



# Ohio Legislative Service Commission

## Bill Analysis

Wendy H. Gridley

### **S.B. 274**

128th General Assembly  
(As Introduced)

**Sens.** R. Miller, D. Miller, Smith, Strahorn

---

## **BILL SUMMARY**

- Authorizes a county employee to donate accrued forms of leave to another county employee who is in critical need of the leave to be used as sick leave.

---

## **CONTENT AND OPERATION**

### **Leave donation program**

Current law provides that a county, at the discretion of the appropriate legislative authority,<sup>1</sup> may implement a leave donation program similar to the state employee leave donation program for all county agencies or for one or more designated agencies within the county. The state employee leave donation program generally allows state employees to donate accrued but unused paid leave to another employee who is paid directly by warrant of the Director of Budget and Management, who has no accrued but unused paid leave, and who has a critical need for the leave because of circumstances such as a serious illness. (R.C. 124.391.)

The bill removes the authorization for counties to implement a leave donation program from the law pertaining to the Department of Administrative Services and instead creates in the county law such a leave donation authorization for county employees. The bill authorizes a county employee (the "donor") to donate accrued sick, vacation, compensatory, or personal leave or a combination thereof to another county employee within the same county (the "donee"). The donor and donee must be employed by the same county but need not be employed by the same appointing authority. The donee must be in critical need of the leave; a donee is eligible for a

---

<sup>1</sup> The legislative authority for a county is the board of county commissioners.

donation of leave only if the donee or a member of donee's immediate family<sup>2</sup> has a serious illness or injury, the donee has exhausted all sick, vacation, compensatory, or personal leave the donee had accrued, the donee is not eligible for any other paid leave under the circumstances, and the donee has applied for any workers' compensation or other insurance or disability benefit for which the donee may be eligible.

A donation of leave is in the sole discretion of a county employee. An appointing authority may not solicit or by any means coerce a donation from an employee, but a county appointing authority, after obtaining written consent from a potential donee, may inform county employees generally of the potential donee's critical need for donations of sick, vacation, compensatory, or personal leave.

A donation must consist of at least eight hours of accrued leave, and must be deducted from the balance of the donor's accrued sick, vacation, compensatory, or personal leave, as the case may be. A donation may be made for only one pay period at a time. A donation will be void if the intended donee is ineligible to receive a donation of leave, if the donation exceeds the amount of leave the donor is entitled to use during the pay period, or if the deduction results in the donor having a combined balance of sick, vacation, compensatory, or personal leave that equals less than 80 hours.

### **Certification requirements for making a donation**

To make a donation of leave, the donor must certify to the donor's appointing authority all of the following: (1) the name of the donee, (2) the donee's appointing authority, (3) the type of leave to be donated, (4) the hours of leave to be donated, (5) that the donor is donating the leave voluntarily, (6) that the donor understands that the leave will be deducted from the donor's accrued balance of sick, vacation, compensatory, or personal leave, and (7) that the donor will have a combined balance of accrued sick, vacation, compensatory, or personal leave equal to at least 80 hours after the donation is deducted. A separate certification must be made for each pay period in which the donor intends to make a donation of leave.

### **Use of donated leave**

A donee may use the donated leave for any purpose for which sick leave may be used. A donee also may use donated leave to satisfy the waiting period for workers' compensation or another insurance or disability benefit. A donee may use donated leave to make up or help make up the difference between the amount the donee receives through workers' compensation or another insurance disability benefit and the

---

<sup>2</sup> A donee's immediate family consists of any relative or in-law or other individual with regard to the care of whom the donee may use sick leave.

amount the donee would have received if the donee had not exhausted the donee's leave. A donee may not convert donated leave into a cash benefit. And if a donee is in a probationary period, donated leave does not apply toward satisfaction of the probationary period.

### **Donated leave credited and treated as sick leave**

Donated leave must be deducted from the donor's accrued sick, vacation, compensatory, or personal leave and credited to the donee as sick leave. The donor's appointing authority and the donee's appointing authority must provide information to the county auditor as necessary to facilitate the deduction and crediting. Donated leave must be used in hourly increments at the rate that is the lesser of the rate at which the donor accrued the leave or the rate at which the donee would have accrued sick leave. Donated leave, regardless of its source, must be treated as if it were sick leave. A donee using donated leave is in active pay status and accrues leave and is entitled to other benefits the same as any other comparable employee in active pay status. Any leave accrued must be used before donated leave is used. And donated leave that is unused by the donee remains credited to the donee as if it were leave accrued by the donee in active pay status. (R.C. 325.192.)

### **Prevails over collective bargaining provisions**

The bill amends the Ohio Public Employee Collective Bargaining Act to establish that the provision of the county employee leave donation program prevails over conflicting provisions in a collective bargaining agreement. (R.C. 4117.10.)

---

## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	06-02-10

s0274-i-128.docx/kl

