier than expected.

E. Sick Leave Donation/Transfer Coordinator:

1. Responsible for the administration of the Sick Leave Donation/Transfer Plan.
2. Notifies the employee, HR Liaison, and supervisor of the approval or denial of the sick leave donation request.
3. Completes the recipient's timesheet when approved for donated sick leave credits.
4. Shall credit the recipient with only the amount of sick leave credits compensable for the pay period.
5. Notifies the recipient of sick leave credits they were not entitled.
6. Shall return unused sick leave credits to the donor.
7. Shall report any alleged abuse of the Sick Leave Donation/Transfer Plan to the Inspector General for review and investigation. The employee may be subject to disciplinary action in accordance with department procedures for violation of this policy.

**IV. ATTACHMENTS**

[DJJ Sick Leave Donation/Transfer Request to Use Form](#) (Attachment 1)

[Interagency Sick Leave Transfer Request to Donate Form](#) (Attachment 2)

**V. RESOURCES**

[DJJ's Attendance and Leave Policy](#)

[State Personnel System's Sick Leave Transfer \(Donation\) Plan Provision](#)