

**SANDUSKY COUNTY
PERSONNEL POLICY AND PROCEDURE MANUAL**

CATASTROPHIC LEAVE SHARING

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Purpose: The intent of the catastrophic leave sharing policy is to allow Sandusky County employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to a catastrophic illness or injury of the employee or a member of the employee's immediate family and have exhausted their own personal paid time. Under this policy, employees will only be permitted to donate their accrued, but unused sick leave.

A. **Definitions:** For the purpose of this policy the following shall apply.

Catastrophic Illness or Injury: is a severe condition or combination of conditions affecting the physical or mental health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time. It also forces the employee to exhaust **all** leave-time earned and forces the employee into unpaid leave status. Such conditions typically require in-patient hospitalization and are in the continuum of possible disability or death. Only **extreme complications** resulting from a pregnancy shall be treated the same as any other severe condition. (common cold, normal stress, flu and similar maladies would **NOT** be considered catastrophic)

Immediate family:

Child: a son, daughter or step-child (in residence), including a child eighteen (18) years or over, who is incapable of self-care because of a mental or physical disability.

Parent: biological parent or an individual who stands in the place of a parent to the employee (in loco parentis). In-laws are **NOT** included in the definition of "parent."

Spouse: husband or wife.

Transferee: the employee in need and approved by their appointing authority to receive donated sick leave.

Transferor: the employee volunteering and approved by their appointing authority to donate their sick leave.

B. **Policy:** Employees may donate accrued sick leave to a fellow employee who is otherwise eligible to accrue sick leave and reports to a Sandusky County appointing authority who is subject to this rule and pursuant to the provisions of Section 124.391 of the Revised Code.

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- C. **Receiving Leave:** A full-time or part-time employee may receive donated leave up to the equivalent number of hours the employee is normally scheduled to work each pay period. The employee may receive up to a maximum of **four-hundred eighty (480)** hours. Qualifying criteria are as follows:
1. Employee must apply for and be eligible for Family and Medical Leave
 2. Employee must be employed for at least 12 continuous months.
 3. Employee must apply for and exhaust any paid leave (sick, vacation or comp time), Workers' Compensation, or benefits program for which the employee is eligible before accepting any donated time.
 4. Leave donation permitted under this policy will be limited to twelve (12) weeks and shall only be allowed for twelve (12) weeks in any twelve (12) month period. The twelve month leave period will be measured in accordance to Personnel Policy and Procedure Manual Section 4.16 (I).
 5. Employee shall have no abuse or patterned use of sick leave as determined by **the employee's** appointing authority.
 6. Employee has provided acceptable written verification that the catastrophic circumstances as previously defined actually exist. (e.g. certification from a medical provider used when applying for FML)
 7. Employee agrees to accept the leave under the terms of this policy, and completes an "Application to Receive Donated Leave" form.
 8. Hours received shall be paid at the rate of pay equal to the receiving employee's hourly rate of pay.

Applications shall be obtained from the employee's appointing authority. By completing and signing the application to receive leave the employee is authorizing and approving distribution of their information to other Sandusky County employees to inform them of their condition and to permit other county employees to donate sick leave to them.

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- D. **Notification of Need:** The employee shall submit the application to their appointing authority for approval. If approved the appointing authority will forward the application to the office of the County Commissioners. The County Commissioners or their designee will make notice of the need for leave and the employee should take no other action to solicit or request donation of leave from other staff.

The notification will be in the form of correspondence to elected officials and appointing authorities to distribute, at their discretion, to their staff identifying the employee making the request, the amount of leave needed, the reason for such request (only if permission is given by the employee), and the time frame for donation submissions.

Prohibited Activities in Solicitation. Both the employee requesting leave and other employees are prohibited from approaching any employees with regard to a donation request. The leave donation program is strictly voluntary and confidential with regard to who has chosen to donate, who has declined, and the amounts donated if applicable. Employees who request donated leave shall not solicit other employees for donations.

If an employee is found to have exerted any undue pressure in the solicitation of a leave donation or otherwise acted improperly in conduct related to the solicitation of a leave donation, that employee shall be disqualified from participation in the program or subject to discipline, whichever is applicable as determined by the appointing authority.

Employees Volunteering to Donate: Those employees volunteering to donate leave will request a leave donation form from their appointing authority. The completed form will be submitted to their appointing authority for approval. The donation form will then be submitted to the office of the County Commissioner or their designee. The County Commissioners will then forward both forms to the office of the Auditor for verification and approval. A copy of the approved forms will be returned to the appointing authorities involved for payroll purposes and shall remain confidential. A copy of these forms will be filed with the office of the Auditor for payroll documentation.

- E. **Donating Leave:** Employees may donate leave if the donating employee:
1. Voluntarily elects to donate sick leave and does so with the understanding that utilized, donated leave will not be returned. (Unless otherwise indicated in section F.)

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2. Donates a minimum of hours equivalent to one (1) of the donor's regularly scheduled workdays, and a maximum of two-hundred-forty (240) hours in one (1) donor day increments, subject to a **maximum two-hundred-forty (240)** hour annual (based on calendar year) donation to any/all employees.
 3. Retains a sick leave balance of at least four-hundred-eighty (480) hours.
 4. Completes an "Application to Donate Leave" form.
- F. **Administration:** The catastrophic leave sharing policy shall be administered on a pay period to pay period basis. Donations of sick leave will be recorded in the order of their submission, and will not be considered actually donated or be deducted from the transferor's balance or credited to the transferee's balance until the pay period such leave is actually used. The office of the County Auditor may transfer the entire donated amount with the understanding that if the Transferee returns to work prior to the full use of the donated time any portion remaining will be returned to the sick leave balance of the Transferor. 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. Sick leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated sick leave may be received. Donated leave shall never be converted into a cash benefit. The Sandusky County Auditor shall maintain such records as are necessary for the administration of this program.
- G. **Confidentiality:** Appointing authorities shall ensure that no employees are forced to donate leave. Appointing authorities shall respect an employee's right to privacy; however appointing authorities may, with the permission of the employee who is in need of leave, inform employees of their coworker's critical need.
- H. **Applications:** Employees wishing to donate or receive donated sick leave may pick up applications from their appointing authority.
- I. This policy does not guarantee approval of applications to donate leave or to receive leave by any appointing authority. Ohio Attorney General's Opinion 2013-013 states an elected county appointing authority may establish a leave donation program for its employees and the program may be more, but not less, generous than the leave donation program established by the board of county commissioners under R.C. 124.391 when the appointing authority is required to participate in the Board's program.