

Document Type: Regulation
Number: 3.15a
Effective: 05-01-06
Revised: 07-01-06
10-01-06
09-05-08
02-14-11
08-15-14
05-29-15
11-01-21

Legal References:

COMPASSIONATE LEAVE

I. INTRODUCTION AND SCOPE

Within the restrictions discussed in this regulation, employees may donate accrued leave hours to other regular city employees who have exhausted their leave balances and who need to miss work because of a qualifying event. Participation as a donor or recipient is voluntary. Under no circumstances shall any employee be pressured into participating. This regulation applies to all city of Boise employees including bargaining unit employees.

II. COMPASSIONATE LEAVE ELIGIBILITY

To be eligible for compassionate leave donations, the employee shall meet the following requirements:

- A. Be a regular full or part-time employee;
- B. Has exhausted all accrued paid leave (e.g., vacation, sick, floating holidays, compensatory time, etc.) available to the employee;
- C. Worked for the city for more than one year and more than 1250 hours during the 12-month period immediately preceding the commencement of leave as defined by the Family and Medical Leave Act ("FMLA"); and
- D. Have a serious health condition as defined under FMLA; or have a spouse, parent or child with a serious health condition as defined by FMLA.

III. REQUIREMENTS FOR DONATING LEAVE

Both exempt and non-exempt employees may voluntarily donate accrued, unused vacation hours to the compassionate leave bank. However, only employees classified as non-exempt under the Fair Labor Standards Act are eligible to donate accrued, unused compensatory leave hours. Accrued sick leave cannot be donated regardless of the employee FLSA classification.

To donate leave, an employee shall complete a Compassionate Leave Donation form [See Exhibit 3.15aa] and shall meet the following requirements:

- A. Be a regular full or part-time employee on active status;
- B. Retain a minimum of 80 hours of vacation leave for the donating employee's use in each calendar year;
- C. Cannot donate floating holidays or sick leave;
- D. Successfully completed their probationary period; and
- E. Be classified as non-exempt to donate accrued unused compensatory leave.

All donations are strictly voluntary and confidential except on a need-to-know basis for accounting purposes. Once transferred, donations are irrevocable. Retroactive donations are not permitted.

IV. COMPASSIONATE LEAVE RECIPIENT REQUIREMENTS

All leave donations will be on an hour-for-hour basis and in one-hour increments. Employees receiving donated leave hours will be paid for such hours based on the receiving employee's work schedule and base hourly rate of pay. No consideration shall be given to the dollar value of the leave donated.

The city will require a medical certification from a physician that:

- A. Confirms the need for the employee's own use or confirms that the employee's attendance with the family member is required; and
- B. Provides an estimated date of return to work.

Upon request, the recipient shall provide Human Resources with updated documentation as to the nature and expected duration of the illness or injury.

The compassionate leave option shall be terminated by the city if the recipient is no longer eligible for leave under the FMLA or becomes eligible for or receives long/short-term disability benefits whichever comes first. Compassionate leave benefits also terminate if the recipient returns to their regular work schedule, separates from the city, or otherwise fails to meet the eligibility requirements.

The recipient may not receive compassionate leave benefits while receiving unemployment benefits, or retirement benefits. Employees eligible for light duty, but who decline light duty assignments may not receive compassionate leave benefits. Employees on compassionate leave may still receive other benefits as allowed by city policies and regulations and the FMLA.

The maximum amount of donated leave an employee may be granted is 480 hours in a rolling twelve (12) month period as defined in the FMLA. The employee shall repeat the request with Department Director or designee approval if the employee finds himself or herself in need of donated leave following the rolling 12-month period.

Compassionate leave donated in excess of an amount needed for a recipient or that is not used by the intended recipient will remain in a citywide compassionate leave bank for future use by another employee qualifying for leave donations under this policy.

V. ADMINISTRATION

Human Resources is responsible for reviewing requests for donated leave, publicizing the need for donations, and administering the compassionate leave program. Human Resources will maintain documentation and verify whether the employee's situation qualifies and meets all requirements to receive leave under this regulation.

There is no entitlement to compassionate leave. The city of Boise reserves the right to deny any compassionate leave request. The city also reserves the right to make changes to or to cancel this benefit at any time. Nothing in this regulation shall create an employment contract or be construed to modify the employment relationship between the city and the receiving employee, or to restrict the city's management rights.

VI. CONFIDENTIALITY

When soliciting approved leave donations for a specific employee, prospective donors are likely to request to know the reason behind the employee's need for leave. A statement signed by the leave recipient authorizing the release of protected health information shall be received by Human Resources prior to any information being shared about the need for leave.

Employees or supervisors with knowledge of an employee's confidential medical condition who disclose that condition without written permission from the employee will be subject to disciplinary action up to and including termination.

All donor names and contributions are to be kept confidential except on a need-to-know basis for accounting purposes. Employees with knowledge of donor contributions are prohibited from disclosing such information. Employees who violate the donor confidentiality rule are subject to discipline up to and including termination.

VII. TAX IMPLICATIONS

Employees who donate leave are not subject to any taxes. However, employees who receive donated leave do incur a tax liability at the time the leave is actually paid.

Leave donations are not tax deductible.