



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	APPROVED: REVISED:
REGULATION 4: <i>Catastrophic Illness Leave Donation Program</i>	Pages: 1 of 6

Section 1: Introduction

Sarpy County recognizes that there are instances in which employees or their immediate family members may suffer from a catastrophic and/or critical illness health condition requiring extensive medical treatment and/or rehabilitation. These serious health conditions may ultimately exhaust employees' paid leave accruals. Medical Leave is covered under the Catastrophic Leave program; family Leave, as defined under the provisions of FMLA, is not covered by this Program.

The Catastrophic Illness Leave Donation Program provides a means for tenured employees to voluntarily donate accrued paid leave to other tenured employees who are absent from work due to a serious health condition or who may need to provide long-term (i.e. unable to perform three or more activities of daily living for four or more consecutive work days) or 24-hour care for immediate family members with a serious health condition as permitted in accordance with this Regulation.

Section 2: Definitions

The following definitions are meant to provide clarity to the terms used within this Regulation and are based upon the Family and Medical Leave Act (FMLA):

Covered Employee means a tenured employee who is in an active status, has worked a minimum of 1,250 hours in the last 12 months, and has been employed for at least 12 months (does not have to be consecutively).

Health Care Provider means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person capable of providing health care services as permitted within FMLA.

Immediate Family Member means a parent, spouse, son or daughter (by blood, adoption, or marriage); does not include in-laws, previous family members, or any other family member. Eligibility for use of donated leave is based upon medical certification indicating the family member requires either of the following: a) the family member requires assistance from the employee in performing two or more activities of daily living as defined by the Equal Employment Opportunity Commission (EEOC) for four or more consecutive work day or b) the family member requires assistance from the employee for 24-hour care.

Incapacity is the inability to work or perform other regular daily activities due to the serious health condition, its treatment, or recovery therefrom.

Serious Health Condition means absence due to



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- a) overnight /inpatient care in a licensed care facility followed by four consecutive workdays incapacitation; OR
- b) outpatient surgical procedure (as defined by health insurance) in a licensed care facility followed by four consecutive workdays incapacitation; OR
- c) a critical illness, including but not limited to: cancer/ heart attack/ stroke/ kidney failure with dialysis/ coma/ persistent vegetative state/ paralysis/ major organ transplant (reviewed on a case-by-case basis); AND
any subsequent rehabilitation and/or treatment associated with the above.

NOTE: Chronic / intermittent care will be evaluated on a case-by-case basis. Generally, chronic / intermittent care may be covered if the initial onset of the condition commenced as a long-term absence (defined as four or more consecutive workdays of incapacitation).

Section 3: Provisions

In order to be eligible for the Catastrophic Illness Leave Donation Program, covered employees (hereinafter referred to as recipients) must have exhausted all available paid leave including, but not limited to, sick, vacation, compensatory time, administrative leave, and holidays (recognized holidays and floating/personal holidays) Prior to using donated leave, there is a ‘waiting period’ of ten consecutive work-days from the date of certification/onset. In other words, if the recipient does not have sufficient leave time available equivalent to ten consecutive work days, the ‘waiting period’ will consist of a combination of paid leave and unpaid leave. Alternately, if the recipient has no leave time available, the ‘waiting period’ will consist completely of unpaid leave.

NOTE: Use of this leave ceases when the recipient is released from care or when the family member no longer requires long-term or 24-hour care.

Recipients may receive donated leave *for their own serious health* condition up to the maximum time specified by their health care provider or a maximum of 480 hours, whichever is less. Donated leave, combined with accrued leave cannot exceed 1,040 hours per rolling calendar year (measured backwards from the initial date). For example, recipient employees who have used 700 hours of accrued leave would only be eligible for an additional 340 hours of donated leave. Donated leave for chronic / intermittent care is limited to 80 hours per rolling calendar year (measured backwards from the initial date).

Recipients may receive donated leave, *to care for immediate family members* who have a serious health condition and require long-term or 24-hour care, up to the maximum



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time specified by their health care provider or a maximum of 480 hours, whichever is less. Leave time associated with immediate family member care must be consecutive; use for intermittent care will be evaluated by Human Resources on a case-by-case basis. Generally, intermittent / chronic care would be covered if the initial onset of the condition commenced as a long-term absence. Donated leave combined with accrued leave during a 12-month period cannot exceed 480 hours when used to care for immediate family members.

Donated leave for chronic / intermittent care is limited to 80 hours per rolling calendar year (measured backwards from the initial date).

Recipients who receive donated leave shall continue to accrue Paid Leave; however, all accrued Paid Leave will be applied prior to the use of donated leave.

Recipients unable to work due to their own catastrophic health condition or that of immediate family members are required to submit medical certification to the Human Resources Department. The County reserves the right to require periodic medical certification to verify eligibility. Periodic updates are typically one per month or halfway through the certified incapacitation period, whichever is less.

Donations may be solicited by recipients and/or on behalf of recipients by their Department Head or the Human Resources Department. Recipients may also provide specific information as to the need for donated leave upon written authorization as provided for under the Health Insurance Portability and Accountability Act (HIPAA).

The Department Head or the Human Resources Department may upon recipients' written request notify department employees or email all County employees that recipients are eligible to receive voluntary donations of accrued Sick and Vacation Leave.

Employees are prohibited from releasing any medical information regarding recipients, unless authorized by recipients in writing in accordance with HIPAA.

Once donated leave is approved, any leave time in the pool will be used first. Upon exhaustion of leave in the pool, an email will be sent to the group specified by recipients to solicit donations. Solicitation periods will be limited to two (2) weeks (fourteen calendar days) per rolling calendar year for any particular catastrophic illness. All solicitation emails will state that unused donated hours will be credited to the donated leave pool.

The names of employees who donate leave will not be released to any employee outside of those who are responsible for administering this Regulation.



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The Catastrophic Illness Leave Donation Program is voluntary and as such employees shall not offer anything of value (even if intended as a gift) nor coerce, compensate, or provide any other form of consideration to any employee in exchange for receiving or approving donated leave.

Employees receiving workers' compensation or long-term disability benefits are not eligible to participate in this Program.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by Rule or law. For example, if recipients would have otherwise been a laid-off or dismissed for other reasons, donated leave may not be used to extend employment.

When recipients receive Illness Leave Donation and are absent from work, the County shall be responsible for funding any overtime or temporary staffing necessary for the department to meet its operational needs.

Section 4: Establishment of a Donated Leave Pool

A Donated Leave Pool shall be established as excess hours of donated leave may remain unused by recipient employees. The Donated Leave Pool will be managed by the Human Resources Department in conjunction with the Payroll Division of the County Clerk's Office.

Whenever recipients receive approval for donated leave, available hours within the Pool shall be used before additional donated hours are solicited.

Covered employees may contribute hours to the Donated Leave Pool "at will" as long as they meet the requirements of the "Conditions for Making Leave Donations" outlined in Section 6 of this Regulation.

Section 5: Procedures for Requesting Donated Leave

- A. Employees must be considered 'covered employees' at the time they request Illness Leave Donation.
- B. Employees must submit to the Human Resources Department a completed Catastrophic Illness Donation Request Form along with medical certification from their health care provider (unless current applicable FMLA medical certification is on file). If an employee is medically incapacitated, an immediate family member may submit this documentation on behalf of the employee.



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- C. Employees must currently be approved for FMLA or have exhausted all available FMLA hours.
- D. The Human Resources Director or Human Resources designee will review the submitted documentation, determine eligibility, and notify recipients and their Department Head of such determination.
- E. Recipients may inquire with Human Resources regarding donated leave balances no more often than once per pay period.
- F. There is no assurance made by the County that employees will receive donations due to the voluntary nature of this Regulation.

Section 6: Conditions for Making Leave Donations

- A. Donating employees may donate Vacation and/or Sick Leave hours.
- B. Donations must be made in increments of 8 hours.
- C. Donors must have an accrued leave balance of at least 40 hours sick and/or vacation after donating.
- D. Donors must complete the Catastrophic Illness Donation Form indicating that their donation is voluntary, is intended as a gift, and has been made without coercion, compensation, or other forms of consideration.
- E. Donors will submit their completed forms to the Human Resources Department for verification, who then will forward to the County Payroll Division for processing.
- F. Payroll will notify Human Resources of balances and use per recipient per payroll processing period for tracking purposes; Human Resources will notify the Department Head or payroll designee of the total donated hours available for informational and payroll computation purposes.
- G. Donations occur as an employee to employee transfer of hours. The County as an employer does not provide donations to recipients or the Donated Leave Pool.
- H. All hours donated are irrevocably debited from donors at the time of transfer to recipients and/or the Donated Leave Pool.
- I. Donors shall not be permitted to donate leave after giving verbal or written notification of retirement, resignation, layoff, or upon receiving written notice of dismissal.
- J. Donors agree to make no future claim upon the County for compensation associated with any hours donated.



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Section 7: Calculating Donated Leave

- A. Donated hours shall be converted on a straight hour-for-hour basis regardless of the difference in the donors/recipients pay rates.
- B. Hours shall be donated in eight (8) hour increments; however, they may be used in increments as allowed under the Sick and Vacation Leave Regulations. *Refer to Rule 12: Types of Leave*).
- C. When submitting payroll for processing, the Department Head or designee will exhaust all Paid Leave (e.g. Holidays, Vacation, Sick, Floating Holiday, Professional Leave/Administrative Days, and compensatory time) prior to indicating any use of Donated Leave.
- D. Hours credited shall not exceed recipients' regularly scheduled work hours on a pay-period by pay-period basis.
- E. While receiving donated leave, recipients will not receive on-call, call back, standby, or overtime compensation or compensatory time.
- F. Employees receiving donated leave when added to hours worked will not exceed the employees' normally scheduled hours for that workweek.
- G. Any donated leave not used by recipients will be transferred to the Donated Leave Pool.

Section 8: Violations

Employees are prohibited from threatening or coercing other employees concerning any aspect of this Regulation including, but not limited to, pressuring another employee to donate time or refusal to accept donated leave.

If this activity or similar activity occurs, any donated leave will be forfeited and returned to the donors. Additionally, employees may be subject to disciplinary action, up to and including dismissal.