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## **AUHR 6.07 (A) MILITARY LEAVE - VACATION DONATION PROGRAM**

### **Purpose**

The vacation donation program is intended to provide a means for employees to assist employees on military leave whose rate of pay while on active duty is less than what they earn in base wages as an Auditor's Office employee and who are no longer receiving any pay from the City. Donated vacation leave is used to bridge the difference between the employee's base rate of pay in their Auditor's Office position and the amount of pay the employee receives while on military leave. Recipients of donated vacation leave may not receive more compensation under this program than they would have earned had they not been on military leave.

Employees will be allowed to donate or receive accrued vacation hours in accordance with this rule.

### **Eligibility to Receive Donated Vacation Hours**

Limited to permanent Auditor's Office employees on leave, whether voluntarily or involuntarily ordered, to perform active military duty. This program does not apply to routine training or other similar activities of the National Guard or the military reserves.

### **Conditions for Receiving Leave Donations**

An employee going on military leave may receive donated vacation if the following information is provided:

1. Written documentation of the rate of pay the employee will receive for the anticipated duration of the military leave, including any differentials or special pay.
2. The date the employee is expected to be released from active duty. Donated vacation is not intended to be used to compensate the employee from the time they are released from active duty until they report back to work at the City.

### **Limits on Amount of Vacation Leave Donated**

The maximum donated vacation leave an employee on military leave may receive is the equivalent of the difference between what the employee earns in

their Auditor's Office job and what the employee earns while on military leave for up to six months of work (1,040 hours). In addition, no more than one-third of that amount (approximately eight weeks of work) may be donated at one time to an employee on leave. If the employee is still on military leave at the end of eight weeks, additional vacation hours, in one-third increments, may be donated up to the six-month maximum amount.

### **Eligibility to Donate**

An employee who is eligible to receive vacation leave is eligible to participate in the Vacation Donation Program as a recipient or donor but is bound by the requirements and provisions of this administrative rule.

### **Conditions for Making Leave Donations**

An employee may donate vacation hours to an employee on military leave under the following conditions:

1. Donations must be made in increments of whole hours.
2. Donors must sign a declaration that their donation is voluntary, is intended as a gift, and has been made without coercion, compensation or for other consideration.

Donations are irrevocable and may be made to an active duty employee in the Auditor's Office or in a City bureau.

### **Calculating Donated Vacation Hours**

The dollar value of the donated vacation hours will be calculated by multiplying the donor's hourly rate times the number of hours donated.

Example: If employee "D", who earns \$28.00 per hour, donates 50 hours of vacation leave to employee "M", the value of the donated hours is \$1,400.

### **Payment to Recipient**

The recipient will receive a lump sum payment, up to the value of the donated hours of vacation, as outlined above, that bridges the difference between the recipient's pay from the military, and the amount he or she would have been paid in base wages, had they been at work up to a maximum of eight weeks at any one time. The amount needed to bridge the employee's wages will be

calculated as a gross amount. The appropriate withholdings will then be deducted.

EXAMPLE: If the recipient earns \$29,172 over a six- month period as a City employee and earns \$10,402 from the military over a six-month period while on active duty, the difference between the two rates of pay is \$18,770. The recipient cannot receive more in total donated vacation hours than \$18,770. In addition, the recipient cannot receive a lump sum gross payment of more than approximately \$6,256 at any one time.

### **Notification of Eligibility to Receive Donations**

The Auditor's Office may, at the recipient employee's request, post notification Citywide that the recipient employee is eligible to receive voluntary donations of accrued vacation hours.

Employees are prohibited from threatening or coercing other employees concerning any aspect of this rule, including but not limited to, pressuring another employee to donate time or refuse to accept donated time.

### **Procedure for Requesting Donated Vacation Hours**

1. Employee completes [Request to Receive Donated Vacation Leave For Military Leave](#) form and submits to Management Services.
2. Management Services reviews form and prepares a memo of approval from the City Auditor.
3. Management Services submits form and approval memo to the Bureau of Human Resources.
4. Human Resources e-mails the forms for posting to Management Services.
5. Management Services posts forms and handles administration of deducting donated leave hours from the donor, calculating the value of those hours and providing payroll with the necessary information to issue a warrant to the recipient employee.

This process may be repeated if the employee remains on military leave up to the six-month maximum accrual.

## Administration

The City Auditor is authorized to establish necessary procedures to implement and monitor the program in the Auditor's Office and may modify as necessary the procedures it has established.

This program is not subject to the grievance and arbitration section of any collective bargaining agreement nor is it subject to any appeal procedure provided for under the Auditor's Office Human Resources rules or the City Charter. The City Auditor retains the right to modify change or discontinue this program at any time.

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## Human Resources Rule Information and History

Questions about this administrative rule m may be directed to the [Management Services Division](#) of the Auditor's Office.

Adopted by the City Auditor December 11, 2017.

Adapted from City of Portland Human Resources Administrative Rule 6.07 (A) Military Leave – Vacation Donation Program.

Adopted by Council November 5, 2003, Ordinance No. 178019.

Last revised October 19, 2010.