

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

FILED

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VERLYNN J. HANSELL  
SUPERIOR COURT CLERK

IN THE MATTER OF: )  
 )  
ADOPTION OF JUDICIAL MERIT SYSTEM )  
RULE 413 - LEAVE DONATION PROGRAM )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
2000-43

WHEREAS on May 4, 1998, by Administrative Order No. 98-23, the Mohave County Superior Court adopted the Judicial Employee Merit System Rules for all Superior Court divisions, including the Court Administrator's Office, Adult and Juvenile Probation, Juvenile Detention, Clerk of the Superior Court's Office, and Conciliation Court;

WHEREAS on May 12, 1998, following the adoption of the Judicial Merit System Rules, Mohave County adopted Administrative Procedure #P98-001 establishing an employee leave donation policy for Mohave County employees;

WHEREAS Judicial Merit System employees have not been able to participate in Mohave County's Administrative Procedure #P98-001 titled 'Employee Leave Donation Policy';

WHEREAS it has always been the desire of the Mohave County Court System to provide the same level of benefits to judicial employees as those provided to Mohave County employees;

WHEREAS the Mohave County Superior Court believes it to be in the best interest of judicial employees to adopt a new Merit Rule defining the procedures through which judicial employees may donate leave to and receive donated leave from each other;

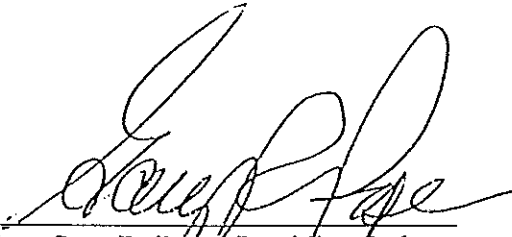
WHEREAS Judicial Merit System Rule 102(P), enables the Presiding Judge to revise the Judicial Merit System Rules upon written order;

THEREFORE IT IS NOW ORDERED, new Judicial Merit System Rule 413 be adopted to implement a Leave Donation Program (attached as Exhibit A) effective this date to define the procedures through which judicial employees may donate and/or receive donated leave from other judicial employees.

IT IS FURTHER ORDERED, that Judicial Merit Rule 413 be applied retroactive to enable the processing of any requests to donate and/or receive donated leave submitted previously by judicial employees to the Mohave County Department of Human Resources.

**IT IS FURTHER ORDERED**, that Superior Court staff continue discussions with Mohave County in an effort to explore the possibility of implementing an integrated leave donation program through which judicial and County employees can donate leave to and from each other and one that enables access by judicial employees to the County-wide donated leave bank.

DATED this 27<sup>th</sup> day of September, 2000.

  
\_\_\_\_\_  
Hon. Gary R. Pope, Presiding Judge  
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County

ARTICLE 4.  
RULE 413.

BENEFIT AND LEAVE PROGRAMS  
LEAVE DONATION PROGRAM

EFFECTIVE DATE: 09/\_\_/00  
REVISED DATE:

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- A. **GENERAL:** The Court recognizes the existence of circumstances under which illnesses or injuries, unexpected family medical emergencies, and other unforeseen emergencies may occur that cause employees to exhaust all available leave balances. It is the desire of the Court to provide eligible employees with the opportunity to recuperate from extended illnesses/injuries without undue financial hardship.

As a result, the Court Leave Donation Program is hereby established to define the procedures through which employees may donate and/or receive donated leave from other Court employees. The leave donation program is based upon compassion and generosity and is meant to promote a spirit of cohesiveness and mutual support among Court employees.

This leave donation program is being established as a six (6) month pilot program during which time the programs effectiveness and success in meeting the needs of the Court and it's employees will be evaluated.

- B. **ELIGIBILITY:** An employee may receive leave donated from another employee as defined below if an unexpected family medical or other unforeseen emergency exists, or if the employee suffers from an illness, injury, or impairment which has caused, or will cause, the employee to go on leave without pay. Employees must follow the proper procedures for obtaining an approved leave of absence before making application to receive donated leave.
1. Subject to the following requirements, a recipient employee may request to receive donated leave in a calendar year;
    - a. The recipient and donor employees' positions (classified and unclassified) must be benefits eligible;
    - b. The recipient employee must have completed a minimum of twelve (12) months of continuous service in a benefits eligible position;
    - c. The recipient must have abided by the Judicial Merit System Rules concerning the use of PTO and/or EIB leave and leave of absence;
    - d. An employee must have exhausted his/her PTO and EIB leave and compensatory time before receiving leave donations;
    - e. An employee must have been absent for a minimum of three (3) consecutive business days before being eligible to receive donated leave;
    - f. The recipient employee of the donated leave must:
      - 1) be in an approved unpaid leave status, or

- 2) have applied for, and is awaiting, a determination regarding the approval of Short-term Disability (STD) or workers' compensation benefits, or
  - 3) be actively receiving income replacement through Short-term Disability (STD), in which case donated leave may be used to supplement STD benefits, or
  - 4) be actively receiving income replacement through workers' compensation, in which case donated leave at a reduced 50% basis may be used to supplement workers' compensation benefits;
- g. The recipient employee must not be receiving long-term disability benefits through the Arizona State Retirement System or other retirement system; and
- h. A leave of absence in excess of six (6) months, including the use of PTO and EIB leave and compensatory time, will not be permitted while donated leave is being used by a recipient employee.
2. Subject to the following requirements, within a calendar year a donating employee may:
- a. donate no less than four (4) hours of PTO leave. Donations shall not reduce the donor's PTO balance to less than eighty (80) hours, and/or
  - b. donate no less than four (4) hours of EIB leave, unless the employee's remaining EIB balance is less than four (4) hours.

**C. DEFINITIONS:**

*Donor* means an employee who is eligible to donate leave to another employee and does so in writing in accordance with the provisions of this administrative procedure.

*Employee* means an employee who is in a benefits eligible position and eligible to accrue and use leave.

*Immediate Family Member* means spouse, mother, father, child, stepchild, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparents and/or grandparents of an employee or an employee's spouse.

*Recipient* means an employee who is eligible to receive donation of leave.

**D. ADMINISTRATION OF LEAVE DONATED FROM ONE EMPLOYEE TO ANOTHER:**

**1. Administration of donated leave:**

- a. The process through which Court employees may donate leave from one to another shall be administered through the Superior Court Personnel Office in accordance with the provisions of Section D(2) below. The Superior Court Personnel Office shall review all participating employees' individual PTO and EIB leave balances and shall maintain accurate and reliable records relative to employee-to-employee donation of leave.

**2. Procedures for donation of leave between Court employees:**

- a. The employee wishing to receive donated PTO/EIB leave shall send the Court Employee Request for Donated Leave Form to their Division Head requesting such donation; accompanied by supporting documentation (i.e. certification from a licensed medical provider).
- b. The Division Head will review the request and if approved, forward the form to the Superior Court Personnel Manager.
- c. The Superior Court Personnel Manager, or assigned designate, will verify that the requesting employee is eligible to receive donated leave and that supporting documentation is provided. The form will then be forwarded to the Presiding Judge, or assigned designate, for approval. Upon receipt by the Superior Court Personnel Office of the approval by the Presiding Judge, or his/her assigned designate, the form will be forwarded to the Payroll Division of the Financial Services Department for processing. A copy of the approved request form will be maintained in the employee's master personnel file.
- d. Following approval by the Presiding Judge, or assigned designate, an informational notice regarding the employee's need for leave may be circulated electronically or posted on bulletin boards by the Superior Court Personnel Office. Informational notices are limited to identifying the employee with the need for leave provided such employee has provided authorization for the release of their name through completion of the Court Employee Request for Donation of Leave Form. The notice shall refer prospective donors to the Superior Court Personnel Office. There shall be no suggestion or pressure on employees to donate leave as donating leave is strictly voluntary.
- e. Through completion of a Court Employee Donation of Leave Form and submittal to Superior Court Personnel Office, a Court employee may donate:

- 1) PTO hours so long as the donating employee's available PTO leave balance is depleted to no less than eighty (80) PTO hours and each donation is no less than four (4) hours.
  - 2) EIB hours so long as each donation is no less than four (4) hours, unless the employee's remaining EIB balance is less than four (4) hours.
- f. Once the need for leave has been approved, a Court employee who then receives a partial medical release to return to work may continue to receive donated leave until the employee receives a full-medical release from a licensed medical provider.
  - g. The Payroll Division of the Financial Services Office maintains documents and posts donated leave to the Court employee's payroll record. The Payroll Division will assure that all PTO/EIB leave will be used on a proportional basis and will return any unused PTO/EIB leave on a proportional basis. The Payroll Division will also maintain an adequate audit trail.
  - h. The dollar value of PTO/EIB leave donated will be adjusted proportionately in relation to the salary of the Court employee donating leave at the date of donation. The date of donation is the date the donor completed the Court Employee Request To Donate Leave Form. For example, a pay range 30 donor donates four hours PTO leave at \$11.66 per hour to a pay range 25 recipient at \$10.11 per hour at 4.61 hours available ( $\$11.66 \times 4 = \$46.64$  divided by  $\$10.11 = 4.61$ ).
  - i. All unused leave donated to the recipient is returned to the donors in the order received, on a pro-rata basis, if the recipient separates from Court service, recovers prior to using all leave donated or the need for leave is otherwise abated. For example, a pay range 30 donor donates eight hours of PTO leave at \$11.66 per hour to a pay range 25 recipient at \$10.11 per hour.  
  
This will allow 9.23 hours for the range 25 ( $8 \text{ hours} \times \$11.66 = \$93.28$  divided by  $\$10.11 = 9.23$ ). If only four hours are used ( $\$11.66 \times 4 = \$46.64$ ), the dollar amount is subtracted from the amount donated ( $\$93.28 - \$46.64$ ) resulting in the return of \$46.64. This allows restoration of 4 hours to the donor ( $\$46.64$  divided by  $\$11.66$ ).
  - j. In case of multiple donations, leave donations will be implemented in order of receipt of donation. Each donation must be depleted before subsequent donations are added.

E. GENERAL PROVISIONS:

1. The granting of donated leave shall be a privilege, and no employee shall be entitled to receive donated leave from the another employee.
2. Employees receiving donated leave in conjunction with a workers' compensation injury or illness are eligible to receive donated leave at the reduced rate of 50%.
3. Employees may not donate leave hours which have been donated to them to another employee nor are donated leave hours eligible for payout at separation.
4. Employees donating PTO and/or EIB hours are giving up all rights to that leave time/pay and recognize the receiving employee has no obligation to pay it back.
5. There shall be no retroactive application of donated leave to previous payperiods, except as may be approved by the Presiding Judge.
6. No employee shall be coerced, threatened, intimidated or financially induced into donating leave.
7. The receiving employee shall begin to receive the leave time donated the next working day following exhaustion of their own leave time; the payment of which will reflect on the employee's next regular payroll check.
8. Employees who receive donated leave hours do not accrue PTO leave during the period of time they are using voluntarily donated leave time.
9. Employees who receive donated leave hours are eligible for holiday benefit in accordance with the Judicial Employee Merit System Rules during the work week in which donated hours are applied.
10. Donated leave will not be used in any manner which generates paid hours in excess of the normal work week.
11. Donated leave will only be allowed to the extent that will ensure payment for a full-forty (40) hour work week.
12. Employees who are using donated leave may not perform work for any other employer during the time they are receiving donated leave.

13. Employees requesting to receive donated leave shall submit completed request forms to the Superior Court Personnel Office no later than 5:00 P.M. on the Wednesday of the second week of the payperiod.
14. Exceptions to this administrative procedure require written approval from the Presiding Judge.

**F. DISCONTINUATION OF LEAVE DONATION:**

1. The Presiding Judge may at any time discontinue the procedure through which Court employees may donate or receive donated leave.