

**DATE:** August 1, 2014

**TO:** HR Directors & Designees

**FROM:** Ann O'Brien  
Assistant Commissioner, MMB

**SUBJECT:** 2014 Amendment to the Vacation Donation to Sick Leave Account (Minn. Stat.43A.1815)

During the 2014 legislative session, the Vacation Donation to Sick Leave Account was amended to allow a recipient (a state employee who has been approved for the program) who is providing care for a spouse or dependent child with a life-threatening ill to use up to 80 donation hours after their spouse or child's death for bereavement. The amendment becomes effective August 1, 2014.

Previous to the amended language, a recipient caring for their spouse or dependent child would no longer be eligible to use program donations after the death of their spouse or dependent child.

Minnesota Statute. 43A.1815, Section 1b. is amended to read:

**43A.1815 VACATION DONATION TO SICK LEAVE ACCOUNT.**

(b) The recipient employee must receive donations, as available, for a life-threatening condition of the employee or spouse or dependent child that prevents the employee from working. A recipient may use program donations retroactively to when all forms of paid leave are exhausted if the employee has sufficient donations to cover the period of retroactivity. A recipient who receives program donations under this section may use up to 80 hours of program donations after the death of a spouse or dependent child.

Minnesota Management & Budget will be updating the Vacation Donation Administrative Procedure 18B to address the amended language. Until that time, use the current A.P. 18B for the overall program eligibility/responsibilities and the guidelines below for applying the new language.

- The recipients use of the program donation hours must fall within the established program guidelines outlined in A.P. 18B.
- Recipients may not use more donated hours than program eligibility permits. (A full-time employee may use up to 1044 hours to care for spouse or child. Recipients who work less than full-time will be prorated based on their FTE.)

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- State agency staff is responsible for monitoring/tracking the program donation hours used for bereavement in SEMA4 (the recipient can not exceed 80 hours).

Scenario #1:

A full-time state employee has used 1000 donation hours to care for their spouse. The state employee's spouse dies. The state employee may only use 44 more donation hours because the maximum hours allotted number of donation hours is 1044.

Scenario #2:

A full-time state employee has used 500 donation hours to care for their spouse. The state employee's spouse dies. The state employee may use up to 80 more donation hours. After the state employee has used 80 donation hours for bereavement, the state employee is no longer eligible to be on the program and the remaining donation hours in their account will be moved to the general pool.

If you have questions about the information in this memo, contact [Nancy.Erickson@state.mn.us](mailto:Nancy.Erickson@state.mn.us) or [William.K.Ziegler@state.mn.us](mailto:William.K.Ziegler@state.mn.us). Link to the relevant session law <https://www.revisor.mn.gov/laws/?id=166&doctype=Chapter&year=2014&type=0>