



Cochise County Judicial System

Policy Title: Leave Donation and Usage

Policy Number: 4009

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The Cochise County Judicial System (CCJS) allows employees to donate Personal Leave (also referred to as Personal Time Off or PTO) to a Leave Bank for fellow employees with serious medical conditions, or who must care for a child, spouse or parent with serious medical conditions.

I. Eligibility

- A. Eligible employees may apply to the Judicial Human Resources Director to draw from the Leave Bank if all the following criteria are met:
 - 1. The employee currently occupies a classified or unclassified benefits-eligible position, for a period of at least six (6) months immediately preceding the application to use leave from the Leave Bank.
 - 2. The employee or immediate family member (child, spouse or parent) must have a "serious health condition" as defined under the Family Medical Leave Act of 1993.
 - 3. The employee shall use all accrued leave of any kind (Sick, PTO, and Compensatory Time) prior to using leave from the Leave Bank.

II. Criteria/Requirements

The following criteria must be met for employees to be deemed eligible to use leave donations under this policy. Eligibility does not guarantee acceptance or approval of leave donation. Eligible applicants must provide the following on or with the application:

- A. Medical documentation of a serious, incapacitating illness as defined under the Family and Medical Leave Act of 1993.
- B. Recommendation from the Department Director regarding the employee receiving hours from the Leave Bank.

III. Application Process

- A. The Judicial Human Resources Director shall review each application and make a recommendation to the Superior Court Presiding Judge, based upon the employee meeting the eligibility criteria. A decision to grant use of leave from the Leave Bank shall

be solely within the discretion of the Superior Court Presiding Judge and shall be based upon:

1. The employee meeting the eligibility criteria;
 2. The needs of the department at the time of consideration of the application;
 3. The potential public benefit reasonably expected to result from the employee's eventual return to work;
 4. Available leave donations in the Leave Bank.
- B. The Judicial Human Resources Director and/or the Superior Court Presiding Judge may request additional documentation from the employee or Department Director to recommend and/or approve use of leave from the Leave Bank.
- C. Use of leave from the Leave Bank shall be a privilege, and no employee shall be entitled to draw leave from the Leave Bank. The decision of the Superior Court Presiding Judge shall be final.
- D. Leave bank request applications will be processed in the order in which they are received by the Judicial Human Resources Director.
- E. Leave donations are for assisting employees who have:
1. A serious, incapacitating illness (as defined under the Family and Medical Leave Act of 1993); or
 2. A child, spouse or parent with a serious, incapacitating illness (as defined under the Family and Medical Leave Act of 1993).

In situations of foreseen absences, it is expected that the employee will plan ahead by accruing PTO and Sick Leave balances.

Leave from the Leave Bank cannot be used simply because the employee is out of accrued leave, nor can it be used for maternity leave, or care of a newborn infant unless the employee on maternity leave has a serious, incapacitating illness or must care for a newborn child with a serious incapacitating illness. Employees on maternity leave may use donations for time off the job beyond the 6th week post-partum or longer if certified by a physician as having a serious health condition (as defined under the Family and Medical Leave Act of 1993).

IV. Conditions and Limitations

- A. Any use of leave from the Leave Bank is subject to the following conditions:
1. Employees using donated leave from the Leave Bank will accrue leave while using donated hours.
 2. Upon request at any time, the employee shall provide documentation of current medical condition/status to the Judicial Human Resources Director or Superior Court Presiding Judge and shall submit to an independent examination by a qualified examiner if requested to do so, if the leave is for the employee's own medical condition. Use of leave donations will be stopped if the employee does not submit any requested documentation to the Judicial Human Resources or Superior Court Presiding Judge in the time requested.

- B. Use of leave from the Leave Bank shall cease upon:
1. The employee receiving any disability-related payments from any Arizona State Retirement System, short-term disability, long term disability or social security disability benefits (excluding Worker's Compensation benefits);
 2. The employee is no longer meeting the eligibility criteria of this policy.
 3. The employee having been medically released to return to work; or
 4. The employee deciding not to return to work or seeking, applying for or accepting other employment;
 5. The employee shall promptly advise the Department Director and/or Judicial Human Resources Director, in writing, if any of the above circumstances occur.
 6. If the employee fails to comply with the conditions listed above, the employee shall be liable to the County for leave used from the Leave Bank from the point in time they became ineligible under the conditions listed above through the present time.
- F. Use of leave from the Leave Bank will be limited to no more than 480 hours per employee in any continuous 12-month period, subject to availability.
- G. Leave will be deducted for all approved requests until all leave donations attributed to the Leave Bank are exhausted. If more than one request is approved for the use of leave and the bank is nearing depletion, the remaining leave in the Leave Bank will be distributed pro-rata to all eligible employees approved to receive leave donations at the time.
- H. No employee shall have any entitlement or vested right to use leave from the Leave Bank, and the Superior Court Presiding Judge may modify or abolish the Leave donation and usage bank at any time if deemed in the best interest of CCJS.
- I. Any employee with at least six (6) months of service may donate accrued PTO at any time during the year by filing a Leave Bank Donation form with the Judicial Human Resources Director. Leave donations will be added to the bank based on the donating employee's hourly wage and will be distributed based on the hourly wage of the employee receiving the leave donation.
- J. Neither the employee receiving the Leave donation, nor the CCJS are under any obligation to repay the donation hours except as listed in B.4 above.
- K. The Leave Bank will carry a maximum balance of 1,000 hours at any time. The Leave Bank balance shall be carried forward into the following calendar year.
- L. Information regarding the medical condition of an employee or his/her family member must remain confidential and protected in accordance with the Health Insurance Portability and Accountability Act (HIPAA). This includes discussing the information with only those who have a legitimate need to know and maintaining medical information in a locked file separate from the employee's personnel file.