



ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: CATASTROPHIC LEAVE DONATION POLICY-PAYROLL

Section 1:

- a. The Employee Group Representative shall receive notice of all donated leave decisions and will be copied on any written material provided to the Personnel and Finance Committee.

Section 2:

The purpose of this program is to assist regular full and part time employees who are facing financial hardship because they have exhausted all of their own paid leave time and are experiencing a catastrophic illness or injury as defined below. Decisions made under this program are not grievable. Wis. Stat. § 230.35(2r)(c), provides: No employee may grieve under an agency's grievance procedure any appointing authority's decision relating to a catastrophic leave program under this subsection or appeal any such decision to the commission under s. 230.44.

The purpose of this document is to define a process through which donated leave is requested, granted, and administered. This is a voluntary program. Employees may request donated leave, or may donate their accumulated leave hours, of their own volition. The receipt or donation of leave hours is not overseen or governed by any bargaining unit or other authoritative body.

The employer may establish, by rule, a catastrophic leave program that permits employees to donate certain types and amounts of leave credits to other employees who have been absent from pay status because of a catastrophic need for which there is no paid leave benefits or replacement income available. The employer shall determine the types and amounts of leave credits that may be donated. Wis. Stat. § 230.35(2r)(b).

DEFINITIONS

Catastrophic illness or injury: Wis. Stat. § 230.35(2r)(a) defines this as an illness or injury that incapacitates or is expected to incapacitate an employee or an employee's family member and that requires the employee to be completely absent from work for an extended period of time.

Catastrophic need: used in this policy is a catastrophic illness or injury that creates a financial hardship for the employee. A catastrophic financial need requires an extended absence from work for which there is no leave time available and the employee is not yet eligible for disability benefits.

Donated Leave: Donated leave is paid leave time that is voluntarily transferred from an employee with accumulated leave balances to Dane County's donated leave bank. Paid leave balances include unused compensatory time earned, sick leave earned, vacation earned, holiday earned, or wellness time earned by an employee.

Eligible Employee: Any full time, or part time regular employee, employed at least one full year with Dane County, who is eligible to accrue and use paid leave time, who has exhausted his or her paid leave balances and is experiencing a catastrophic illness or need.

Extended Absence: A continuous absence of at least one-week duration under a circumstance for which the



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employee was unable to accumulate leave time to cover the absence.

Family Member: As defined by Dane County's Family and Medical Leave Policy: Spouse or domestic partner, children, and parents.

Committee: Means the Catastrophic Leave Donation Committee composed of the Risk Manager, or his/her designee, the Corporation Counsel, or his/her designee, and the Employee Relations Manager, or his/her designee. The Catastrophic Leave Donation Committee will address issues related to the catastrophic leave program including reviewing applications and making eligibility determinations.

Eligibility Criteria - Applicant

In order to be eligible to receive donated leave, an employee must meet the following criteria:

- 1) The employee or eligible family member must experience a catastrophic illness or injury that requires that the employee be completely and totally off work for a defined period of time and that creates a financial need.
- 2) The medical condition must be certified by a licensed health care provider, and require continuing treatment or supervision by the health care provider. If the request is to care for an eligible family member, the certification from the licensed health care provider must verify the need for the employee to be completely off work to provide care.
- 3) There must be no other wage continuation or replacement income available or provided to the employee at the time they are receiving donated leave. Examples include, but are not limited to, disability or other insurance benefits, care giver leave, or unemployment compensation.
- 4) Employees may not delay the onset of disability insurance benefits beyond the elimination period in order to receive donated leave. The shortest elimination period under the County's current disability plans is 42 calendar days.
- 5) The employee must be a regular full time or part time employee at the time of application (LTE's and other employees who do not earn paid leave time are not eligible).
- 6) The employee must be eligible for and have received an approved, continuous (non- intermittent), Family and Medical Leave Act (FMLA) leave or other leave of absence as defined by the Civil Service ordinance or applicable bargaining agreements, for the catastrophic medical condition for which donated leave is requested. If applicable, the employee must also apply for disability benefits.
- 7) The employee must have exhausted all of his/her available personal leave balances and would be required to take leave without pay in the absence of donated leave.
- 8) The employee must complete and submit the required application along with the medical documentation (see above).



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- 9) The employee must not have received donated leave of any amount within 24 months at the time of application
- 10) The employee must notify the Payroll Manager of any change in circumstances regarding their anticipated return to work, and anything else that impacts the donated leave request.

Eligibility criteria – Donor

1. The donor must be employed with Dane County for a minimum of one year, and must be beyond the probationary period.
2. Donors may donate earned vacation, earned sick, supplemental sick time, comp time, holiday and wellness time. Vacation hours granted for the year in advance that have not yet been earned may not be donated. Paid leave time that would otherwise be lost if not used, such as unused carryover hours, or sick hours in excess of the year-end/retirement cap, may be donated.
3. Donations must be in whole hour increments with a minimum of 4 hours
4. The donor must retain combined leave balances of at least 160 hours for their own use after the donation.
5. Upon retirement, unused Supplemental Sick Leave will be considered donated to the Catastrophic Leave Pool.

Application Process

1. Application forms are available online. All completed applications for donated leave must be returned to the County Payroll Manager.
2. An application for leave may be initiated when the applicant's combined leave balances are at or below 80 hours; however, the donated leave will not be applied until the applicant's own leave time has been exhausted.
3. The application must include the following:
 - a. pertinent employment information;
 - b. a description of the reason the applicant is requesting donated leave;
 - c. the amount of donated leave the applicant is requesting;
 - d. an authorization for the County to contact the health care provider to clarify or discuss information related to the medical condition the provider has certified;
 - e. any additional information or documentation the applicant wishes to provide.
4. The application will also require certification from a health care provider of the catastrophic illness or injury and the probable duration of that health condition. If the request is to care for a family member or



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member of an alternative family, the certification from the health care provider must verify the need for the employee to be completely off work to provide care.

Approval Process

- 1) The Catastrophic Leave Donation Committee will review applications and measure the facts contained in the application material against the eligibility criteria. All application material and information disclosed to the Committee regarding the employee's request for donated leave will be held in confidence.
- 2) The Catastrophic Leave Donation Committee will also review other factors related to the request, including the nature of the medical condition.
- 3) Donations will not be considered unless and until the leave is approved via the process and criteria outlined in this policy.
- 4) After completing the review process, the Catastrophic Leave Donation Committee will grant or deny the employee's application for leave. The Catastrophic Leave Donation Committee may grant the entire leave amount requested, up to 240 hours (prorated hours for part time employees based on FTE), or a portion of the leave requested. If the Catastrophic Leave Donation Committee denies the request the employee will receive a letter explaining the reasons for the denial.
- 5) If donated leave is being requested for the care of a family member and the employee has already received Caregiver Leave for the same family member, any Caregiver Leave used shall be deducted from the amount of time the employee receives.
- 6) Donated leave will not be applied prior to the date of an application for Catastrophic Leave.

Review Process

- 1) If the employee believes the Catastrophic Leave Donation Committee misapplied the criteria set forth in this policy, the employee may request a review of the Committee's decision by the Personnel and Finance Committee. The employee must request the review in writing within 10 working days of the date of the denial letter.
- 2) The written request for review must be sent to the Personnel and Finance Committee and the County Payroll Manager.
- 3) The Personnel and Finance Committee will review the decision of the Catastrophic Leave Donation Committee. The Personnel and Finance Committee may affirm the denial of donated leave or grant the Employee's request for donated leave. The decision of the Personnel and Finance Committee shall be final.

Administrative Process

- 1) The County Payroll Manager will oversee the administrative process.



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- 2) The County Payroll Manager will solicit voluntary contributions of paid leave time from employees in the 2nd and 4th quarter annually. If the pool of time becomes depleted before the next scheduled donation pool request the Payroll Manager has the authority to solicit additional voluntary donations.
- 3) Donors must respond within two weeks of the notice to donate.
- 4) The County Payroll Manager will not reveal the identity of the donors without cause.
- 5) While using donated leave, the applicant must otherwise be in an unpaid payroll status. This means that the employee must be completely and totally off the payroll, and cannot use donated hours to supplement periodic or sporadic absences from work.

Therefore, the applicant will not continue to accumulate leave time, longevity, and other benefits associated with being in paid payroll status. In addition, donated leave payments do not qualify as retirement, longevity, or incentive pay earnings. However, health and dental insurance premium contribution will continue until the later of the following: the expiration of the employee's FMLA or expiration of donated leave.

- 6) If the current payroll year ends before all of the donated leave is used the employee must begin using his/her own accrued vacation and holiday hours in the first pay period of the new year. If applicable, any remaining donated leave hours will be held and applied after the employee's own paid leave is exhausted, providing the employee is still absent from work due to the situation that prompted the initial donated leave request.
- 7) If the employee (applicant) returns to work early and has unused donated leave time remaining, that time will be returned to the County's donated leave pool.
- 8) The application can be found under forms at <https://dcinet.connect2dane.com/>