

**CITY OF RICHARDSON
INTERDEPARTMENTAL POLICY AND PROCEDURE
CATASTROPHIC LEAVE DONATION PROGRAM**

PURPOSE

The purpose of this policy is to establish standard policies and procedures regarding the donation of sick leave to City employees who have exhausted all accrued leave and are out on unpaid leave due to a catastrophic illness or injury suffered by the employee.

SCOPE

This policy applies to all full-time positions within the City of Richardson.

DEFINITIONS

For purposes of this policy, the following definitions apply:

- A. Catastrophic Illness/Injury: A life-threatening or severe injury or illness of an employee which totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and are long-term in nature and require long recuperation periods, may be considered catastrophic.
- B. Employee: Full-time employee regularly scheduled for a minimum of 40 hours per week and eligible for group benefits.
- C. Licensed Physician: A practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license in treating the employee.

POLICY

The Catastrophic Leave Donation Program is designed for use when an employee has exhausted all accrued leave and must be out due to a catastrophic illness or injury suffered by the employee. The Catastrophic Leave Donation Program is funded “by employees for employees” and is intended to lessen hardship caused to an employee by providing a source of additional paid leave for those employees who have exhausted all leave time earned. When necessary, employees will be notified by the Human Resources Department of the need for donations of sick leave to the program. The maximum amount of hours an eligible employee can receive through the Catastrophic Leave Donation Program is 480 hours per rolling 12 month period, if enough hours are available through donation.

ELIGIBILITY TO RECEIVE LEAVE DONATIONS

Employees must meet the following requirements in order to be eligible to request and receive leave donations.

- Full-time employment status with the City
- Completion of six months of employment with the City of Richardson.
- The employee must have exhausted or be near exhaustion of all paid leave benefits including vacation, sick, compensatory time, and accrued holidays

- The employee must be under current, active medical treatment for a long-term catastrophic illness or injury as defined within this policy.
- Sufficient information from a licensed physician confirming the need for the employee to be out for a specified time period must be provided before donated leave is approved. A medical certification submitted for FMLA purposes will be considered adequate documentation in lieu of a separate medical certification.
- When the employee becomes eligible for Long Term Disability Benefits (LTD), he/she will be required to apply. (The employee will be eligible to utilize donated leave until the employee is approved for long term disability, if donated leave is available.)

The following are excluded from eligibility to receive leave donations:

- Non-catastrophic illnesses/injuries such as flu or measles
- Elective surgery
- Illness or injury covered by the City's worker's compensation program
- Employees who are receiving long-term disability benefits through a City sponsored program
- Employees who are released by a licensed physician to return to work
- Employees who are working at another job

PROCEDURE FOR REQUESTING LEAVE

Employees who are in need of donated leave and meet the criteria described within this policy must submit a Donation Leave Request form to the Human Resources Department. The employee must also supply a written medical certification from a licensed physician confirming the need for leave and the expected duration of leave. A medical certification submitted for FMLA purposes will be considered adequate documentation in lieu of a separate medical certification. If donated leave is approved, it may be necessary for the employee to provide an updated medical certification periodically throughout the duration of leave to ensure compliance with this policy.

The Human Resources Director or his/her designee will review the request for approval. If the request for donated leave is approved, the Human Resources Department will send out a communication to all employees requesting donations. The identity and protected health information of the person requesting leave donation will not be communicated to employees.

Donated leave hours may be used for a continuous absence or for intermittent or part-time absences if all other requirements of this policy are met. An employee using donated leave will continue to accrue sick leave, vacation, and holiday(s) and must use the sick leave, vacation, and holiday(s) before using the donated leave hours. If an employee does not use all of the donated leave hours, the unused time will be forfeited. If it is anticipated the employee will be exhausting his/her accrued leave, a request for donated leave may be sought to coincide with the exhaustion of paid leave in order to prevent a gap in the employee's pay. There will be no retroactive pay of donated leave to any previous pay period where donated leave was not yet provided. Donated leave will only be used on a go forward basis by pay period.

Donated leave may not be used to extend employment beyond a period of established employment separation or in a manner which could potentially conflict with the Civil Service Board's decision in an Incapacity to Work hearing as outlined in Rule XVI of the City of Richardson Civil Service Rules.

ELIGIBILITY TO DONATE LEAVE

Employees must meet the following requirements in order to be eligible to donate sick leave through the Catastrophic Leave Donation Program. Leave is donated hour for hour and is not transferred into a monetary value.

- Full-time employment status with the City, and eligible to accrue and use sick leave
- Sick leave must be donated in increments of eight (8) hours
- To donate sick leave an employee must have at least 80 hours of sick leave remaining in his/her sick leave bank after the donation is made
- The maximum number of hours one individual may donate is 480 sick leave hours per individual request.

Participation in this program is strictly voluntary. Employees should not feel obligated to donate sick leave hours to any individual.

PROCEDURE FOR DONATING LEAVE

Employees who wish to donate sick leave must complete an on-line donation form located on the City's intranet. The donor's leave balance will be reduced by the number of leave hours donated. Any unused leave will not be credited back to the donor. Employees who leave the City are not eligible to donate leave upon their departure.

ESTATE ENTITLEMENT

The estate of a deceased employee is not entitled to payment for unused leave acquired through the Catastrophic Leave Donation Program.

EQUAL TREATMENT

All eligible employees will have equal opportunity to participate in the Catastrophic Leave Donation Program, and employees using leave through this program will be treated for all purposes as if the employee were absent using earned sick leave. Additionally, decisions to allocate program resources to eligible employees will be equitable, consistent, and without regard to employee classification or any other legally impermissible reason.

The City of Richardson reserves the right to discontinue or change the Catastrophic Leave Program at any time. In the event that the program is discontinued any remaining donated leave will be used until depleted and additional requests for donations will not be made.

Original Signed by Dan Johnson

08/20/2015

Dan Johnson, City Manager

Date