



**BEAUMONT-CHERRY VALLEY WATER DISTRICT
PERSONNEL COMMITTEE MEETING AGENDA
560 Magnolia Avenue, Beaumont, CA 92223
Monday, January 28, 2019 - 5:30 p.m.**

Call to Order, Chair Covington

Roll Call

Public Comment

PUBLIC COMMENT: At this time, any person may address the Personnel Committee on matters within its jurisdiction which are not on the agenda. However, any non-agenda matters that require action will be referred to staff for a report and possible action at a subsequent meeting. To provide comments on specific agenda items, please complete a Request to Address the Committee form and provide the completed form to the Committee President prior to the committee meeting. Please limit your comments to three minutes. Sharing or passing time to another speaker is not permitted.

- 1. Adjustments to the Agenda**
- 2. Approval of Nov. 26, 2018 Personnel Committee Meeting minutes**
(pages 3-6)

CLOSED SESSION

- 3. Closed Session**
CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
District Designated Representatives: Dan Jaggars, General Manager
Employee Organization: BCVWD Employee Association

OPEN SESSION / ACTION ITEMS

- 4. Reconvene Open Session / Report From Closed Session** (if applicable)
- 5. Review and Update on HR consulting project**
- 6. Draft Updates: BCVWD Policies and Procedures Manual**
 - a. Vacation Leave Accrual Caps (pages 7 - 12)
 - b. Sick Leave Accrual Caps (pages 13 - 14)
 - c. New Sick Leave Donation Program (pages 15 - 32)
- 7. Topics Requested by Employee Association**
- 8. Action List for Future Meetings**

9. Next Meeting Date: March 25, 2019

Adjournment

AVAILABILITY OF AGENDA MATERIALS - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available from the District Office in the Board Room of the District's Office.

REVISIONS TO THE AGENDA -In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Agenda may be made up to 72 hours before the Board Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the District's Main Office, located at 560 Magnolia Avenue, Beaumont, California, up to 72 hours prior to the Board Meeting.

REQUIREMENTS RE: DISABLED ACCESS - In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the District Office, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. The District Office may be contacted by telephone at (951) 845-9581, email at info@bcvwd.org or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

**CERTIFICATION OF POSTING
REGULAR MEETING**

I certify that on or before 5:29 p.m. Jan. 24, 2019, a copy of the foregoing notice was posted near the regular meeting place of the Board of Directors of Beaumont-Cherry Valley Water District and to its website at least 72 hours in advance of the meeting (Government Code §54956(a)).



Yolanda Rodriguez
Director of Finance and Administration



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA
DRAFT MINUTES OF THE PERSONNEL COMMITTEE
Monday, November 26, 2018 at 5:30 p.m.
560 Magnolia Avenue, Beaumont, CA 92223**

CALL TO ORDER

Chair Covington called the meeting to order at 5:30 p.m. at 560 Magnolia Avenue, Beaumont, California.

Present

<i>Directors present:</i>	<i>Covington, Ramirez</i>
<i>Directors absent:</i>	<i>None.</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers; Director of Finance and Administrative Services Yolanda Rodriguez, Senior Finance and Administrative Analyst Bill Clayton, Information Systems Manager Robert Rasha, and Administrative Assistant Erica Gonzales. Also present at this meeting were Dustin Smith and James Bean, Assistant Director of Operations.</i>

PUBLIC INPUT: *None.*

ACTION ITEMS

1. Adjustments to the Agenda: *None.*
2. Approval of July 23, 2018 Meeting minutes

The Committee accepted the minutes of the July 23, 2018 Personnel Committee meeting.

3. Review and Update on HR Consulting Project

Director of Finance and Administrative Services Yolanda Rodriguez advised that the Human Resource consultant, HR Dynamics, should have everything wrapped up by December and will present information to the General Manager in January 2019. Director Ramirez asked about effectiveness of the consultant. Both General Manager Jagers and Ms. Rodriguez indicated the project has been beneficial.

President Covington indicated this is a monumental step forward for the District and its employees.

4. Best Practices Related to Leave Accrual Caps

President Covington indicated he had reviewed the staff report, MOU and District policies. Director of Finance and Administrative Services Yolanda Rodriguez explained that a policy on leave accrual caps has been recommended by the District's auditors as a best practice.

Vacation

Contract employees have no cap on vacation leave. It has been confirmed with payroll that employees covered under the MOU do cash out at year-end and vacation is awarded on the first day of the following calendar year for previous year accrued.

Accounting for accrued vacation is shown in the budget as a liability, resulting in an increase. The auditors advised staff to bring this to the board as a best practice. Mr. Jagers added that the MOU covers vacation and sick leave and explained the process. For contract employees, accrued vacation can be cashed out and is a liability on the books.

President Covington compared employee contracts and indicated he believes a cap is needed. He would like to see two to three more defined options for disposition of vacation hours, such as a ceiling/cap with annual payout to employee as in the MOU; an option to roll unused vacation into a 457, or other mechanism to dispose of the time. Covington pointed out that as a contract employee, he is often behind when returning from vacation and works additional hours to catch up, but contract employees cannot cash in vacation.

President Covington suggested a transition period over one to three years to avoid the potential for immediate cash out requests and impact to the budget. He indicated support for varied caps dependent on number of years of employment. He suggested it should be determined whether the cap should be written into any new and existing employee contracts or merely become part of the District's policy manual.

Director Ramirez reminded that there is a new general manager and contract staff working late. He favors reasonable caps, but would like to hear recommendations from staff on accrual based on years of service at shorter intervals, such as three or six years. He concurred with President Covington that it is often difficult for an employee to take vacation due to workload. Ramirez agreed that options such as rollover to a 457 would be good. He suggested that payout at 100 percent if an employee is terminated should be reconsidered.

Sick leave payout at separation of employment should also be discussed, Ramirez suggested, or a Paid Time Off (PTO) option considered. President Covington noted that would be a huge amendment to the MOU and would require study. General Manager Jagers briefly explained PTO. Covington indicated this could be a negotiating item for the next MOU; there are catches on both sides.

GM Jagers reiterated that the target is to reduce the District's liability for vacation hours as close to zero as possible. The need is for a cap for those who do not use their vacation and minimize the rollover at the end of each year. President Covington noted that in his experience, staff advocates to keep those hours on the books in case of unforeseen circumstances such as running out of sick leave.

Sick Leave

President Covington noted the MOU defines sick leave accrual. If unused in 12 months, an employee can cash out hours at 50 percent, Jagers explained. Covington suggested discussion with the Employee Association. Employees should be obligated to keep a minimum number of hours of leave on the books, he said. Voluntary separation results in liability to the District, he said, and suggested a scale for payout based on years of service up to a maximum of 50 percent.

GM Jagers noted that most of the contract employees have accrued more sick leave than the MOU employees, indicating higher use by MOU employees. Longevity is also a factor in accrual. Upon voluntary separation, Covington clarified; employees do not receive a payout of sick leave. He suggested if sick leave is unused, there should be a tiered benefit.

Mr. Jagers cautioned against any policy that may injure good employees. He said he supports the idea of paying people who are dedicated to the organization, but advised there are ways to game the system that can be curtailed.

Director Ramirez asked about conversion to Cal PERS service credit; this could be done at 50 percent, Jagers answered. Covington noted there should be mechanisms to curtail abuse of the policy.

5. Discussion Regarding Sick Leave Donation Program

Director of Finance and Administrative Services Yolanda Rodriguez introduced the concept. She shared an example of a person with cancer who may need sick leave above their cap. An option might be for others to be able to donate sick leave hours.

President Covington acknowledged this is a good idea but is sometimes difficult to manage. If there is agreement by the employees and the staff is willing to put something together, he said he would support it with caveats such as the donated sick leave cannot be cashed out.

General Manager Jagers acknowledged the potential financial burden to the District and said it is a great thing to be able to do; but once policy is composed, the details become complicated. Covington suggested that for an employee to be eligible for donation, they must have 200 hours of sick leave on the books; and must use their own first. Jagers noted that some employees may never be able to reach 200 hours.

Covington suggested examining policies of other agencies; there are many nuances. He cautioned that there is always the potential for abuse of the privilege. Director Ramirez added that there should be a base for the donating party and that discretion should be given to the GM to make decisions on a case-by-case basis.

6. Update on District Policies and Procedures Manual

General Manager Dan Jagers noted that work on the policy revision is still underway; the section redline before the Committee shows some progress. He advised this has not yet been vetted with legal counsel but shows ideas for potential revision.

President Covington drew attention to the section detailing meetings. He suggested there should be a provision that allows directors to attend other functions. The list should not be all-inclusive, limited to those listed. Flexibility should be allowed for things that come up, and for potential of indirect relation to the District (such as the Beaumont wastewater treatment plant).

Covington pointed out there is currently no approval process for directors to attend meetings not listed such as the City of Banning, or City of Calimesa. Director Ramirez pointed out the revision of the attendance section and requested that directors be given an extra five to six minutes.

President Covington asked for clarification of reimbursement procedures for expenses for attendance at conferences. Mr. Jagers pointed to the Reimbursement section of the policy.

7. Safety Equipment and Classes Update

Mr. Jagers noted this is the beginning of the annual update to address what staff observes is coming up and needs improvement. The intent is to minimize exposure to certain activities and make improvements as quickly as possible. He reported on a number of 2018 accomplishments including safety equipment and practices.

Assistant Director of Operations James Bean pointed out the purchase of reflective vests and Class II tee shirts that are worn without the blue uniform shirt in temperatures above 80 degrees to alleviate opportunities for over-heating and heat illness. In response to Director Ramirez, Mr. Jagers explained that safety consultants had assessed risk from both insurance and safety perspectives. A list of improvements was developed and over time, solutions will be provided for confined spaces and other identified areas. Mr. Bean added some detail regarding upgrades completed and in progress.

8. Action List for Future Meetings

Review / Discussion of HR Dynamics report
Update on policy revisions: Vacation / Sick Leave
Employee Association topics

9. Next Meeting Date: *January 28, 2019 at 5:30 p.m.*

ADJOURNMENT: *6:50 p.m.*

Attest:

John Covington, Chairman
to the Personnel Committee of the
Beaumont-Cherry Valley Water District



**Beaumont-Cherry Valley Water District
Personnel Committee Meeting
January 28, 2019**

Item 6a

STAFF REPORT

TO: Personnel Committee
FROM: Yolanda Rodriguez, Director of Finance and Administrative Services
SUBJECT: **Vacation Accrual Cap Options**

Staff Recommendation

No recommendation. Direct staff as desired.

Background

At the meeting of the Personnel Committee on November 26, 2018, the Committee requested revisions to the District’s vacation policy to reflect a cap on accrued vacation time. This recommendation was initiated by the District’s auditors as a best practice to keep District’s vacation accrual liability under control.

In California, paid vacation is a form of wages and is earned as labor is performed. Once vacation is earned, it cannot be forfeited for any reason, even upon termination. (*Suastez v. Plastic Dress Up* (1982) 31 C3d 774). Per California Labor Code Section 227.3, if an employer policy provides for paid vacations, and an employee is terminated with available vacation time, all vacation shall be paid at the employee’s final rate in accordance with such policy with respect to time served.

Currently the District participates in the deferred CalPERS Supplemental Income 457 Plan (CalPERS 457 Plan), which provides employees a low-cost, convenient way to save for retirement through a payroll deduction. This is a voluntary program and there is no cost to the District. 2019 limit contribution is \$19,000 annually for employees under fifty (50) years of age and \$25,000 annually for employees fifty (50) and over. Employees are allowed to rollover accrued vacation hours to said program.

Summary

Below are two tables regarding Current Non-Exempt Employees. The table on the left shows the District’s current policy related to accrued vacation caps for hourly (non-exempt) employees. The table on the right shows staff’s proposed amount of hours to be capped:

Hourly Employees

BCVWD Current Non-Exempt Employees Accrued Vacation Per MOU 2018-2021		
Yrs. Of Service	Vacation Earned	Vacation Cap
1 - 4	80 hrs.	zero
5 - 14	120 hrs.	
15 +	160 hrs.	
Any vacation balance is cash out annually. Vacation is awarded on the 1st of the following calendar year for previous year accrued.		

BCVWD Recommended Non-Exempt Employees		
Yrs. Of Service	Vacation Earned	Vacation Cap
1 - 4	80 hrs.	80 hrs.
5 - 14	120 hrs.	
15 +	160 hrs.	
Option to cash out or leave a maximum of 80 hours to roll over to next year. Cap is 80 accrued hours annually.		



Currently the District does not have a cap on vacation accruals for exempt employees. Below is a table showing four potential options related to accrued vacation caps:

BCVWD Exempt Employees (Contracted)

Option A		Option B	
Yrs. Of Service	Vacation Cap	Yrs. Of Service	Vacation Cap
Other Exempt*	Max 1.5 annual Accrual	0 +	240 hrs. for all
Mgmt.			employees
Exempt**	Max 2x Annual Accrual		
		<i>(East Valley Water/Yucaipa Valley Water/Fresno Irrigation)</i>	
<i>(Amador Water Agency)</i>			
Option C		Option D	
Yrs. Of Service	Vacation Cap	Yrs. Of Service	Vacation Cap
Other Exempt*:			
1 - 9	320 hrs. /8 wks.	0 - 1	120 hrs. /3 wks.
10 - 14	360 hrs. /9 wks.	2 - 9	180 hrs. /4.5 wks.
15 - 19	400 hrs. /10 wks.	10 - 14	240 hrs. /6 wks.
20 +	440 hrs. /11 wks.	14 +	300 hrs. /7.5 wks.
Exec Mgt**	3x Annual Accrual	<i>unclear if exempt or non-exempt</i>	
<i>(West Valley Sanitation District)</i>		<i>(West Valley Water District)</i>	

*Other Exempt: Non-Management Salary Employees
BCVWD current approximate 100 – 160 hrs. annual vacation accrual hrs. based on years of service.

**Executive Management: Management Salary Employees
BCVWD current approximate 150 – 200 hrs. annual vacation accrual hrs. based on years of service.

Fiscal Impact

The fiscal impact cannot be determined at this point.

Attachments

Schedule of Comparator Agencies Vacation and Sick Leave Cap Strategies

Schedule of Comparator Agencies and Others Vacation and Sick Leave Cap Strategies

November 2018

Considerations

Upon separation from employment:

- Vacation time is considered earned time and must be paid out.
- Sick leave is not required to be paid out. Depends on MOU / District policy.

	Sick time	Vacation Time
BCVWD	No Cap. Incentive Plan A: EE not using any sick leave for 12 consecutive months may convert their annual accrued leave to cash at a rate of half of their hourly pay. Incentive Plan B: Upon retirement or death, EE (or beneficiary) will receive 50% of all accumulated sick leave not compensated per Plan A (above).	No Cap. District has option of requiring EE to take vacation or to purchase unused vacation at EE's regular rate. Purchase shall occur at first pay period in December.
Comparator Agency	Sick time	Vacation Time
Hi-Desert WD	PTO only (consolidated leave). Caps based on years of service: 1 – 5 years = 448 hours max 6 – 10 years = 528 11 – 15 years = 608 16 + years = 672	When PTO accrual reaches the maximum, additional PTO does not accrue until use (or cash out) brings it below the maximum. (Use or Lose) At any time during the year, an EE can cash out PTO at full pay, however the EE must have taken a minimum of 5 consecutive days off during the prior year and the EE cannot request fewer than 20 hours each time they elect compensation in lieu of PTO. EEs must leave a minimum of 80 hours in the bank. A max. of 2 cash outs are allowed per year.
Rainbow Municipal Water District	PTO only (consolidated leave). Caps based on years of service: Up to 4 years = 400 hours max 4 – up to 9 years = 480 9+ years = 560	EE may cash out a minimum of 40 and maximum of 280 hours of PTO each January. EE must have taken at least 80 hours of cumulative PTO by Nov. 30 of the current year. Upon separation, District pays 100% of accumulated PTO at EE's regular rate.
Desert Water Agency	PTO only (consolidated leave). No Cap.	Any hours over 80 may be cashed out at year end.

Comparator Agency		Sick time		Vacation Time	
Cucamonga Valley WD	No Cap.	50% of accumulated leave is paid to EE upon retirement.	No additional information provided		
East Valley WD	No Cap.	EEs may cash out up to 40 hours in December but must maintain a minimum of 156 hours. Retirees may apply all toward PERS service credit, or cash out at varying % according to years of employment	Cap: 240 hours	Vacation may be cashed out at EE's regular rate (100%) up to 40 hours per year provided EE has taken at least 10 days of vacation time in the preceding year.	
Lake Hemet Municipal WD	Cap: 96 hours.	Bank A: 60% of the hours in excess of the cap shall be automatically paid out at a rate of 65% on December 5. Any hours remaining shall be transferred to a separate sick leave bank, B. Upon retirement, EEs may cash out up to 60% of Bank A hours. Bank B hours may be cashed out at any time or upon retirement, or may be converted to Cal PERS.	Cap: Maximum 20 days carry over each year.	EEs may sell back accrued vacation time down to 80 hours in December at EE's regular rate (100%).	
West Valley WD	No Cap.	Upon retirement, EE may cash out sick leave at 30-60% of regular pay rate. OR, may apply balance to Cal PERS at rate of 100%. EE may cash out up to 40 hours annually at regular pay rate (100%)	Cap: 0 – 1 years = 120 hours 4 – 9 years = 180 hours 10 – 14 years = 240 hours 14+ years = 300 hours	EEs may cash out 2x per year to a max of 80 hours, keeping a minimum of 80 hours, and must have used 40 hours in the previous 12-month period.	
Yucaipa Valley Water District	No Cap	Cash out only at retirement, at what rate is based on number of years of service	Cap: 240 hours	No cash outs. Hours are paid in full upon EE separation from employment.	
Mission Springs Water District	No Cap	Upon retirement, EE may cash out sick leave at 50-100% of regular pay rate. OR, may apply balance to Cal PERS at rate of 100%. EE may cash out up to 40 hours annually at regular pay rate (100%)	No cap.		

Other Agencies	Sick time		Vacation Time	
San Joaquin County Mosquito & Vector	No Cap	No additional information provided	Cap: Double the annual accrual amount.	No additional information provided
Amador Water Agency	No Cap.	Can be applied as Cal PERS service credit upon retirement.	Cap: Mgmt: 2x annual Other: 1.5 annual accrual	No additional information provided
Fresno Irrigation District	No Cap.	No additional information provided	Cap: 240 hours	No additional information provided
Indian Wells Valley Water District	Cap: 400 hours	No additional information provided	Cap: 960 hours	No additional information provided
Desert Recreation District	Cap: 240 hours	No sick time buy back. Cash out at time of separation.	Cap: 160 hours	Vacation "buy-back" once a year
Truckee-Tahoe Airport District	No Cap.	EEs separated from employment in good standing will be paid accrued sick leave up to 240 hours. If the EE retires from the District within 90 days of date of separation, may elect to have up to 240 hours of sick leave paid converted to CalPERS service credit.	Cap: Non-exempt: 240 hours Exempt: 360 hours	Accrued vacation paid out upon separation
Nevada County Fire	No Cap	No additional information provided	Cap: Shift EEs 0 – 5 years = 200 hours 6 – 10 years = 250 hours 11 + Years = 300 hours	Cap: 40-hour EEs 0 – 5 years = 120 hours 6 – 10 years = 160 hours 11 + Years = 200 hours
West Valley Sanitation District	No Cap.	Sick leave conversion to PERS credit at retirement available upon retirement	Cap: 1 – 9 years = 32 days 10 – 14 years = 36 days 15 – 19 years = 40 days 20+ years = 44 days Cap for Exec Mgmt = 3x accrual rate.	No additional information provided

City / Town	Sick time		Vacation Time	
	No additional information provided	Equivalent to 2 years of accruals	Payout in excess of cap at end of year	No additional information provided
Carmel Valley	No Cap	No additional information provided	Equivalent to 2 years of accruals	Payout in excess of cap at end of year
Dinuba	No Cap	No additional information provided	Police = 120 hours Misc. = 120 hours Fire = 244 hours Mgmt = 240 hours	No additional information provided
Eastvale	450 hours	Cash out anything in excess of 450 hours. EEs can voluntarily cash out sick time each Jan.	300 hours max.	EEs will be cashed out anything in excess of 300. EEs may cash out vacation time 2x per year.
Hemet	No Cap	No additional information provided	Equivalent to 2 years of accruals	No additional information provided
Highland	1250 hours	No additional information provided	400 hours	No additional information provided
Indio	No Cap	No additional information provided	3x annual accrual, max. 600 hours	No additional information provided
La Mirada	No Cap	No additional information provided	350%	No additional information provided
Mission Viejo	PTO (Comprehensive Leave). Cap is 3x annual accrual rate.			
Pinole	No Cap.	No additional information provided	Dept Managers = No Cap Others = 2x annual accrual	No additional information provided
Reedley	No Cap	No additional information provided	240 hours Cap	No additional information provided
San Juan Capistrano	No Cap	No additional information provided	Mgmt = No Cap Other = 300 hours	No additional information provided
Santa Maria	No Cap	Paid out at 50% beyond 240 hours to a max of 960 hours when an EE leaves on regular retirement	Cap: 336 hours	No additional information provided
Thousand Oaks	Regular EE – No Cap Mgmt – 1040 hours of PTO	No additional information provided	Cap: Regular EEs = 650 hours	No additional information provided
Victorville	No Cap	No additional information provided	No additional information provided	
Colma	1040 hours	No additional information provided	No additional information provided	
Yountville	No Cap	No additional information provided	360 hours	
County	Sick time		Vacation Time	
Humbolt	No Cap	Can apply sick leave to service credits	2x annual accrual	No additional information provided
Mariposa	No Cap	No additional information provided	Cap: 360 hours	No additional information provided



**Beaumont-Cherry Valley Water District
Personnel Committee Meeting
January 28, 2019**

Item 6b

STAFF REPORT

TO: Personnel Committee
FROM: Yolanda Rodriguez, Director of Finance and Administrative Services
SUBJECT: Sick Leave Accrual Cap Options

Staff Recommendation

No recommendation. Direct staff as desired.

Background

At the meeting of the Personnel Committee on November 26, 2018, the Committee requested revisions to the District's sick leave policy to reflect a cap on accrued sick leave. The recommendation was initiated by the District's auditors as a best practice to keep District's sick leave accrual liability under control.

California law does not require payment for accrued sick leave, however, an agency with a payout policy must apply said policy.

Summary

The table at left below shows the District's current policy related to accrued sick leave caps for hourly (non-exempt) employees. The table on the right shows a proposed amount of hours to be capped. The 720 hours proposed is an average amount from the seven comparator and other agencies out of 31 total agencies who separate sick leave from vacation leave, as opposed to having a consolidated Paid Time Off (PTO) bank.

Hourly Employees

BCVWD Current Non-Exempt Employees Accrued Sick Per MOU 2018-2021			BCVWD Proposal - Non-Exempt Employees		
Yrs. Of Service	Sick Leave Earned	Sick Leave Cap	Yrs. Of Service	Sick Leave Earned	Sick Leave Cap
0 - 1	Up to 96 hrs.	none	0 - 1	Up to 96 hrs.	720 hrs./18 wks.
2 +	96 hrs.		2 +	96 hrs.	
Payout		Payout %	Sick Leave Payout		Payout %
Plan "A"			Plan "A"		
12 mos. no sick leave		50%	12 mos. no sick leave		50%
Plan "B"			Plan "B"		
Retirement or death		50%	Retirement or death		
			10 yrs.		50%
			11 yrs.		60%
			12 yrs.		70%
			13 yrs.		80%
			14 yrs.		90%
			15 + yrs.		100%
			OR, CalPERS credit rollover		100%



Below is a table showing the District's current policy related to accrued sick leave caps for contract (exempt) employees. The tables following that show several options as to the number of hours to be capped.

BCVWD Exempt Employees (Contracted)

BCVWD Current Exempt Employees (Contracted)		
Yrs. Of Service	Sick Leave Earned	Sick Leave Cap
0+	1 day /mo. /120 hrs.	none
Sick Leave Payout		Payout %
Plan "A"		
12 mos. no sick leave		50%
Plan "B"		
Retirement or death		50%

BCVWD Exempt Employees (Contracted)

BCVWD Contract (Exempt) Employees Option A			BCVWD Contract (Exempt) Employees Option B		
Yrs. Of Service	Sick Leave Earned	Sick Leave Cap	Yrs. Of Service	Sick Leave Earned	Sick Leave Cap
0 +	1 day /mo. /120 hrs.	720 hrs./18 wks.	0 +	1 day /mo. /120 hrs.	None
Sick Leave Payout		Payout %	Sick Leave Payout		Payout %
Plan "A"			Plan "A"		
12 mos. no sick leave		50%	12 mos. no sick leave		50%
Plan "B"			Plan "B"		
Retirement or death			Retirement or death		
10 yrs.		50%	10 yrs.		50%
11 yrs.		60%	11 yrs.		60%
12 yrs.		70%	12 yrs.		70%
13 yrs.		80%	13 yrs.		80%
14 yrs.		90%	14 yrs.		90%
15 + yrs.		100%	15 + yrs.		100%
OR, CalPERS credit rollover		100%	OR, CalPERS credit rollover		100%

Fiscal Impact

The fiscal impact cannot be determined at this point.

Attachments

No attachments



**Beaumont-Cherry Valley Water District
Personnel Committee Meeting
January 28, 2019**

Item 6c

STAFF REPORT

TO: Personnel Committee
FROM: Yolanda Rodriguez, Director of Finance and Administrative Services
SUBJECT: **Proposed Sick Leave Donation Program**

Staff Recommendation

Review the draft Sick Leave Donation Policy and direct staff as desired.

Background

Many public agencies offer a leave-sharing plan and / or banking program to give employees the ability to assist co-workers who face extended leaves without pay due to a catastrophic health crisis, whether their own, or that of a family member. Participation in such a plan and banking program is entirely voluntary. At its November 26, 2018 meeting, the Personnel Committee directed staff to prepare a draft policy for consideration.

Summary

The Sick Leave Donation program would allow individual employees to donate a portion of their accrued sick and/or vacation leave over a certain threshold (number of hours) to another eligible employee who might not have enough of their own leave accrued to take an extended leave of absence from work.

The Beaumont-Cherry Valley Water District does not currently provide this type of catastrophic leave donation program.

A draft policy is attached for the Personnel Committee's consideration. There are a number of choices to be made regarding policy components, and staff requests direction from the committee in order to prepare a final draft for consideration by the full Board of Directors.

The intention is to include the final draft policy with other human resources-related policies that are in the process of being reviewed for later recommendation to the full Board.

Fiscal Impact

The fiscal impact is unknown at this time, though it can be reasonably expected to be very minor.

Attachments

Draft Sick Leave Donation Policy worksheet

Draft Request Form

Sample policies 1 - 5

DRAFT PROPOSED SICK LEAVE DONATION POLICY

January 28, 2019

INDUSTRY EXAMPLES

DISTRICT PROPOSED POLICY

<p>The intent of a Sick Leave Donation program is to allow employees to voluntarily assist co-workers who are in critical need of time off due to a catastrophic medical condition, illness or injury which incapacitates the employee and creates a financial hardship due to the exhaustion of sick leave and / or other paid time off.</p>	<p>Offer donation program for catastrophic illness of employee and qualified family member.</p> <p>Include qualified family members as defined by the Healthy Workplaces, Healthy Families Act of 2014 (HWHFA):</p> <ul style="list-style-type: none"> a. Child. A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status. b. Parent. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child. c. Spouse. The term “spouse” is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married. d. Registered domestic partner. A registered domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State. e. A grandparent. f. A grandchild. g. A sibling.
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A	Definitions	
	<p>i "Catastrophic medical condition, illness or injury" A physician certified death eminent case or a medical condition, illness, or injury which is of an extraordinary or severe nature, which requires a physician's ongoing care, and which has caused, or is likely to cause, the employee to: (i) be incapacitated and unable to work in excess of five working days; or (ii) otherwise be required to terminate District employment due solely to the absence of any</p>	<p>Staff propose: Cross reference and coordinate program with FMLA, but retain more substantive definition of catastrophic illness. Pregnancy is a condition by choice and should not be included.</p>

		available leave. Pregnancy is not considered to be catastrophic.	
	ii	Regular employee: An employee working more than 30 hours per week who is eligible to receive and use Sick Leave as defined in Part 1 Personnel Policies and Procedures Manual Section 24.	Staff propose: The Sick Leave Donation program is not available to part time, temporary or seasonal employees.
	iii	Family and Medical Leave Act of 1993: The FMLA was intended "to balance the demands of the workplace with the needs of families." ¹² The Act allows eligible employees to take up to 12 workweeks of unpaid leave during any 12-month period to attend to the serious health condition of the employee. In order to be eligible for FMLA leave, an employee must have been at the place of employment at least 12 months, and worked at least 1,250 hours over the past 12 months. The FMLA covers both public- and private-sector employees, but certain categories of employees are excluded, including elected officials and their personal staff members. (Wikipedia)	Staff propose: Eligibility period. Retain the 12-month, 1,250 hours requirement of the FMLA for eligibility.
B	Eligibility		
	i	Sick Leave Donation Program hours are available to a full time, regular employee who has experienced an FMLA qualifying personal (or family) "catastrophic medical condition, illness or injury" that is expected to last a minimum of (number) of weeks and would not be fully covered by the employee's available sick leave and / or other paid time off.	Staff propose: Limit to employee and qualified family members. Staff propose: Use two (2) weeks as the minimum
	ii	The recipient employee must have exhausted all paid leave before the employee may accept donations.	No change
	iii	Recipient employee must have passed his / her introductory period	No change
	iv	At the time of request, there is no monitoring or disciplinary action for sick leave abuse.	No change
	v	Recipient employee must be on approved FMLA leave including written verification that the catastrophic medical condition, illness or injury exists	No change
	vi	Pregnancy is not considered a "catastrophic medical condition, illness or injury" and is not covered under this Sick Leave Donation Program.	No change
	vii	Sick Leave Donation will not be approved if, based on the physician's certification and consideration of the employee's condition, the employee is not expected to return to District employment.	No change
C	Authorization		
	i	In the event that an eligible employee may require the use of more sick leave than the sum of his/her accumulated sick leave and vacation time combined, thereby entering into a "no pay" status because of the extended illness or injury, then the General	No change

		Manager is authorized to accept and consider a Request for Sick Leave Donation.	
	ii	The General Manager may appoint a committee of three (3) members to evaluate the request for Sick Leave Donation, but retains final decision-making authority.	No change
	iii	The following may be considered when determining whether to approve a Sick Leave Donation request: <ul style="list-style-type: none"> a. The nature of the medical condition, illness or injury; b. Any history of excessive use of sick leave by the employee requesting leave or a pattern of abuse of sick leave; c. The likelihood that the employee will be medically able to return to work. d. Such other factors as may be relevant to evaluation of the request. 	No change
	iv	As with all sick leave, abuse and misuse of donated sick leave is grounds for disciplinary action, up to and including discharge. The employee is required to keep the employer informed of any changes in medical status and/or limitations. The employer has the right at any time to require the employee to provide certification from a physician attesting to such medical condition, illness or injury.	No change
	v	A decision on approval or denial of the Sick Leave Donation request will be made within eight (8) working days of receipt of a complete request.	Staff propose: Eight (8) days turnaround time for approval (two workweeks)
D	Value.		
		All donations will be based on the hourly dollar value of the donation. This will be based on the hourly pay rate of the employee donating. Example: Paul earns \$40 per hour and wants to donate 8 hours of sick time to Jane, who earns \$20 per hour. The value of Paul's 8 hours is \$320, which would equate to 16 hours of sick leave donation for Jane. Similarly, if Jane donated to Paul, the value of her 8 hours is \$160, which would equate to 4 hours of sick leave donation for Paul.	No change
E	State Workers' Compensation / Sick Leave		
		In the instance where an illness or injury qualifies or may qualify an employee for Workers' Compensation, the employee shall first make application for Workers' Compensation benefits. The employee's access to the Sick Leave Donation Program shall only be for the difference between the employee's straight time base hourly wage and the amount paid the employee by the State Workers' Compensation benefits.	No change
F	Use of Sick Leave Donation		
	i	Recipient Employee must follow all District required FMLA procedures	No change

	ii	Recipient Employee must apply for any paid leave or benefit programs for which he/she is eligible	No change
	iii	Recipient employee must keep the Human Resources Coordinator regularly informed including written certification from a physician	No change
	iv	The maximum total lifetime donation of sick leave is 680 hours (68 sick days).	Staff propose: Staff recommends 68 workdays (1/3 of a year / 17 weeks) (Note: if 35 employees donated the max of 40 hours, the total would be 1,400 hours)
	v	If the recipient employee separates from BCVWD employment due to termination, retirement, disability, etc. any remaining donated sick leave will be returned to the donor per the policy outlined below.	No change
G	Requesting time donations.		
	i	Eligible employees must submit a request in writing using the form provided by the District	No change
	ii	NOTE: If an employee's request for Sick Leave Donation is approved, the notice announcing such approval shall not identify the medical condition necessitating the need for the time. Examples of acceptable statements include: "The employee is scheduled for surgery and will be absent from work approximately..." "The employee is undergoing medical treatments which are anticipated to last approximately..." "The employee has been excused from work for medical reasons and is anticipated to be absent for ..." Examples of unacceptable statements include but are not limited to: "The employee was diagnosed with cancer and is undergoing treatments..." "The employee is suffering from kidney disease/ heart disease and will be absent..." "The employee is scheduled for gall bladder surgery, for prostate surgery," etc.	No change
	iii	No employee may solicit donation of sick leave or vacation time from co-workers.	No change
	iv	Recipient Employee agrees to accept the donated leave under the terms of this policy.	No change
H	Notice. Upon approval of the Sick Leave Donation Request, a notice to all District employees will be promulgated via email and on District bulletin boards.		No change
	i	A Catastrophic Time Bank (CTB) notice must contain the following information:	No change
		Employee name and classification	No change
		A general statement regarding the need for leave donations: Examples of acceptable statements include: "The employee is scheduled for surgery and will be absent from work approximately..." "The	No change

		<p>employee is undergoing medical treatments which are anticipated to last approximately... “The employee has been excused from work for medical reasons and is anticipated to be absent for ...”</p> <p>Examples of unacceptable statements include but are not limited to: “The employee was diagnosed with cancer and is undergoing treatments...” “The employee is suffering from kidney disease/ heart disease and will be absent...” “The employee is scheduled for gall bladder surgery, for prostate surgery,” etc.</p>	
		<p>Dates of absence and date when leave credits will be exhausted.</p> <p>Anticipated length of absence.</p> <p>From whom the Recipient Employee can receive leave credits.</p> <p>Brief description regarding how to donate leave credits, e.g. what form to use and where it can be found; where to send the form.</p> <p>Name of the staff person to receive all donation forms.</p> <p>Name and phone number of person employees may contact for questions.</p>	No change
		<p>The following statement: <i>The approval of the Sick Leave Donation Request is in no way to be construed as departmental acceptance or agreement that the illness/injury is work related.</i></p>	No change
I	Denial.		
	i	<p>If the reviewing authority denies the Sick Leave Donation Request, the employee must be notified of such denial in writing. The denial notification must include the reason for denial.</p>	No change
	ii	<p>Denial cannot be appealed or grieved.</p>	No change
J	Donations to the impacted employee.		
	i	<p>Once a Sick Leave Donation Request has been approved, the Director of Finance and Administrative Services shall take action to begin the donation process and ensure individual employee decisions to donate or not to donate to the program are kept confidential and employees are not pressured to participate.</p>	No change
	ii	<p>The donation program will be established on behalf of the Recipient Employee and will be administered through the Payroll Department</p>	No change
	iii	<p>Donations may be made in increments of five (5) hours</p>	Staff propose: Minimum increments of one hour.
	iv	<p>Employees who wish to donate must maintain a minimum balance of 80 hours in their own sick leave bank</p>	Staff propose: Minimum balance of 40 hours remaining for the donating employee.
	v	<p>The maximum donation is 40 hours per calendar year, per employee.</p>	Staff propose:

			Maximum donation of 40 hours per calendar year, per employee
	vi	Donations may be made of sick leave or vacation hours.	Staff propose: Allow donation of both sick and vacation time, at the discretion of the donor.
K	Residual Sick Leave Credits The donation of Sick Leave is not intended to result in the recipient employee having residual leave credits after the catastrophic event is over		No change
	i	Any leave donations not credited to the Recipient Employee's leave record will be returned to the donor(s) based on the order in which the hours were donated and used.	No change
	ii	This includes leave credits that are later determined to be unnecessary because a workers' compensation claim was approved for the employee.	No change
	iii	In such cases, all leave credits restored because of the approved workers' compensation claim are to be returned to the donor(s) based on the order in which they were donated and used	No change
	iv	Donors will be notified that the time they pledged was not needed by the employee and is being credited back to their own leave balance record.	No change
	v	Donated sick leave has no cash value.	No change
L	Benefits.		
	i	Health Insurance: The employer portion of the employee's health insurance premium will be paid up to (number) of weeks of absence from work.	Staff propose: Employees on leave who were previously covered by the District's health benefits shall continue to be covered at the level and under the condition that the coverage would have been provided if the employee were continuing to work, consistent with FMLA and existing benefits and leave policy.
	ii	Sick and Vacation Accrual: Sick leave, vacation time, and other time off benefits do not accrue during the use of Catastrophic Leave or FMLA Leave.	No change
M	Return to Work		
	i	Employee's return to work may require a physician's release.	No change
	ii	Upon recipient employee's return to work, all unused donated time will be returned to the donor(s) based on the order in which the hours were donated and used	No change

Beaumont-Cherry Valley Water District

Sick Leave Donation Program – Request for Donated Sick Leave

EMPLOYEE NAME _____ EMPLOYEE NO. _____

DATE OF REQUEST: _____

FOR PAYROLL DEPT USE			HOURS		
Current Sick Available		Current Vacation Available		Float Holidays	
Total hours available			Less hours used this pay period		

Reason for request to receive donated time:

Anticipated duration of absence (weeks): _____ **Expected date of return:** _____

Attached is the following documentation which verifies need of donated time:

- Medical Records Foreclosure Documents Fire/Police Report

Other (please describe):

I authorize Beaumont-Cherry Valley Water District (BCVWD) to release information to its employees concerning my request for the sole purpose of soliciting donations of Sick Leave and Vacation time. I acknowledge that no personal financial information or specific medical condition will be released; however, I understand that the basic circumstances leading to this request may be provided in order to clarify why a donation of time is needed.

Signature: _____ **Dated:** _____
 (Employee)

By signature, I approve the transfer of donated Vacation and Sick Leave from those individual employees who have voluntarily provided written authorization to have a portion of their time transferred to the above referenced employee.

Signature: _____ **Dated:** _____
 (General Manager)

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Catastrophic Leave Bank Guidelines

The purpose of the Catastrophic Leave Bank (CLB) is to provide a means of obtaining additional sick leave days to allow an employee to stay longer on paid leave status when he/she is off work due to a major illness or injury. The CLB benefit is derived from voluntary contributions from participating employees.

Eligibility for Membership:

To be eligible for membership in the CLB, the employee must:

- Be a qualified full time employee
- Be entitled to earn and use sick leave in the District.
- Passed his/her initial probationary period.
- Donate a minimum of eight (8) and a maximum of (40) hour's leave credit(s) per calendar year
- Compensatory time may be used in lieu of accrued leave.
- Have 40 hours (or as stated in MOU's) of earned sick leave or annual leave remaining after contributing the eight hours required for membership.

Donations:

Donations will be accepted from current members in January of each year. However, new employees may make a donation as soon as they are eligible for membership. The Administrative Support Supervisor will verify that the employee meets the eligibility requirements. Time donated will be deducted from employee's leave or compensatory time balances and converted to catastrophic sick leave hours. Donations of leave to the CLB are nonrefundable and nontransferable except in the event of termination of the CLB. The minimum of 400 hours and a maximum of 1000 hours have been established for said leave bank. In the event the CLB is terminated, the total days on deposit shall be returned proportionately to the current participating members and credited to their personal sick leave accruals rounded to the nearest quarter (.25) hour.

Administration:

A committee who will make recommendations to the General Manager regarding a withdrawal application shall administer the CLB. The committee shall be composed of three (3) members: one (1) representative from SEIU, one (1) representative from IBEW, and the Administrative Support Supervisor. The committee shall act with an affirmative or negative recommendation on all requests, and the General Manager shall make the final decision. Decisions of the committee and General Manager shall be final and cannot be appealed or grieved. The Administrative Support Supervisor shall maintain all records of the CLB.

The committee will meet at the end of each year to review the status of the CLB. If there have been no withdrawals in the current year and the minimum balance of 400 hours has been met, the committee may recommend to the General Manager to suspend contributions due in January of the following year. However, if a number of withdrawal requests come in during the year, which causes CLB minimum balance to dip below 400, the committee may reinstate the contribution requirement.

Withdrawal Conditions:

An employee may be able to apply for a withdrawal from the CLB when:

- the employee suffers a catastrophic illness or injury, defined as follows:
 - must be of a serious nature, not a passing disorder or temporary ailment; and
 - must require treatment by a certified health care provider;

Approved 2/2008
Revised 10/2010
Revised 12/2011
Revised 2/2015

RR2040-2

- normal pregnancies without complications and routine surgeries without complications are not considered to be catastrophic;
- the employee is an active member of the CLB in the year a withdrawal is requested and has been a member for thirty (30) calendar days;
- the employee has exhausted all earned leave and compensatory time;
- the injury or illness is not covered by Workers' Compensation even if the workers' compensation benefit has been exhausted;
- the employee is off pending a contested Workers' Compensation claim; repayment of the withdrawal shall be reimbursed should the claim succeed;
- the request is for the employee's personal illness or injury, not for an employee to take leave due to an illness or injury of a family member;
- At the time of application, there is no monitoring or disciplinary action for sick leave abuse.

Applying for a Withdrawal:

Should the member have an illness or injury, as defined above, necessitating the need for additional days, the member may submit a written withdrawal application from the CLB. The application should be initiated as soon as the member knows that all leave will be used before being released to return to work. The committee may refuse to consider an application that does not contain the following information:

- identification of the nature of the illness and/or extent of injury;
- date of initial onset of this particular condition;
- Anticipated return to work date.

If a member is critically ill or unable to file an application him/herself, the immediate supervisor or a family member may initiate the application.

Withdrawal applications should be submitted to the Administrative Support Supervisor, who will verify the employee is an active member of the CLB. The committee will meet, review the application, and forward its recommendation to the General Manager within 15 working days from the date the application is received. The General Manager will review and forward his decision to the member and the committee within five (5) working days. The Administrative Support Supervisor will coordinate with the employee and the payroll department to add approved withdrawal hours to the employee's leave accrual.

Members of the CLB are not necessarily entitled to any days or a set number of days. The number of hours granted, if any, will be determined by the committee who will consider the number of hours in the CLB, the number of pending requests and the nature and duration of the illness or injury. The limit on the number of hours a member may receive per request is 40 hours. A new withdrawal application is required for more hours with a maximum of 160 hours per incident. A member who returns to work before using all the withdrawn hours will return the unused hours to the CLB upon return to work.

Approved 2/2008
 Revised 10/2010
 Revised 12/2011
 Revised 2/2015

RR2040-3

RIO LINDA ELVERTA RECREATION AND PARK DISTRICT

POLICY & PROCEDURE MANUAL

POLICY TITLE: Sick Leave
POLICY NUMBER: 2040

2040.1 This policy shall apply to probationary, regular and regular part-time and part-time employees in all classifications.

2040.2 Sick leave is defined as a paid absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dental and medical appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to Administrator.

2040.3 Regular employees shall earn sick leave at the rate of one (1) working day per month cumulative without limits.

2040.4 $\frac{3}{4}$ Time Regular Part-time personnel will accumulate sick leave at a rate of nine (9) days per calendar year cumulative without limits.

2040.5 All employees not covered under 2040.3 and 2040.4 shall be given 24 hours of accrued sick leave annually to use for the following purposes:

2040.5.1 Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee.

2040.5.2 Diagnosis, care, or treatment of an existing condition of, or preventive care for, an employee's family member (includes parent, child, spouse, registered domestic partner, parent-in-law, sibling, grandchild or grandparent).

2040.5.3 For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in Labor Code Section 230© and Labor Code Section 230.1(a).

2040.5.3.1 There is no carry-over of unused sick leave. On July 1 of each fiscal year all employees eligible under this plan shall have their available sick leave hours reset to the maximum accrual of 24 hours.

Adopted: 10/10/2002

Updated: 2/09/2007

Amended: 10/21/2015

Added: Paragraph (2040.5)

Added: 2040.11

Added: Paragraph (2040.14) 11/14/2018

2040-1

2040.5.3.2 An employee may use accrued paid sick days beginning on the 90th day of employment. If an employee separates from the district and is rehired within one year from the date of separation, previously accrued and unused paid sick days shall be reinstated. After one year of separation unused sick leave is forfeited and no payment of accrued sick leave will be made by the District.

2040.6 Sick leave is not a right that an employee may use at his/her discretion. Use of sick leave must be approved. Sick leave may be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness in his/her immediate family.

2040.7 Eligible employees may use accrued sick leave, up to half the time accrued per calendar year, as kin care leave, to care for sick immediate-family members. Kin care leave time will not accumulate from year to year. It is provided for those circumstances where the employee must take time off to care for a sick family member, regardless of the seriousness of the illness. Employees should notify their supervisor to the extent feasible in order to avoid disruptions in work schedule as a result of use of kin care time. Family members covered include parents, children and spouses and are defined as follows:

2040.7.1 A “child” means a biological, adopted or foster child, a stepchild, a legal ward or a child for whom an employee has accepted the duties and responsibilities of raising, such as where a grandmother raises her grandchild.

2040.7.2 A “parent” means a biological, foster or adoptive parent, a stepparent or legal guardian. Mothers-in-law, fathers-in-law and grandparents are also considered “parents for purposes of this division”.

2040.8 In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular workday, or as soon thereafter as practical.

2040.9 If absence from duty by reason of illness occurs and an employee requests to use sick leave, satisfactory evidence of the illness may be required by the Administrator.

2040.10 In the event a part-time employee is promoted to Full-time status, the individual is allowed to carry their accumulated sick and vacation time with them to the Full-time position.

2040.11 Upon separation of employment unused sick-leave time shall be “bought back” by the District at a rate of one-third (1/3) of accumulated sick leave remaining up to but not exceeding a maximum of 21.25 days (equivalent of one month’s base salary).

2040.12 It shall be the mandatory duty of each supervising authority to enforce the provisions of this section accurately and document sick leave, including a clear statement of cause and such supporting evidence as required by the District Administrator in determining the necessity for such leave.

2040.13 The District Administrator shall require the employee to provide adequate evidence to substantiate the necessity for use of sick leave when used, and may require a statement by a medical doctor that the employee is fit to return to duty. Note: California Labor Code accepts Chiropractors as "Physicians".

2040.14 Upon approval of the District Administrator, employees may donate up to 50% of their eligible sick hours to another Regular Employee or $\frac{3}{4}$ Time Regular Part-time Employee who is in need of additional sick hours due to a serious disease or life-threatening illness (usually requiring home care, hospitalization, or hospice) to his/her self or immediate family as defined in 2040.7.

(i.e., three days), at the employee's regular rate of compensation at the end of the six-month period, provided the accrued amount of sick leave does not fall below 100 hours. The sell back period is during the months of January and July.

d. **Catastrophic Leave Donation Policy**

Employees who have been employed by the District for one full year or more and have exhausted all annual leave accruals and are faced with a catastrophic illness or injury may be eligible to receive accrued vacation, sick or personal time from other employees. The guidelines for such a request are:

1. A donating employee must have a combined minimum of 160 hours of vacation, sick and personal leave after making any donation. Donations of sick time will not count against a donor's ability to sell back time per District policy.
2. Donated hours are used on an hour-for-hour or day-to-day basis depending on the classification of the employee (exempt/non-exempt) regardless of the hourly rate of the donor or the recipient.
3. Donations will be converted to sick leave and credited to the affected employee and paid when used at the employee's normal hourly rate of pay.
4. All donations will remain confidential and anonymous, except as required for administration of the program.
5. No further donations will be accepted after the recipient has received the maximum allowable hours (480 hours). Any donated time not needed by the recipient will be returned to the donor.

K. Unpaid Time Off

Several types of unpaid leaves of absence are available to eligible employees under the District's policies. The types of leaves that are available include personal, family (includes medical), and military.

1. Summary of Rules

A summary of the rules and restrictions applicable to leaves of absence is provided below:

- a. **Unpaid status:** All leaves of absence are provided on an unpaid basis.



DESERT WATER AGENCY
TIME DONATION PROGRAM

Upon receipt of verification of information from a physician, insurer, or other appropriate authority that an employee has been stricken by a catastrophic, life threatening illness or injury, or upon sufficient evidence the employee has suffered a devastating circumstance which prevents them from working or depletes all of their accumulated ABP and vacation time, and thus jeopardizes their income, the General Manager may determine the employee is eligible to receive donations of accumulated vacation and ABP hours from fellow employees.

In order to be eligible to receive donated time, the following must occur:

1. The employee in need of donated time must submit a completed "Request for Donated Time" form to the General Manager, with the understanding that further documentation supporting the request may be required.
2. The General Manager will verify the need for donated time, and will also consider the employee's service record prior to making a determination as to whether they are eligible to receive donated time; an employee who receives donated time must have successfully passed their probation period (first six months of employment).
3. An employee who requests donated time must have exhausted the majority of all their accumulated ABP and Vacation time.
4. The employee who receives donated time may be requested to furnish medical or financial information deemed necessary to verify the need for time donations. All information provided shall be strictly confidential, and shall not be used by anyone other than the General Manager (or, with the employee's permission, other members of management who will assist the employee) for any other purpose than to validate need and implement the donation of time.
5. Upon determining an employee is eligible, a notice will be provided to all employees advising that accumulated Vacation or ABP time hours may be voluntarily donated to the eligible employee.
6. Upon notification that an employee is in need of donated time, Agency employees may submit a "Employee Donation of Time" form to the payroll clerk. Submittal of the form will effect an immediate removal of time from the donor to the recipient (transfer of time will occur with the first available payroll following the donation); said donation will be irrevocable.

7. To be eligible to donate time, an employee must have an accrued cumulative balance of both vacation and ABP equal to, or greater than, 160 hours.
8. An employee may not donate leave hours which would reduce his/her total accrued cumulative balance of both vacation and ABP time to less than 160 hours.
9. The minimum number of hours that may be donated by an employee is one (1). The maximum donation by a single employee is forty (40) hours within one year's time. Only full-hour increments of time are transferable. Donation of time is limited to accrued Vacation or ABP and does not include holidays, or any other accumulated leave.
10. The employee to whom the Vacation/ABP time is donated will be credited at their salary rate, not the rate of the donor.

Donated hours shall be converted to the dollar rate of the recipient, then transferred to hours at the recipient's rate. The recipient will be responsible for bearing the cost of taxes from the time received.

11. The donation of hours is irreversible. Should the person receiving the hours not use all the donated time received for the specific catastrophic illness or life event for which the time was requested, any balance will remain with that employee.



<u>Policy</u>	<u>Policy Number</u>	<u>Date Adopted</u>	<u>Date Revised</u>
SICK LEAVE DONATION	TBD	3/13/2013	

Purpose

The intent of a Sick Leave Donation Policy is to allow employees to voluntarily assist co-workers who are in critical need of time off due to non-job related injuries, temporary disabilities or illnesses or is the primary care giver to an immediate family member in case of injury or illness and which falls within the sick leave guidelines of the employee handbook. No employee may solicit donation of sick leave from co-workers.

Policy

Employees who are unable to work in any capacity listed above can receive sick leave hours in the form of donations of co-workers accrued sick leave. An employee must show he/she has a continuing “extraordinary” need for medical leave, either an employee’s own or his/her immediate relative. An employee may donate accrued sick leave to a fellow employee. Employees need to meet the following criteria.

Recipient:

- Employee must have completed his/her probationary period.
- Employee must be on an approved leave.
- Employee has exhausted his or her accrued leave balances including vacation, comp and sick leave.
- An employee may receive donated leave up to the number of hours the employee is scheduled to work each pay period.
 - Employee has applied for any paid leave or benefit programs for which the employee is eligible.
 - Employee has provided written verification that the serious health condition exists.
 - Employee has agreed to accept the leave under the terms of this policy and completes a “Sick Leave Donation” form.

Donor:

- Voluntarily elects to donate sick leave and does so with the understanding that donated leave will not be returned unless the recipient does not utilize all of the leave. Any leave not used will be returned on a first in, first out basis.
 - Donates a minimum of 4 hours and increments of 1 hour there after
 - Retains a sick leave balance of least one hundred twenty (120) hours
 - Completes a “ Sick Leave Donation” form”

The sick leave donation program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Donated sick leave shall be considered sick leave but shall never be converted into a cash benefit. The employee receiving the Sick leave donation is eligible to receive a total lifetime donation of up to a maximum of 90 sick days (720 hours). If the recipient leaves BCVRPD due to termination, retirement, disability, etc. any remaining donated sick leave will be returned in a first in, first out basis.

Employees not meeting the eligibility requirements as described will be notified of the reason for ineligibility by the Human Resources Department and applications will be clearly marked “NOT ELIGIBLE” and placed in the employee’s medical file. The approval of sick leave is at the discretion of the General Manager.

The Human Resources Department shall ensure that no employees are forced to donate leave and shall respect an employee’s right to privacy; however, with the permission of the employee who is in need of leave or a member of the employee’s immediate family, the District may inform employees of their co-



workers critical need for leave donations from employees. The donation of sick leave shall occur on a strictly confidential and voluntary basis.

Training

The Human Resources department shall provide staff with information on the sick leave donation policy upon hiring and during annual employee handbook reviews.