

## PERSONNEL ADMINISTRATIVE POLICY

### Catastrophic Leave Donation Program

#### POLICY:

The City of San Bruno shall provide a voluntary Catastrophic Leave program which allows for employees to donate personal leave time to other City employees who have exhausted their available leave balances due to a prolonged non-industrial catastrophic illness or injury.

#### PURPOSE:

To establish a policy and procedure for administration of a voluntary Catastrophic Leave program for employees of the City of San Bruno. The purpose of such Catastrophic Leave is to extend paid leave time status for qualified employees who are incapacitated and unable to work due to a *prolonged non-industrial catastrophic illness or injury*. Catastrophic Leave is not designed to provide coverage for those illnesses or injuries that would normally be covered by an individual employee's sick leave accruals.

The policy and procedures detailed herein shall be applicable to all employees of the City of San Bruno who are eligible for paid leave.

A qualified employee is eligible to request and receive catastrophic leave donations from other City employees if the employee has a catastrophic medical condition which will require the employee to be absent from work for an estimated duration of at least thirty [30] consecutive days. An employee shall be eligible to receive leave donations provided they have exhausted all of their accrued sick leave, vacation, holiday and compensatory time off and management leave time.

#### PROCEDURE:

A qualified employee shall be eligible to participate in the City of San Bruno Catastrophic Leave Program in accordance with the following provisions:

1. An employee who is exempt or whose bargaining unit Memorandum of Understanding (MOU) provides for such donation or receipt, may donate usable vacation, holiday, compensating time off or management leave hours. Sick leave hours may not be donated. Participation in this program shall be voluntary and all donations are irrevocable. Donated time not used shall be returned to the donor in accordance with the language contained in Section 7.
2. All donations shall be made and accepted in writing using forms developed and maintained by the City Manager's Office. The form submitted by the employee requesting catastrophic leave time shall be made available for review by other employees so as they can evaluate whether they choose to donate time to the requesting employee.
3. The donation of time in any category must be in a minimum of four (4) hours of usable time.

4. Donations shall be treated on an hour-for-hour basis, regardless of the pay rates of the donor and recipient, except that hours transferred between employees on a fire suppression (56 hour) schedule and on a non-fire suppression schedule (40 hour) shall be adjusted by a factor of 1.4 to 1.0, and vice versa.
5. Hours to be donated shall be kept in a pledge status until used. As needed, pledge hours shall be debited from the donor's appropriate leave balance and credited to the recipient's payroll account as catastrophic leave. Once credited, the donation becomes irrevocable. A donor terminating for any reason shall be paid in accordance with the provisions of their applicable MOU for pledged but unused leave time. Hours pledged, but not yet processed, shall be returned to the donor if there is no longer a need by the recipient employee for catastrophic leave time consideration.
6. To be eligible to use donations, an employee must:
  - a) be incapacitated and unable to work due to a prolonged non-industrial illness or injury which is estimated to last for at least thirty (30) consecutive calendar days;
  - b) have exhausted all available leave balances, including sick leave;
  - c) request either a leave of absence or placement on Family and Medical Leave Act (FMLA) status.
  - d) not have filed a Workers compensation claim against the City as a result of the injury or illness. In these cases, the Workers Compensation Appeals Board is the proper place for determination of the claim. If such a claim is later determined by either the applicant or Workers Compensation Appeals Board not to be of an industrial claim, then the employee is eligible to participate in the Catastrophic Leave program.
7. All donated hours must be used on a continuous and uninterrupted basis and will be paid at the rate of pay and normal work schedule of the recipient, along with all usable hours accrued, until the earliest of the following events occurs:
  - a) all leave balances, including both donated and accrued leave, are exhausted; or
  - b) the employee returns to work at his/her normal work schedule or light duty assignments if available and approved by the Department Head; or
  - c) the employee's employment terminates.
8. Donations received while a recipient is still utilizing previously donated and related accrued leave time may be used immediately thereafter. Hours donated subsequent to exhausting all donated hours shall be accumulated and utilized along with related

accrued leave hours earned by the employee. When all donated time has been exhausted, the employee's pay status shall be considered as a leave of absence without pay. The City will allow a one (1) payroll cycle grace period after an employee has exhausted all available catastrophic leave time to allow for receipt and processing of additional donations of time before the City places the employee on an date specific leave of absence without pay or separates the employee from payroll. It is understood that if there are no Catastrophic Leave donations available, the City has no basis for continuing payment to the employee.

9. Use of catastrophic leave time shall count toward the application of City service and benefits in the same manner as when the employee is on paid sick leave.
10. Catastrophic leave time shall be subject to the recipient's normal payroll deductions.
11. Catastrophic Leave time shall have no cash value to the recipient upon separation from employment with the City.

#### **Definitions:**

For the interpretation of this policy, the following words and terms shall be construed as stated:

Catastrophic - A medically certified condition in which the employee is incapacitated and unable to work due to a prolonged non-industrial illness or injury which is estimated to last for at least thirty (30) days.

Pledged Hours - Vacation, holiday, management leave, and compensatory time off hours which one employee agrees to give to another employee to use for a catastrophic leave situation.

Donated Hours - Pledged vacation, holiday, management leave, compensatory time off hours which have been used by the recipient.

Usable Hours - Vacation, holiday, management leave, and compensatory time off hours which have been credited to an eligible employee's sick leave balance are available for use.

Benefit Qualified Employee - any employee who is eligible to earn vacation, holiday, management leave, sick leave and/or compensatory time off.

#### **Application Process:**

1. Eligible employees (or family member or other appropriate individual in the event of incapacitation) shall submit to their Department Head a written request for donations accompanied by a medical statement from the employee's attending physician; the

attending physician's statement must verify the employee's need for an extended medical leave and must include a brief statement as to the nature of the illness or injury and the estimated length of time the employee will be unable to work.

2. The request shall be submitted to the City Manager's Office for approval by the designated Personnel Officer. Upon approval, the City Manager's Office shall send to the employee's bargaining unit a notice of the employee's need for donations. In addition, the City Manager's Office shall post and distribute notices in the employee's lounge and/or areas accessible to employees. It is the not the responsibility of the City Manager's Office to solicit donations of time.

3. Pledges for donated hours will be made by the donating employee on a form developed and maintained by the City. Pledge forms shall be submitted to the City Manager's Office and then forwarded to the Finance Department for processing. The City Manager's Office - Personnel Office shall confirm that the employee is qualified to receive donation pledges and authorize the Finance Department - Payroll Office to change the recipient's status from leave of absence to active status while donated hours are utilized.

4. All donated hours will be kept in a pledge status until the hours are used by the recipient. Donated hours shall be used in the order received.

### **Employee Participation Guidelines**

Employees who voluntarily choose to donate time to a person who has requested catastrophic leave time consideration are requested to consider the following guidelines:

A) Donate time in smaller quantities on a more frequent basis rather than in one large block. Remember, time will be processed in order of submission.

B) Be compassionate towards your fellow employees, but consider your personal needs as well. Employee's are strongly encouraged to take a minimum of two (2) weeks vacation time per year so as to get away from the daily work grind. Please ensure you leave yourself adequate time in your balances to meet your personal time off needs.

C) Recognize that not all catastrophic leave situations will result in happy endings. Some employees may not feel their gift was appreciated by another employee. Remember, your decision to give is irrevocable. Make your decision wisely.

### **Extension of Probationary Period**

In accordance with the provisions of the appropriate bargaining unit MOU, a probationary employee's probationary period shall be extended by the length of the leave of absence taken, including paid catastrophic leave periods.