



Meeting Date: March 27, 2019

Agenda Item: # 10

AGENDA SUMMARY REPORT

SUBJECT:

Consideration of Amendment to MTA personnel Policies and Procedures Section 7.5.1 Catastrophic Leave Fund Policy

SUMMARY:

MTA's Catastrophic Leave Fund Policy permits temporary salary and benefit continuation for a staff employee who accrues sick and vacation and who has exhausted all paid leave credits as a result of a catastrophic illness or injury of an employee or family member, death of a family member, casualty loss suffered due to fire or other major natural disaster.

The program allows employees to donate vacation leave to co-workers who do not have sufficient accumulated leave to cover a verifiable, major crisis and to provide salary continuation during the waiting period for Workers Compensation benefits and or disability benefits.

While the program establishes a mechanism for leave transfers, participation is entirely voluntary.

Donations are anonymous (management will not identify the donor, however, the donor may choose to self-identify).

STAFF RECOMMENDATION:

Approve Amendment to MTA's Policy Manual Section 7.5.1 Catastrophic Leave Fund Policy

ATTACHMENTS:

MTA Policy Manual Section 7.5.1 Catastrophic Leave Fund Policy Redline

MTA Updated Policy for Consideration

Exhibit L - Donation of Vacation/Sick Leave Donation Program

Exhibit K - Request for Utilization if Catastrophic Leave

Catastrophic Leave Fund Policy

~~7.5.1 Catastrophic Leave (Revised 10/28/99)~~

~~Catastrophic Leave is a paid leave of absence due to verifiable, long-term illness or injury and is designed to help employees who have exhausted all of their available leave.~~

~~(1) — Donation of Hours Leave Bank Program:~~

~~Under the Leave Bank Program, employees may make a contribution of vacation or side leave to MTA's Leave Bank. The contribution may be made to the General Bank, or to a specific recipient. To make a donation, an employee must submit a request to the Finance and Personnel Manager that the specified number of hours of his/her accrued sick or vacation leave be transferred to the leave bank or to an individual. Employees donating vacation or sick leave must donate in increments of whole hours. Employees must leave a balance of not less than ninety-six (96) hours of sick and forty (40) hours of vacation time after donating to the leave bank. Donation of hours are limited to 50% of the employee's sick or vacation accrual for the current year. If donated hours exceed 1040 to an individual recipient, the excess hours will be transferred to the Leave Bank Program for distribution to other employees in need. Catastrophic leave hours may not be used unless sufficient hours have been accrued in the Leave Bank Program.~~

~~Donated hours under the Leave Bank Program are irrevocable. Participation is strictly voluntary.~~

~~(2) — Eligibility~~

~~All permanent employees who have successfully completed twelve months in a paid status, shall be eligible for such leave due to their own serious illness or injury.~~

~~To be eligible to use the Catastrophic Leave, all of the employee's accrued side leave, vacation leave, and compensatory time must be exhausted before qualifying for the catastrophic leave.~~

~~(3) — Approval of Catastrophic Leave~~

~~An employee wishing to receive leave under this program must submit a written application to the General Manager describing the reasons why the leave is needed.~~

~~Certification from their physician may be required to provide justification.~~

~~Leave may be approved initially up to a maximum of two hundred and forty (240) donated hours. If the catastrophic illness or injury continues, increments of 240 donated hours may be approved by the General Manager as necessary, not to exceed a total of 1040 hours.~~

~~The Finance and Personnel Manager shall account for the donation and disbursement of catastrophic leave hours.~~

~~(4) — Donated Hours~~

~~An employee who receives and uses donated leave continues to be paid at his or her pay rate as if in work status. While on leave, MTA will continue to pay for group insurance/core benefits the same as before the leave, and seniority will continue to accrue. When the medical emergency ends, any unused transferred hours in excess of forty (40) are restored to the leave bank for future needs.~~

~~While an employee is on Catastrophic Leave using donated hours, the employee shall not accrue any vacation or sick leave. The employee will not be eligible to sell (cash out) any donated vacation or sick leave hours.~~

~~An employee may use Catastrophic Leave to augment State Disability Benefits not to exceed their regularly scheduled hours.~~

~~Transferred leave under this program is not a tax deduction for the donor, but its dollar value is taxable to the recipient when it is used.~~

7.5.1 Catastrophic Leave Fund Policy (DRAFT)

Mendocino Transit Authority (MTA) recognizes that employees may have a family medical emergency or be affected by a major disaster, resulting in a need for additional time off in excess of their available sick/vacation time. To address this need, all eligible employees will be allowed to donate accrued paid sick or vacation leave hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.

7.5.1.1 Eligibility

Employees must be employed with MTA for a minimum of one year (12 months) to be eligible to donate and/or receive donated Catastrophic Leave.

7.5.1.2 Guidelines

Employees who would like to make a request to receive donated sick/vacation time from their co-workers must have a situation that meets the following criteria:

Medical emergency, defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child or parent.

Major disaster, defined as a disaster declared by the president under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the president pursuant to California Disaster Assistance Act (CDAA). An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member (spouse, child or parent) of the employee that requires the employee to be absent from work.

7.5.1.3 Donation of Sick/Personal Time

The donation of sick/vacation time is strictly voluntary.

Donated sick/vacation time will go into a leave bank for use by eligible recipients or specific employee.

The donation of sick/vacation time is on an hourly basis, without regard to the dollar value of the donated or used leave.

The minimum number of sick/vacation hours that an eligible employee may donate is no more than 50% of the employee's current accrued balance.

Employees cannot borrow against future sick/vacation time to donate.

Employees will be given the opportunity to donate a lump sum of sick/vacation time annually during benefits open enrollment.

Employees may also choose to donate a designated amount to the CLF on a biweekly period during annual open enrollment.

Employees who are currently on an approved leave of absence cannot donate sick/personal time.

Appendix L will be completed by any employee who wishes to donate sick/vacation time to the CLF.

Upon an employee being injured on the job a donor can complete Appendix L and begin donations to the CLF for the specific employee at any point during the year. (see 7.5.1.5)

7.5.1.4 Requesting Utilization of Catastrophic Leave

Employees who would like to request utilization of Catastrophic Leave time are required to complete a Request Form and submit it to human resources. (see Appendix K)

Requests for utilization of CLF donations must be approved by the employee's immediate supervisor MTA's General Manager.

Donated Catastrophic Leave time may only be used for time off related to the approved request.

Employees who receive donated sick/vacation time must have used 100% of their personal sick/vacation accruals unless the leave relates to an approved Workers Compensation case. (see 7.5.1.5)

Employees who receive donated sick/vacation time may receive no more than 280 hours (6 weeks) within a rolling 12-month period from the date of the original request.

7.5.1.5 Workers Compensation Injuries

In the event that an employee is injured on the job, and Workers' Compensation is authorized, the injured employee will be able to utilize, upon approved request (outlined in 7.5.14), immediate catastrophic leave for a maximum of 280 hours within a 12-month period calculated from the date of the incident/occurrence.

7.5.1.5.1 Immediate Catastrophic Leave

The immediate catastrophic leave allowance will be paid for up to 3 weeks. Immediate catastrophic leave will cease after the employee has received his/her first benefit check through Workers Compensation.

7.5.1.5.2 Continued Catastrophic Leave

At no point will an employee be made more than whole through the use of the CLF or a combination of the CLF and their own vacation/sick time or Workers Compensation benefits.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

Appendix K

REQUEST FOR UTILIZATION OF CATASTROPHIC LEAVE

Date of Request: _____

Employee Name: _____

Supervisor Name: _____

Number of sick/vacation days requested: _____

Reason for request for donated sick/vacation time: _____

Signature of Employee

Date

Signature of Supervisor

Date

General Manager Approval (signature)

Date

Appendix L

VACATION/SICK LEAVE DONATION PROGRAM

Vacation/Sick Leave Waiver & Donation Authorization Form

Having read and understood the Mendocino Transit Authority's Catastrophic Leave Donation Policy attached to this form, and subject to the terms and conditions set forth therein, I hereby voluntarily waive my entitlement to and donate _____ hour(s) of my accrued vacation, _____ hour(s) of my accrued sick leave on the condition that the equivalent dollar value of the hour(s) I donate is paid by Mendocino Transit Authority to the employee I have identified below or deposited into the Catastrophic Leave Fund General Bank for use by any employee in need:

I CHOOSE TO DONATE TO THE GENERAL CATASTROPHIC LEAVE FUND: yes no

OR

I CHOOSE TO DONATE TO A SPECIFIC EMPLOYEE:

Print name: _____ Title: _____
(Last) (First)

I understand that, upon submission of this form, I cannot control the timing of the deduction of the donated hour(s) from my vacation/sick leave balance and that, while I will not be specifically notified when the donation is processed, I can determine this by monitoring the vacation/sick leave balance reported on my biweekly paycheck stub.

Donor's Name (print): _____
(Last) (First)

Donor's Social Security Number: _____

Donor's Department Name: _____

Donor's Work Phone Number: _____

Donor's Signature: _____

Date: _____

Return form to: ___Payroll_____