

## **VACATION DONATION POLICY**

### **Revised July 1, 2018**

The Laboratory realizes that if an employee, their immediate family member, or a person living in their household has a serious medical condition, the employee may need to take a significant amount of time away from the Laboratory.

Although employees may use their sick leave and/or vacation time to provide income during this period, sometimes, such sick leave and vacation balances may be exhausted which can result in limited or no income for the employee.

To assist employees who find themselves in this position, the Laboratory has created a vacation donation policy where, in the case of a serious medical situation, a regular full time or part time benefits eligible employee (Donor) may donate accrued vacation to another regular full-time benefits eligible or part-time benefits eligible employee (Recipient) if certain criteria are met.

#### **Eligibility and Criteria**

If an employee, their immediate family member (spouse, parent, or child), or a person living in their household has a serious medical condition (not applicable to maternity leave unless there is a medical emergency) and that employee may be exhausting his/her available paid time off, the employee may request, in writing, from his/her supervisor that a vacation donation account be set up.

The supervisor will review the employee's sick leave, vacation and vacation buy balances and determine if such balances will be insufficient to provide income to the employee during the time the employee needs to be away from work. Supervisors have the right to deny a request for vacation donation based on several factors, including but not limited to an employee's performance, absence history, disciplinary actions, etc.

Alternately, if a supervisor determines that an employee may be exhausting their available paid time off, the supervisor may initiate a discussion with the employee regarding establishment of a vacation donation account. If the employee approves, the supervisor needs to obtain such approval from the employee in writing.

To be eligible to establish a Vacation Donation Account, the following criteria must be met:

- The Recipient must be employed by the Laboratory for 12 or more months prior to the request for Vacation Donation. The Vacation Donation program is available to members of the collective bargaining units.
- The Recipient must be exhausting all available paid time. An employee who is receiving New York State Disability benefits, New York State Paid Family Leave, Workers' Compensation or Long Term Disability benefits is not eligible to receive vacation donation at the same time, since alternate forms of income are available.
- The absence has to be prolonged and result in a substantial loss of income to the employee.

## **Process for Establishing a Vacation Donation Account**

After the employee requests, in writing, from his/her supervisor that a vacation donation account be set up and the supervisor has determined that the employee will be exhausting all available paid time off, the supervisor must complete a Vacation Donation Account Request form (available online at [www.bnl.gov/HR/Benefits](http://www.bnl.gov/HR/Benefits) or you can obtain one from the Benefits Office) and remit it to the Benefits Office, Bldg. 400B.

It is the supervisor's responsibility to advise the employee that the employee must provide a physician's statement to the Benefits Office, Bldg. 400B, documenting the medical condition and required period of absence by the employee (unless this information has already been provided through the FMLA process and approved for FMLA). If the person with the serious medical condition is someone other than the employee, such person's physician must provide the person's name, the medical diagnosis (to substantiate the serious medical condition), the date the condition began and the expected length of the condition. This documentation must be submitted along with the Vacation Donation Account Request form to the Benefits Office. If the physician is unable to determine the length of the condition at the time, the vacation donation account will be opened for a maximum of four weeks and will be reviewed thereafter based on additional medical documentation submitted to the Benefits Office.

### **Approval of Request**

The Benefits Office will review the request to determine whether the establishment of the Vacation Donation Account meets the established criteria. The Benefits Office will notify the supervisor of the approval or rejection of the request. It is the supervisor's responsibility to notify the employee of the approval or rejection in writing. If the request is approved by the Benefits Office, the supervisor will determine, through a discussion with the employee, the appropriate department(s)/division(s) to receive an announcement regarding the establishment of a Vacation Donation Account. The Benefits Office will provide the email template and the Vacation Donation Authorization form for the manager to use for such announcement.

### **Maximum Number of Hours for Vacation Donation**

No more than 500-hours of donated vacation can be received by the Recipient during a maximum 12-month rolling period for all incidents in that period.

For all vacation donation accounts approved by the Benefits Office on or after July 1, 2015, the maximum hours that can be received by a part-time benefits eligible employee are pro-rated based on the employee's work schedule. For example, the maximum hours a Recipient can receive who is working part-time at 50% is 250-hours.

### **Utilizing Donated Time**

- The Recipient can only use hours that are available in their Vacation Donation Account at the time of submission of the weekly or monthly time card. The code "VDN" is to be used by the Recipient to record the use of vacation donation time on his/her timecard.
- Donated vacation time can be used either on a continuous or an intermittent basis.

- The Recipient may not record Vacation Donation time on his/her timecard once the medical emergency ends.
- Recipient has choice to use donated vacation hours or to use their vacation or sick accruals that could occur during the 12-month rolling period. Recipients continue to accrue vacation and sick leave accruals while using donated vacation hours.
- If the Account is set up for the employee due to his/her own serious medical condition, Vacation Donation usage will be limited to the period of time prior to when the person would first be eligible for benefits under BNL's Long Term Disability(LTD) Plan. Vacation donations are not allowed beyond the date an employee would become eligible for LTD benefits.

### **Donation Information (Donors)**

- Donors must complete the Vacation Donation Authorization form (also, available online at [www.bnl.gov/HR/Benefits](http://www.bnl.gov/HR/Benefits)) or you can obtain one from the Benefits Office) to donate a portion of their accrued vacation to the Recipient.
- The minimum number of hours of vacation time that can be donated is 4 hours. Employees may donate up to 50% of their accrued vacation balance as of the date of the donation. The maximum hours that can be donated will be prorated for part-time employees who are benefits eligible (example: 50% FTE = 250-hour maximum donation).
- Employees may make an initial donation and then may donate again to the same employee at a later date.
- Payroll confirms receipt and approval or rejection of vacation donation with the Donor. Rejection can occur if the Donor has insufficient hours to donate based on the policy and/or if the maximum vacation donation level has already been reached. Once the vacation donation has been approved, such time is forfeited by the Donor.
- Employees may not donate their Vacation Buy time or Sick days.
- Employees on an approved Leave of Absence are eligible to donate vacation hours.
- Donors contribute vacation hours, not salary.
- The completed Vacation Donation Authorization form must be sent to Payroll (Bldg. 400D). Vacation Donation from a Donor that is approved by Payroll will immediately be transferred to the recipient's Vacation Donation Account.
- Vacation donations are not considered charitable contributions for income tax purposes.

## **Additional Information**

- The Vacation Donation Account balance will not be affected by BNL's vacation carryover cutoff date. The donated balance will carryover.
- Contributions are not made to the BSA Retirement Plan and the BSA 401(k) Plan on Vacation Donation time for the Recipient or the Donor.
- Any unused Donation Vacation time at the end of the maximum 12-month rolling period is forfeited by the Recipient.
- Donated Vacation time cannot be paid at termination of employment. Any Donated Vacation balance remaining at termination of employment will be forfeited.
- Recipient cannot receive compensation through BSA's Vacation Donation Policy and New York State Paid Family Leave at the same time.
- A Vacation Donation Request will not be approved if such Request occurs after being approved for and being compensated through New York State Paid Family Leave for the same serious health condition.
- Vacation Donation time cannot be used after being approved for and compensated by New York State Paid Family Leave for the same serious health condition.

Forms and additional information is also available on SBMS at:

[https://sbms.bnl.gov/sbmsearch/subjarea/54/54\\_pro3.cfm](https://sbms.bnl.gov/sbmsearch/subjarea/54/54_pro3.cfm)

If you have any questions regarding this policy, please contact the Benefits Office at x7516 or x2881.