

# Donated Hardship Leave

September 3, 2010

HR Management and Consultation in cooperation with Labor Relations, Statewide Payroll, and the Public Employees Benefit Board recently conducted training on donated hardship leave. Many agencies' representatives attended but we wanted to ensure everyone had the same information for consistency across the state. The attached presentation is an overview of what was shared. In addition, several questions were posed during the training and we share the clarifications below.

## Process Overview

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Agencies must comply with applicable policy or collective bargaining agreements and PEBB eligibility rules. Review the applicable policy or collective bargaining agreement provisions to determine if they require a deduction from the donated leave for the employer portion of insurance premiums or other payroll expenses.

PEBB eligibility administrative rules require an employee to have 80 regular paid hours, combination of work time or use of donated or other accrued leave, in a month to be eligible for insurance coverage, except when on FMLA.

When an employee requests donated hardship leave, the employee must obtain enough donations to cover the employer portion of the insurance premium in non-FMLA situations pursuant to applicable CBA or policy requirement. In addition, the employee must have 80 regular paid hours in a month to be eligible for insurance coverage, except when on FMLA. Where provided for in applicable CBA or policy, both requirements must met, no exceptions. Other payroll deductions from the converted donations may also be required.

The 'Donated Hardship Leave Worksheet' from OSPS is an Excel spreadsheet with built in formulas to assist agencies in calculating and documenting donated hardship leave transactions. Refer to the Family and Medical Leave Handbook in the OSPA Reference Manual for step by step guidance through the worksheet.

## Questions and clarifications

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- Order in Which to Process Donations - donations are converted and applied to the recipient's sick leave balance, as received, in date and time order through the end of the month in which received. Agency payroll may apply donated leave to the current pay period until Final Run 2.
- Eligibility – In non-FMLA situations, first deduct the employer portion of insurance premiums and other payroll expenses as required by policy or collective bargaining. Then, convert the remaining dollars to sick leave hours for the employee. The employee must have at least 80 regular paid hours (including the donated sick leave) remaining to use in the month to qualify for PEBB benefits.
- LWOP and application of donated leave – An employee must request donated hardship leave prior to the exhaustion of all leaves. Employees cannot go into and out of LWOP. We strongly recommend an employee requesting donated leave consult with agency payroll office to discuss the pro's and con's of receiving donated hardship leave while also receiving short term disability or PERS disability retirement payments. See sample scenario on next page.

## Sample scenario:

<i>Date</i>	<i>Party</i>	<i>Action</i>
August 27, 2010	Employee	Requests donated leave
August 30, 2010	HR Office	Determines employee eligibility <ul style="list-style-type: none"> <li>• 9/10/10 employee will exhaust all leaves</li> <li>• 11/15/10 – expected return to work based on doctor's certification</li> </ul> Employee meets eligibility
August 31, 2010	Payroll Office	Request donations for eligible employee
Sep 1, 2, 3, 8, 9 15, 17 and 23	Donors	Donated leave to employee on these dates
Sep 1, 2, 3, 8, 9 15, 17 and 23	Payroll Office	Only convert donations up to needed amount and complete donated hardship leave worksheet from OSPA handbook
September 13, 2010	Payroll Office	Donated sick leave hours entered for the employee beginning with 9/10/10

- LWOP in Non-FMLA situations – When an employee is already gone from the workplace and is on authorized LWOP, an employee is not eligible to later request donated hardship leave unless the employee returns to work, applies and ~~is~~ meets the eligibility requirement in the applicable policy or collective bargaining agreement.
- Intermittent – An employee must meet the eligibility requirement in the applicable policy or collective bargaining agreement to be eligible to receive donated leave.
- Early return to work – An employee who is unexpectedly released to return to work prior to date identified in the doctor's certification, the agency can apply donations received up to the time the actual employee returns. The employee must meet the eligibility requirements to receive future hardship leave donations.

## Resources

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### *Power point presentation*

[http://www.oregon.gov/DAS/HR/Donated\\_Leave\\_Training.shtml](http://www.oregon.gov/DAS/HR/Donated_Leave_Training.shtml)

### *OSPA Reference Manual, Family and Medical Leave Handbook*

<http://www.oregon.gov/DAS/SCD/OSPS/docs/pubs/handbook/HandbookFamilyMedicalLeave.pdf>

### *OSPS Donated Hardship Leave Worksheet*

<http://oregon.gov/DAS/SCD/OSPS/docs/processtools/hardship.xls>

### *State HR Policy 60.025.01 Donated Leave*

<http://www.oregon.gov/DAS/HR/docs/advice/P6002501.pdf>

### *Collective Bargaining Agreements*

<http://www.oregon.gov/DAS/HR/CBAs.shtml>