



## CITY OF MILPITAS

Revision	Date
Original	01/01/85
1	10/05/1992
2	11/12/2020

### CATASTROPHIC LEAVE DONATION POLICY

<b>Policy No:</b> 3.6.1	<b>CATASTROPHIC LEAVE DONATION PROGRAM</b>	<b>Effective Date:</b> 11/12/2020
<b>Revision No:</b> 2	<b>Policy Administrator:</b> Finance	<b>Next Review Due:</b> 11/12/2022
<b>Related Policies and Procedures:</b>	<b>Approved by:</b> Steve McHarris, City Manager 	<b>Date Approved:</b> 11/12/2020

#### 1. PURPOSE

- 1.1. This policy is established to assist employees who have exhausted paid leave balances due to a serious/catastrophic, debilitating illness, injury or condition affecting their own ability to work.

#### 2. POLICY

- 2.1. Employee Receiving Donated Leave – an employee is eligible to receive donated leave under the following conditions:
  - a. Employee must be a permanent full or permanent part-time employee;
  - b. Employee must have exhausted all paid leave balances;
  - c. Employee must be unable to return to work for a duration of 30 consecutive calendar days and be eligible for leave under the Family Medical Leave Act or California Family Rights Act;
  - d. The medical prognosis for the condition includes a reasonable expectation that proper care and rehabilitation will result in the return of the employee to full duties.
- 2.2. Employee Donating Leave – an employee is eligible to donate accrued sick or vacation leave or comp time leave under the following conditions:
  - a. Employee must be a permanent full or permanent part-time employee;
  - b. Employee must retain a minimum combined balance of 100 hours of sick leave and vacation leave after donating;
  - c. Employee donation cannot be less than two (2) hours of leave
- 2.3. Participation by permanent employees (both donating or receiving) is voluntary.
- 2.4. Donated leave shall be converted in such a manner that the donating employee's hours shall be converted to a dollar amount using base and increment salary/hourly rate, then reconverted to the receiving employee's hours using their base and increment salary/hourly rate. Hours will be added to the receiving employee sick leave bank.
- 2.5. Once the leave is donated and posted to the receiving employee, the employee donating such leave shall irrevocably lose all rights and privileges to the leave hours donated (except as noted under 2.7 below).
- 2.6. Donated leave cannot be used for longer than twelve (12) months, when donated leave is exhausted, or a determination is made that the employee is not able to return to work, whichever comes first.
- 2.7. Any unused donated leave will be returned on a pro-rata basis to all donating employees.



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#### 3. DEFINITIONS

3.1. The following definition is provided solely as a guide to assist in the application of this policy. The following definition may be subject to change.

3.1.1. Catastrophic Illness/Injury - an illness or injury that has been diagnosed by a licensed physician, requiring an extended period of treatment or recuperation. This policy may be used in conjunction with the Federal and State Family Leave laws (FMLA/CFRA).

#### 4. PROCEDURE

4.1. For Donating Employees

- A donating employee shall complete a Catastrophic Leave Donation Form and submit it to the Human Resources Department.
- Human Resources will notify the receiving employee (see Section B, subparagraph b below) and their Department Head of the donation request.
- The Human Resources Director (or City Manager or his/her designee in the case of exceptions) must approve the donation request. After receiving the approved donation request, HR will create a listing of all employees leave donation.
- Subject to the receiving employee's acknowledgement of the desire to draw from the catastrophic leave balances, Finance/Payroll will process the leave donation in the following pay period after receiving the approved list from HR.
- Payroll will calculate the dollar value of the donated leave hours by leave type and convert them into hours by leave type based on the hourly rate of the employee receiving the donation and update the employee's leave banks accordingly.
- If the receiving employee returns to work before exhausting donated leaves, the excess (unused) donated leave will be returned to all donating employees on a pro-rata basis.

4.2 For Receiving Employees

- The receiving employee must be eligible and willing to receive donated leaves.
- The receiving employee shall acknowledge his/her desire to use donated leaves by submitting a request in writing, along with a doctor's certification to the Human Resources Director or designee.
- Once the receiving employee's leave balances have been exhausted, the employee may receive donated leave in lieu of long-term disability benefits to remain on paid status.
- Employee must have 88 paid hours in the month preceding the month of coverage to qualify for City paid benefits (pro-rated for part-time benefitted employees).
- A receiving employee may not receive donated leave that allows a continuing leave of absence status if a decision would have otherwise been made concerning the employment status of the employee.

4.3. I have read, received, and agree to comply with this policy.

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Employee Printed Name

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Date



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#### CATASTROPHIC LEAVE DONATION FORM

##### Receiving Employee Information

Name \_\_\_\_\_

Employee Number \_\_\_\_\_

Function \_\_\_\_\_

##### Donating Employee Information

Name \_\_\_\_\_

Employee Number \_\_\_\_\_

Function \_\_\_\_\_

Number of hours of leave being donated: \_\_\_\_\_

(Minimum of 2 hours)

Type of leave being donated: \_\_\_\_\_

(sick leave, vacation or compensatory time off)

Date of donation: \_\_\_\_\_

I have read the City of Milpitas Catastrophic Leave Donation Policy and understand that

I lose all rights and privileges to the leave hours donated.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Approval:

Human Resources Director: \_\_\_\_\_