



## TRANSFER AND USE OF DONATED ANNUAL LEAVE

### I. POLICY

The New Mexico Department of Finance and Administration's Transfer and Use of Donated Annual Leave Policy ("Policy") governs the transfer and use of donated annual leave by Employees during a Medical Emergency, in accordance with the State Personnel Board (SPB) rules.

### II. POLICY

- A. Review and either approve or deny requests for donated leave submitted by Employees and legally authorized representatives of Employees in accordance with this Policy;
- B. Donated annual leave may not be used until first exhausting all accrued annual and sick leave, compensatory time, and personal leave day; and
- C. Treat all information within a request for donated annual leave as Confidential Information.

### III. DEFINITIONS

- A. **"Agency Head"** means the DFA Cabinet Secretary.
- B. **"Authorized Individual"** means individuals, or their designees authorized to recommend approval or disapproval to the Agency Head: (i) The requesting Division Director; or (ii) The Administrative Services Division (ASD) Director.
- C. **"Employee"** means
- D. **"Confidential Information"** means
- E. **"Health Care Provider"** means a Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Agency Head to be capable



Policy and Procedures

Human Resources

of providing health care services.

- F. **“Medical Emergency”** means an unforeseen medical condition that renders the employee unable to work and requires prompt medical attention by a licensed Health Care Provider. It is also defined as a life-threatening medical condition of a member of the Employee’s immediate family.

**IV. PROCEDURES TO REQUEST DONATED LEAVE:**

- A. **STEP ONE:** To request donations of annual leave, submit written requests for donations of annual leave to the Employee’s immediate supervisor and include the following:
1. Health Care Provider’s statement describing the nature, severity, and anticipated duration of the Medical Emergency of the Employee or the life-threatening medical condition of the immediate family member;
  2. A statement that the prospective recipient is unable to work due to their own or their immediate family member’s health condition; and
  3. An estimate of the number of donated annual leave hours Employee will need.
    - a) **LIMITATIONS:** Each request is limited to 30 days beginning on the date donated leave is first used.
- B. **STEP TWO:** Division Directors must forward recommended requests for donations of annual leave to the DFA Human Resources Bureau (“HR”) for processing.
- C. **STEP THREE: HR Review.** The HR will review the request and make a recommendation to the ASD Director for approval/disapproval based on whether the request meets the definition of a Medical Emergency for the Employee or is a life-threatening medical condition of the immediate family member, and to determine when the prospective recipient will exhaust all accrued annual and sick leave, compensatory time, and the personal leave day.



**Policy and Procedures**  
**Human Resources**

D. **STEP FOUR:** After reviewing the request, the ASD Director shall recommend approval or denial and submit the recommendation to the Agency Head.

E. **STEP FIVE: Approval or Disapproval.**

1. Upon approval by the Agency Head, HR will prepare a memorandum for the ASD Director's signature. The memorandum will be provided to the Employee requesting donations of annual leave and must include *Annual Leave Donation Disclosure Form* with the prospective recipient's name pre-printed on it. The HR may email documents related to the request to the Employee.
2. Upon disapproval by the Agency Head, HR will prepare a memorandum for the ASD Director's signature to the requesting Employee advising them of the reasons for disapproval.

**V. EMPLOYEES ON DONATED LEAVE**

- A. Employees on donated leave for a Medical Emergency are on annual leave. This means, Employees will accrue annual and sick leave at the Employee's regular rates provided the Employee chooses to use 80 hours of donated leave per pay period. If the Employee chooses less than 80 hours, then annual and sick leave accruals will be prorated accordingly. All accrued annual and sick leave will be used first.
- B. The HR will make the necessary adjustments on the donors' and recipient's leave balance records and maintain all records.
- C. To continue use of donated annual leave, the recipient or their legally authorized representative must provide the HR with monthly written progress reports from the recipient's or their immediate family member's Health Care Provider certifying that the Medical Emergency of the Employee or life-threatening medical condition of the immediate family member continues to exist.
- D. When the Medical Emergency ends or when the Employee leaves the DFA, all



Policy and Procedures

Human Resources

remaining donated leave shall revert to the Employees who donated the leave on a prorated basis.

**VI. PROCEDURES TO DONATE LEAVE:**

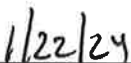
- A. Employees wishing to donate annual leave must complete the *Annual Leave Donation Disclosure Form* and return it to the HR.
- B. The HR shall process the *Annual Leave Donation Disclosure Form*, calculate the amount of leave transferred and notify the recipient of the amount available.
- C. The HR shall assure that the donated annual leave reverts to the Employees who donated the leave on a prorated basis when the Medical Emergency ends. The Medical Emergency ends when the recipient's Health Care Provider provides written certification that the Employee is fit for duty or that the immediate family member's life-threatening medical condition has ended.

**VII. ADDITIONAL DONATED ANNUAL LEAVE**

- A. Additional requests for donated annual leave may be made if the Medical Emergency for the Employee or the immediate family member's life-threatening medical condition continues.

**VIII. REVIEW AND APPROVAL.** This Policy is effective upon the signature of the DFA Cabinet Secretary, below.

  
\_\_\_\_\_  
Wayne Propst, Cabinet Secretary

  
\_\_\_\_\_  
Date