

Effective January 8, 2018

Maternity Leave Donation (MLD) Program. When an expectant mother needs to be away from work due to a birth of a child she may request MLD. MLD shall be available only to employees who have exhausted their own earned sick leave, in conjunction with an approved Family Medical Leave (FML) under the Family Medical Leave Act and only with approval of the agency head and/or designee.

Eligibility of Recipient. Employees shall meet the following criteria before request(s) for donations can be made:

- Be the expectant mother of a newborn baby
- FML request has been approved by the agency
- Have exhausted all earned sick leave
- Have not offered anything of value in exchange for the donation

Requesting Maternity Leave Donations. Employees must submit a written request for MLD to the agency/facility Human Resources office. The request must include substantiating evidence as described in the Family Medical Leave Act. (For your convenience, request forms are available from your agency/facility Human Resources office or the DAS State Personnel website.) The Human Resources staff will be responsible to initiate the process to verify eligibility, seek agency head approval, request donations, apply the conversion formula to donations received, advise the employee of donations received and notify the appropriate payroll personnel of changes to receiving/donating employees' leave balances. Agency heads and/or their designee(s) must approve both the FML and MLD requests before solicitation for donations begin.

Contributing Maternity Leave Donations. Employees may contribute accrued vacation leave or earned compensatory time to benefit another State employee in the same agency who requests MLD. Vacation leave and earned compensatory time shall be donated in no less than 4 hour increments. The contributing employee must identify the specific amount of time donated and the name of the recipient of the donated time on the appropriate forms for that purpose. Vacation leave and compensatory time donated and transferred to another State employee pursuant to this provision shall be irrevocably credited to the recipient's MLD account.

Vacation leave and compensatory time transferred shall be converted to a dollar value and then converted to hours based on the recipient's hourly rate (e.g., the leave donor's salary is \$12.00 per hour and the recipient's salary is \$24.00 per hour, thus, in this case, twice the amount of hours is needed to achieve full conversion.) No more than an equivalent of 480 hours of MLD may be received by an employee during a twelve-month period. No more hours than required during the approved FML period should be received. (e.g., the employee has 2 weeks of paid sick leave accrued. After the 2 weeks of accrued sick leave is used, the employee can only request 4 weeks of donated leave to fill a 6 week FML request.) The agency shall transfer donated leave to the recipient's account from the donor's accruals in chronological order based on the date the form was received and on an as needed basis.

NOTE: If donations are being solicited near the end of a calendar year, it is important that donations be solicited and fully transferred to the recipient or returned to the donor/s (if more than requested) prior to December 31st. This will prevent any year-end vacation balancing issues. If

they are not finalized by that date there is the risk that a teammate will have leave time, time that was donated, forfeited due to end of year balancing. Then the donations would be pulled from their new, balanced bank, thus resulting in a double loss of leave time for the donating teammate (both the original amount of leave that has been forfeited and that taken for donations). Agencies should be proactive and pay close attention when donation situations could or will overlap with the turning of the calendar year so as to mitigate against this risk and structure the donation requests appropriately.

Eligibility of the Donor. Before donating vacation leave or earned compensatory time employees shall meet the following criteria:

- Only increments of four (4) hours may be donated.
- Have not solicited nor accepted anything of value in exchange for the donation.
- Have remaining to his/her credit at least 40 hours of accrued vacation leave. Earned compensatory time can be donated completely- leaving a zero balance.

Adoptive Mothers. Per Neb. Rev. Stat. § 48-234 adoptive mothers may be entitled to use the MLD program in certain situations. Adoptive mothers must meet the eligibility requirements as outlined above.

The provisions of this section are non-grievable.