

CITY OF CHESAPEAKE, VIRGINIA

NUMBER: 2.14

ADMINISTRATIVE REGULATION

EFFECTIVE DATE: 02/02/05

**SUBJECT: DEPARTMENT OF HUMAN RESOURCES
LEAVE DONATION PROGRAM**

SUPERCEDES: 02/10/04

I. PURPOSE

To establish guidelines for the administration of a voluntary Leave Donation Program for employees who are unable to work due to a non-job related temporary disability or catastrophic medical condition and not eligible for the Sick Leave Bank, Worker's Compensation or disability retirement benefits.

II. ELIGIBILITY

All full-time and regular part-time employees who are not members of the Sick Leave Bank are eligible to apply for Leave Donation benefits upon date of hire.

III. GENERAL PROVISIONS

- A. The Leave Donation Program does not replace the City's existing sick leave provisions.
- B. The Program offers disability income benefits payable at the rate of 80% of the applicant's pre-disability daily rate of basic earnings.
- C. The Program is voluntary for donors and recipients.
- D. Submitting a request for leave donations does not guarantee that an employee's request will be approved.
- E. Regular full-time and regular part-time employees must have a continuous medical absence for a minimum of 30 workdays to be eligible to receive leave donations. Employees who work a 24-hour shift must have a continuous medical absence for a minimum of ten (10) workdays to be eligible to receive leave donations.
- F. The Medical Leave Review Committee is the reviewing authority for all requests submitted under this Program.
- G. Completed applications are confidential and maintained by the Department of Human Resources. Other departments are not authorized to review, copy or maintain employee medical information.
- H. Leave donations are confidential, voluntary, and non-refundable.
- I. Employees must donate annual and/or sick leave in one (1) hour increments.

- J. The maximum number of hours that may be authorized to an applicant in a 12-month period is 320 hours or the part-time equivalent.
- K. All accrued sick, annual, compensatory and overtime leave must be exhausted before donated leave can be used. Donated leave will be paid retroactively beginning with the applicant's first day of leave without pay.
- L. Leave used under this Program will count towards the 12 weeks of Family Medical Leave (FMLA), when applicable.
- M. Employees will not accrue any paid leave while using donated leave.

IV. APPLICATION PROCESS (Steps 1 – 8)

A. REQUESTING LEAVE

1. The employee, or designee, must obtain a Request for Leave Donation Form (Part A and Part B) from the employee's departmental payroll clerk.
2. The employee must complete Part A of the Request for Leave Donation Form and the health care provider/physician must complete Part B. Both Part A and Part B must be received by the Department of Human Resources to be considered as "complete" and ready for processing.
3. The Medical Leave Review Committee will render a decision on each request within ten (10) workdays after the applicant's 30 workdays of continuous medical absence ends.

Note: The Committee may request a second opinion by a provider/physician of the Committee's choice at any time, at the employee's expense.

4. The Department of Human Resources will communicate the Committee's decision to the applicant's departmental payroll clerk who will then notify the applicant.
5. The applicant's departmental payroll clerk will notify their department head or designee of the decision. If approved, the department head will notify their employees of the opportunity to donate annual and/or sick leave to the applicant. The notification should include only the applicant's name and the authorized number of hours that may be donated to the applicant.
6. If adequate donations are not received within the applicant's department, the applicant's departmental payroll clerk will contact the Department of Human Resources to coordinate a citywide solicitation of annual and/or sick leave donations.

B. DONATING LEAVE

7. Employees who choose to donate annual and/or sick leave must submit a completed Leave Donation Form to their departmental payroll clerk within ten (10) workdays of the department receiving the approval notification.
 - Annual and/or sick leave donations are confidential, voluntary, and non-refundable.
 - Employees must donate annual and/or sick leave in one (1) hour increments.

C. DEDUCTING AND APPLYING LEAVE

8. Departmental payroll clerks will process and record all annual and/or sick leave donations.
 - Leave Donation benefits are payable at the rate of 80% of the Applicant's pre-disability daily rate of basic earnings.

V. **EXCLUSIONS, LIMITATIONS, AND TERMINATION OF BENEFITS**

- A. Sick Leave Bank members are not eligible to apply for leave donations.
- B. An application will be denied if it is incomplete, inaccurate, lacking supporting statements from a licensed healthcare provider or the applicant fails to provide requested documentation.
- C. Failure to submit Part A of the Request for Leave Donation form to the Department of Human Resources within sixty (60) days of continuous medical absence will disqualify the Member from receiving donations. Exceptions to this provision due to extenuating circumstances may be made by the Director of Human Resources. Exception requests must be presented in writing to the Director of Human Resources by the member prior to returning to work.
- D. The decision of the Medical Leave Review Committee is final.
- E. Employees will not be eligible for the Program if any of the following occur:
 - Suspension without pay;
 - Termination of employment;
 - Any abuse or misuse of the Program;
 - Exhaustion of annual and/or sick leave donations;
 - Failure to provide required health care provider/physician certification; or

- Confinement in a penal or correctional institution as a result of a conviction or other public offenses.
- F. Medical conditions resulting from any of the following will exclude the employee from applying for leave donations:
- Work related accidents or illnesses for which Worker's Compensation or disability benefits are available;
 - Cosmetic surgery or any other medical care and/or treatment not deemed medically necessary by a licensed health care provider/physician;
 - Serving in the armed forces or war;
 - Intentionally self-inflicted injuries; or
 - Injuries occurring in the course of committing a felony, assault, insurrection, rebellion, or participation in a riot.
- F. If the Committee reasonably presumes that an applicant may be eligible for disability retirement or Worker's Compensation, the Committee may request that the applicant immediately apply for such benefits. Failure to apply would disqualify the applicant from receiving leave donations.

VI. ADMINISTRATION

- A. The Department of Human Resources will administer the Leave Donation Program.
- B. The Medical Leave Review Committee is comprised of a seven (7) member board; two (2) employees from each of the three (3) major occupational categories (i.e., Public Safety, Office Administration and Service/Maintenance) and the Director of Public Health. Committee members serve two (2) year terms and may be re-elected for no more than two (2) consecutive terms. If a Committee member vacates their seat, a replacement will be made using the most recent election results.

Dr. Clarence V. Cuffee, City Manager

Date