



Personnel Policies

CITY OF WESLACO, TEXAS

DIRECT LEAVE DONATION PROGRAM

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Page: 1 of 3

Employees may donate sick leave and/or vacation leave to other employees who may need additional leave as a result of a non-job-related catastrophic, chronic illness or injury (as defined by the Family Medical Leave Act) of the employee or of an immediate family member.

Requests: Employees requesting leave must:

- Alert their supervisor at the earliest practical time the dates of their absence or anticipated absence(s).
- Complete a Direct Leave Donation Request Form and provide supporting documentation (i.e., Doctor's certification) to the Human Resources Department for processing.
- Notify Human Resources and Payroll when it is anticipated they will not have enough paid leave and coordinate out-of-pocket payments to continue insurance benefits.
- Follow-up at earliest practical time but no later than 30 days (i.e., Doctor's recertification(s), extended leave requests, anticipated return dates and/or approvals).

To be eligible to receive donation, an employee must be in a no-pay status, without any available paid leave, be in same or lower pay-grade of the prospective donor, and provide certification from a licensed physician of the employee's or his or her immediate family member's medical condition and/or illness. The City reserves the right to require additional licensed practitioner's statements from health care providers of its choice. The expense of such additional statements will be borne by the City.

Donations: Employees desiring to donate must complete a Direct Leave Donation Form and submit it to the Human Resources Department no later than the last day of a pay period for which they are donating. This form includes:

- The donating employee's printed name and signature.
- A statement confirming that the employee's participation is voluntary and knows that donated leave will not be refunded except in unusual circumstances.
- A statement that the donating employee has received and read this policy.
- The donating employee's authorization for an initial contribution of hours of sick leave to the requesting employee.

Donors must retain a balance of 80 hours of sick and/or vacation at time of donation. Otherwise, there is no limit on how many hours of leave an employee may donate.

There is no right of appeal of any decisions related the Direct Leave Donation Program. All requests will be processed on a case by case basis in the order in which they are received in the Human Resources Department.

Departments: Departments receiving leave requests and offers to donate must:

- Date and time stamp the Direct Leave Donation Request Form and the Direct Leave Donation Form as received. This process will determine the order in which leave will be deducted from the donor's leave balances where there are multiple requestors or multiple donors for a single individual.
- Notify Human Resources and Payroll of the pending leave request(s) no later than the last day of the current payroll period.
- Track all leave on time-clock plus and code it appropriately, including FMLA leave without pay, ADA leave without pay, etc.
- Inform the department that a request has been submitted by an employee in need of donation.
- Request approval of the City Manager for donor participation from other departments.

Regular full-time employees who have completed one (1) year of continuous employment may receive a maximum of 240 hours of donated paid leave. Review for possible extension of leave may be made by the Department Head and the Human Resources Director to the City Manager at 30 day intervals. This review will be made only under the assumption that the condition of the employee or family member is improving to the point that the employee is expected to return to work within the 30 day period.

The Direct Leave Donation Program is normally a department-wide program. Departments with no available donors may seek authorization from the City Manager to request the participation of other department(s). Departments with less than five employees upon approval by the City Manager may be paired with other departments.

Contributions are strictly voluntary and employees shall not be coerced in any manner. Donated leave will be transferred on an hour for hour basis without regard to pay differential; such that the recipient of the donated leave will be paid at their current rate of pay. Donations must be in increments of no less than four (4) hours.

In the event of a catastrophic, chronic illness or injury requiring episodic treatment (dialysis, chemotherapy, radiation therapy, and physical therapy), a recipient may use donated leave in non-consecutive increments. Illnesses of the same type or that may routinely re-occur will have a lifetime maximum of ninety (90) days.

Leave accruals are maintained in the payroll system and shall be deducted from the donor's leave balance and added to the recipient's sick leave balance. Only the amount of leave which has been projected as necessary to cover each pay period will be transferred at any given time. Should an employee be approved for donated leave also qualify for FMLA leave, the two leaves shall run concurrent.

Usage of leave previously approved shall cease upon receipt of a physician's release to return to work.

Retroactive payment for the value of this leave is not allowed.

Exclusions: Employees are ineligible to use donated leave during corrective action suspensions or while receiving income from supplemental insurance plans. Conditions, illnesses and injuries excluded from eligibility:

- Cosmetic surgery, unless such surgery is the result of, or was necessitated by an illness, accident or injury off the job.
- Participation in or voluntary commitment to a psychiatric facility, detoxification center, or similar center for the purpose of rehabilitation from substance and/or alcohol dependency.
- Intentionally self-inflicted injuries such as injuries resulting from a suicide attempt.
- Injuries occurring as a result of secondary employment.
- Injuries occurring while committing a crime (including driving while impaired).
- Normal pregnancy and delivery. Time off following the birth of a child is considered normal regardless of the method of delivery and will not be considered for this program unless medical documentation shows complications to the mother or the child after the delivery.

Repayment of Leave: When repayment is required, reimbursed leave hours will be returned to the original donor(s). Reimbursement will be made on an hour-for-hour basis without regard to pay differential. Recipients shall not be required to repay donated leave hours unless:

- Compensation is received from another source for the same period of time the employee received donated leave hours, such as subsequently received workers' compensation benefits or short and long-term disability benefits.
- There is a finding of wrongdoing. In such a case, the employee must repay all of the leave credits drawn from the Direct Leave Donation Program. Corrective action or termination of employment may occur. If an employee does not agree with the finding of wrongdoing, the employee may use the City's complaint and appeal process.

Violations: Abuse of this program includes, but is not limited to:

- Misrepresentation of an illness, injury or the circumstances surrounding it.
- Submission of a medical certification which misrepresents the nature of an illness or injury.
- Failure to advise the City of the physician's release to return to work.

The Finance Department will handle inquiries/requests for adjustments, process adjustments and communicate with employees and departments regarding leave requests and donations.

The Human Resources Department will process employee leave requests, provide information regarding pending leave requests and related policies and procedures, and investigate allegations of abuse of this program.