



DEPARTMENT OF ADMINISTRATIVE SERVICES
INTERNAL POLICIES AND PROCEDURES

230 Leave Bank

Effective: September 3, 2003
Revised: May 1, 2018

References: [Utah Administrative Code Rule R477-7](#) (see specifically Section R477-7-4, and R477-7-19)

Purpose:

This policy provides guidance for establishment of a leave bank as provided for in DHRM Rules. This policy authorizes and defines the limitations for use of a leave bank intended to provide additional leave hours for eligible employees who suffer a catastrophic event and do not have sufficient leave to remain in a paid status during their absence from work.

Definitions:

For the purpose of this policy, the following definitions are established:

1. "DAS" means the Utah Department of Administrative Services;
2. "Division" means the organizational units of DAS identified in [Utah Code §63A-1-109](#);
3. "Director" means a division director, and includes the coordinator established by [Utah Code §63G-3-401](#);
4. "Employee" means a person who is employed on a full or part-time basis by DAS;
5. "UPM" means the Utah Performance Management system provided by the Department of Human Resource Management and utilized by DAS;
6. "Catastrophic" means an illness, physical condition, or accident resulting in a life threatening or incapacitating condition for which extensive medical treatment or prolonged absence from work is necessary.

Policy:

1. When a DAS employee or a dependent of a DAS employee has suffered a catastrophic illness or condition and the DAS employee's leave benefits have been exhausted, the employee may apply for donation of leave from the DAS Leave Bank.
2. Only an employee currently receiving leave benefits may apply to receive leave bank hours. Leave bank hours are intended for accidents or conditions incurred by the employee, but the Executive Director or Designee may grant leave bank hours to employees who have dependents who suffer catastrophic illnesses or conditions on a case-by-case basis. Circumstances must involve either the employee or a dependent as defined by the IRS to qualify for leave bank hours.



3. Access to a leave bank is not an employee right and will be authorized at management discretion after considering the multiple factors including the following:
 - a. History of leave use and whether the employee responsibly allowed for the accrual of leave time for emergency situations or a history can be seen of using leave time before it can accrue;
 - b. Documentation of catastrophic circumstances;
 - c. Previous applications for leave bank hours;
 - d. Active disciplinary action;
 - e. Duration of employment
 - f. Anticipation duration of illness or condition;
 - g. Condition meets the definition of catastrophic.
4. An employee requesting a leave bank must apply for leave under the Family and Medical Leave Act before Human Resources can determine if the employee is eligible to receive donated leave. Time used from a leave bank counts towards FMLA usage.
 - a. If an employee is not eligible for FMLA, they must provide comparable medical certification before Human Resources can determine if an employee is eligible to receive donated leave.
5. An employee applying for leave bank hours must agree to release a sufficient amount of medical information to management, which consists of the division director and EDO executive management who will be reviewing the request.
6. Before leave bank hours may be used, the employee must exhaust all available leave including annual, sick, converted sick, excess, and compensatory leave. Tier One sick leave does not have to be used.
7. Employee use of the leave bank is not a long-term solution. No more than 480 hours of donated leave in a given year, with a maximum of 40 leave bank hours per pay period, may be utilized by a full-time employee per illness or condition. A benefitted employee who works less than full time is eligible for pro-rated leave hours in accordance with their normal hours worked.
8. Donated leave time cannot be utilized at the same time as Workers Compensation or long-term disability.
9. State law requires that employees forfeit all accrued annual leave that is in excess of 320 hours at the end of each calendar year. All annual leave that would be forfeited by department employees will be subject to voluntary transfer to the DAS general leave bank. All excess annual leave will be transferred to the general leave bank after the final payroll for pay period 26 has been processed. To ensure that all leave transfers are voluntary, the department's assigned Human Resource Specialist shall annually send an e-mail to DAS employees explaining the policy and giving them the opportunity to decline the transfer of their excess annual leave to the DAS general leave bank.
10. The form F230A, *Request for Leave Bank*, is completed by the employee seeking leave bank hours. If possible, application should be made prior to the employee exhausting the



employee's leave benefits. The Human Resource Specialist shall review the request and medical documentation and make a recommendation for approval or denial and then forward the form, to the Division Director for review.

11. Upon approval of the Division Director, the Human Resource Specialist will forward the application and associated documentation, along with a recommendation to the Executive Director, for final consideration.
12. The Executive Director, or the Executive Director's designee, is the approving authority for this program and decides the level of donation, if any, that can be made to an employee.
13. An employee who is on any form of paid leave granted through a leave bank may not engage in outside employment without approval from the Executive Director or the Executive Director's designee.
14. For purposes of this policy, employees of agencies or entities for which DAS provides oversight by law or are included in the scope of the DAS budget are considered DAS employees.