

SIDE LETTER OF AGREEMENT

Between the City of Fort Bragg

and the

Fort Bragg Employees Organization, SEIU Local 1021

Section 18. CATASTROPHIC LEAVE PROGRAM

18.1. Policy

This policy is designed to assist employees who have exhausted all forms of paid leave due to a serious, catastrophic illness, emergency circumstance or injury that affects the employee or the employee's immediate family member and requires the employee to be absent from work. The Catastrophic Leave Program allows other City employees to voluntarily donate sick leave or vacation to an employee who meets the eligibility requirements so that the recipient will be able to remain on a paid status for a longer period of time, or until the employee is receiving short or long term disability, or is able to retire.

Donation and use of catastrophic leave is at the City Manager's discretion.

Donation and use of catastrophic leave requires the approval of the City Manager or their designee.

18.2. Eligibility for Personal Catastrophic Leave

18.2.1. The employee must meet the following requirements to be eligible for leave under this policy:

- (1) The employee must have been employed with the City and be considered actively employed by the City.
- (2) The employee must have a verifiable serious emergency circumstance or catastrophic illness or injury requiring an extended period of treatment or recuperation or the employee must be caring for an immediate family member as defined in Personnel Rules Section 15.2.8 who has a verifiable serious or catastrophic illness or injury. Serious or catastrophic illness or injury is one in which the employee or immediate family member is incapacitated and unable to work as certified by their physician for at least four (4) full workweeks. In addition, the employee must provide medical certification documents documenting the employee's serious or catastrophic illness or injury requiring an extended period of treatment or recuperation for at least (4) full workweeks.
- (3) In circumstances where an employee faces an extraordinary personal, or emergency situation requiring immediate consideration, the City Manager

is authorized to approve the employee's eligibility for participation in the Catastrophic Leave Program. Such approval may be granted when the City Manager determines that the employee's situation constitutes an emergency or extraordinary circumstance resulting in substantial hardship or loss of income.

- (3) The employee must have exhausted all paid leave balances.
- (4) The employee may not be concurrently receiving short or long-term disability or similar benefit, including State Disability Insurance

18.3. **Conditions for Donating Leave.**

18.3.1. The following are the conditions for donating leave:

- (1) To be eligible to donate leave, an employee must have been employed for six months.
- (2) All donations of leave are voluntary. No employee shall be required to donate leave.
- (3) Vacation and sick leave are the only types of leave allowed for donation and shall be donated on the basis of 1 hour received for each hour donated. If an employee wishes to donate vacation or sick leave, the employee must retain a minimum balance of eighty (80) sick leave hours after donating. If donating vacation leave, the employee must retain a balance of 40 hours after donating.
- (4) A donating employee may donate a maximum of 100 hours total to a recipient employee per catastrophic event. Recipient employees may receive a maximum of 520 donated hours (3 months/13 weeks) per catastrophic event.

Donated leave will be credited to the receiving employee's leave balance on an hour-for-hour basis and shall be paid at the rate of pay of the receiving employee.

- (5) Once the leave is donated and posted to the receiving employee, the employee donating such leave shall irrevocably lose all rights and privileges to the donated leave hours.

18.4. **Procedures For Donating and Receiving Leave**

18.4.1. For donating employees:

- (1) A donating employee shall complete the donation form and submit it to the Human Resources Office.
- (2) The Human Resources Office will review the request and forward to the City Manager for approval.

- (3) After approval by the City Manager, the Human Resources Office will submit the donation request to payroll for processing.
- (4) Donated leave will be used only as needed.
- (5) Donated leave will be credited to the receiving employee from the donating employee in chronological order by the date approved by the City Manager.

18.4.2. For receiving employees:

- (1) Once the receiving employee's own paid leave balances have been exhausted consistent with this policy, the employee may collect donated leave.
- (2) The receiving employee must be eligible for leave (meeting the requirements of Section 18.2.1 above) and willing to receive the donated leave.
- (3) The medical reasons for the need for the donated leave or name of the staff will only be disclosed to City employees if the employee agrees to such disclosure, either verbally or in writing.
- (4) The receiving employee will continue to be provided City-provided health and welfare benefits consistent with the City's Family and Medical Leave Policy.
- (5) All donated hours must be used on a continuous and uninterrupted basis until the earliest of the following occurs:
 - a. All donated leave balances are exhausted; or
 - b. The employee returns to work; or
 - c. The employee begins receiving long-term disability benefits; or
 - d. The employee's employment terminates.

18.5. **MISCELLANEOUS**

- (1) Catastrophic Leave donations are not tax deductible for the donor and all payroll taxes are the obligation of the recipient.
- (2) The recipient/donor must not have solicited nor accepted anything of value in exchange for the donation.
- (3) The Policy will be administered in a manner consistent with the Family Medical Leave Act/California Family Rights Act and applicable City leave policies and will not otherwise extend or alter an employees rights under those policies.
- (4) All donations shall remain confidential.

- (5) Donations will be deducted from the donor's balances as they are credited to the recipient. When the employee returns to work on a regular basis or tenders notice of resignation or retirement, any hours remaining in the catastrophic leave account will be refunded to the donors on a first-in-first basis, meaning the leave will be returned hour per hour to the last donation received.
- (6) Must have exhausted all earned leave balances (including sick, vacation, and compensatory time). However, the City Manager may approve the solicitation and acceptance of sick and/or vacation donations prior to all balances being exhausted when the physician's statement and existing leave balances indicate that all such balances will be exhausted within the next two pay periods.

FOR THE CITY OF FORT BRAGG

FOR THE FORT BRAGG EMPLOYEE ORGANIZATION/SEIU LOCAL 1021

DATE _____

DATE _____

Isaac Whippy, City Manager

Cody Filosi, Organization President

Justin Celeri, Organization Vice President

Attest:

Diana Paoli, City Clerk

Adriana Hernandez Moreno, Bargaining Team Member

Steven Baxman, Bargaining Team Member