

February 5, 2001
OPINION 00-407

Mr. A. R. "Buddy" Hodgkins, Jr.
Assistant Executive Director
Louisiana Sheriffs' Association
1175 Nicholson Drive
Baton Rouge, LA 70802

107 SHERIFFS

Sheriff's office may implement a policy which allows coworkers to donate leave to another disabled employee who has exhausted his sick and vacation leave.

Dear Mr. Hodgkins:

You have asked this office to render our legal opinion concerning the following two issues:

- (1) Can a sheriff pay a deputy who was severely injured in a car accident while on duty after the deputy has used up his vacation and sick leave time?
- (2) Can the sheriff and other deputies donate portions of their vacation and sick leave time to the injured deputy and if so should they figure an hourly rate and pay that rate instead of his regular salary?

In response to your first question, our research reflects nothing in the law which would specifically address the continued employment of a disabled deputy sheriff who has exhausted all of his vacation and sick leave. However, this office addressed the issue in Attorney General Opinion 76-1768, stating:

"....even with no credits, [leave] as it were, considering the general authority of the sheriff and under circumstances that would justify the action...would permit the continuing payment of salary to a temporarily disabled full-time deputy for a 'reasonable' time."

Thus, the test appears to be one of reasonableness concerning the time period allowed for the continued employment of a disabled deputy.

In response to your second question, we find no authority which specifically addresses the legality of a sheriff's employee transferring his accrued vacation and/or sick leave to a disabled deputy sheriff who has exhausted his own accrued leave. However, with regard to teaching staff, this office determined in Attorney General Opinion 94-509 that leave is a personal benefit which may be transferred by a member of a teaching staff to a coworker if the rules of the

parish school board do not prohibit the donation. We think the same reasoning would be applicable to the sheriff's office, but such a policy must be implemented by the sheriff's office that allows for such a donation prior to the transfer. See attached Attorney General Opinions 96-481 and 94-530.

We hope the foregoing is helpful to you. Should you have further questions, please contact this office.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY: _____
KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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Date received:

Date released: February 5, 2001

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