

Leave Transfer Guidelines

- The requesting employee must be eligible to accrue sick and/or annual leave to qualify as a recipient of transferred leave. Employees in temporary grant and time-limited positions who accrue leave at the same rate as an FTE employee may donate and receive leave if all other eligibility requirements are met.
- The requesting employee must have experienced a personal emergency. “Personal emergency” means catastrophic and debilitating medical situations, severely complicated disabilities, severe accident cases, family medical emergencies or other hardship situations that are likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.
- A “prolonged period” as used in the definition of a personal emergency is generally interpreted to be a minimum of thirty (30) working days. An employee must have been in leave without pay for at least thirty (30) working days or documentation must certify a medical emergency will result in an employee being in leave without pay for this length of time.
- Employees who are receiving or who become eligible for other paid benefits for periods of absence from work will generally be considered ineligible for leave transfers. Examples of other paid benefits include but are not limited to workers compensation, long term disability and disability retirement benefits.
- An employee must have used all earned sick and /or annual leave (as appropriate according to State Human Resources Regulations) prior to using approved transferred leave.
- Whether transferred leave may be applied retroactively and for what length of time will be determined on a case by case basis in light of the justification presented.
- An agency must have sufficient leave in the appropriate leave bank and sufficient funds to pay for the requested leave.

- The decision to transfer leave is within the discretion of the agency director, and the denial of a leave transfer is not appealable. These proposed guidelines are minimum criteria for approval by the director of the employing agency and are not intended to restrict agencies from establishing further criteria that may be considered by agencies when approving leave transfer requests. Such other criteria may include an employee's leave usage record, length of state service or other relevant factors.
- Section 117.137 of the 2016-2017 Appropriation Act allows a state employee to make a written request to donate sick and/or annual leave directly to another state employee in the event of a medical emergency, subject to the approval of the agency director. Leave transfer under this proviso is limited to a medical emergency, defined under IRS Revenue Ruling 90-29 as a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan. Leave transferred directly from one employee to another may only occur within the same agency.