

GENERAL ORDERS
CHAPTER 204
COMPENSATION, BENEFITS AND WORKING CONDITIONS

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LEAVE SHARING PROGRAM
G.O. 204.3

I. PURPOSE

To establish a Leave Sharing Program for Maui Police Department employees. The program allows employees to donate their accumulated vacation leave credit to another employee who has a serious personal illness or injury.

II. DEFINITIONS

COMPETENT MEDICAL EXAMINER: A doctor of medicine, a dentist, or an osteopath.

EMPLOYEE: Any regular or limited term employee, or an employee in an exempt position, who is entitled to accrue and use vacation leave, and who has been employed for at least six continuous months with the Maui Police Department. Individuals employed on a personal service contract basis are not eligible for this program.

SERIOUS PERSONAL ILLNESS OR INJURY: An acute, traumatic, or life threatening illness, injury or impairment, such as cancer, heart attack, or disabling accident which:

1. May be a physical or mental condition;
2. Is certified by a competent medical examiner as being totally incapacitating and the cause of the employee's inability to work for at least thirty consecutive calendar days;
3. Is not covered under Chapter 386, Worker's Compensation Law.

III. COVERAGE

This applies only to regular, full-time employees of the Maui Police Department.

IV. GENERAL PROVISIONS

- A. An employee must use all forms of paid leave (sick leave, vacation leave, temporary disability insurance benefits, etc.) which are available for his or her use before using any shared leave.

- B. An employee's application to become a leave recipient shall be denied if the employee has a disciplinary record of sick leave abuse within the two years preceding the application.
- C. A leave recipient can receive no more than a combined cumulative total of 240 days of shared leave credits while employed by the Maui Police Department. However, the Chief of Police may allow for the transfer of up to 120 additional days if the Chief of Police determines that circumstances exist that warrant special consideration.
- D. If a leave recipient's appointment ends on a specified date, the leave shall not extend beyond that date.
- E. The shared leave may only be taken during the days and times employee would normally have worked.
- F. The Leave Donation shall be limited to 1-day increments up to a maximum of 5 work vacation days (40 hour) per donation. Multiple donations may be made in 1-day increments. No fractional donation will be allowed.
- G. Leave will be recognized and charge on a first-in, first-out basis.
- H. Leave Donation accepted are irrevocable.

V. PROCEDURES

- A. Application to become a Leave Recipient
 - 1. An employee covered by this policy who has a serious personal illness or injury and has exhausted or is about to exhaust all paid leaves available to him or her, may make written application to the Chief of Police to become a leave recipient by completing the Leave Sharing Program Request Form (MPD Form 229). If such an employee is not capable of making application on his or her own behalf, the employee's representative (another employee) may make written application on the employee's behalf.
 - a. The application shall be made on MPD form 229 and shall include the following information concerning each potential leave recipient:
 - (1) The name and position title of the potential leave recipient;
 - (2) A brief description of the nature, severity, and anticipated duration of the serious personal illness or injury affecting the potential leave recipient; and
 - (3) Any additional information that may be required by the Chief of

Police, including medical documentation.

2. In the event that a leave recipient is found to be entitled to benefits under Chapter 386, HRS, and after shared leave has been granted, all approved shared leave credits shall be rescinded and may be restored to the donors in accordance with procedures in this directive.
- B. Approval of application to become a leave recipient
1. The respective Commander shall review each form prior to submittal to ensure that it is properly completed.
 2. Leave Donation forms shall be submitted via channels to the Administrative Services Section and to the attention of the Business Administrator.
 3. The Business Administrator shall review an application to become a leave recipient. The Business Administrator must first determine if the applicant is an employee as defined under this policy. Then the Business Administrator must determine if the granting of shared leave would impose an undue hardship on the Department's operations. If so, the application shall be denied. In addition, the Business Administrator shall determine if the employee's illness or injury meets the definition of serious personal injury or illness provided in the directive.
 4. Before approving an application to become a leave recipient, the Business Administrator shall verify that the absence from duty due to the serious personal illness or injury has been (or is expected to be) at least 30 consecutive calendar days within the past 12 months. An employee may be out for 30 consecutive calendar days, have sufficient leave to cover that period, and later deplete his or her leave and then become eligible for shared leave, provided the employee meets all other eligibility requirements established by this policy.
 5. The Business Administrator shall review the employee's leave record to determine if the employee has a disciplinary record of sick leave abuse within the past two years.
 6. If the application is approved by the Chief of Police, the Business Administrator shall notify the leave recipient (or another employee who made application of behalf of the leave recipient), within 30 calendar days after the date the application was received that:
 - a. The application has been approved; and
 - b. Other Maui Police Department employees may request the transfer of vacation leave to the account of the leave recipient.
 7. The Chief of Police shall approve or disapprove applications to receive donated

leave. The Chief of Police shall notify Maui Police Department employees that they may donate to the leave recipient.

8. If the application is not approved, the Business Administrator shall notify the applicant (or another employee who made application on behalf of the potential leave recipient), within 30 calendar days after the date the application was received that:
 - a. The application has not been approved; and
 - b. The reasons for its disapproval.

C. Transfer of Vacation Leave

An employee may submit a voluntary written request on a Leave Donation Form (MPD form 230) to the Chief of Police to transfer a specified number of his or her vacation leave days to a specified leave recipients.

1. Employees must have at least 10 days (80 hours) of vacation remaining in their accounts after the donations is made.
2. Employees whose leave is subject to forfeiture or who will be separating from service may donate their leave account to a specific leave recipient. The time frame within which such donations must be submitted is December 1 or 30 calendar days before separation.

D. Administrative Services

1. Upon receipt of a leave donation form, Administrative Service shall date stamp the form and screen it to determine if the employee is an eligible donor and if the employee has a sufficient accrued leave to donate. If the donations are submitted simultaneously, they will be processed alphabetically. The number of leave days available to the employee shall be entered on the donation form.
2. If the donation is approved by the Chief of Police, the original form will be retained by the Business Administrator and a copy transmitted to the following:
 - a. Donor
 - b. Payroll Clerk
 - c. Finance Department – Payroll Section
3. The donated leave is not deducted from the employee's leave balance until used. The Payroll Clerk shall record leave requests to ensure that donors do not use the committed leave and to ensure that they maintain a sufficient leave balance to

donate the leave.

4. The Payroll Clerk shall prepare an Application for Leave Form for each donated leave actually charged and transmit the form with the payroll timesheet of the leave recipient. A copy of this Application for Leave Form will be transmitted to each donor when leave is charged.
 5. The Payroll Clerk shall determine the number of necessary leave forms to cover the pay period and identify the specific pay period the donated leave is to be applied to. The Payroll Clerk shall maintain a file on each approved leave donor with records of each payroll transaction.
 6. The Business Administrator shall receive all notices of approved leave recipients and receive all leave donation forms of shared leave and the Business Administrator shall maintain a file on each approved leave recipient.
 7. The Business Administrator shall, on a regular basis, transmit to the Deputy Director of Finance an accounting of the leave sharing program.
 8. Where the serious illness or injury terminates before all of the donated leave is used, the Business Administrator shall advise the donor and return all unused leave donation forms to the donors. The Department shall notify the donor that the leave was not used by the recipient and is now available to the donor to use or donate to another employee. Leave shall only be returned to donors employed by the Maui Police Department on the date the personal illness or injury terminates.
 9. By December 1, the Business Administrator may notify any donor whose vacation leave balance (after donating the leave) was 70 days or more. The donated leave is not subject to the end of year forfeiture, and therefore, remains available for the recipient's use even if the donor has to forfeit some of his or her leave.
 10. Prior to December 1, an employee may donate leave, which may be subject to forfeiture. The donor may choose to have the leave transferred to the leave bank for the recipient. The employee must notify the Business Administrator by December 1 to have his or her donated leave transferred to the leave bank.
 11. Where donated leave must be restored (due to retroactive actions as the granting of a disability retirement), the Business Administrator shall provide payroll with a listing of donors and the number of days donated.
- E. Department of Finance-Payroll Section
1. The Payroll Section shall verify and confirm the number of days a leave recipient needs for each pay period.
 2. Upon receipt of the leave donation forms from Administrative Services, Payroll

shall make the necessary adjustments to the donor's leave record.

3. Where donated leave must be restored, upon receipt of the listing from Administrative Services, Payroll shall restore the leaves to donors on the date of restoration.

F. Leave Donated to a Leave Account

1. Where an employee is donating leave to avoid forfeiting it at the end of the year, or the employee is donating leave and the employee will be separating from service, the employee shall check the box at the bottom of the form and initial the appropriate line on the form.
2. When Administrative Services receives a form with the box at the bottom checked, it shall determine if the employee is eligible to donate. If so, a copy of the form with acknowledgement is sent to the donor. The forms must be received by the Business Administrator by December 1 for leave subject to forfeiture or at least 30 calendar days prior to the separation for employees separating from service.
3. Upon receipt of such a form, Administrative Service shall record the number of days donated in an account for the leave recipient. Administrative Services shall send the original leave sharing form to Payroll at least 10 calendar days prior to the employee's separation from service, or as needed for leave subject to forfeiture.
4. Upon receipt of such a form, Payroll shall immediately make the proper adjustments to the leave record of employees who are separating from service.
5. Leave in the leave account shall be used before any other donated leave, regardless of the date such leave was donated. If any leave remains in the account at the time the personal emergency terminate, it shall be forfeited.

VI. TERMINATION OF SHARED LEAVE

A. The shared leave shall terminate when:

1. The leave recipient's employment is terminated by the Chief of Police;
2. The serious personal illness or injury has terminated, by a date determined by the Chief of Police;
3. The Chief of Police receives notice that an application for a disability retirement for the leave recipient has been approved – in which case the shared leave shall terminate on the effective date of the retirement.; or

4. Upon the leave recipient's separation from service for any reason.
- B. The leave recipient's supervisor shall continuously monitor the employee's medical situation to ensure that the leave recipient continues to be affected by the serious personal illness or injury.
- C. When the serious personal illness or injury affecting a leave recipient terminates, no further requests for transfer of vacation leave to the leave recipient for the current injury or illness may be granted, and any unused donated vacation leave remaining to the credit of the leave recipient may be restored to the leave donors under Section VII of this part. (The leave recipient cannot cash out any unused shared leave).

VII. RESTORATION OF DONATED VACATION LEAVE

Except for leave donated to an employee's leave account, any donated vacation leave not used by a leave recipient when the serious personal illness or injury terminates shall, to the extent administratively feasible (as determine by the Chief of Police), be returned to the donors. The Chief of Police shall establish procedures for returning the leave. Provided, however, that any leave remaining in the employee's leave account (excess) shall not be returned – nor it be cashed out – it shall be forfeited.

VIII. APPEALS PROCEDURE

- A. Any employee or the employee's authorized representative, whose application for shared leave is denied, in whole or in part, may appeal for a review of the decision by submitting, within 10 working days after receiving a written notice of the denial or a notice of termination of shared leave benefits, by submitting a written request to the Chief of Police.

The written request shall include the following information:

1. A request to review the application for shared leave and the specific reason for the reconsideration of the application;
 2. The facts in support of the reconsideration; and
 3. The remedy, which the employee is seeking.
- B. If requested by the employee or deemed necessary, the Chief of Police shall schedule a meeting with the employee, or the employee's representative, within 15 working days after receipt of the employee's request for review, to present any materials, additional facts, documents, or other evidence to the Business Administrator who shall make a full and fair review of each application.
 - C. On the basis of the review the Chief of Police shall issue a written notice of the decision on the appeal to the employee within 20 working days from the date of the request for

review. Or, if an Appeal meeting is held, within 20 working days after the meeting. This decision may be deferred pending receipt of additional documentation.

IX. PROHIBITIONS

- A. An employee shall not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, any other employee for the purpose of interfering with the right of an employee to donate, not to donate, to receive, or to use vacation leave under this policy. The terms – “intimidate, threaten or coerce” includes promising to confer or conferring any benefit (such as an appointment or promotion or compensation) or effecting or threatening to effect, any reprisal (such as deprivation of appointment, promotion, or compensation).
- B. The leave donor must not have solicited nor accepted anything of value in exchange for the donation.


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