

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 111.05
SUBJECT: APPROVED LEAVE	INITIAL EFFECTIVE DATE: 06/24/2010
TITLE: CATASTROPHIC LEAVE DONATION	LAST REVISION DATE: 05/03/2011

ADMINISTRATIVE DIRECTIVE

CATASTROPHIC LEAVE DONATION

A. Purpose

To provide an opportunity for employees to request additional sick leave by asking for donations from staff which will help reduce an employee's personal or financial hardship due to a prolonged or catastrophic off-the-job illness, injury, or disease that forces an eligible employee to exhaust all accrued paid leave time for medically related reasons due to a serious health condition of self, spouse, parent, or child.

B. Definitions

1. "Prolonged or catastrophic illness or injury"
Any illness, injury, or disease that causes an employee to be unable to perform, with reasonable continuity, the substantial, material, and essential functions of his or her job for medical related reasons due to a serious health condition of self, spouse, parent or child, as certified by a licensed health care provider. Prolonged relative to this policy typically means 30 days or more.
2. "Eligible Employee" - in order to receive donated leave, an eligible employee must meet all the criteria set forth below:
 - a. Has personally experienced or has an eligible family member that has experienced a prolonged or catastrophic off-the-job illness, injury, or disease.
 - b. Has exhausted all accrued paid leave (including sick and vacation).
 - c. Has met job performance and work rules prior to application.
 - d. Has not exhibited a pattern of excessive sick leave use or abuse.
 - e. Is not on or filed for workers' compensation for the illness or injury related to the request.
 - f. The illness, injury, or disease is eligible under the Family and Medical Leave Act (FMLA), even if FMLA leave is exhausted.
 - g. Has worked for the City of Denton for at least 12 consecutive months in a benefitted position.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: CATASTROPHIC LEAVE DONATION	REFERENCE NUMBER: 111.05
------------------------------------	-----------------------------

C. Eligibility of Requesting Employee

1. A catastrophic illness or injury must qualify under FMLA and be an extremely severe health condition that necessitates the employee's intermittent or continuous absence from work for the purpose of medically required convalescence or treatment of the employee or an eligible family member.
2. The employee or eligible family member must have suffered, and be under current, active medical treatment for a prolonged or catastrophic illness or injury (e.g., heart attack, stroke, surgery, etc.). Short-term conditions requiring brief treatment and recovery (e.g., flu, common illness, non complication related childbirth, broken bones, on the job injury, etc.) are ineligible.
3. The employee requesting a donation must demonstrate that he/she anticipates being able to return to work within a reasonable amount of time following treatment and recovery, or the time requested will bridge the employee to other benefit programs (i.e. long term disability) or retirement.
4. The employee requesting a donation must demonstrate a good attendance record, have not shown a pattern of excessive or perceived sick leave abuse, and his/her job performance with the City has met or exceeded performance expectations.

D. Restrictions

1. If the employee requesting a donation is eligible to receive short term disability benefits through the City's disability insurance plan, the employee must apply before requesting catastrophic leave. If catastrophic leave is awarded before STD benefits are approved, catastrophic leave will not be reduced (see #2) until STD benefits are approved and awarded.
2. If catastrophic leave is approved and the employee is awarded short term disability benefits, the combination of two benefits may not exceed 100% of the employee's pay.
3. Donations will not be granted if an employee is eligible to apply for or is receiving long term disability payments. (Note: donations may be requested to bridge the time until employee is notified of claim approval.)
4. The use of donated leave will be concurrent with FMLA leave if eligible.
5. State law prohibits applying donated leave toward prior absences.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: CATASTROPHIC LEAVE DONATION	REFERENCE NUMBER: 111.05
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E. Request for Catastrophic Leave Donation

1. Non-Civil Service employees, Police Civil Service employees, and Fire Civil Service employees working 40 hour shifts may request up to 240 hours of Catastrophic Leave Donation per request. Fire Civil Service employees working 56 hour shifts may request up to 336 hours of Catastrophic Leave Donation per request.
2. Two requests per rolling 12 month period (measured backward from the date of the request) may be submitted and reviewed.
3. The employee must submit a "Leave Donation Request" form, along with medical documentation, to the Director of Human Resources or designee. Medical documents will need to explain the care needed by the patient and why such care is medically necessary. The employee will also describe the care provided to the family member, if applicable, and estimated leave time needed to provide such care.
4. The Director of Human Resources or designee will submit the form to the Catastrophic Leave Committee if the request is in compliance with this directive.

F. Catastrophic Leave Committee

1. A Catastrophic Leave Committee will be composed of five members appointed by the Director of Human Resources, including three director level members or their designee, one Risk Management staff member and one Human Resources staff member. The committee will determine eligibility of the employee to receive leave from the catastrophic leave pool.
2. The committee's sole intent is to authorize access only to employees who have a proven medical/family medical need and who (also) have a history of prudent use of leave time.
3. Each committee member shall have access to the official leave records and may interview the current supervisor and any prior supervisor(s) in order to determine prudent use of leave time by the requesting employee.
4. Members of the committee shall maintain confidentiality of the employee's medical information and will protect the privacy of all medical information received through the administration of the program.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: CATASTROPHIC LEAVE DONATION	REFERENCE NUMBER: 111.05
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G. Disposition of Request for Catastrophic Leave Donation

1. If the request is approved by the Catastrophic Leave Committee, the Human Resources Department will send out a notice to each department notifying employees of the specific request, protecting the employee's identification.
2. If the request is not approved or if an eligible employee is dissatisfied with the decision of the Committee, he/she may appeal the decision of the Committee within 10 calendar days of the Committee's decision by filing an appeal in writing with the City Manager. The decision of the Committee shall be final if no appeal is filed within the 10-day period.
3. If an appeal is filed, the City Manager or designee shall issue an opinion within 10 working days of the date of receipt of the employee's appeal, and the decision is final.

H. Privacy

1. Information about the employee requesting a donation will be cleared with the employee before it is released to other employees being asked to consider making a donation.
2. Employee has the right to maintain medical confidentiality and not express the details of the injury or illness, except to the Committee.
3. The Human Resources Department will assign a case number to the request to protect the employee's identifying information when sending out the request to all employees.

I. Continuation of Benefits

1. Health insurance premiums and other benefit premiums will continue to be deducted appropriately as long as pay is received by the employee.
2. Sick and vacation will continue to accrue as long as pay is received by the employee.
3. Longevity will continue as long as pay is received by the employee.
4. Pension contributions will continue as long as pay is received by the employee.
5. Certification and assignment pay will continue for Civil Service employees as long as pay is received by the employee.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: CATASTROPHIC LEAVE DONATION	REFERENCE NUMBER: 111.05
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J. Contribution of Time by Donors

1. Employees donating time must complete a Catastrophic Leave Donation form and submit it to the Human Resources Department.
2. An employee donating time may donate a minimum of four hours of sick leave, and maximum of 40 hours per request. Time must be donated in one hour increments.
3. An employee donating time may not deplete his/her existing sick leave balance below 25% of his/her balance at time of donation.
4. Catastrophic leave donations received will be credited on the designated employee's sick leave account as it is used.
5. Unused donated leave time has no monetary value and will be returned to the donor. Any unused time returned will be credited to the donors sick leave account but will not exceed the maximum accrual allowed by policy. The employee requesting the leave has no property right to the unused donated leave time.