

MEMORANDUM

REVISION 37 SERIES C

TO: Holders of CSA Rule Books
FROM: Career Service Board
DATE: May 13, 2009
SUBJECT: Revision to Career Service Rule 11-26 Donated Sick Leave

The Career Service Board has approved the revision of Career Service Rule 11-26 Donated Sick Leave. The effective date of this revision is May 13, 2009.

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove	11-7	October 10, 2008
Replace	11-7 and 11-7.1	May 13, 2009

The following changes have been made to this rule:

- The former rule allowed employees to donate sick leave so long as the donation did not reduce their sick leave balance below 240 hours. This rule change adds a requirement that an employee be earning sick leave from the City for at least five years before they can donate sick leave to another employee.
- This rule change also adds the requirement that recipients of donated sick leave must exhaust available compensatory time, as well as vacation and sick leave (as required under the former rule), before they can use donated sick leave.
- The former rule allowed employees to use donated sick leave for a personal or immediate family sickness, or other qualifying FMLA condition. This rule change requires that employees either be on Family Medical Leave, interactive process leave, or disability leave, or receiving workers' compensation benefits, or have received notice of a pre-disqualification meeting, before the employee can use donated sick leave.
- There were no limits on the amount of donated sick leave an employee could use in the former rule. This rule change adds the requirement that employees cannot use more than 600 hours of donated sick leave in a calendar year.
- This rule change addresses the issue of employees receiving more donated sick leave than they are able to use by requiring employees who anticipate a need for donated sick leave to provide notice to the Department of Finance of the amount of donated sick leave they will need in a calendar year. Should the employee have a need for more donated sick leave in that year or in a subsequent year, additional notice will be required. The Department of Finance will monitor donations of sick leave to ensure that employees receive sick leave donations only as needed and that donations do not exceed the maximum limit.
- This rule change allows non-Career Service employees to donate to or receive sick leave from Career Service employees so long as the non-Career Service employee's agency (and any applicable collective bargaining agreement) allow it.
- Usage of sick leave that has already been donated will be subject to the terms of this rule change.

PLEASE READ AND INSERT IN YOUR RULE BOOK AS SOON AS POSSIBLE.

11-26 Donated Sick Leave

(Effective May 13, 2009; Rules Revision Memo 37C)

- A. Donor requirements: A Career Service employee may donate sick leave to another Career Service employee provided that the employee donating sick leave:
1. Has been earning sick leave from the City continuously for the last five years; and
 2. Retains a sick leave balance of at least two hundred forty (240) hours after the donation.
- B. Recipient requirements:
1. Before an employee can receive donations of sick leave, the employee (or the employee's representative) must provide notice to the Department of Finance that the employee anticipates a need for donated sick leave. Such notice shall estimate how much donated sick leave the employee expects to use in the current calendar year. Should the employee need more donated leave beyond the original estimate, the employee shall provide notice of this to the Department of Finance before the employee can receive additional donations.
 2. In order to use donated sick leave, an employee must:
 - a. Have exhausted his or her accumulated compensatory time, sick leave and vacation leave; and
 - b. Be absent from work and;
 - i. Receiving disability leave, or temporary disability benefits under the provisions of the Workers' Compensation Act. In either of these situations, the employee may only use donated sick leave to make up the difference between the employee's base salary, and the total of other paid leave received and the temporary disability benefits the employee is receiving.
 - ii. Receiving FMLA leave;
 - iii. Receiving interactive process leave; or
 - IV. Have received written notice of a pre-disqualification meeting. The employee may use donated sick leave until disqualification occurs or until the end of the period in which a decision on disqualification must be issued, whichever occurs first.

- C. Employees cannot use more than six hundred (600) hours of donated sick leave in a calendar year.
- D.
 - 1. The amount of sick leave to be credited to the recipient's account shall be computed as follows:
 - a. Multiply the number of hours of sick leave being donated by the hourly rate of pay of the donor employee;
 - b. Divide the result by the hourly rate of pay of the recipient; and
 - c. Round the result down to the closest full hour.
 - 2. The computations made in paragraph D.1. shall be reported to the Department of Finance in accordance with procedures to be established by that office.
- E. Recipients of donated sick leave are not entitled to receive pay upon separation for unused donated sick leave. Unused donated sick leave may not be donated to another employee or returned to the donor.
- F.
 - 1. A Career Service employee may donate sick leave to a non-Career Service City employee provided that the donor requirements listed above have been met and that the recipient employee's department or agency and any applicable collective bargaining agreement allows employees to receive donations of sick leave from Career Service employees.
 - 2. A Career Service employee may receive donated sick leave from a non-Career Service City employee provided that the donor employee's department or agency and any applicable collective bargaining agreement allows employees to donate sick leave to Career Service employees and that the recipient requirements listed above have been met.
 - 3. A Career Service employee may donate sick leave to or receive donated sick leave from an employee covered by the Undersheriff pay schedule to the extent permitted by the applicable collective bargaining agreement and provided that the donor or recipient requirements listed above (as applicable to the Career Service employee) have been met.