



**STANISLAUS COUNTY
BOARD OF SUPERVISORS RESOLUTION
ADOPTED SEPTEMBER 21, 2004/RESOLUTION # 2004-706
PROCEDURES AMENDED JANUARY 2008
VOLUNTARY TIME BANK FOR CATASTROPHIC ILLNESS
INJURY LEAVE PROCEDURE**

PURPOSE

The Voluntary Time Bank for Catastrophic Illness or Injury is designed to assist employees who have exhausted, or are about to exhaust, all accrued leave. This accrued leave includes sick leave, vacation, compensatory time, old holiday time and management or professional leave. This policy allows other employees the ability to donate vacation, holiday, compensatory, and sick time to an incapacitated or primary care giving employee so that she/he can remain in a paid status for a longer period of time, thus partially relieving the financial impact of the illness, injury or condition.

STEPS FOR APPLYING TO RECEIVE DONATED TIME (each step is further explained below)

1. Submit the "Employee/Physician Catastrophic Leave Application" to the Department's Human Resources Unit.
2. Department Human Resources will complete the Donated Time Eligibility form.
3. The Department Head, or designee, will review and approve the request for catastrophic leave if all eligibility criteria are met, and then forward the request to the Donated Time Review Board for consideration. If the Department Head, or designee, denies a request only on the basis of the catastrophic illness or injury, the request will be forwarded to the Donated Time Review Board for final consideration.
4. The Donated Time Review Board will convene and either approve or deny the request for Donated Time. If approved, the participating employee will be eligible to receive donated time as outlined below.

CONDITIONS FOR RECEIVING EMPLOYEE

Upon request of an employee, or an employee's family member or co-worker (with written concurrence of the employee, if he or she is able to provide such), and upon approval of the Donated Time Review Board, sick leave, vacation, holiday time or compensatory time may be transferred from one or more employees (donating employees) to another employee (receiving employee) on an hour-for-hour basis. The donating employees may be from County departments other than that of the receiving employee. The receiving employee may participate in the program under the following conditions:

- A. The receiving employee has sustained a catastrophic illness or injury, or an immediate family member has sustained the illness, that has been confirmed by a medical doctor for medical

leave. The Donated Time Bank Review Board, based on the information provided by the employee and medical doctor determine if the illness or injury meets the “catastrophic” definition.

Generally, a catastrophic illness is defined as cancer, heart attack, stroke, or serious injury resulting in the employee having to take an extended period of time off work to recuperate or requires their presence to care for an immediate family member. Extended period of time would generally be considered as thirty (30) calendar days or more. For this policy, the definition of immediate family member would typically include the employee’s spouse or children or other family members.

“Other family member” typically means father, mother, sister, brother, grandparents, grandchildren, father-in-law or mother-in-law; however, for reasons held to be sufficient by the employee’s Department Head, this definition may be expanded to include the person with whom the employee has enjoyed a parent or family-like relationship. (refer to Ord. NS 976 Section 1, 1981: prior codes Section 2-206(a).

- B. The receiving employee must be filling an authorized benefited County position and eligible to receive accrued leave time. The receiving employee must have been employed in the County for 12 months or achieved permanent status. (Extra-help/ part-time employees and Personal Services Contractors are excluded from participation.) Absent extenuating circumstances, employees participating in the State Disability Insurance (SDI) program and who waive eligible SDI benefits are not eligible to participate in the Voluntary Time Bank for Catastrophic Illness or Injury. Donated time is supplemented with Workers Compensation pay, State Disability Insurance and any short term and/or long term disability programs.
- C. The receiving employee is about to exhaust all accrued leave time, including vacation, sick leave, holiday time, compensatory time, and management or professional leave.
- D. The receiving employee has completed the application form and Human Resources has verified that the criteria outlined in the Donated Time Bank Request Checklist has been met.
- E. The Department Head or designee reviews the request and approves or denies checklist requirements to determine eligibility. If criteria other than nature of injury/illness is met, the Department Head or designee submits the application form and the completed checklist to the Donated Time Review Board.
- F. The receiving employee is not eligible to participate in the Voluntary Time Bank For Catastrophic Illness or Injury if they have:
 - 1. had attendance problems in the previous twelve (12) months of their employment and are currently on a corrective action plan for attendance (not including approved leave time or attendance issues related to the injury or illness qualifying for donated time),
 - 2. received formal discipline (suspension, demotion) for attendance in the previous twelve (12) months (not including disciplinary action under appeal),
 - 3. currently on initial County probation, or
 - 4. has received donated time in the last twelve (12) consecutive months

- G. The receiving employee must be medically unable to return to work, or unable to return to work because he/she is required to care for an immediate family member suffering from a catastrophic illness or injury for a period of time confirmed by a physician. In addition, the employee would not have sufficient leave time, i.e. vacation, holiday, management leave, compensatory time, sick leave or professional leave of his/her own to cover the approved absence. The employee must request the donation of time to cover the unpaid leave from the Department Head or his or her designee, and the Donated Time Review Board in accordance with existing County and department policy. The Department Head or designee will require medical verification of the absence and/or periodic status reports.
- H. The time received may not exceed more than 1040 hours in a consecutive twelve (12) month period, and may only be utilized by the employee to cover the period of the absence approved for the catastrophic illness or injury. Every attempt shall be made by the department to ensure that no more than the amount of time necessary to cover the period of the absence is donated by employees. If time received is in excess of the needed time to cover the absences, it shall not be returned to the donating employee(s) nor shall the time be subject to cash-out, or used by the employee for purposes other than catastrophic illness/injury. This time shall not be included in any cash-out, as part of the survivor benefit, in the case of the death of the County employee. Any unused donated leave will be deleted from employee accrual balances upon their termination.
- I. An employee who is on unpaid status may return to paid status using donated time. Once the donated time is exhausted and the employee returns to unpaid status, the employee is no longer eligible to receive donated time and return to paid status. Employees are only eligible to return to paid status once using donated time. On an individual bases exceptions related to long-term disability being denied may be approved allowing an employee to return to paid status using donated time as approved by Human Resources Deputy Executive Officer.
- J. Time transferred shall be maintained as a separate category of leave time called “Donated Time” and recorded as such on the payroll record. It shall not be intermixed with sick leave or vacation accrual balances.
- K. A leave of absence without pay may be granted for a period not to exceed one (1) year. For this purpose, donated time is considered to be “unpaid leave” and is included in the one-year calculation. This does not preclude the granting of an unpaid leave of absence, if necessary, for absences extending beyond the one (1) year limitation. Exceptions to this policy may be granted by the County Chief Executive Officer in the role as Director of Personnel.
- L. During the leave period, the Department Head or designee may at any time make requests for updated physician verification and may request the Donated Time Review Board to re-evaluate the employee’s continued eligibility if the circumstances change under which the leave was originally approved.
- M. Employees shall continue to earn all benefits (i.e. vacation, sick leave, health insurance, retirement, seniority credit, etc.) while on catastrophic illness/injury leave, with donated time being utilized, in addition to any accrued time, during the period of absence. Additional compensation such as specialty pay, bilingual pay, out-of-class assignment pay, and shift differential will be stopped while the employee is absent from work on catastrophic

illness/injury leave. Additional compensation identified under Memorandum of Understanding (MOU) will continue to be paid as provided by each applicable labor agreement.

- N. Employees who have applied to participate in the Voluntary Time Bank program and have been determined to not be eligible will be informed of the decision in writing including the reason for the denied request.

TRANSFERRING TIME

The following applies when donations of time occur:

- A. An employee may donate a minimum of four (4) hours of either vacation time or holiday time, compensatory or sick leave up to a maximum of forty (40) hours per donation per catastrophic illness/injury. If the receiving employee exhausts all donated time, employees may donate additional time, however, it may not exceed the forty (40) hour maximum per donating employee. The maximum amount of donated time cannot exceed 1040 hours for the receiving employee.
- B. Exceptions to the forty (40) hour maximum may be allowed in cases where the donated time is being transferred between immediate family members. Immediate family members would include parent, spouse, sibling, and/or child (including step parents/children, etc). The donating individual would still need to meet the minimum vacation and sick leave accruals before donating time.
- C. The employee seeking to donate accrued sick leave time to a fellow employee will only be permitted to donate sick leave if they have a minimum of 160 hours of sick time or more left on the books after the transfer. Sick time leave donations are limited to a maximum of forty (40) hours per donating employee for each individual catastrophic leave time bank approval.

Employees seeking to donate accrued vacation time to a fellow employee will only be permitted to donate vacation time if after the transfer they have a minimum of forty (40) hours of vacation remaining. Vacation time, holiday time, and/or compensatory time may not be combined at the time of each donation. At no time shall the donation of sick leave, vacation or holiday time be permitted which results in a negative balance.

- D. Vacation, holiday time, compensatory and sick leave may be transferred by employees on an hour-for-hour basis regardless of relative salary in the current pay period. Management leave time may not be transferred.

DONATED TIME REVIEW BOARD

- A. The Donated Time Review Board consists of four (4) members. The panel members will be two (2) management employees and two (2) members of the County labor work force. A County Registered Nurse will sit on the panel in an advisory capacity. Three (3) panel members will review each application. If the applicant and a panel member are from the same Department, the panel member will not be eligible to review. The Donated Time

Review Board will meet in the Chief Executive Office whenever there is a request to consider.

- B. The Donated Time Review Board is responsible for reviewing and making the final determination if the receiving employee meets the criteria set forth in the “Voluntary Time Bank for Catastrophic Illness or Injury” policy.
- C. When necessary, the Registered Nurse will be responsible for obtaining any further medical information needed from the employee to make a decision whether an illness or injury meets the catastrophic definition. The Nurse will confirm consent to release medical information in compliance with medical confidentiality policies and regulations.
- D. The decision will be based on the information provided by the receiving employee and the department. The majority vote rules the decision.
- E. Members of the Donated Time Review Board will be chosen annually. Each represented bargaining unit will submit a potential member's name and Department Heads will submit manager's names. The Review Board will be chosen at random for the next year based upon the names submitted. The two labor representatives randomly selected may not be from the same association or union.

ESTABLISHING THE LEAVE BANK

- A. The employee may request, or a family member or fellow employee may request on behalf of the employee with his or her written concurrence, establishment of a catastrophic illness/injury leave bank. The reason that the employee’s written concurrence is necessary (if he or she is able to provide it) is that the nature of the illness may become public. It should be the affected employee’s prerogative to what extent he or she may wish this information to be disseminated to others. Departments are sensitive to the confidentiality rights of their employees.

The "Employee/Physician Catastrophic Leave Application" form may be obtained from CEO/HR or departmental human resources/payroll.

If the employee meets all criteria outlined in “Part I” of the “Voluntary Time Bank for Catastrophic Illness or Injury Leave” eligibility application, the Department Head or designee will confirm eligibility for participation in the leave program and the application will be forwarded to the Donated Time Review Board for review.

If the Donated Time Review Board approves participation in the leave program, the Department Head or designee and receiving employee will be notified. In addition, a copy of the approved request will be forwarded to the Auditor-Controller for notification.

- B. In order for the donated time to accrue to the receiving employee, Department Head or designee approval, with final approval by the Donated Time Review Board is required, including donations of time across department lines. In the case of donations across department lines, approval will be required by the Department Head or designee, of the employee wishing to donate the time to the receiving employee in the other department.

While donation of time may be made across departmental lines, a transfer of funds to cover the cost of the donated time will not be made. The Department Head or designee will notify the employee if the request is denied. The Department Head's decision shall be final.

The Donated Time Review Board has sole authority to approve or deny the receiving employee's participation in the program.

- C. Individual employee agreements to donate time shall be verified by the department coordinating the donation of leave time program (i.e. the department employing the receiving employee) to ensure that the minimum number of hours will be maintained by the donating employee. The department will submit the donation forms to the Auditor-Controller's Office for processing after approval from the Donated Time Review Board. Departments are to submit only enough hours, in four (4)-hour increments, for the current pay period.
- D. The Auditor-Controller's Office will audit the individual leave time donations and make the adjustments to the donating and receiving employee's accrual balances. At the time the Auditor-Controller has credited the receiving employee with the donated time, the department may begin charging the absence to that time in order to compensate the receiving employee.

The Auditor-Controller will notify the department Payroll Clerk in writing of the total amount of time credited to the receiving employee's donated time leave accrual. The department payroll clerk or the department human resources staff will notify the employee if/when there is no more time left in the time bank.

- E. Participation in the donation of leave program is voluntary and every effort should be made to ensure that employees are not pressured or coerced to participate in the voluntary program.
- F. The Voluntary Time Bank for Catastrophic Illness or Injury to a County employee or immediate family member is a bona fide leave sharing arrangement for a "medical emergency" as defined in IRS Ruling 90-29. Pursuant to Ruling 90-29, leave transferred under such arrangement will not be considered wages for the employee who donated the leave and, therefore, will not be included in gross income or subject to withholding.
- G. Participation or denial of donated time bank is a benefit, not a right. All actions of the Donated Time Review Board are final and binding. There is no appeal process and denial of benefits is not a grievable issue under any Memorandum of Understanding.