



County of Yolo

Administrative Policies and Procedures Manual

TITLE: CATASTROPHIC LEAVE BANK PROGRAM	DEPARTMENT: HUMAN RESOURCES
TYPE: PROCEDURE	DATE: August 4, 2009

A. GENERAL

This procedure shall serve as the rules and regulations for the participation of Yolo County employees in the Catastrophic Leave Bank Program and shall provide for the fair and equitable acceptance and distribution of donated leave under that program.

B. DEFINITIONS

For purposes of this program, the following definitions apply:

- 1) **Catastrophic Illness/Injury** means a medical condition of an employee or qualifying family member that requires an employee's absence from duty for a prolonged period of time and which, except for the Catastrophic Leave Bank Program, would result in a substantial loss of income to the employee due to the exhaustion of all accrued leaves.
- 2) **Catastrophic Leave Bank** means a pool of accrued leaves voluntarily donated by permanent employees, which may be approved for use by eligible employees who meet the Catastrophic Leave Bank Program requirements.
- 3) **Eligible Employee** means a part-time or full-time employee who has achieved not less than six (6) months continuous employment with the County of Yolo. An employee who has not yet completed his/her initial probationary period shall have any award limited to one hundred and twenty (120) hours regardless of any donations made specifically in that employee's name. Extra help, temporary, provisional or limited term employees shall not be eligible to participate in the Catastrophic Leave Bank Program.
- 4) **Medical Condition** means a catastrophic and debilitating medical situation, terminal illness, or severely complicated disability and/or severe accident of the employee or qualifying family member which causes the employee to be unable to perform his/her job, requires a prolonged period of recuperation or intermittent treatment (i.e. chemotherapy, radiation therapy, etc.), and/or requires the employee's absence from duty as documented by a physician or other qualified medical practitioner. Disabilities resulting from elective surgery do not qualify for donated leave except in circumstances where the disability results from malpractice or other unusual secondary medical trauma.
 - a) All information regarding the application for donated leave will be kept strictly confidential.
 - b) Any medical records submitted to support the application for donated leave will remain confidential at all times.
- 5) **Paid Leave** for purposes of this policy means sick leave, vacation leave, administrative leave,

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and floating holidays. Paid leave for purposes of this policy does not include compensatory time off, accumulated time off, or XTO accruals.

- 6) **Prolonged Period of Time** means a continuous period of time of one hundred and sixty (160) hours or more, or the aggregate equivalent intermittent time off of one hundred and sixty (160) hours or more for the same medical condition.
- 7) **Qualifying Family Member** means a spouse or registered domestic partner, parent or step-parent, or child, step-child, foster child or ward of an employee, or any member of the employee's household for whom the employee has primary caretaking responsibility.

C. GENERAL PROVISIONS

- 1) To qualify to receive donated leave from the Catastrophic Leave Bank Program the following minimum requirements must be met:
 - a) The eligible employee or qualifying family member must have catastrophic illness or injury;
 - b) The eligible employee must be on an approved leave of absence without pay;
 - c) The eligible employee must have exhausted all available accrued leave balances;
 - d) The catastrophic illness/injury is not occupationally related (which would make the employee eligible for benefits through Worker's Compensation) or did not occur as the result of the commission by the eligible employee of an assault or felony;
 - e) The eligible employee is not receiving or qualified to receive short or long term disability benefits from a short or long term disability program - such as State Disability Leave (SDI) or County Disability Leave (CDI) - for which the County of Yolo pays in whole, directly or indirectly, until and unless the employee's disability benefits have been exhausted or terminated or if the employee is receiving less than full salary replacement, in which case the donated leave may be used in an amount that would make the employee whole;
 - f) The eligible employee must submit an application for donated leave that is supported by appropriately detailed documentation from the attending medical practitioner using a form approved by the County for such purpose; and
 - g) The eligible employee is not or has not been on requirement for substantiation of sick leave usage for a period of twelve (12) months prior to the request to receive donated leave.
- 2) In any given pay period, the eligible employee may not receive donated leave in an amount that exceeds 100% of the amount of regular hours for which the employee was normally

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scheduled to work.

- 3) Donated leave time is subject to the recipient's normal payroll deductions and all taxes required by law.
- 4) An employee who is receiving donated leave shall accrue all leave and benefits to which he/she would be entitled were he/she using his/her own leaves to compensate for the absence.
- 5) Donated leave will cease upon a full release to work from the attending medical practitioner or when the maximum of awarded leave has been reached or when the authorized leave without pay ends, whichever comes first. If an employee elects not to return to work for a reason not related to the catastrophic illness/injury, the donated leave will likewise cease.
- 6) Eligible employees who are not covered by FMLA and who are medically qualified to accept an offer of a bonafide position under the County of Yolo's Return to Work Program must accept the offer or the donated leave will cease upon the date of the medical clearance to return to work.
- 7) To qualify to donate leave through the Catastrophic Leave Bank Program the following minimum requirements must be met:
 - a) The donor must be a regular employee of the County of Yolo;
 - b) The donor must have an aggregate leave balance of not less than one hundred and twenty (120) hours remaining after the contribution to the Catastrophic Leave Bank Program; and
 - c) Donation of vacation leave upon separation or retirement is permitted. Other accrued leaves may not be donated upon separation or retirement.
- 8) Leave awarded through the Catastrophic Leave Bank Program may be used only for the reasons identified in the approved request.
- 9) All donations to the Catastrophic Leave Bank Program are voluntary and are not revocable except in a circumstance where the donor himself/herself becomes eligible for donated leave. In the event that a donor becomes eligible, he/she may request return of his/her donated leave.
- 10) Donations of leave to a specific individual are not tax-deductible. General donations may or may not be tax-deductible (according to IRS interpretation).
- 11) No provision of this policy may be applied retroactively nor may donations be applied

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to leaves of absence occurring prior to the date the application for donated leave is approved except as authorized by the Catastrophic Leave Bank Committee.

- 12) All donations and disbursements made through the Catastrophic Leave Bank Program are subject to the approvals identified in this policy, which are final and not subject to appeal, grievance, or other challenge process provided in any Memorandum of Understanding or County Ordinance.
- 13) If, after receiving donated leave, it is determined that the employee was not eligible for such leave or had a change in circumstances which would disqualify the employee for continued donated leave, a leave debt shall be calculated and the employee's subsequent leave accruals first will be credited to the Catastrophic Leave Bank until such time as the leave debt is fully satisfied.
- 14) At least once annually, the Department of Human Resources shall conduct an informational campaign for all County employees advising them of the policies and procedures surrounding the Catastrophic Leave Bank Program.
- 15) This policy supercedes and replaces any previous leave donation policy in place at the time of its adoption, including, but not limited to, Administrative Policy # 54, Transfer of Paid Leave.

D. CATASTROPHIC LEAVE BANK

- 1) Upon implementation of the Catastrophic Leave Bank Policy a repository for donated leave shall be created and shall be identified as the Catastrophic Leave Bank.
- 2) For the purposes of simplicity and auditable recordkeeping, leave donated through the Catastrophic Leave Bank Program shall be credited on an hour-for-hour basis, regardless of differing pay scales.
- 3) All donations of leave for catastrophic leave purposes shall be made to the Catastrophic Leave Bank. Donors may designate the employee who is to receive the donated leave but may not stipulate the amount of leave to be awarded to the employee.
- 4) Donations shall be accumulated indefinitely in the Catastrophic Leave Bank.
- 5) Donations, except for those that are made in the name of a specific employee, will be awarded on a first-come, first-served basis. In the event that more than one request is submitted and approved at the same time, determination of first-come will be made by coin toss.
- 6) Unused donated leave shall revert to the Catastrophic Leave Bank.

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- 7) Accounting and auditing of, and recordkeeping for, the Catastrophic Leave Bank shall be accomplished by the Office of the Auditor-Controller in the same manner as other leave usage is monitored.
- 8) At least once annually, in conjunction with the Department of Human Resources, the Office of the Auditor-Controller shall provide an annual summary report to the Board of Supervisors of the donations to and disbursements from the Catastrophic Leave Bank and, to the extent possible, the circumstances occasioning the award of donated leave.

E. ADMINISTRATION

- 1) The responsibility for the administration of the Catastrophic Leave Bank Program shall be assigned solely to the Catastrophic Leave Bank Committee.
- 2) The Catastrophic Leave Committee shall be established to accomplish the following:
 - a) Review all applications and make the final decision regarding the awarding of donated leave from the Catastrophic Leave Bank.
 - b) Monitor the Catastrophic Leave Bank Program and make such recommendations to the Board of Supervisors for its continued viability as are necessary and prudent; and
 - c) Ensure that appropriate accountability is maintained in the administration and auditing of the Catastrophic Leave Bank Program and the funds committed to the Catastrophic Leave Bank.
- 3) The Catastrophic Leave Bank Committee shall consist of the following members or their designees:
 - a) The Director of Human Resources;
 - b) The Auditor-Controller;
 - c) The County Health Officer or other medical expert; and
 - d) A business agent or other officer from the Association or Union representing the employee requesting donated leave so long as that person can maintain the confidentiality required under HIPAA.
- 4) The Catastrophic Leave Bank Committee shall determine the amount of donated leave to be awarded for each illness or injury. The amount of leave awarded will generally reflect the

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recommendations of the health care provider, subject to the provisions of the Catastrophic Leave Bank Program and the following limits:

- a) A maximum of two hundred and forty (240) hours may be requested by an employee during one calendar year (subject to availability) except in those circumstances where leave has been donated specifically for the eligible employee.
- b) The total amount of leave granted may not exceed one-fourth (1/4) of the balance of the leave in the Catastrophic Leave Bank at the time of the employee's request except when leave has been donated specifically for the eligible employee in which case those designated hours will be used prior to and independent from the balance of leave generally available in the Catastrophic Leave Bank.

F. FORMS

Requests for and donations of leave pursuant to the Catastrophic Leave Bank Program shall be made on forms approved by the Catastrophic Leave Bank Committee. Such forms shall be made available to employees through the Department of Human Resources.

G. PROHIBITION OF COERCION

An employee may not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, any other employee regarding donating to or receiving donated leave from the Catastrophic Leave Bank, nor may an employee personally solicit donations for himself/herself. Any report of such deviations from the voluntary and confidential participation in the Catastrophic Leave Bank Program should be reported to the Catastrophic Leave Bank Committee who will, as appropriate, direct that an investigation be conducted by the Department of Human Resources. The results of such investigation may include a recommendation for disciplinary action against the offending employee(s).