



ADMINISTRATIVE ORDER NO. 2010-06

Adoption of City of Bozeman Leave Donation Policy

The attached Leave Donation policy is hereby adopted. This Administrative Order will be posted on the Human Resources Page City's website. The Policy will also be posted at each City facility and will be incorporated in the next update to the Employee Handbook.

Questions may be directed to the Human Resources Department.

This Administrative Order is effective immediately.

DATED this 12 day of July, 2010.

A handwritten signature in cursive script that reads "Chris A. Kukulski".

CHRIS A. KUKULSKI
City Manager

City of Bozeman Leave Donation Policy

An eligible employee who needs additional time off because of the employee's own health condition may request a leave donation from the Sick Leave Bank (see Section B). If additional time off is needed after the Sick Leave Bank donation has been exhausted, that same employee may request a direct leave donation (see Section C).

An eligible employee who needs additional time off because of a serious health issue of the employee's spouse or child may request a direct leave donation (see Section C.)

Employees requesting a donation from the sick leave bank and/or a direct donation must meet the eligibility requirements described in Section A.

A. Eligibility for Donations under this Policy:

1. **Employment History**– To participate in or benefit from either donation program, employees must have been employed by the City of Bozeman for the most recent twelve month period.
2. **Employment Status** – All Regular full-time and part-time employees working 20 hours or more per week on a year round basis are eligible for this program. Employees who work less than full time receive prorated benefits under this program.
3. **Leave Balances** – Employees must exhaust all paid leave balances prior to being eligible for leave donations under this program. The employee should request leave donations prior to exhausting their current leave balances.
4. **Review of Sick Leave Use** - Whenever an employee requests a donation under this program, the City will conduct a review of the employee's sick leave usage. If this review reveals potential sick leave abuse, the City will meet with the employee to discuss the leave usage and, based on the information provided by the employee may either deny or accept the employee's request for leave donations.
5. **Proof of Need** – The employee requesting donated leave under this policy must agree to provide medical certification of the need for the time off.
6. **FMLA** – In most cases, leave requests under this policy will meet the definition of a "serious health condition" under the Family and Medical Leave Act (FMLA). If this is the case, employees requesting donations under this policy must also agree to have their FMLA benefit run concurrently with the use of any leave donations under this policy.
7. **Timing of Leave** - Employees requesting non-emergency leave under this policy must coordinate their medically-related leave needs with their supervisor(s). Failure

to do so may disqualify an employee from eligibility to receive sick leave donations. Approval of hours under this policy is not an approval of time off.

B. Sick Leave Bank:

An eligible employee may request a donation from the City's Sick Leave Bank if the absence is due to a serious health condition affecting the individual employee.

1. **Prior donations** - In order to withdraw funds from a banking institution, you must first deposit funds in that institution. In the same manner, employees who are eligible to receive donated hours from the Sick Leave Bank must first donate hours to the Sick Leave Bank. The minimum deposit is eight (8) hours per calendar year (see paragraph 3.)
2. **Annual Campaign** – A Sick Leave Bank donation campaign will be coordinated by the Human Resources Department in June 2010, then in February of each year thereafter. Beginning in February, 2011 an employee must have donated to the Bank during the annual Sick Leave Bank campaign to be eligible to receive hours from the City's Sick Leave Bank.
3. **Donations of Sick Leave to the Sick Leave Bank:**
 - a. The donating employee must have completed the ninety (90) day sick leave qualifying period.
 - b. An employee may donate up to eighty (80) hours of sick leave per calendar year to the Sick Leave Bank.
 - c. The donating employee must maintain a minimum sick leave balance of eighty (80) hours after donating to the Sick Leave Bank;
 - d. The minimum sick leave donation is eight (8) hours; additional donations must be made in one (1) hour increments.
 - e. Every hour of sick leave donated will be treated as an hour of time off under this program.
4. **Donations of Vacation leave to the Sick Leave Bank:**
 - a. The donating employee must have completed the six (6) month qualifying period for paid vacation;
 - b. There is no limit to the amount of vacation time an employee may donate to the leave bank;
 - c. The donating employee must maintain a minimum vacation balance of eighty (80) hours after donating to the leave bank;
 - d. The minimum vacation leave donation is eight hours; additional donations must be made in one (1) hour increments.
 - e. Employees may donate excess "use it or lose it" vacation leave hours to this bank, in one (1) hour increments.

6. Sick Leave Bank Donation Request Process:

An eligible employee (see Section A, above) may request a donation from the Sick Leave Bank by:

- a. Requesting a Leave Donation form from Human Resources;
- b. Requesting and obtaining approval to take leave from his/her Supervisor; and
- c. Returning the completed form to the Human Resources department;

The employee's eligibility for this program is reviewed by the Human Resources Director or his/her designee and the employee's Department Head. The Human Resources Director or his/her designee will then consult with the City Manager regarding the amount of leave to be donated, if any. The Human Resources Director will notify the employee of the amount of sick leave to be awarded from the bank.

In order to protect employee privacy, the City will not release the names of those employees receiving and requesting leave from the sick leave bank and these names will remain confidential from all but those who have the need to know. However, employees may voluntarily waive their right to privacy with or without revealing the reason for the need for these hours.

D. Direct Donation Program:

An eligible employee may request a direct leave donation if:

- the employee has exhausted all accrued leaves as a result of his/her own serious health condition, has received the maximum available sick leave donation from the Sick Leave Bank, and has a continuing need for leave; or
- the employee has exhausted all accrued leaves as a result of a serious health condition affecting the employee's spouse or child and the employee has a continuing need for leave.

1. Process for Requesting a Direct Leave Donation:

An eligible employee (see Section A above) may request a direct donation of leave by:

- a. Requesting a Leave Donation Form from Human Resources;
- b. Requesting and obtaining approval to take medically-related leave from his/her Supervisor; and
- c. Returning the completed form to the Human Resources department;

The employee's eligibility for this program is reviewed by the Human Resources Director or his/her designee and the employee's Department Head. If the employee who is requesting the additional leave is a Department Head, the donation request will be reviewed by the Human Resources Director or his/her designee and the City Manager or Assistant City Manager. Upon completion of this review, the donation request is forwarded to the City Manager for approval.

Upon City Manager approval of the direct donation request, Human Resources will prepare a direct donation request to be circulated through the City's information technology system. The request will include instructions for donating hours.

In order to protect employee privacy, the City will not release the names of those employees receiving and requesting leave through a direct donation, and these names will remain confidential from all but those who have the need to know. However, employees may voluntarily waive their right to privacy with or without revealing the reason for the need for these hours.

2. Direct Leave Donation Parameters:

a. Sick Leave:

- 1) An employee may directly donate up to eighty (80) hours of sick leave per calendar year. The minimum sick leave donation is eight hours. Additional donations must be made in one (1) hour increments.
- 2) The donating employee must maintain a minimum sick leave balance of 80 hours after a direct sick leave donation.

b. Vacation Leave:

- 1) An employee may directly donate up to forty (40) hours of vacation leave per calendar year.
- 2) The donating employee must maintain a minimum vacation balance of 80 hours after a direct vacation leave donation.

3. Non-Revocability of Direct Donations:

Direct donations are voluntary and non-revocable and any direct donation made to an employee but not used by that employee will be deposited in the Sick Leave Bank described above.

E. Maximum Benefit:

Upon the City Manager's approval, an employee can receive a total of 480 hours of sick leave per calendar year from the sick leave bank and/or through the direct donation program. Maximum hours of leave available to the employee will be based on medical necessity – not on total donations received.

F. Exceptions:

The City Manager may approve an additional donation campaign if needed to address a demand for hours under this policy. Waivers to any part of this policy may be granted only by the City Manager.