



Donated Leave Policy

Policy No. C-06¹

The Scope of this policy includes the following individuals:²

- ✓ Employees (including Appointed Officials, Probationary Employees, Full-Time At-Will Employees, Civil Service Employees, Teamsters Employees, HPOA, HPSA, and IAFF Employees)

I. PURPOSE

To set forth the procedures for full-time employees to voluntarily donate a portion of their accrued paid leave to other full-time employees who have exhausted their own paid leave and cannot return to work.

II. POLICY APPLICATION

A. ELIGIBILITY

1. Recipient

A recipient is an employee who is suffering from a serious non-industrial related illness or injury or has an immediate family member suffering from a serious illness or injury that requires the recipient to be absent for a period exceeding one (1) uninterrupted work week. For the purposes of Donated Leave, immediate family member is defined as an employee's spouse, parents (but not parents-in-laws), and children under the age of 18. A recipient must also have exhausted all available paid leave, including compensatory time off, sick leave, paid-time-off, etc.

¹ This policy is not to be construed as a contract or an implied contract concerning any employment-related decision or term or condition of employment. The City reserves the right to revise, delete or add to any and all policies, procedures, work rules or benefits stated in this policy at its sole discretion. See Introduction, Administrative Policy No. A-01.

² The relevant definitions for the individuals identified in the Scope of this policy are defined in Introduction, Administrative Policy No. A-01.

An employee who has been suspended, demoted, placed on a PIP, and/or Return to Work Agreement for disciplinary reasons in the past twelve (12) months or has received a written disciplinary action for abuse of his/her sick or other available types of leave in the past twelve (12) months may not be eligible to receive leave donations, and the City Manager will have final decision-making authority in those cases. Further, an employee who is placed on leave because he/she is unable to perform his/her job duties due to non-medical related reasons (*i.e.*, temporary or permanent loss of a license or certification) is not eligible to receive leave donations.

2. Donor

A donor may donate Paid-Time-Off, Annual Leave when their leave balance exceeds the minimum applicable leave balances set forth below:

<u>WORK SCHEDULE</u>	<u>MINIMUM BALANCE AFTER DONATION</u>
38-hour employees	114 hours
40 hour employees	120 hours
56-hour employees	168 hours

Any employee who does not have a minimum of the leave hour balances described above may not be a donor.

B. PROCEDURES

Any regular employee may request to participate in this program by contacting the Human Resources Department to obtain the Recipient Verification Form. A supervisor may also initiate this process for a subordinate, but not without the consent of the proposed recipient. If the recipient is unable to consent by signing the Recipient Affidavit, the recipient’s family may consent by signing the Recipient Verification Form on his/her behalf.

The Human Resources Department will require the employee to provide appropriate documentation concerning the nature, severity, and anticipated duration of the medical condition involved. Decisions regarding eligibility will be made on a case-by-case basis. The City Manager will have final decision-making authority in all cases. Donated leave will not be retroactively applied to an employee’s absence.

By signing the Recipient Verification, the recipient verifies that he/she is suffering from a serious non-industrial related illness or injury or has an immediate family member suffering from a serious illness or injury that requires the recipient to be absent from work for a period exceeding one (1) uninterrupted work week. At any time, if the City learns that the recipient is being untruthful, then he/she will be subject to disciplinary action up to and including termination.

A recipient must not have solicited, induced, harassed, intimidated, threatened, or accepted anything of value in exchange for the leave donation. The above will include, but is not limited to, promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, compensation, or promotion). Such benefits and reprisals will also include those not affecting or related to the donor's employment. By signing the Recipient Verification, the recipient acknowledges that he/she has not solicited, induced, harassed, intimidated, threatened, or accepted anything of value in exchange for the leave donation. The donor must also sign a certification that he/she has not solicited or accepted anything of value for the donation of paid leave time. Any employee who engages in the above prohibited conduct will be subject to disciplinary action up to and including termination.

The Human Resources Department will provide to each department the names of the eligible recipients. By requesting participation in the program, the recipient authorizes his/her name to appear on the list of eligible recipients. The Human Resources Department will not disclose any medical information regarding the reason for the recipient's eligibility for donated leave without the recipient's express written permission.

A donor's available leave balance will be reduced by the number of hours which are donated. Only whole hours, not fractions, may be donated. Once the annual leave has been donated, it may not be revoked by the donor. Records will be maintained by the Human Resources Department showing donor's name, employee number, and number and type of hours donated. By completing the Leave Donor Transfer Form, the donor agrees to transfer annual leave to the recipient's personal sick leave or annual leave balance and acknowledges that the transfer will not reduce current annual leave balance below the required minimum accrued hours indicated in Section II, A (2).

The recipient's appropriate leave account will be credited with the donated time. The leave will be credited to the recipient's sick leave account or paid-time-off account. Donated leave may only be used for an approved purpose and may not be used for vacations.

A recipient may receive hours from more than one donor but may not receive more than a total of three (3) months leave for any one incident (i.e., 38-hour employees-494 hours; 40-hour employees-520 hours; 56-hour employees-728 hours).

If the reason for the recipient's leave ends or is resolved prior to the exhaustion of the donated leave, any unused donated leave will be returned to the donor(s) on a prorated basis. If a recipient is voluntarily or involuntarily separated from employment prior to the exhaustion of donated leave, any unused donated leave will be returned to the donor(s) on a prorated basis.

A recipient will continue to accrue his/her leave times while using donated leave. If the accrued leave is unused when the recipient returns to work, all such accrued time will be retained by the recipient and credited to the recipient's leave account. If the reason for the recipient's leave ends prior to the exhaustion of the donated leave but the recipient does not return to work, all compensatory leaves accrued and unused during the recipient's absence will be compensated to the recipient pursuant to the City's Leave and Holiday Policy and/or applicable collective bargaining agreements.

Relevant Form(s):

[Donated Leave Program Recipient Affidavit Form](#)

[Donated Leave – Leave Donor Transfer – DocuSign Form](#)