

ARTICLE 31B

DECLARED DISASTER DONATED LEAVE POLICY

SECTION 1: PURPOSE

The purpose of this provision is to establish a means for employees of a County Department (including Offices of Elected Officials) to provide assistance to other employees within their own Department who have been a victim of and directly affected by an event for which the Governor of the State of Nebraska or Iowa and/or the President of the United States has issued a "disaster declaration" (hereinafter "Disaster"). The Donated Leave is intended to provide affected employees with additional paid time off, so they may engage in various activities they may need to do, as they work towards recovering from their injury or loss, but only when they have exhausted all available applicable leave.

This Donated Leave Program is not subject to grievance or appeal under the Civil Service Personnel Policy Manual or any applicable collective bargaining agreement.

SECTION 2: APPLICABILITY

The provisions of this Article 31B apply only in the event that either the Governor of the State of Nebraska or Iowa and/or the President of the United States has issued a Disaster that expressly includes the County or area in which affected employees permanently reside.

The provisions of Article 31B shall apply only to:

1. County employees who have sustained extensive property damage to their personal permanent residence and where that property damage has been directly caused by the Disaster was made; and further, only in the event that said property damage is so extensive as to render the employee's personal permanent residence uninhabitable; and, then, only if the affected employee does not have sufficient accrued vacation leave, compensatory time, or floating holiday to cover the time needed to be away from work to handle matters pertaining to that residential damage.
2. County employees who have personally sustained an injury that was directly caused by the Disaster was made; and where that injury prevents the employee from being able to return to work (as evidenced by a healthcare provider's certification); and, then, only if the affected employee does not have sufficient accrued sick leave, vacation leave, compensatory time, or floating holiday to cover the time that they are unable to return to work as a result of that injury. If the injury is a FMLA-qualifying event, then Article 17, Family and Medical Leave Policy, shall apply.

SECTION 3: ELIGIBILITY TO RECEIVE DONATED LEAVE

To be eligible for donated leave, all of the following requirements must be met:

1. The employee must be a regular, non-probationary employee who is eligible to receive and use vacation leave.
2. The Governor of the State of Nebraska or Iowa and/or the President of the United States must have issued a Disaster that expressly includes the County or area in which the affected employee permanently resides.
3. The employee must have exhausted all applicable paid leave, including compensatory time, floating holiday, and vacation, and, if applicable, sick leave as a result of that employee's recovering from property damage or personal injury as set forth in Section 2. However, unlike Article 31, an employee does not need to be in leave without pay status for a period of 10 consecutive workdays prior to receiving Donated Leave under Article 31B.
4. The affected employee must file with their Department Head/Elected Official a request for Donated Leave which must provide sufficient detail and/or documentation (e.g. medical certification, photo depicting damage if it can be safely obtained, or an employee statement explaining the extent of the damage rendering their permanent residence uninhabitable) in order to establish the employee's eligibility under Section 2.
5. If the affected employee is eligible to receive benefits under Article 31, then the Donated Leave made available hereunder may only be used in lieu of the 10 consecutive workdays without pay under Article 31.
6. The affected employee provides such additional information or documentation as may be required by the Department Head/Elected Official to allow them to determine the affected employee's eligibility for Donated Leave under Article 31B.

SECTION 4: CONDITIONS FOR RECEIVING LEAVE DONATIONS

1. The affected employee must first exhaust all applicable accrued paid leave including compensatory time, vacation time, floating holiday, and, if applicable, sick leave, in accordance with Section 2.
2. Donated Leave may not be used to extend employment beyond the point it would otherwise end by rule or law.
3. An employee using Donated Leave shall not accrue vacation or sick leave benefits, as they are not on "pay status".
4. If an employee is otherwise eligible for County-paid health benefits the employee will continue to receive those benefits while receiving donated leave.

SECTION 5: LIMITS ON LEAVE DONATION

An employee may only receive approved Donated Leave in the following amounts:

1. 80 hours for property damage; or
2. 80 hours for personal injury (not covered by Article 31); or
3. 160 hours for personal injury if the employee is not eligible for benefits under Article 31.

SECTION 6: DONATED LEAVE NOT USED

1. Donated Leave shall only become available to an affected employee once the Department Head/Elected Official has determined that the affected employee has met all conditions of eligibility as set forth in this Article; and then, only after the Department Head/Elected Official has notified the Director/Deputy Director of the Douglas County Human Resources Department/Civil Service Commission Office of their determination of the employee's eligibility for Donated Leave under this Article which must also specify the number of Donated Leave hours the affected employee is eligible to receive under Section 5 above. Once the Department Head/Elected Official has made the determination of eligibility, the Donated Leave may be used to cover any days the affected employee may have been away from work and gone without pay due to the eligible damage or injury prior to the determination having been made except as may be otherwise provided herein.
2. As this is a single Department/Elected Official's Office initiative only (not a County-wide donation as under Article 31), the signed Donated Leave Forms shall be submitted to a designated person from that Department/Office, and that person shall track all leave that is donated by other Department employees and reject any Donated Leave Forms received once the applicable limits as set under Section 5 have been met. The Department/Office designee shall immediately submit copies of all signed Donated Leave Forms to the Douglas County Human Resources Department/Civil Service Commission Office, so the necessary arrangements can be made to effectuate the transfer of the Donated Leave per Article 31B.
3. When the affected employee returns to work, any Donated Leave which was not used will be retained by the recipient as sick leave and subject to the sick leave policy. If the affected employee separates from County employment for any reason, any Donated Leave hours not used will not be paid to the employee.

SECTION 7: CONDITIONS FOR MAKING LEAVE DONATIONS

An employee may donate leave to another County employee under the following conditions:

1. Donors may donate vacation hours only.

2. Donations must be made in increments of 4 or 8 hours (for those departments with alternative schedules such as 10 or 12 hour shifts, it would equate to a full or half day increment).
3. Donors must have an accrued vacation leave balance of at least forty (40) hours subsequent to making a leave donation.
4. Donors must sign a declaration that their donation is voluntary, is intended as a gift, and has been made without coercion, compensation or for other consideration.
5. Donations are irrevocable.
6. Donations are made employee to employee. There will be no pooling of donated hours.

SECTION 8: CALCULATING DONATED LEAVE

Donated vacation hours are converted to an equivalent number of recipient sick leave hours, regardless of differences between participants' pay rates.

Donations may be solicited by the recipient employee or on his/her behalf by coworkers or supervisors. The Department/Office may, at the recipient employee's request, notify Department employees that the recipient employee is eligible to receive voluntary donations of accrued vacation. The Department may not release any medical information regarding the recipient employee, unless authorized by the employee.

Employees are prohibited from threatening or coercing other employees concerning any aspect of this Policy including, but not limited to, pressuring another employee to donate time or refuse to accept donated time.

Adopted by Civil Service Commission Effective March 25, 2019