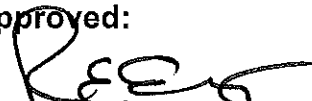




# OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

## Human Resources Division

<b>Title:</b>	<b>Military Donated Leave</b>	<b>HR_460_09</b>
<b>Supersedes:</b>	HR_460_09, dated April 16, 2007	
<b>Applicability:</b>	Executive and management service employees, classified represented employees	
<b>Reference:</b>	State Policy 60.020.05, ORS 240.015; 240.145(3); 240.250; 240.551; 399.230; 408.240	
<b>Effective Date:</b>	November 1, 2010	<b>Approved:</b> 

### I. PURPOSE

In support of state employees called to active duty, the Department of Fish and Wildlife implements the state of Oregon donated leave program administered by the Department of Administrative Services to supplement military salary of eligible employees.

### II. DEFINITIONS

See State HR Policy 10.000.01 Definitions, OAR 105-010-0000 Definitions

- A. Authorized Representative: A person who receives power of attorney from an eligible state employee to handle employment issues on his or her behalf.
- B. Average Overtime: Any hours attributable to overtime hours for all employees in the classification and representation code during a calendar year.
- C. Total State Compensation: The total of an employee's base salary, differentials and average overtime.
- D. Total Gross Active Military Compensation: The total compensation including allowances, differentials, and entitlements.

### III. POLICY

- A. Military Donated Leave Program (MDLP) Administration
  - 1. The department director administers this military donated leave program for ODFW.
  - 2. MDLP provides financial assistance to eligible active military duty employees who apply for the assistance. State employees may donate accrued vacation and compensatory time to fund the program.

3. This policy does not guarantee disbursements to anyone who applies for MDLP. MDLP funds may vary from month to month as donations fluctuate.
4. Eligibility: To be eligible, an employee must meet all of the following criteria:
  - a. The employee must hold regular status (i.e., the employee must have completed initial trial service).
  - b. The employee must hold active military duty status, whether voluntarily or involuntarily. An employee who is engaged in annual training is not eligible for the MDLP. Similarly, an employee is not eligible if he or she is on active duty that discharges the annual training obligation.
  - c. The employee must be in leave without pay during active military duty status. Note: Employee may choose to use accrued leave before electing military leave without pay status. Refer to ODFW Policy HR\_460\_10 Military Leave
  - d. The employee's total state compensation must exceed the employee's total gross active military compensation.
5. Documentation Requirements: The employee, or his or her authorized representative, submits the required documents to the department's Human Resources office within three (3) months following the month in which reimbursement is being requested. The disbursement request must include all the following:
  - a. A copy of military orders; if application occurs within three (3) months after active military duty concludes, submit DD214/215.
  - b. A completed MDLP Disbursement Request. If an employee has designated an authorized representative, a copy of the Power of Attorney documentation authorizing the identified individual to act on the employee's behalf must accompany the application. Power of Attorney documentation must contain language that specifically grants permission to handle employment issues on behalf of the employee. Human Resources consults with Department of Justice, Labor and Employment Section for power of attorney confirmation.
  - c. Leave and Earnings Statement (LES) for each month of active duty reimbursement that the employee requests. Note: Military employees receive pay twice a month, on the first and fifteenth calendar day. The salary comparison for eligibility is based on a full month.
6. Eligible employees qualify for disbursements up to the difference between their total gross active military compensation and their total state compensation. DAS State Payroll reports disbursements under this policy as taxable income.
7. Disbursement requests with complete information are processed in the order received. Disbursements occur on the first of each month in accordance with the DAS State Payroll process timeline.

8. MDLP disbursements are made either through previously authorized direct payroll deposit or to the authorized representative as identified on the MDLP Disbursement Request Form with approved Power of Attorney documentation.
9. Employees may not receive disbursements for the time period from the last day of active duty to the date the employee reports to work, or when the employee terminates state employment.
10. The Human Resources office retains all MDLP Administration documentation referred to in this section for three (3) years from date of an employee's request. Payroll documentation processed is maintained in accordance with the payroll retention schedule.

B. Donations to the Military Donated Leave Program

1. All state employees may donate available accrued vacation leave or compensatory time, not sick leave, to the program.
2. Donations must be made in increments of whole hours.
3. Donors must complete and sign a Donation Authorization Form and submit the form to the department payroll office for processing.
4. The payroll office deducts donated leave from the donor's leave bank and deposits the value of the leave in the MDLP fund. To calculate the value of donated leave to the MDLP, multiply the donor's base hour rate or equivalent hourly rate of pay by the number of hours donated.
5. The payroll office retains all MDLP donation documentation in accordance with the payroll retention schedule.

C. Terms and Conditions

1. This policy prohibits retaliation, including but not limited to intimidation and coercion, against any employee who asks about, requests disbursement, donates leave or uses any provision of this policy. Retaliation is grounds for disciplinary action up to and including termination.
2. The state of Oregon retains the right to modify, change or discontinue this MDLP at its discretion.

### III. POLICY CLARIFICATION

Forms referenced in this policy and additional MDLP toolkit attachments may be accessed at the following link: [http://www.oregon.gov/DAS/HR/MDLP\\_Toolkit.shtml](http://www.oregon.gov/DAS/HR/MDLP_Toolkit.shtml).

