



## CITY OF VISALIA POLICIES AND PROCEDURES

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POLICY: Leave Donation Program

POLICY NUMBER: 318

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REVISION(S): Oct 2012

DATE ADOPTED: April 8, 1996

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### **I. PURPOSE**

The City of Visalia recognizes that there are instances in which a catastrophic illness or non-work related injury may incapacitate an employee or eligible family member and cause the employee to exhaust all leave balances. The City also recognizes that when these instances occur, co-workers of the employee may wish to assist the employee until he/she can return to work.

This policy is intended to establish guidelines for employees to donate accrued vacation time and/or compensatory time to assist fellow employees who must be absent from work in a time of verifiable personal emergency to be used as paid sick leave by the employee with the catastrophic illness or non-work related injury.

### **II. POLICY**

All regular employees may request vacation leave and/or compensating time off donations from other employees if the employee anticipates exhaustion of all his/her paid leave balances, but needs additional leave due to a verifiable personal emergency caused by catastrophic illness or non-work related injury. A personal emergency (for the purposes of this policy) is defined as a medical or family emergency causing an employee's absence from duty for a prolonged period of time and resulting in a substantial loss of income to the employee because of the unavailability of paid leave. Generally, illnesses which qualify as "serious health conditions" pursuant to the Family Medical Leave Act would qualify.

- A. The eligible employee must consent in writing (Request for Donated Leave Form) to receive donated leave from the leave bank. Requests for donated leave will be handled in strict confidence. Human Resources will release only that information, including identity, authorized by the employee.
- B. Any employee, who has obtained "regular" status with the City, is eligible to participate as a donor in this program. Only vacation leave and compensating time off may be donated. Other types of paid leave may not be donated under this program. The donation must be in a minimum of eight (8) hours and all donations must be in whole hour increments. Human Resources will release only that information, including identity, authorized by the employee.
- C. An employee donating leave must retain at least eighty (80) hours vacation leave after making any donation. If a donation would require an employee's vacation leave to drop below eighty (80) hours, the employee shall not be eligible to make a donation from their vacation
- D. Prior to utilization of donated leave, the eligible employee must exhaust all forms of leave accrued including, but not limited to, sick leave, vacation leave, compensatory time, floating holidays and administrative leave.

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- E. The donated vacation leave and/or compensating time off shall be converted to sick leave on an hour-for-hour basis. No conversion to dollar value based on the donor's or recipient's hourly rate shall be made.
- F. All persons who coordinate the Leave Donation Program shall emphasize the voluntary nature of the contribution. The distribution and collection of time shall be done in a way to ensure confidentiality for the recipient and donors. The names of the recipients and/or donors will not be made available unless the recipient and/or donor advise otherwise.
- G. The donated vacation leave and/or compensating time off will be placed in a Leave Donation Time Bank and be disbursed as the need arises. Time is released on a pay period by pay period basis. No retroactive donations will be permitted. The sale of accrued leave to any employee is prohibited.
- H. The donating individual may express a preference as to whom their donation should be directed. Donations will be used first for these preferences. However, the donation of vacation leave and/or compensating time off is irreversible. Should the recipient not need all the donated leave for the personal emergency (as defined above), any balance will remain with the leave bank for general purposes. Time will be released on a pay period by pay period basis.
- I. State and Federal Income Tax on the value of leave donated shall be deducted from the recipient's pay at the time of usage and will be treated as regular income.
- J. Employees will not be eligible for the Leave Donation program if they are eligible to receive or are receiving Worker's Compensation, State Disability, Long Term Disability or 4850 time or equivalent benefits.
- K. In no case shall donated leave combined with all other leave provide more than 6 months of paid leave within a 12-month period.
- L. A Leave Bank Committee is established for oversight and review of the Leave Donation Program.

### **III. PROCEDURE**

- A. A Leave Donation Time Bank will be established. The Human Resources Division will hold a Leave Donation Drive once a year for employees to donate vacation and/or compensating time off to a Leave Donation Time Bank. At any point, if the Leave Donation Time Bank is depleted, a Leave Donation Drive may be held to replenish the bank.
- B. Eligible employees needing donated leave shall submit, to their Department Head, a Request for Donated Leave Form accompanied by a medical statement from the employee's attending physician. The attending physician's statement must verify the employee's need for an

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extended medical leave and must include a brief statement of the nature of the illness or injury and an estimated time the employee will be unable to work.

- C. The Request for Donated Leave Form must be reviewed and approved by the Department Head and sent to the Human Resources Division. The approval of a request will be in accordance with guidelines established by this policy. The Leave Donation Committee will make the final determination regarding a request.
- D. Employees wishing to donate time to the Leave Donation Time Bank must submit a Request to Donate Leave Form to the Human Resources Division. The Human Resources Division will verify the employee's leave balances.
- E. The Human Resources Division will transfer the donated leave hours into the Leave Donation Time Bank from the vacation leave and/or compensating time off balance of those making the donation.
- F. The Human Resources Division will manage the Leave Donation Time Bank and coordinate with the Leave Bank Committee.

#### **IV. CONDITIONS**

- A. Eligibility will depend, in part, on the determination that the requesting employee has not irresponsibly or unwisely failed to accrue or otherwise used or abused his/her leave. This determination will be made by Human Resources after consulting with the Department Head and the Leave Bank Committee.
- B. There is no guarantee of the availability of leave donations implied in this policy. This policy is not an entitlement to extra leave during catastrophic illness, nor is it a formal supplement to current employee leave benefits. The City reserves the right to modify or terminate the Leave Donation Policy as it deems necessary.