



## ADMINISTRATIVE POLICIES AND PROCEDURES

**Subject:** Shared Leave Program

**Creation Date:** 12/12/2005

**Revision Date:** 8/8/2006

**Prepared By:** Human Resources

**DESCRIPTION:** Shared Leave Program

**POLICY:** This program allows employees to voluntarily donate accrued sick and/or vacation leave to a bank for the use of, and to help alleviate the financial hardship caused by life-threatening illnesses or injuries which force an employee to exhaust all paid leave time earned and subsequently lose compensation from the City. The City reserves the right to revise, change, modify, or cancel this program at any time.

The implementation of this program is authorized by The City of El Paso Civil Service Commission and the El Paso City Council, in accordance with Ordinance 8065 of the Civil Service Commission Rules.

### DEFINITIONS:

- A. "Administrator" means the Human Resources Director of the City of El Paso.
- B. "Bank" means the combined sick and vacation leave donated by employees for allocation to eligible recipients.
- C. "Board" means the Shared Leave Bank Board which consists of the Director of the Office of Management and Budget or authorized designee, an Assistant City Attorney, and the City Manager or authorized designee.
- D. "Life-threatening illness or injury" is defined as a severe medical condition, identified as life-threatening by a medical doctor, which is non-job-related and which has a prolonged negative effect on the employee's or family member's health and incapacitates the employee or family member for an extended period of time. Such conditions require in-patient hospital care, or prolonged out-patient care as determined to be medically necessary by a licensed physician.  
  
Such conditions include but are not limited to Cancer, AIDS, Heart Attack and Stroke.
- E. "Catastrophic Injury or Illness" is defined as an unanticipated, non-job related, not self inflicted injury or illness, and requires an employee's absence without pay for a period of at least two weeks after all leave balances have been exhausted. This is further defined as those illnesses or accidents requiring confinement in a hospital or accidents requiring extensive medical care of an unforeseeable nature. Examples include life threatening injury or illness, cancer, AIDS, heart surgery, stroke, etc. Catastrophic illness or injury shall not include elective surgery nor unforeseeable medical care rendered as a result of something other than injury or disease.
- F. "Contributor" means an employee who voluntarily provides a written request for transfer or his/her sick or vacation leave to the bank.
- G. "Employee" means all permanent classified or unclassified City employees and contract employees whose contracts provide for leave accruals in accordance with Civil Service

Commission Rules and who are paid from the general fund of the City or from special grants paid through the City, and who have completed their initial 6 month probationary period.

H. "Recipient" means an eligible employee whom the Administrator has approved to receive leave from the bank.

I. "Work day" means any day normally or regularly scheduled for the transaction of business.

J. "Family member" means spouse, child or parent.

K. If an employe is using benefits with the FMLA, benefits for the shared leave program will only be extended during the twelve weeks the FMLA is in place.

**RESPONSIBILITY: ADMINISTRATOR.**

The Administrator is responsible for:

1. Reviewing requests from applicants to decide if the employee's situation qualifies for the program and determining the amount of leave to be assigned from the bank up to the eligible amounts of both designated and undesignated contributions.

2. Publicizing the program and the need for contributions. Such publicizing will be done upon establishment of the bank and periodically thereafter when the Administrator determines that there is an insufficient leave balance to meet requests. Publicizing will be done in a manner that is cost effective, as determined by the Administrator.

3. Keeping records of all requests to either donate leave to the bank or receive leave from the bank, and the appropriate action taken on each request.

4. Forwarding all approved requests of donors and recipients to the Payroll and Records Supervisor.

a. The Payroll and Records Supervisor shall credit the Shared Leave Bank with the amount of time contributed by the donor and shall deduct a corresponding amount of time from the donor's accrued sick or vacation leave balance. An appropriate notation will be made on the donor's sick or vacation leave record that the leave was donated to the Shared Leave Bank.

b. The Payroll and Records Supervisor will credit the approved amount of leave, taken from the bank to the sick leave account of the recipient. An appropriate notation will be made on the recipient's sick leave record that the leave was received from the Shared Leave Bank.

5. Advising each prospective donor and recipient of the action taken on their request.

6. Notifying the Payroll and Records Supervisor when an approved leave recipient loses their right to continue participation in the Shared Leave Program.

**MEDICAL CONSULTANT**

A Medical Consultant selected by the Administrator may advise the Administrator and Shared Leave Bank Board on whether a request qualifies as either a life-threatening injury or illness or qualifies as a catastrophic injury or illness or both categories.

**PROCEDURE:**

**A. APPLYING TO BECOME A RECIPIENT.**

1. An employee must have exhausted all of his/her available accrued leaves (including Special Sick Leave as authorized) before being eligible to apply for Shared Leave.

2. The employee or authorized representative must complete the Shared Leave Application Form and send it, with the Medical Certification Form attached, to the Administrator via his/her Department Director. THE NAME OF THE RECIPIENT WILL BE KEPT CONFIDENTIAL TO THE EXTENT ALLOWED BY LAW, unless the employee authorizes the release of information contained in the application form or within the supporting documentation by the City to publicize the reason for the need for leave to potential donors.

3. The Medical Certification should indicate the:

a. nature of the illness or injury for which the physician is treating the employee or

- employee's family member;
- b. the diagnosis, and;
- c. whether or not the condition is life-threatening.

4. The Medical Certification form must be submitted with the request. If the Medical Certification form is incomplete, the request will be denied.

#### B. CONTRIBUTING LEAVE.

##### 1. a. Undesignated Contributions

Contributions will be accepted only during a yearly "open period" as established by the Administrator, or upon the Administrator's determination that there is insufficient leave to grant approved applications for the undesignated portion of the bank.

##### b. Designated Contributions

Donations will be accepted during an announced period of time determined by the administrator for employees asking for a designated contribution. When the maximum designated leave amount for an individual has been reached the administrator will announce the fact in the same manner as the original request was announced. When the amount designated for individuals is in excess of what the recipient is eligible to receive through the generosity of contributors or because of recovery, ineligibility or death of the recipient or family member, excess designated contributions shall revert to the undesignated area of the shared leave bank after 60 days. Leave contributions, whether designated or undesignated, once approved are irrevocable. THE NAME OF THE CONTRIBUTOR WILL BE KEPT CONFIDENTIAL TO THE EXTENT ALLOWED BY LAW.

2. Employees may be informed of the need for contributions by work section, division or department as deemed appropriate by the Administrator. Department Heads will ensure that no undue pressure or coercion, either implicit or explicit, is placed on any individual employee by any other employee to make a donation.

3. Employees wishing to donate leave should complete the Shared Leave Contribution Form and submit it directly to their Departmental Payroll Clerk.

4. Employees may contribute not less than one day nor more than ten days of accrued leave per fiscal year. Separating employees must submit their contribution request at least 30 days before their effective separation date.

5. An employee contributing sick leave must have at least 15 days (120 hours) of sick leave left in their account after making their contribution. Employees having less than 15 days (120 hours) of sick leave in their account will be denied the opportunity to contribute at that time, but may resubmit a request to contribute after their accrued sick leave balance is increased to the level where the employee would have at least 15 days (120 hours) of sick leave left after making their contribution.

6. An employee contributing vacation leave must be eligible to use vacation leave and have at least 5 days (40 hours) of vacation leave in their account after making their contribution, or they will be denied the opportunity to contribute vacation leave at that time.

7. All donations of leave to the shared leave balance are strictly voluntary, but in order for employees to become eligible to receive leave from the shared leave balance, they must donate at least twelve (12) hours of leave to the shared leave balance at the beginning of each calendar year, or they shall relinquish their eligibility to withdraw leave from the shared leave balance for that calendar year.

#### C. ELIGIBLE RECIPIENT

1. Shared leave may be utilized from the undesignated pool of contributions only because of a life-threatening injury or illness of the employee. Shared leave may be designated to specific individuals using the catastrophic injury and illness as well as the life-threatening injury and illness definitions. Shared leave may also be requested on behalf of employees whose absence is required to care for family members who meet the definition of catastrophic injury or illness, in each case to be fully documented as required by the Administrator.

2. An eligible recipient will be granted up to 60 days per fiscal year of leave designated for him/her by name. Recipients lacking sufficient designated contributions may draw leave from the undesignated contribution area of the bank in an amount that is the lesser of one-sixth (1/6) of the total leave in the undesignated area of the bank or up to 60 days. The Administrator shall determine the exact amount that an eligible recipient may draw from the undesignated area of the bank based upon the leave balance in the bank at the time the request is approved. Under no circumstances may a recipient draw over sixty (60) days per

fiscal year.

3. A recipient absent on Shared Leave (that is, leave received from the bank) is treated for all purposes as if the recipient were absent on earned sick leave, i.e, he/she would be eligible for paid holidays, normal payroll deductions would be made, and paid leave would be accrued.

4. An employee is ineligible to receive Shared Leave if the employee:

a. has a pattern indicative of sick leave misuse within the past 12 months (from the date of the Shared Leave request)

b. is seeking to receive leave for an occupational (i.e., on-the-job) illness or injury.

c. is on active duty in the U.S. Armed Forces or has been recalled to duty to receive treatment.

**D. APPEALS.**

1. Decisions made by the Administrator, in regard to an employee's eligibility to receive shared leave, shall be subject to appeal to the Shared Leave Bank Board. The Board shall meet as required by the Administrator and decide appeals by majority vote. Board decisions may be appealed to the Civil Service Commission.

2. The Administrator and/or Shared Leave Bank Board may request additional information to determine if a condition qualifies as either a catastrophic injury or illness or a life-threatening injury or illness.

**E. TERMINATION OF BENEFITS.**

1. The participating employee will immediately lose their right to Shared Leave benefits and all unused Shared Leave in their sick leave account will revert to the Shared Leave Bank if the employee:

a. dies;

b. separates from employment;

c. voluntarily cancels his/her participation in the Shared Leave Program;

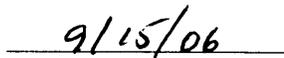
d. exhausts the maximum approved Shared Leave given to the employee;

e. commits fraud or misrepresentation in the request or use of Shared Leave benefits.

2. The estate of a deceased employee (recipient) is not entitled to any benefit for unused leave acquired by that employee from the Shared Leave Bank. Any such unused leave will revert to the Shared Leave Bank.

**APPROVED BY:**

  
JOYCE WILSON, City Manager

  
DATE