

**RESOLUTION 2019-11**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT  
AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL PART I  
ADDING AND ESTABLISHING SECTION 52:  
EMPLOYEE LEAVE DONATION PROGRAM AND POLICY**

**WHEREAS**, on March 18, 2009 the Board of Directors of the Beaumont-Cherry Valley Water District adopted Resolution 2009-05, establishing a Policy and Procedures Manual applicable to Board of Directors and District staff; and

**WHEREAS**, the Board of Directors desires to enhance the benefits available to its valued employees by establishing a new Employee Leave Donation Policy and Program; and

**WHEREAS**, the policy revisions do not affect the 2017-2021 BCVWD Employee Association Memorandum of Understanding and the Employee Association has reviewed, discussed and approves the proposed Employee Leave Donation Program and Policy; and

**WHEREAS**, upon review and discussion, the Personnel Committee of the Board of Directors has recommended the proposed Employee Leave Donation Program and Policy attached hereto as Exhibit A to the Board of Directors for adoption,

**WHEREAS**, the Board of Directors has reviewed and considered the said policy update and addition to the BCVWD Policy and Procedures Manual Part I attached as Exhibit A, and finds the policy relevant and acceptable, and deems it to be in the best interest of the District that the following actions be taken,

**NOW THEREFORE, BE IT RESOLVED** by the Board of Directors of the Beaumont-Cherry Valley Water District that Part I of the BCVWD Policies and Procedures Manual is hereby amended to add new Section 52, comprised of the content of Exhibit A, the Employee Leave Donation Program and Policy, attached.


**ADOPTED** this 9th day of October, 2019, by the following vote:


AYES: Covington, Hoffman, Slawson, Williams

NOES:

ABSTAIN:

ABSENT: Ramirez

  
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Director John Covington, President of the  
Board of Directors of the  
Beaumont-Cherry Valley Water District

ATTEST:  
  
\_\_\_\_\_  
Director Daniel Slawson for  
Director Andy Ramirez, Secretary to the  
Board of Directors of the  
Beaumont-Cherry Valley Water District

# **EXHIBIT A**

## **BEAUMONT-CHERRY VALLEY WATER DISTRICT**

**SUBJECT: EMPLOYEE LEAVE DONATION PROGRAM AND POLICY**

**PURPOSE:**

To establish a program to assist Beaumont-Cherry Valley Water District ("District") employees who have exhausted all earned paid time off caused by a catastrophic illness or injury, and a procedure in which employees may donate their own accrued sick and vacation leave to an eligible employee in need.

**POLICY:**

**A. Eligibility**

1. Leave Donation Program hours are available to a full time, regular employee who has experienced a personal (or eligible family member) "catastrophic medical condition, illness or injury", which totally incapacitates the employee from work, and forces the employee to exhaust all leave time earned by that employee, resulting in a loss of compensation from the District and financial hardship for that employee.
2. "Eligible Family" members as defined by the Healthy Workplaces, Healthy Families Act of 2014 (HWHFA):
  - a. Child. A child, which 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.
3. Determination of a "catastrophic medical condition" shall be consistent with eligibility for leave under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA) and the California Pregnancy Disability Leave Act (CPDL). Conditions that are short-term in nature including, but not limited to, common illnesses such as influenza, measles, common injuries, broken bones, strained ligaments, uncomplicated pregnancy, and the like are not catastrophic. Chronic illnesses or injuries such as cancer, major surgery, unresponsive syndromes and the like, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods may be considered catastrophic.
4. Recipient Employee must be on an approved Family, Medical and/or Pregnancy Disability leave including a medical certification from the treating medical provider that the catastrophic medical condition, illness or injury exists.

5. Recipient Employee must have exhausted all earned paid leave including sick leave, vacation, and other available accrued time banks, before the employee may accept leave donations.
6. Recipient Employee must have passed their probationary period.
7. Before an employee is eligible to receive donated leave after having received donated leave from a previous occasion, the employee must have returned to work with the District and have worked a minimum of 12 consecutive months and minimum of 1250 hours during the months preceding the request.

**B. Requesting Leave Donations**

1. An eligible employee, meeting the requirements stated above, must submit a request in writing using the form provided by the District.
2. Recipient employee shall agree to accept the donated leave under the terms of this policy.

**C. Authorization**

1. Upon verification that the employee meets the eligibility requirements as set forth in this policy, the Director of Finance and Administrative Services or their designee shall recommend that the request for Leave Donation be approved; similarly requests that are found to not meet eligibility requirements shall be recommended for denial.
2. The General Manager shall serve as the final decision-making authority.
3. A decision on approval or denial of the Leave Donation request shall be made within eight (8) working days of receipt of a complete request.
4. The Recipient Employee shall be notified in writing of approval. If the Leave Donation request is denied, Recipient Employee shall also be notified in writing including the reason for denial.

**D. Notice to Recipient Employee**

1. Upon approval of the Leave Donation request, a notice to all District employees shall be prepared by the Director of Finance and Administrative Services, or designee, using the District's prescribed form, and distributed via email and on District bulletin boards using the District's standardized form for this purpose.
2. Personal medical information shall not be disclosed including the requesting Recipient Employee's condition, diagnosis, and/or prognosis. The notice shall include the employee's name, department, and the process in which to donate.

**E. Donations to Recipient Employee**

1. Once a Leave Donation request has been approved, the Director of Finance and Administrative Services, or designee, shall establish a leave donation account for Recipient Employee and tracking system for the receipt and usage of donations.

2. All employee donations made to the Recipient Employee shall remain confidential.
3. Employees shall solely determine whether to voluntarily participate in making leave donations, without influence from the District, or its employees, supervisors or managers on whether or not to participate.
4. Donations may be made in increments of one (1) hour.
5. Employees who wish to donate to Recipient Employee may choose to donate time from their sick leave or vacation leave bank, and must maintain a minimum balance of 40 hours in the leave bank(s) selected.
6. Employees are limited to donating a maximum of 40 hours per calendar year per Recipient Employee, and may donate to more than one Recipient Employee in the same calendar year, provided that the donating employee retains the minimum required leave balance as stated above.
7. The value of donated leave time shall be determined based on the donor's regular pay rate, and then converted to the Recipient Employee's regular pay rate to the nearest half (0.5) hour to determine the number of leave hours donated.

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.

#### F. Use of Leave Donation

1. Only the approved Recipient Employee may receive donated hours, and such donated hours may not be transferred by Recipient Employee or by donors to other employees.
2. The Recipient Employee's account shall be administered so that hours will be used only as needed and in the order donated. Donated hours shall reflect as a negative adjustment to the donor's accrual balance during the pay period in which they are utilized and not immediately upon submittal of the leave donation form.
3. Recipient Employee must follow all District required Family and Medical Leave procedures including keeping the District informed of any changes in medical status and/or limitations consistent with District Policy and FMLA/CFRA/CPDL regulations.
4. Recipient Employee must apply for any paid leave or benefit programs for which they are eligible, including State Disability Insurance (SDI), Paid Family Leave (PFL) and/or other benefit programs, and then the employee's access to the 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 such programs. Recipient Employee shall present official documentation of such compensation received to the Director of Finance and Administrative Services, or designee, during the catastrophic illness, and while receiving donated leave.
5. In the instance where a catastrophic illness or injury qualifies or may qualify an employee for State Workers' Compensation, the employee shall first make an application for

Workers' Compensation benefits and then the employee's access to the 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.

6. Recipient Employee is limited to a maximum total Life-time donation of 680 hours.
7. As with all sick leave, abuse and misuse of donated leave is grounds for disciplinary action, up to and including termination.

#### G. Residual Leave Donations

1. The donation of leave is not intended to result in the Recipient Employee having a residual leave balance after the catastrophic event is over.
2. Any leave donations not used by the Recipient Employee shall be returned to the donor(s) based on the order in which the hours were donated and used. This includes leave credits that are later determined to be unnecessary because a Workers' Compensation claim was approved for the employee. Donors shall be notified that the time they pledged was not needed by the Recipient Employee and is being credited back to their own leave bank.
3. Donated and unused leave has no cash value.
4. If the Recipient Employee separates from District employment due to termination, retirement, disability, etc. any remaining donated leave shall be returned to the donor.

#### H. Benefits

1. Health Insurance: 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/CFRA, and CPDL and existing benefits and leave policy.
2. Sick and Vacation Accruals: Sick leave, vacation time, and other time off benefits do not accrue during the use of leave donated under the Employee Leave Donation program, or Family and Medical Leave.

#### I. Return to Work

1. Employee's return to work may require a physician's release and shall follow District policy and procedures related to Family and Medical leave.



**PROCEDURE/STEPS:**

Requesting Employee

1. Initiates a request for Leave Donation using the District's prescribed form and submits to the Director of Finance and Administrative Services.

Director of Finance and Administrative Services

2. Verifies eligibility of the requesting employee, and makes recommendation to the General Manager.

General Manager

3. Renders a decision within eight (8) working days of receipt of request.

Director of Finance and Administrative Services, or Designee

4. Informs requesting employee of decision and if approved, prepares and distributes a notice to District employees informing of the opportunity for employees to donate leave.

5. Establishes a leave donation account for Recipient Employee; tracks donations and usage.

Donor Employee

6. Completes a leave donation form and submits to the Director of Finance and Administrative Services, or designee.

Director of Finance and Administrative Services, or Designee

7. Manages leave donations, converts hours, and allocates donations to Recipient Employee in the order received.

8. Deducts leave donations from donor employee accounts at the time of use, and in the order received.

Recipient Employee

9. Adheres to all provisions of the policy in order to become and remain eligible to receive leave donations, including the District's Family and Medical Leave procedures, and keeping the District informed of leave status.

10. Applies for any State (or other) paid leave programs for which he/she is eligible and provides documentation to the District.

11. Submits Workers' Compensation claim, if the catastrophic injury or illness is perceived to be work related.

Recipient Employee

12. Coordinates return to work with the District.

Director of Finance and  
Administrative Services, or Designee

13. Returns residual donations to donors.

Forms:

1. Employee Request for Leave Donation
2. Authorization to Donate Leave
3. Physician's Certification (Employee to use District's FMLA/CFRA Medical Certification Form)