

CF OPERATING PROCEDURE
NO. 60-40, Chapter 4

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, December 11, 2018

Human Resources

SICK LEAVE TRANSFER PLAN

4-1. Purpose. This operating procedure describes the Department of Children and Families' (DCF) formal plan to authorize an employee to donate personal sick leave credits (hours) to another employee or to receive sick leave credits from another employee.

4-2. Scope. This operating procedure applies to all employees of the Department of Children and Families filling established positions in the Career Service, Selected Exempt Service and Senior Management Service.

4-3. Reference. Chapter 60L-34.0042(5), Florida Administrative Code (F.A.C.).

4-4. Policy. It is the policy of the Department that:

a. An eligible employee may voluntarily donate his/her personal sick leave credits to, or receive sick leave credits from, eligible employees in the Department and eligible employees of other state agencies participating in the Sick Leave Transfer Plan through interagency transfer. The transfer and use of all sick leave for employees of the Department are subject to the provisions of this operating procedure.

b. An eligible employee may request to receive sick leave credits from eligible employees in the Department and other state agencies participating in the Sick Leave Transfer Plan through interagency transfer. Each request to receive sick leave in accordance with the Sick Leave Transfer Plan must be submitted to the Human Resources Service Center (HRSC) Leave Management Unit for coordination and processing.

c. An employee requesting to receive sick leave credits through the Sick Leave Transfer Plan must also submit a completed Certification of Health Care Provider form (form WH-380-E, available in DCF Forms).

d. Participation in the Sick Leave Transfer Plan shall, at all times, be voluntary on the part of the donating employee and the receiving employee.

e. Employees shall not attempt to pressure, threaten, or intimidate other employees to donate sick leave credits. Donating employees shall not sell or receive anything of monetary value in return for sick leave donations. An employee's violations of this policy may subject the employee to disciplinary action, up to and including dismissal, in accordance with the Department's procedures.

f. The HRSC Leave Management Representative shall serve as the local administrator of the Sick Leave Transfer Plan and be responsible for the administration of the Sick Leave Transfer Plan which includes receiving all Requests to Use and Donate Sick Leave forms, posting notices of employees' sick leave needs, adjusting sick leave balances and tracking the leave usage.

This operating procedure supersedes CFOP 60-40, Chapter 4, dated March 7, 2014.

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g. The HRSC Leave Management Unit shall prescribe all forms to be used in the Department's Sick Leave Transfer Plan, to include the Request to Use Donated Sick Leave Hours (form CF 782, available in DCF Forms); and the Request to Donate Sick Leave Hours (form CF 783, available in DCF Forms); and the Return of Unused Sick Leave Hours (page 2 of Form CF 783), each of which is incorporated herein by reference.

h. Transferred sick leave shall have no terminal cash value.

i. A request to use donated sick leave should include a determination on whether to designate any such leave granted as Family Medical Leave under the Family and Medical Leave Act (FMLA). The HRSC Leave Management Representative will determine the employee's eligibility for FMLA and designate as such.

4-5. Eligibility.

a. Donating Employee.

(1) In order to donate sick leave credits, an employee shall have a sick leave remaining balance of at least 80 hours after the sick leave credits are deducted from the employee's account.

(2) The minimum sick leave credits an employee may donate is 8 hours.

(3) For employees separating from the agency, donated sick leave credits must be donated and used prior to separation or in the pay period the employee is scheduled to separate.

b. Receiving Employee. To be eligible to receive and use transferred sick leave credits under the plan, an employee must meet each of the following conditions:

(1) The employee has suffered a documented personal illness, accident, injury, or pregnancy (not bonding), and requires, as certified by the treating physician, absence from the work place for a minimum of five consecutive workdays.

(2) The employee must be on an authorized leave of absence, i.e., FMLA or a leave of absence approved by the designated authority in the region or facility

(3) The employee must have used all of their personal leave balances, excluding the personal holiday.

(4) The employee is not eligible for workers' compensation disability leave.

(5) The employee is not receiving workers' compensation benefits.

(6) The employee has not used more than 1,040 hours of transferred sick leave credits within the preceding 12-months.

4-6. Procedure.

a. An employee's Request to Use Donated Sick Leave Hours (form CF 782, available in DCF Forms) shall be submitted and processed as follows:

(1) The employee must submit a completed Request to Use Donated Sick Leave Hours form (form CF 782, available in DCF Forms) that includes the treating physician's certification to the HRSC Leave Management Representative, through their immediate supervisor, **on or before the Wednesday prior to the close of the pay period.** The supervisor shall ensure that the requesting

employee has no unapproved timesheets and shall forward the request form, including the treating physician's certification, to the HRSC Leave Management Unit.

(2) The HRSC Leave Management Representative will verify whether the employee is eligible or ineligible to receive donated sick leave credits.

(3) The HRSC Leave Management Representative is responsible for notifying all employees within their respective Region or Mental Health Treatment Facility of the eligible employee's request to receive donated sick leave credits. Only one request per current illness will be distributed within the Region or Mental Health Treatment Facility. No additional requests will be made. Employees or supervisors may not solicit donations independently for themselves or others.

b. An employee's Request to Donate Sick Leave Hours shall be submitted and processed as follows:

(1) In order to donate sick leave, the donor must complete the Request to Donate Sick Leave Hours (form CF 783, available in DCF Forms) and submit it to the HRSC Leave Management Representative **on or before the Wednesday prior to the close of the pay period.**

(2) The HRSC Leave Management Representative shall ensure that the employee has no unapproved timesheets, verify whether the employee is eligible to donate sick leave credits and process the donation.

c. When transferring sick leave credits, the employee shall only be credited with the amount of donated sick leave which is required to meet the employee's contracted hours for the relevant pay period.

d. Transferred sick leave credits shall be used for absences associated with the documented personal illness, accident or injury beginning with the sixth consecutive missed workday or partial workday of absence **or** on the first day the employee has exhausted all leave credits, **whichever is later.**

e. Donated sick leave credits shall be credited to the receiving employee as follows:

(1) Donated sick leave can be used consecutively, intermittently or in increments of a quarter hour, as needed.

(2) Sick leave credits received by Wednesday prior to the end of the pay period will be credited to the employee's sick leave balance account for the current pay period. Donations received after the Wednesday deadline will be credited for the next pay period. Retroactive payments will not be made for requests received after the processing deadline or to cover any periods prior to receiving the Request to Use form. Sick Leave credits to be transferred to the employee shall be credited on the day prior to the end of the pay period.

(3) Requests to donate sick leave credits received from the employee's spouse, parents, grandparents, brothers, sisters, children or grandchildren will be processed first, in the order in which they are received. Sick leave donations from within the Department will be processed second, in the order in which they are received. Sick leave donations from outside the Department will be processed last, in the order received.

(4) Once a sick leave transfer is processed by the HRSC Leave Management Representative, the donor employee cannot cancel the donation.

(5) When the receiving employee has used 1,040 hours of donated sick leave credits within the preceding 12-month period, the HRSC Leave Management Representative will cease processing additional transfer requests, and notify the receiving employee that their eligibility to receive additional transferred leave credits has expired. All unused sick leave credits will be returned to the employees who donated them using the Return of Unused Sick Leave Hours (page 2 of form CF 783).

(6) Immediately upon recovery from the qualifying illness, accident or injury and/or the employee's return to full-time work, the immediate supervisor shall notify the HRSC Leave Management Unit. All unused sick leave credits will be returned to the donating employees whose hours have not been used.

(7) To provide sufficient time for processing and updating leave in the People First System, all donation forms must be received in the HRSC Leave Management Unit by the Wednesday prior to the end of the pay period in which the leave is to be used. Forms received after this time cannot be processed until the end of the next pay period. Leave donations cannot be applied retroactively.

f. A copy of the processed Request to Use Donated Sick Leave Hours and Request to Donate Sick Leave Hours shall be electronically inputted into the receiving employee's official medical file by the HRSC Leave Management Representative.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

SHELBY JEFFERSON
Acting Human Resources Director

SUMMARY OF REVISED, DELETED OR ADDED MATERIAL

The revisions to this operating procedure include, but are not limited to, the following changes:

1. Adds new paragraph 4-5 a. (3).
2. Adds "pregnancy (not bonding)" to paragraph 4-5 b. (1).
3. Deletes paragraph 4-5 b. (7).
4. Deletes "by 5:00 P.M." and adds "on or before" in paragraph 4-6.
5. Adds new third sentence on no retroactivity in paragraph 4-6 e. (2).