

VACATION LEAVE DONATION POLICY

Effective: 7/1/12

Updated: 5/6/14; [11/13/18](#)

Purpose

The City recognizes the emotional and financial difficulties that an employee may experience as a result of a serious illness or injury in which an employee has exhausted all of his/her accrued leave. Therefore, a leave sharing program is established for the purpose of permitting City employees, at no additional cost to the City other than administrative costs of administering the program, to donate accrued vacation leave to a co-worker.

Policy

The City shall provide ~~a~~ [examples and a](#) process to allow employees to ~~donate~~ accrued vacation leave to a co-worker whose absence from work is required due to a serious illness or injury of one of the following persons:

- The employee;
- The employee's dependents (children under age 26, foster child) or the employee's spouse;
- The employee's domestic partner as defined in City Code; and/or
- The employee's parents.

Employee must be:

- Eligible to accrue paid time-off leave.
- Have exhausted all forms of paid leave, or will soon exhaust all paid leave.
- Non-probationary status.
- Suffering from ~~an eatastrophie~~ [an](#) illness or injury that poses a threat to life and/or requires inpatient care, hospice or ~~residential~~ health care involving one of the persons identified herein.

Nothing in this Policy shall be construed to limit or extend the maximum allowable absence under the Family Medical Leave Act (FMLA).

Qualifying Exigency

~~An eatastrophie~~ [An](#) illness or injury that poses a threat to life and/or requires inpatient care, hospice or residential health care. Examples include but are not limited to:

- Cancer
- Major surgery
- [Maternity/Paternity](#)
- ~~AIDS~~ [Serious Illness](#)
- Serious accident
- Heart Attack

Medical condition requires an employee to be off from work for twenty (20) consecutive working days or more and which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment.

Non - Qualifying Exigency

~~This policy will not apply to short term or sporadic conditions or illnesses, Examples of situations that do not qualify under this policy~~ [including](#) but [are](#) not limited to:

- ~~Short term recurrences of chronic allergies or conditions.~~

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- ~~• Short term recurring medical or therapeutic treatments.~~
- ~~• Normal pregnancy, normal childbirth or adoption~~
- ~~• Common illness~~
- Illness or injury covered by an employer paid long-term disability.
- Worker's compensation.
- Injury during the course of committing a felony.
- Previously abused paid leave documented in employee's personnel file.
~~within the last three years.~~

Confidentiality

Employee requesting a donation will note in writing specifically the medical or personal information he/she authorizes the City to release to fellow employee(s) in the leave request, including providing a completed informed consent form.

If employee is unable to make a vacation donation request, Human Resources will contact the employee or immediate family member about this policy.

The employee acknowledges and agrees that the City is unable to control any discussion by the employee with his/her co-workers about the medical or personal information that caused the employee to request a leave donation.

Request Donation

Employee shall complete a request/application form, an informed consent for release of data form, a request for leave of absence form and such other data or forms as required by the City with respect to FMLA leave or otherwise, and submit the same to Human Resources (HR) for review.

If employee is unable to complete a request/application form and qualifies for vacation donation, Human Resources will seek verbal or written approval from employee or immediate family member.

Donations cannot be used retroactively (i.e. for pay periods prior to receiving the donation.)

Administration

Human Resources is responsible for coordinating donations, reviewing applications and making a recommendation to the City Administrator for approval. In making a recommendation, Human Resources shall consider the following:

- Employee's application and adherence to this Policy;
- Verify exhaustion of all paid leave; and
- All medical evidence submitted by the employee on FMLA paperwork or other medical evidence of ~~an catastrophic~~ illness or injury.

If the request is approved, the Human Resource Department will send a request to City employees for leave donation on behalf of the requesting employee.

No provisions of this Policy, its administration, or any decisions on eligibility and distribution of donated leave shall be subject to any problem-resolution, grievance,

arbitration or appeal procedure of any collective bargaining agreement or otherwise.

Donate Leave

Employee requesting to donate leave time to a fellow employee shall fill out a leave donation request form and return it to the HR Department. All vacation leave donations/transfers are strictly voluntary and confidential.

Only previously accrued vacation time may be donated. Donating employee may not donate if the donation will reduce their vacation leave bank to less than 0 hours.

Donating employee can donate a minimum of 4 hours and a maximum of 40 hours to an employee in a rolling 12-month period. Donations must be in 2 hour increments (i.e., 4 hours, 6 hours, etc)

Leave is donated on an hour for hour basis with no relation to actual earnings of either the donor or the recipient.

Donations must be made in the form of time off from work and cannot be “cashed out” for the equivalent dollar value of that time off.

Donations will not be reversed. By signing and submitting a donation form the employee is approving HR to remove the time from their vacation bank.