

STATE OF COLORADO

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

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March 1, 2009

Policy Title: Leave Sharing Program
Effective Date: 01 May 2009
Summary: Provides Policy on Leave Sharing
Applicability: All State Employees of DMVA
Staff Proponent: Human Resources
Supersedes: 29 May 2002

A. Purpose: To establish a pool of annual leave for a qualifying classified employee. under certain circumstances as outlined below, in order to provide some income protection when the employee would be absent from work for a prolonged period of time and has exhausted all paid leave subject to the provisions in Chapter 5 of the State Personnel Rules.

B. Background: To establish a means for Military and Veterans Affairs State employees to voluntarily transfer annual leave to a bank of leave hours for which a qualifying Department of Military and Veterans Affairs employee, experiencing a catastrophic hardship as described below, may make application to utilize banked hours to minimize economic hardship.

C. Definitions:

1. CATASTROPHIC ILLNESS OR INJURY

An employee or an immediate family member (child, parent, spouse, legal dependent, or a person in the household for whom the employee is the primary care giver), who is experiencing a catastrophic illness or injury that poses a direct threat to life, e.g. cancer, serious accident, major heart attack, etc.

Exclusions: Common illness, routine surgical procedures and/or surgical procedures that are not life threatening or as a result of a non-life threatening condition, and illness/injury covered by short-term disability, PERA, or Worker's Compensation.

2. MILITARY OPERATIONS/WAR ON TERRORISM

An employee on active military service in the war against terrorism or other military operations, who is experiencing serious financial hardship during the initial call up, is eligible. Donated leave is used to make up the difference between the employee's base salary (excluding premiums) and the total gross military pay and allowances. Donated leave is only available after the exhaustion of military leave, administrative leave, annual leave, and compensatory time.

3. CATASTROPHIC EVENTS OR EMERGENCIES

An employee directly affected by, or serving as first responders to life-altering catastrophic events, natural disasters, or emergencies, e.g., wildfire, flood, tornado. It includes life-altering catastrophes that result in loss of life or life-threatening events due to major crimes, such as kidnapping or murder, as well as loss of life or substantial loss or complete destruction of the employee's residence as a result of a natural disaster or accidental catastrophe. It does not apply to foreseeable situations that could have been prevented or minimized by planning or action on the part of the employee or for a short-term financial set back or inconvenience. Donated leave is only available after exhaustion of all other applicable paid leave and compensatory time. Certified disaster service volunteers of the American Red Cross, must use the paid leave provisions of State Personnel Rule 5-20 (B).

D. Policy:

1. ELIGIBILITY

A classified employee with a minimum of one year of service, who has donated at least eight hours to the bank at least three months prior to *each* requested use, is eligible to apply for bank leave if they meet one or more of the definitions above. Application may be made for personal or immediate family member need. For purposes of the leave bank program, for a family member, preference will be given to a child, parent, or spouse requiring the employee's direct care. All personal accrued leave, paid leave, and compensatory time must be exhausted. An applicant may also apply to use bank leave for the 30-day waiting period for coverage under short-term disability.

Leave sharing is voluntary and not an entitlement. This program is not intended to cover cases of abusive leave usage.

2. CONTRIBUTIONS

Employees may contribute at any time to the leave bank. However, solicitations shall be during the month of May or when and if the leave bank falls below the replenishment point (520 hours). If the bank cannot support the need, additional contributions will be solicited from employees within Military & Veterans Affairs at that time.

Contributions must be made from accrued annual leave. A minimum donation of one day (8 hours) of annual leave is required for each application to use banked leave; however, you may contribute any amount (with a minimum of one hour) at any time. Employees are encouraged to keep a balance for their own use. Federal/military personnel may not

contribute annual leave to the State Leave Bank and are not eligible to apply for or use the State Leave Bank. Contributions are voluntary, confidential, and non-refundable.

3. APPLICATION FOR LEAVE

The applicant must have exhausted all paid annual and sick leave (as permitted under Chapter 5 of the State Personnel Rules) before applying to the leave bank or when exhaustion of leave is imminent.

Application must be made on the appropriate form provided by the Office of Human Resources with proper documentation. The application must be approved by the requesting employee's supervisor prior to submission. Forms are available on the DMVA web site, in the Human Resources Office kiosk, or by directly phoning the Human Resource Director.

4. GOVERNANCE

A committee made up of the Human Resource Director or designee who is familiar with leave options and benefits programs, the Deputy Director, and a designee who, whenever possible, is familiar with health-related issues such as a biologist, health professional, nurse, etc. within our current employee population shall recommend approval or denial of applications to The Adjutant General. Consultation with a board-certified physician for applications that are unclear as to the nature or seriousness will occur on a regular basis.

Decisions are based on the merits of each individual case and the following guidelines:

- Requests must be for reasons listed under the purpose of the program, e.g. seriousness of the illness/injury, catastrophic events, military leave, availability of the employee's other benefits, exhaustion of leave, etc.
- In addition to the merits of the case, requests may be denied for suspected leave abuse as shown by documentation, incomplete application, refusal to supply requested information, or ineligibility.
- Longevity and performance may be considered as documented by performance and employment histories contained in the official file in the Office of Human Resources as an approval/denial factor.
- Application does not mean automatic approval of an application request. Non-selection is not a determination that the situation is not a personal emergency.
- The applicant and/or supervisor may be contacted to obtain information regarding the request or invited to attend a committee meeting to present the case.
- The decision to approve or deny the application is final and not subject to grievance or appeal.

- All or any portion of the requested time may be granted up to three months (520 hours).
- Awarded time is not transferable. In cases where the situation ceases to exist or the employee terminates/retires, any unused portion of the awarded time must be returned to the bank.
- Awarded time may be applied retroactively to the beginning of the leave-without-pay for the event for which it was granted.
- State personnel rules and procedures related to paid leave apply to the use of awarded time except that it is not part of the final payout for retirement or termination.
- The transfer of donated leave between departments is not allowed for DMVA employees.

Official:

//signed//

H. Michael Edwards
The Adjutant General

Distribution: DMVA Staff Proponents
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