**55:09:04:15.  Donation of leave for care of spouse, child, or parent -- Recipient requirements.** Pursuant to SDCL 3-6C-15, an employee may receive donated vested vacation leave if the following requirements are met:

 (1)  The employee is employed in a permanent position for at least one year and is eligible for the accumulation of leave under SDCL 3-6C-4 and 3-6C-7.

 (2)  The employee's spouse, child, or parent has been certified by a physician as:

 (a)  Terminally ill; or

 (b)  Suffering from life-threatening illness or injury;

 (3)  The employee has made a written request for and obtained the approval of the commissioner to receive donated vested leave; and

 (4)  The employee has exhausted all of the employee's leave benefits that the employee is entitled to use.

 Donated leave ceases when the donated vested vacation leave received plus any other leave taken by the employee pursuant to the Family and Medical Leave Act exceeds twelve weeks annually, when the spouse, child, or parent recovers from the terminal illness or life threatening illness or injury, or five days after the death of the spouse, child, or parent. The rate of payment of donated leave is the recipient's current base pay. Sick and vacation leave may not be accrued by a recipient employee on donated leave.

 For every one hour of vacation leave donated by an employee, the recipient employee receives one hour of vacation leave.

 **Source:** 39 SDR 99, effective December 3, 2012.

 **General Authority:** SDCL 3-6C-13, 3-6C-15, 3-6C-18.

 **Law Implemented:** SDCL 3-6C-13, 3-6C-15, 3-6C-18.