Voluntary Vacation Donation Policy

Brief

<table>
<thead>
<tr>
<th>Title:</th>
<th>Voluntary Vacation Donation Policy</th>
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<tbody>
<tr>
<td>Publication date:</td>
<td>4/2/2015</td>
</tr>
<tr>
<td>Effective date:</td>
<td>2/10/2010</td>
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**BRIEF**

**Policy Summary**

This policy enables Berkeley Lab employees to donate vacation time on an hour-for-hour basis, regardless of differing pay scales, to another employee:

- Who has exhausted sick and vacation leave due to a catastrophic illness or injury affecting the employee or an eligible person, as defined below, or
- Who has experienced a catastrophic casualty loss, or
- Who has a catastrophic bereavement loss, and
- Is on an approved Family and Medical Leave, Personal, or Bereavement leave of absence

Participation is entirely voluntary and applies only to the donation of vacation credit. Once given, the vacation-credit donation is irrevocable. Donations are anonymous unless the donor chooses to self-identify.

**Who Should Read This Policy**

Career, Term, and Postdoctoral Fellow employees are eligible to participate in this policy. Represented employees should consult their collective bargaining agreement.

All other employees are ineligible to participate in this policy.

**To Read the Full Policy, Go To:**

POLICY tab on this wiki page

**Contact Information**

For more information, contact your division's Human Resources Center.

Feedback on HR policies or procedures is welcomed. Send comments to hrpolicies@lbl.gov.

**Policy**

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**POLICY**

**A. Purpose**

This policy enables employees to donate vacation time on an hour-for-hour basis, regardless of differing pay scales, to another employee who:

- Has exhausted sick and vacation leave due to a catastrophic illness or injury affecting the employee or an eligible person, as defined below; or
- Has experienced a catastrophic casualty loss; or
- Has a catastrophic bereavement loss; and
- Is on an approved family and medical leave, personal, or bereavement leave of absence.

Participation is entirely voluntary and applies only to the donation of vacation credit. Once given, the vacation-credit donation is irrevocable.
Donations are anonymous unless the donor chooses to self-identify.

This policy is not subject to the complaint resolution procedure policy. See the Employee Complaint Resolution policy.

B. Persons Affected

Career, Term, and Postdoctoral Fellow employees are eligible to participate in this policy. Represented employees should consult their collective bargaining agreement.

All other employees are ineligible to participate in this policy.

C. Exceptions

Request for exceptions that exceed what is allowed under current policy or that are not expressly addressed by current policy are considered exceptions to policy. A request for an exception to policy requires, at minimum, approval by the Chief Human Resources and Diversity Officer (CHRO). Depending on the circumstances, some exceptions may require University of California Office of the President (UCOP) and/or Department of Energy (DOE) approval.

D. Policy Statement

1. Provisions of Leave
   a. Applicable Situations
      i. The receiving employee's absence from work must be due to:
         1. The employee's own catastrophic illness or injury or
         2. The catastrophic illness or injury of the employee's spouse, domestic partner, parent, child, sibling, grandparent, or grandchild (or in-law or step-relative in one of these relationships) or
         3. The catastrophic illness or injury of any other person residing in the employee's household for whom there is a personal obligation or
         4. The employee's need to manage his or her personal affairs due to a catastrophic casualty loss or
         5. The employee's need for bereavement leave due to a catastrophic bereavement loss
      ii. The catastrophic illness or injury must be verified. In addition, verification of a family member or other eligible person will be required in accordance with University and Laboratory policy.
   b. Receiving-Employee Conditions. The receiving employee must:
      i. Be in good standing (Employees in good standing are not currently on a performance improvement plan [PIP] counseling memo, or corrective or disciplinary action. See the Corrective Action and Discipline policy. Exceptions may be approved by the CHRO.)
      ii. Be in a position that accrues vacation leave
      iii. Have exhausted all sick and vacation leave, even when doing so results in exceeding the 30-day limit imposed on the use of sick leave for family illness
      iv. Not currently be eligible for workers' compensation benefits and disability benefits (when applicable)
      v. Be on an approved leave of absence
   c. Donating-Employee Conditions. A donating employee must:
      i. Be in a position that accrues vacation leave and
      ii. Have sufficient vacation leave to cover the donation (Leave may not be donated prior to its accrual.)
   d. Donation. The donating employee may donate any available amount of vacation credit but is encouraged not to deplete his/her own vacation accrual below 40 hours.
   e. Minimum Donation. The minimum donation of vacation leave under this policy is eight hours. Donations above this amount must be made in four-hour increments.
   f. Maximum Credit. A receiving-employee will not be credited with vacation credits that exceed the number of hours needed to ensure continuance of the employee's regular salary during the period of the approved catastrophic leave.
   g. Misuse of Leave
      i. Misrepresenting reasons for requesting time off, or misrepresenting reasons in applying for a leave of absence, may result in disciplinary action, including suspension without pay and/or termination from employment.
      ii. An employee on a leave of absence may not utilize leave on an intermittent basis for purposes of eligibility for holiday pay and employer-paid contributions towards benefits.
      iii. Individuals on approved leaves of absence for which a medical certification is required may jeopardize their right to leave and/or their continued employment by engaging in activities that are incompatible with the medical certification submitted in support of the leave.

2. Tax Consequences. The employee receiving the donation will be responsible for any applicable taxes on the earnings. An employee who donates leave to other employees may be subject to tax liability. Donating employees should check with their tax advisors prior to making any donations.

3. Program Details. Additional information regarding the Laboratory's Catastrophic (Voluntary Vacation) Leave Donation Program is available at the Berkeley Lab Human Resources Web page.

E. Roles and Responsibilities

Managers, supervisors, and employees have the responsibility to adhere to the provisions of this policy.
F. Definitions/Acronyms

<table>
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<th>Term</th>
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<tr>
<td>Catastrophic illness or injury</td>
<td>A serious life-threatening illness, injury, impairment, or physical or mental condition that: 1. Is expected to incapacitate the employee or the employee's family member 2. Causes a loss of income due to the employee having exhausted all paid leave accruals 3. Creates absence(s) that are not currently eligible to receive payment of temporary disability benefits from either workers' compensation or the employee-paid Supplemental Disability Insurance benefits (Employees may receive payment from the employer-paid Short-Term Disability Insurance.) 4. Is projected to cause a minimum of 30 days' absence in a calendar year, and involves: a. A period of illness or injury or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility or b. A period of illness or injury requiring absence of more than seven calendar days from work, and that also involves continuing treatment by (or under the supervision of) a licensed health care provider or c. A period of illness or injury (or treatment) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.) or d. A period of illness or injury that is long-term due to a condition for which treatment may be ineffective (e.g., stroke, terminal disease) or e. An absence to receive multiple treatments (including any period of recovery from the treatments) either for restorative surgery after an accident or other injury, or for a chronic condition (e.g., cancer or kidney disease)</td>
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<td>Catastrophic casualty loss</td>
<td>A serious financial loss is suffered by an employee due to a terrorist attack, fire, or other natural disaster, including severe damage or destruction of the employee's primary residence, regardless of whether it has been declared a major disaster or emergency by the President of the United States.</td>
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<td>Catastrophic bereavement loss</td>
<td>The employee has exhausted his or her sick and vacation leave but has not exhausted his or her bereavement leave entitlement. See the Bereavement Leave policy.</td>
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G. Recordkeeping Requirements

None

H. Implementing Documents

None

I. Contact Information

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J. Revision History

<table>
<thead>
<tr>
<th>Date</th>
<th>Revision</th>
<th>By whom</th>
<th>Revision Description</th>
<th>Section(s) affected</th>
<th>Change Type</th>
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<tr>
<td>1/2/2012</td>
<td>0</td>
<td>M. Bello</td>
<td>Rowrite for wiki (brief)</td>
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<td>Minor</td>
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<tr>
<td>4/2/2015</td>
<td>1</td>
<td>L. Westphal</td>
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Document Information

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Policy Area: Leaves of Absence

RPM Section (home) Human Resources

RPM Section (cross-reference) none

Functional Division Human Resources

Prior reference information (optional) RPM Section 2.26

Source Requirements Documents

- University of California Personnel Policies for Staff Members (PPSM) 2.21, Absence from Work

Implementing Documents

None