

**CITY OF MONROE**

**POLICY SUBJECT:**

**LEAVE OF ABSENCE POLICY**

**REFERENCE NUMBER:**

**97-064 - February 24, 1997**  
**98-004 - Revised August 1, 1998**  
**98-004 - Revised April 1, 2001**  
**02-004 – Revised July 1, 2002**  
**Section 3.3.1, 3.3.4 @ 3.6**  
**02-004 – Revised December 6, 2002**  
**Section 3.2**  
**04-004 – Revised December 22, 2004**  
**05-004 – Revised July 7, 2005**  
**Section 3.3.3; 3.3.5; 3.6**

**EFFECTIVE DATE:**

**January 1, 2005**

**APPROVED:**

_____ Mayor	_____ City Administrator
_____ Police	_____ Human Resources
_____ Clerk	_____ Engineering
_____ Finance	_____ City Attorney
_____ Community Dev.	_____ Public Works

**The statements contained in this policy are guidelines and summaries. They do not bind the City of Monroe. The City reserves the right to change, revoke or make exceptions to city policies at any time and at its sole discretion.**

## **1.0 PURPOSE AND SCOPE**

The Leave of Absence Policy documents paid or unpaid leave during an employee's temporary absence not covered by vacation, sick or City holiday.

This policy applies to full-time and part-time employees scheduled to work 20 or more hours per week. It does not apply to contractors or consultants. It may apply to temporaries/seasonals if they work over 1250 hours prior to requesting FMLA.

All leaves are subject to approval by both the Department Director, City Administrator and the Human Resources Manager.

## **2.0 EXPLANATION OF KEY TERMS**

### **2.1 Child**

A child includes biological, adopted, foster and step children under age 18; a child under 18 who is cared for by, and is financially dependent upon, the employee; and disabled children of any age incapable of self-care due to mental or physical disability. Not included are children over 18 who are not disabled.

### **2.2 Continuing treatment**

Two or more visits to a health care provider, two or more treatments by a health care practitioner under orders or referral of a health care provider; a single visit to a health care provider resulting in continuing treatment under the supervision of a health care provider such as a course of medication or therapy to resolve a medical condition, or continued supervision by a health care provider due to a serious long-term or chronic condition or disability which cannot be cured.

### **2.3 Family and Medical Leave (Family and Medical Leave Act, "FMLA")**

Unpaid leave provided for (1) the care of the employee's child (upon its birth, or placement for adoption or foster care), (2) the care of an immediate family member (limited to spouse, parent, child under 18, or disabled child, any age) who has a serious health condition, and (3) the serious health condition of the employee. Part or all of the Family and Medical Leave may be paid by using vacation, sick, comp time and/or disability benefits. If an employee qualifies for FMLA leave, their leave may be designated as FMLA leave by the City even if such designation is not specifically requested by the employee.

### **2.4 Family and Medical Leave Certification Form**

A certification form requiring a physician or practitioner to document/explain an employee's request for family and/or medical leave.

### **2.5 Health Care Provider**

Includes a licensed doctor of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, nurse practitioners, nurse midwives and chiropractors licensed under state law.

## **2.6 Key Employee**

An exempt employee, eligible for FMLA, who is among the highest paid ten percent (10%) of all City employees employed within 75 miles of the employee's worksite.

## **2.7 Leave Request/Payroll Adjustment Form**

A form filled out by the employee who is requesting a leave of absence (FMLA, Jury, Bereavement, L&I, Military, Personal).

## **2.8 Paid Leave**

Leave provided for community disaster relief, death in the family, military service, jury duty, witness service and, industrial injury/illness waiting period.

## **2.9 Parents**

A parent includes a biological parent or legal guardian to the child. Not included are parents-in-law or grandparents.

## **2.10 Pay**

Pay includes the employee's regular base pay, education incentive, longevity pay, and/or Master Police Officer ("MPO") pay. Pay does not include overtime or other forms of non-regular compensation.

## **2.11 Personal Leave**

An unpaid leave other than Family and Medical Leave.

## **2.12 Serious Health Condition**

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either inpatient care or incapacity for more than three days, which also involves continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition which, if left untreated, likely would result in a period of incapacity of more than three days, or for prenatal care.

Examples include, but are not limited to, diabetes, epilepsy, heart attacks, heart surgery, cancers, back conditions requiring extensive therapy or surgery, strokes, severe respiratory conditions, including asthma, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, nervous disorders, ongoing pregnancy and related complications of pregnancy, childbirth and recovery from childbirth, conditions requiring multiple treatments, such as chemotherapy or kidney dialysis, and treatment for substance abuse if treatment at an in-patient facility is required.

Voluntary or cosmetic treatments which are not medically necessary are not considered serious health conditions unless inpatient hospital care is required.

### 2.13 Spouse

Spouse, for the purposes of this policy, means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized. Not included are domestic partners.

## 3.0 PROCEDURES

### 3.1 Responsibility

It is the responsibility of Department Directors to implement this policy. The supervisor ensures that employees requesting a leave of absence meet the established guidelines and understand the provisions of the policy.

Human Resources and the Payroll Department are responsible for processing and maintaining appropriate records of leave requests and usage of leave time.

It is the responsibility of the Department Directors, in conjunction with Human Resources, to approve or deny leave requests. It is the responsibility of Human Resources to interpret and administer this policy in accordance with federal and state law.

### 3.2 Leaves

An employee is eligible for leave during particular circumstances as outlined below:

Leave Type	Maximum Duration/Notes (working days = 8 hours)	Required Documentation
<b>Death in Family</b>  Family includes employee's <ul style="list-style-type: none"><li>• spouse</li><li>• parents (step parent)</li><li>• grandparents (includes spouse's grandparent)</li><li>• siblings (includes half brothers/sisters and step brothers/sisters)</li><li>• children (step child)</li><li>• grandchildren (step grandchildren)</li><li>• brother-in-law, sister-in-law</li><li>• father-in-law or mother-in-law</li><li>• aunt, uncle</li><li>• niece, nephew</li><li>• or one who was a member of the employee's household at the time of the person's death or at the time of the onset of the person's fatal illness.</li></ul>	<p>Up to three (3) paid working days to make arrangements, travel, and/or attend service and for grieving.</p> <p>Bereavement Leave which has been approved beyond the three (3) days shall not exceed six (6) additional days, which shall be deducted from the employee's accumulated sick leave.</p> <p>Additional time off for related activities such as settling the estate or additional grieving, is provided as vacation, or unpaid leave with prior City Administrator approval.</p>	<p>A completed Leave of Absence/Payroll Adjustment Request form (signed by employee and supervisor).</p> <p>Timecard noting number of hours of leave, type of leave, name of deceased and relationship to employee.</p>

Leave Type	Maximum Duration/Notes (working days = 8 hours)	Required Documentation
<p><b>Military Service</b></p> <p>[1] Examination for entrance into any of the US Military Forces (regular or reserve);</p> <p>[2] Active reserve duty in any of the US Reserve Forces; or required military training as a result of Military Service.</p> <p>[3] Recall to active duty in any of the United States Regular Forces</p>	<p><b>Working days = actual scheduled hours worked (i.e. 4/10 schedule = 10 hours worked = equals one working day)</b></p> <p>[1] Four (4) paid hours if scheduled during a normal working day up to 40 hours each 12 month period;</p> <p>[2] Fifteen (15) paid working days per year* for active duty, active reserve duty or required military training (per RCW38.40.060); <b>and</b></p> <p>[3] Five years from date employee began active duty *Year = October 1st – Sept. 30th</p>	<p>A completed Leave of Absence Request form (signed by employee and supervisor) and valid military orders attached.</p> <p>Unpaid time may be offset by any accrued vacation or comp time.</p>
<p><b>Jury Duty</b></p> <p>When summoned and serving for jury service.</p>	<p>Normal work hours = assigned work schedule (i.e., 4/10, 5/8, etc.)</p> <p>Up to 30 calendar days per 12-month period (paid); additional unpaid leave as needed to serve as a juror when summoned pursuant to RCW 2.36.</p> <p>Employee is required to report to work at the City following jury selection if not serving as a juror or on days when court is in recess.</p> <p>Jury compensation is determined by state statute, which is currently \$10 per day plus mileage. While employees are on paid leave for jury duty, employees are required to pay the City any jury dollars received, less mileage (i.e. 3 days = \$30 payable).</p>	<p>Completed Leave of Absence Request form (signed by employee and supervisor) and the Jury Summons.</p>
<p><b>Witness Service</b></p> <p>Resulting from the subpoena of an employee by a governmental agency to appear in court as a witness during a criminal trial, or due to participation in a City-related litigation.</p> <p>Employees summoned as witnesses for cases involving civil matters (other than City-related litigation) and/or employees absent from work due to personal litigation (e.g. where the employee is a party are) not eligible for paid witness service.</p>	<p>Up to three (3) paid working days per year, unless additional time is approved, in advance, by the City Administrator</p>	<p>A completed Leave of Absence Request form (signed by employee and supervisor) and the subpoena for witness service.</p>

<b>Leave Type</b>	<b>Maximum Duration/Notes (working days = 8 hours)</b>	<b>Required Documentation</b>
<b>Industrial Injury/Illness</b>  Provides for continued pay before Worker's Compensation time loss benefits begin.	Up to three (3) paid (use of sick or vacation) working days	Completed Injury/Illness Investigation Report filed within 24 hours of accident with the Human Resources Manager
<b>Voting Days</b>	Up to two (2) hours unpaid leave to vote during the time polls are open	Prior notification to supervisor and indicate on timesheet.
<b>Community Svc/ Disaster Relief</b>  When requested by a disaster relief agency to assist the community in disaster relief.  Does not include substitute work provided by City during an emergency (i.e., earthquake, flood, etc.) per Emergency Management Policy.	Up to three (3) paid working days  Employee may request personal unpaid leave or take vacation time to extend leave (with supervisory approval)	Prior notification to Human Resources of the employee's membership in a recognized disaster relief agency.  Prior to leaving to provide relief, employee completes a Leave of Absence Request form.

### 3.2.1 Compensation During Leave

For paid leave, other than Active Duty Military Service, the employee is paid their regular pay.

During Military Service (active duty), the employee remains in good standing, but does not receive pay. Employees do not receive pay for any holidays falling during the period of their absence. During an unpaid military leave of absence, the city continues to subsidize an employee's group health care benefits for up to 30 days. Employees absent on military leave for 31 days or longer are eligible for family health benefit coverage from the military. Employees can also arrange to continue their coverage under the city's group health plan for up to 18 months. Employees opting for continued coverage under the city's health plan are responsible for paying the full cost of the coverage. Employees on military leave do not accrue vacation or sick leave, however, the time off counts toward an employee's length of service for purposes of determining the rate at which employees earn vacation after returning. Similarly, for purposes of determining benefits and pay when employees return from leave, time spent on military leave counts as service with the city. On an employee's return from active duty, the city and the employee will make up any missed retirement plan contributions.

### **3.2.2 Job Status Upon Return From Paid Leave**

Upon return from a paid leave other than Military Service, the City will return the employee in the same position held when their leave commenced.

The reemployment of employees returning from Active Duty Military Leave is governed by the Uniformed Services Employment and Re-employment Rights Act of 1994 and Washington law. Under the Act, to be eligible for re-employment, the employee must:

- (1) have left an other than temporary position at the City of Monroe;
- (2) be honorably discharged;
- (3) remain on active duty less than five years, (unless extended involuntarily and at the convenience of the federal government) and if hospitalized while on active duty, the hospitalization continued for less than a year following active duty;
- (4) request reinstatement to their former position within 90 days of release from active duty or discharge from a hospital.

Upon meeting the above requirements, a veteran must be returned to their former position or a position of equal seniority, pay and status. Re-employment rights do not apply however, if it is impossible or unreasonable for the City to rehire the employee (for example, if the employee would have been laid off in a workforce reduction.)

### **3.3 Family and Medical Leave**

In order to qualify for Family and Medical Leave an employee requesting such Leave must have at least one year of service with the City of Monroe and worked a minimum of 1,250 (FMLA requirement) hours during the 12-month period immediately preceding the leave.

#### **3.3.1 Family and Medical Leave is provided for:**

- (1) The employee's serious health condition which prevents the employee from performing the essential functions of the employee's job.
- (2) The birth and care of a newborn child, or placement of a child with an employee for adoption, or state sponsored foster care within 12 months after the birth or placement.
- (3) Caring for (including providing psychological comfort to) the employee's child, spouse or parent with a serious health condition. The employee may utilize their accrued sick, vacation and comp time to remain in paid status until exhausted, however, any such time will run concurrently with their 12-week FMLA entitlement.

#### **3.3.2 Designation**

- Employee may request FMLA leave.
- An absence due to reasons stated above may be designated as FMLA leave by the city if not requested by employee.
- Workers' compensation leave runs concurrent with FMLA leave.
- Medical certification may be required.

### 3.3.3 Duration of Family and Medical Leave

Employees are entitled to 12 work weeks of Family and Medical Leave in a 12-month period. The 12-month period is a rolling 12-month period measured backward from the date an employee uses any Family and Medical Leave. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken.

For female employees' pregnancy and childbirth, Family and Medical Leave extends to 12 work weeks *following* disability leave for the pregnancy and childbirth. For example, a female employee who is out eight weeks for disability due to pregnancy, childbirth and recovery from childbirth would then be entitled to an additional 12 weeks of Family and Medical Leave. The employee **must** use their accrued vacation, sick leave **and/or comp time** until exhausted, with the remainder of her 12 weeks of Family and Medical Leave unpaid.

For birth or placement of a child, the Family and Medical Leave must be completed within 12 months of the birth or placement.

When a husband and wife both work for the City, they are entitled to a *combined* total of 12 work weeks during a 12-month period for the birth of a child, placement of a child with an employee for adoption or foster care, or for the care of a sick parent.

An employee may request a Personal Leave following 12 weeks of Family and Medical Leave. Personal Leave following a Family and Medical Leave is subject to approval by *both* the Department Director and Human Resources. Once an employee has completed their Family and Medical Leave, the City reserves the right to deny approval of the additional leave and may not guarantee a position upon completion of the subsequent Personal Leave. Refer to 3.4 for additional information on Personal Leaves.

### 3.3.4 Reduced Schedule and Intermittent Family and Medical Leave

The employee may take Family and Medical Leave for birth or placement of a child continuously (12 consecutive weeks), or on a reduced or intermittent leave schedule (e.g., take one or two days a week) with *prior approval* from *both* the supervisor and Human Resources.

When Family and Medical Leave is requested for the employee's own illness the illness of their spouse, child or parent, the employee will be permitted to take Family and Medical Leave on a reduced or intermittent schedule *if medically necessary*. However, it is expected that the employee will make a reasonable effort to schedule medical treatment for minimum disruption to the City. The City may temporarily transfer the employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and the alternative position better accommodates foreseeable planned medical treatments than the employee's regular job.



### 3.3.5 Compensation During Family and Medical Leave

When an employee requires Family and Medical Leave for their own serious illness **or** following recovery from the birth of a child, placement with the employee of a child for adoption or foster care, the employee requesting leave to care for a spouse, child (including a newborn), parent, **grandparent, or parent-in-laws'** serious health condition, the employee **must** use their accrued vacation, sick leave and/or comp time to remain in paid status. When those hours have been exhausted, the remaining Family and Medical Leave is unpaid. Any use of paid vacation, sick or comp time will run concurrently with the employee's 12-week FMLA entitlement.

Benefits provided during a Family and Medical Leave are outlined in 3.6 of this policy.

### 3.3.6 Job Status Upon Return From a Family and Medical Leave

Upon return from a Family and Medical Leave, the city will place the employee:

- (1) In the same position held when their leave commenced, or
- (2) In a similar position with equivalent pay, perquisites, status, benefits, duties, responsibilities, authority, privileges, terms and conditions of employment.

Exceptions are:

- (1) If the employee extends Family and Medical Leave with Personal Leave.
- (2) If the employee would have been laid off, or their position eliminated, during the period of leave, the employee may be laid off the first working day after the expiration of the leave.
- (3) If the employee fails to return on the established ending date of the leave, the employee may be terminated to the extent permitted by federal and state law.
- (4) If the employee is a "key employee" and denial of job restoration is necessary to prevent substantial and grievous economic injury to the city operations.
- (5) If the employee fails to provide a fitness for duty certificate to return to work.

An employee has no greater right to other benefits than if the employee had been continuously employed during the leave period.

### **3.4 Personal Leave**

Personal leave is an unpaid leave other than Family and Medical Leave. Personal Leave may be requested for such reasons as to extend vacation, provide for continuing education, or provide for additional unpaid leave following a Family and Medical Leave. An employee not meeting the eligibility requirements for Family and Medical Leave may request a Personal Leave. Personal Leave must be approved by the Department Director, Human Resources, City Administrator and, in some cases, City Council.

Personal Unpaid Leave may be taken only after all accrued vacation and comp hours have been exhausted.

#### **3.4.1 Duration of Leave**

Personal Leave shall not exceed three (3) months unless the City Administrator, Department Director and Human Resources approves a leave longer than three (3) months or as governed by current bargaining agreement.

#### **3.4.2 Job Status Following a Personal Leave**

When an employee takes a Personal Leave, the city will make all reasonable efforts to place the employee in their previously held position or a substantively equivalent position; however, the city cannot guarantee a position upon return from a Personal Leave. As well, the city cannot guarantee a position upon return from a Personal Leave which follows a Family and Medical Leave.

### **3.5 Leave Request Procedure**

The employee completes a Leave of Absence or Family and Medical Leave Request form and submits it to their supervisor for approval. A Family Medical Leave Request form must also be accompanied by a Family and Medical Leave Certification form completed by their physician. In the event the employee fails to furnish such medical certification within fifteen (15) days of the request, the employee's request for Family and Medical Leave may be denied. When practical, the request is made at least 30 days in advance of the anticipated beginning date of the leave. Where the need for Family and Medical Leave is not foreseeable, the employee must provide medical certification within 15 days after request by the city or as soon as reasonably possible under the particular facts and circumstances. Failure to do so may result in the denial of the employee's continuation of leave. The city may request medical recertification during the Family and Medical Leave, but no sooner than every thirty days. Failure to provide such notice for Personal Leave may result in a denial of the leave request or approval of less than the requested amount of leave.

The Leave of Absence Request or Family and Medical Leave Request forms, and additional documentation when required, are reviewed by Human Resources prior to the approval or denial of the leave. Upon approval of the leave, the supervisor completes a Change of Status (COS) form and submits it to Human Resources for final authorization and processing. Human Resources notifies the Payroll Department of the employee's leave.

If the employee is requesting Family and Medical Leave for the serious illness of a family member, the Family and Medical Leave Certification Form must be completed by the physician and the employee, then returned to Human Resources.

### **3.5.1 Request for Extension**

The employee completes a second Leave of Absence Request form to request an extension of an approved leave no later than thirty days after the date their current leave expires. The procedures described above apply to extension requests.

### **3.5.2 Time Sheets**

**Paid Leaves:** The employee submits a time sheet to their supervisor reflecting the number of hours of leave and the type of leave.

**Unpaid Leaves:** The supervisor notes on the employee's time sheet that the employee is on a Leave of Absence.

### **3.5.3 Performance Appraisals**

If the employee's performance appraisal falls during an unpaid Family or Personal Leave, the performance appraisal shall be presented to the employee within 90 days of return from leave. The appraisal shall cover only the period of time the employee actually worked.

### **3.5.4 Return From Leave of Absence**

At least one week prior to the expiration of a leave of more than two weeks duration, the employee contacts the immediate supervisor to confirm the employee's return date. The supervisor completes a Change of Status (COS) form changing the employee to active status and submits the COS to Human Resources for processing. Human Resources notifies the Payroll Department of the employee's return to active status.

Upon return of an employee from a Family and Medical Leave for their own serious illness, the employee must provide Human Resources with a statement from the treating physician confirming the employee's fitness to return to work.

## **3.6 Benefits During Leave**

Except as specifically provided by insurance contracts and plan documents, benefits are not payable for military or war-related illness, injury, death or disability.

### **Basic Life Insurance**

Basic Life Insurance continues during a leave of absence.

## **Medical and Dental Coverage**

Medical, vision and/or dental coverage continues during an approved family medical leave. The City will continue to pay the premium during the eligibility period (up to 12 weeks), on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. Under most circumstances, the City's obligation to maintain health benefits during leave under the FMLA ceases if and when the employment relationship would have terminated if the employee had not taken FMLA leave; an employee informs the city of his or her intent not to return from leave; or the employee fails to return from leave or continues on leave after exhausting his or her FMLA leave entitlement in the 12-month period. Employees are obligated to repay such payment under certain circumstances if they do not return to work at the end of their leave. This description is a broad overview, and is not complete. Consult Human Resources for the details of the FMLA's regulations regarding employee benefits.

## **Retirement Plan**

Employees on paid and unpaid leave continue to earn vesting and service credit for retirement plan purposes.

## **Service Awards**

Employees on paid and unpaid leave continue to accrue service towards Service Awards.

## **Vacation and Sick Leave**

Employees on paid leave continue to accrue vacation and sick leave. Vacation and sick leave does not accrue during unpaid leaves of absence. Employees on paid or unpaid leave accrue service credit for determining the level of vacation and sick leave accrual upon return from the leave.

**Accrued** sick leave, vacation, and/or **comp time must** be used to care for a child with a health condition, or a spouse, parent, grandparent, or parent-in-law with a serious health condition or during a health emergency. Family Medical Leave may also apply (see section 3.3).

## **Holiday Pay**

Employees who begin an unpaid leave before a holiday are not eligible for pay on the holiday(s) occurring during the leave.

## **4.0 Shared Leave**

### **4.1 Purpose and Scope**

The purpose of shared leave is to permit City employees, at no additional employee cost to the City other than the administrative costs of administering the program, to come to the aid of a fellow City employee or an immediate family member of the employee (spouse, child or parent) who is suffering from an extraordinary illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his or her employment.

This policy applies to regular employees scheduled to work a minimum of 30 hours per week. This policy does not apply to temporary employees, seasonal employees, consultants, or regular employees scheduled to work fewer than 30 hours per week, regardless of the actual number of hours worked.

## 4.2 Instructions

### 4.2.1 Responsibility

The **employee** shall be required to provide appropriate medical justification and documentation both of the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the condition.

**Human Resources** reviews and approves, along with the City Administrator and the Mayor, the approval of Shared Leave requests.

The **Department Director**, along with the employee, shall determine when shared leave is no longer needed. Employees are not allowed to take Shared Leave unless the Department Director determines that no significant increase in City costs will occur as a result of a donation of leave.

The **Finance Director** shall ensure that records of all leave time transferred shall be maintained in the event that unused time is returned at a later date. The Finance Director will return any unused leave to the employee or employees who donated the leave or place into a "pool" at the donating employee's request and approval.

The **City Administrator** shall monitor the use of shared leave to insure equivalent treatment for all employees of the City. The City Administrator, with the concurrence of the Mayor, after consultation with the individual's Department Director, shall determine the amount of shared leave, if any, which an employee may receive under this policy.

The **Mayor** has final approval authority on the granting of shared leave.

### 4.2.2 Eligibility

An employee is eligible to receive shared leave under the following circumstances:

- The employee or immediate family member as defined above, suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to go on leave without pay status or to terminate his or her employment with the City.
- The employee has depleted or will shortly deplete his or her total of accrued vacation, sick leave, compensatory time, holiday time and or other paid leave.
- Prior to the use of shared leave, the employee has abided by the City's sick leave policy.
- The use of shared leave will not significantly increase the City's costs, except for those costs incurred in the administration of this program or which would otherwise be incurred by the employee's department.
- The recipient must not have offered anything of value in exchange for the donation and the donor must not have solicited nor accepted anything of value in exchange for the donation.

An employee is eligible to donate shared leave under the following circumstances:

- An employee must have a total of more than 80 hours of accrued **sick** leave after donation.
- All donations of leave or compensatory time shall be voluntary.

- Leave may be transferred from the employee(s) of one department to an employee of the same department, or with the concurrence of both Department Directors, to an employee of another department.

An employee is not eligible to donate shared leave under the following circumstances:

- An employee may not transfer leave or compensatory time to his or her *immediate* supervisor or Department Director.
- A supervisor or Department Director may not transfer leave or compensatory time to his or her *direct* reports.

#### **4.2.3 Request for Shared Leave**

Employees who wish to receive donations of sick leave or comp time must submit a request to the Human Resources Department via a Shared Leave Request Form. The request must include an explanation of the circumstances that make the donations necessary and must be supported by the opinion of a qualified medical professional.

Upon receipt of the Shared Leave Request, the Human Resources Coordinator will review the form and may request additional information or documentation.

The City Administrator will approve or disapprove the shared leave request.

If the shared leave request is approved, the Human Resources Coordinator will post, via email, that donations of paid leave time are needed to assist another employee.

If an employee wishes to donate a portion of his/her accrued sick leave or comp time to another employee, a written request will be submitted via a Shared Leave Donation/Authorization Form which specifies the name of the employee and the amount of hours he or she wishes to donate, and shall be forwarded to the Human Resources Coordinator.

#### **4.2.4 Process for Approved Donation of Sick Leave and/or Compensatory Time**

**Sick leave** shall be transferred, if approved, on an hour for hour basis without any salary conversion.

Accrued **compensatory time** shall be transferred on a dollar for dollar basis. The value of the compensatory time converted to sick leave shall be determined at the current hourly wage of the transferring employee and the leave available to the receiving employee shall be calculated at the receiving employee's wage. For example:

- If the donor's salary is \$6.00 per hour and the recipient's salary is \$12.00 per hour, a donor must transfer twice the amount of hours to achieve full conversion.

#### **4.2.5 Shared Leave Provisions**

Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave.

If the hours donated exceed the hours used, the excess donation will be returned to the donor or, with the approval of the donor, may be placed in a "pool" for **any future employees who qualify for shared leave**.

Employees donating sick leave hours shall not receive payment for those hours at the time of resignation or retirement.

#### **4.2.6 Duration**

An employee shall not receive more than a total of 1040 hours of shared leave throughout the employee's employment. To the extent possible, shared leave should be used on a consecutive basis.

#### **4.2.7 Benefits**

While an employee is on shared leave, he or she will continue to be classified as a City employee and shall receive the same treatment, in respect to salary and benefits (including the accrual of sick and vacation hours), as the employee would otherwise receive if using sick leave.

All salary benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave, **and shall be subject to withholding and any other deductions required by law for payment of wages.**

The employee's salary rate shall not change as a result of being on shared leave unless the employee is absent due to illness or injury for which he or she is receiving payment from a state industrial insurance, LEOFF, or other state mandated plan. In these cases, the City may pay the difference between the employee's regular wages and the amount received from the state.

#### **4.2.8 Liability**

The City, at its sole discretion, may cancel this program. Participation in the program shall be predicated upon a receipt from each affected bargaining unit of a written waiver by the appropriate Union bargaining representative indicating that the Union understands that the program shall not establish a past practice by the City or otherwise obligate the City to continue the program.

### **5.0 REFERENCE**

Leave of Absence/**Payroll Adjustment** form  
Family and Medical Leave Certification form  
The City of Monroe Response to Employee Request for Family and Medical Leave  
Shared Leave Request Form  
Shared Leave Donation Form

**\*\*\* END OF DOCUMENT \*\*\***