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**GLENN A. GRANT, J.A.D.**  
Acting Administrative Director of the Courts

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**To:** Hon. Ariel A. Rodriguez  
Assignment Judges  
Hon. Patrick DeAlmeida  
Central Office Directors and Assistant Directors  
Clerks of Court  
Trial Court Administrators  
Directors of Dedicated Funds  
Counsel to the Administrative Director

**From:** Glenn A. Grant, J.A.D. 

**Subject:** Revised Judiciary Donated Leave Program Policy

**Date:** August 8, 2012

Attached is the revised Donated Leave Program Policy reflecting changes due to the implementation of eCATS throughout the Judiciary. This policy supersedes the policy issued on July 7, 2010 and is effective immediately.

The eCATS system permits employees to make leave donations directly through their own benefit detail screen in eCATS to other Judiciary employees who are eligible to receive donated leave, without submitting a paper request through local Human Resource offices. Judiciary employees are also able to make donations to and receive donations from employees in other state agencies who use the eCATS system for their time and leave reporting. For state employees whose agencies are not on eCATS, leave donations from Judiciary employees may still be made by submitting a donor application to an employee's local human resources office for processing. The updated policy also outlines how intermittent donated leave may be used when employees return from leaves of absence during which donated leave was used; eCATS requires employees to exhaust all of their annual leave allotment before utilizing any remaining donated time.

The revised policy will be posted on the InfoNet, and will be distributed to employees in a broadcast message. The revised Donated Leave Recipient Application and Non-electronic Donor Application will be placed in the forms section of the InfoNet.

# JUDICIARY OF THE STATE OF NEW JERSEY DONATED LEAVE PROGRAM

## 1. PURPOSE

The Donated Leave Program permits eligible Judiciary employees to voluntarily donate vacation and sick leave days to co-workers and other New Jersey State employees who have exhausted their own leave. Both the recipient and donor of donated leave time must meet eligibility requirements in order to participate. The Donated Leave Program will be administered to ensure the intent is met without interfering with any employee's privacy rights as otherwise protected by Federal or State laws, rules or regulations.

## 2. ELIGIBILITY REQUIREMENTS

### A. FOR DONATED LEAVE RECIPIENTS

To be eligible to participate in the program, the recipient must:

1. Suffer from a catastrophic health condition or injury;\* or  
Be needed to care for an immediate family member\*\* suffering from a catastrophic health condition or injury; or  
Require absence from work due to the donation of an organ (which shall include,  
for example, the donation of bone marrow).

*\*Definitions: For the employee, a catastrophic health condition or injury is defined as either: (1) a life threatening condition or a life threatening combination of conditions, or (2) a period of disability required by the employee's mental or physical health, or the health of the employee's fetus, which requires the care of a physician or other licensed healthcare practitioner who provides medical verification of the need for the employee's absence from work for 60 or more work days.*

*For an immediate family member, a catastrophic health condition or injury is defined as either (1) a life threatening condition or a life threatening combination of conditions, or (2) a period of disability required by his or her mental or physical health, which requires the care of a physician or other licensed healthcare practitioner who provides medical verification of the need for the family member's care by the employee for 60 or more work days.*

*\*\* The Administrative Code defines immediate family member as: an employee's spouse, domestic partner, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household.*

2. Have completed at least one year of continuous State service.
3. Have exhausted all accrued sick, vacation, and administrative leave, compensatory time off, and any sick leave injury (SLI) benefits, if applicable.
4. Not have been disciplined for chronic or excessive absenteeism or lateness, or abuse of leave, in the preceding two-year period.
5. Provide acceptable medical documentation from a physician or other licensed healthcare provider indicating the nature, severity and anticipated duration of the condition or injury.
6. Complete and sign a recipient application. This application includes statements attesting that the recipient has neither threatened nor coerced, nor solicited nor offered anything of value, for the purpose of obtaining a donation of paid leave.
7. The recipient may elect to allow notice of his/her eligibility to be posted or circulated. The Benefits Administrator who handles donated leave requests will enter the recipient's name in the eCATS leave donation screen to enable the recipient to receive donations from all Judiciary employees and State employees in other eCATS agencies, unless the recipient specifically notifies the Benefits Administrator that the leave donation should be restricted.
8. In the event the employee is unable to make an application for donated leave and give his/her consent, a family member or the employee's supervisor may do so on the employee's behalf.

After acceptance into the program, the recipient:

1. Must receive at least five donated sick or vacation days or a combination thereof before any time will be credited.
2. Is limited to a maximum of 260 donated leave days.
3. May not have any days credited on a retroactive basis for past pay periods.
4. Will continue to accrue sick and vacation leave while participating in the program.
5. May not collect Temporary Disability Insurance (TDI) benefits while using donated leave.

## **B. FOR DONORS**

To participate in the donated leave program, a donor:

1. Enters the leave donation directly through his or her own benefit detail screen in eCATS. Leave donations made in eCATS are anonymous. If a

donor wishes to have his or her name released to the recipient if requested, the donor should contact the Benefits Administrator in the local Human Resources office and notify the administrator accordingly.

2. May donate sick leave only if he/she will have at least 20 days of accrued sick leave remaining after the donation.
3. May donate vacation leave only if he/she will have at least 12 days of accrued vacation leave remaining after the donation.
4. May donate time only in whole day increments.
5. May not donate more than 30 days to any one recipient.
6. May not revoke any leave donation.

### **3. PROCEDURES**

#### **A. FOR DONATED LEAVE RECIPIENTS**

1. An employee wishing to receive donated leave must complete a Donated Leave Program Recipient Application, available from the local Human Resources office or on the Judiciary Infonet, and submit it along with all supporting medical documentation to the local Human Resources Manager.
2. The local Human Resources Manager will review applications and medical documentation to determine recipient eligibility. Decisions regarding eligibility will be made on a case-by-case basis. An employee applying for donated leave must also follow established procedures for providing sick leave notification and verification, and a request for leave of absence to the appointing authority.
3. It is also advisable for the employee to apply for the protections of FMLA/FLA at the same time he/she requests a leave of absence. Failure to do so could result in the forfeiture of family leave because eligibility requirements are based on the calculation of hours worked, which does not include paid leave time such as sick, vacation, administrative leave, or any leave that is donated.
4. The local Human Resources Manager will advise an employee in writing if he/she is determined to be eligible or ineligible for participation in the program. The notification will include the reason for ineligibility.
5. Local Human Resources staff will review the employee's current leave and payroll status and will determine if the individual is currently receiving Temporary Disability Insurance (TDI) benefits, and if so, the need to be terminated from TDI.
6. Upon approval of eligibility, the local Human Resources staff will enter the recipient information in eCATS and prepare a notice announcing the recipient's eligibility. This notice will be distributed for posting throughout the Judiciary.

7. When an eligible recipient employee receives the minimum number of donated days (five days), the local Human Resources office will advise the employee; eCATS will reflect the donations received on the recipient's benefit detail screen.
8. The use of intermittent donated leave is permissible so long as other eligibility criteria are met. While on intermittent donated leave, an employee must exhaust his/her annual leave allotment before any donated time may be used. All employees who were on a leave of absence using donated leave and subsequently returned to work must be returned from the leave of absence in eCATS. eCATS will not permit the use of intermittent donated time while an employee has his or her own leave time available.
9. Upon the recipient's retirement, no supplemental compensation on retirement (SCOR) payment will be given for any sick days received through the leave donation program.
10. An incident is considered closed when the recipient is medically cleared to return to work on a full-time basis without restrictions, or when the individual reaches the lifetime maximum of 260 donated days, or when the approved leave of absence has expired and no additional leave is approved. Any remaining unused donated leave will be removed from the recipient's leave balances and be equally prorated back to all approved donors in full day increments. Should the prorated days amount to less than full day increments, the remaining leave will not be restored to any donor nor remain credited to the recipient; the donated leave time will be forfeited.

## **B. FOR DONORS**

1. In eCATS, an employee may make a donation directly to an eligible Judiciary employee, or to any employee on the statewide eligibility list of employees in eCATS. Donations to State employees in agencies that are not in eCATS will require a hard copy donation application to be submitted and processed through the local Human Resources office.
2. If a non-electronic donation application is submitted, local Human Resources staff will review the donor's leave balances to ensure he/she has sufficient leave time to make a donation and will make any adjustments to the donor's leave balances. For donations submitted through eCATS, this function will be performed automatically.
3. Once a donation has been submitted through eCATS, the donor's benefit detail screen will reflect the pending donation, and that time will no longer be available for the donor's use.

4. When the recipient returns to work without restrictions or otherwise terminates the use of donated leave, any remaining donated leave must be equally prorated back to all approved donors in full day increments. Should the prorated days amount to less than full day increments, the remaining leave will not be restored to any donor, nor remain credited to the recipient; the donated leave time will be forfeited.
5. If prorated return of time is necessary, a donor who has retired or separated from State service is entitled to his/her share of the returned days. Payment will be issued to the retired or separated donor for any returned vacation days. For separated employees, sick leave days will be credited to the donor's sick leave balance, which is maintained for use should the donor ever return to State service. For retirees, the returned sick leave days will be included in a recalculation of the supplemental compensation on retirement (SCOR) payment. Any additional SCOR payment due the donor resulting from this recalculation will be paid to the donor up to the total maximum SCOR payment allowed (currently \$15,000). If the retired donor had previously received the maximum SCOR payment, no additional amount is due the donor for the returned sick leave days.

Please direct any questions to Stephanie Zepka, Chief of Payroll and Benefits at 609-984-0079 or via email.

G.A.G.

Attachment

C: Chief Justice Stuart Rabner  
Hon. Carmen Messano  
Steven D. Bonville, Chief of Staff  
Gurpreet M. Singh, Special Assistant  
HR Division Managers