



**CITY OF SHAVANO PARK**  
**900 Saddletree Court**  
**Shavano Park, TX 78231**

## **CITY POLICY NO. 12**

**SUBJECT: Donation of Vacation Leave / Sick Leave Pool Policy      November 21, 2016**

1. **References.** IRS Rev. Rul. 90-29, 1990-1 C.B. 11, Private Letter Ruling on Employer-sponsored leave-sharing arrangement.

2. **Purpose.** To authorize and provide guidance in administering a Donation of Vacation Leave / Sick Leave Pool, which is a benefit that provides eligible employees who have exhausted all other accrued leave with additional sick leave in the event of a family emergency or a personal crisis.

3. **Staff Point-of-Contact.** The Donation of Vacation Leave / Sick Leave Pool program shall be administered by the City Secretary with support from the Finance Director in their Human Resources functions.

### **4. Definitions.**

**Major Health Condition.** A severe illness or injury affecting the physical or mental health of the employee or an immediate family member that prevents the employee from performing their assigned duties over an extended period of time.

**Immediate Family Member.** A spouse, domestic partner, child, parent or other relationship in which the employee is the legal guardian or sole caretaker.

5. **Policy.** Under special circumstances, defined as a Major Health Condition, all eligible employees may donate accrued vacation leave to the Sick Leave Pool, which can be used by qualified co-workers as outlined below.

### **Contributing to the Sick Leave Pool**

A. Contributions are strictly voluntary. Each employee who wishes to contribute vacation leave must complete and sign a form provided by Human Resources. The forms must be submitted to Human Resources and a copy of the form is placed in each donor's personnel file. All contributions to the Sick Leave Pool are subject to the City Manager's approval.

B. An employee may contribute a portion of their vacation leave. Vacation leave contributions are limited to the extent the donor employee's vacation is excess of 80 hours for regular full-time (or 144 hours for non-exempt employees assigned to a 24 hour shift schedule).

C. Employees may not stipulate who is to receive their contributions to the Pool.

D. Employees who contribute to the Pool cannot take back contributed hours unless they become eligible to use in accordance with the Donation of Vacation Leave / Sick Leave Pool Policy.

E. Contributions to the Pool are not tax deductible.

F. In all cases, a contributions to the Sick Leave Pool shall be strictly voluntary and employees shall not be coerced in any manner. Employees are prohibited from providing or receiving remuneration or a gift in exchange for contributing hours.

### **Withdrawing Leave from the Sick Leave Pool**

A. Recipients of the Sick Leave Pool hours must have exhausted all of their own accrued sick leave, vacation leave, holiday leave, compensatory time, and any other leave with pay that may be applicable.

B. An employee may qualify for leave from the Sick Leave Pool if he / she, or a immediate family member, has experienced a Major Health Condition.

C. Requests for leave must be made in writing to the City Secretary and must include supporting documentation of need from the treating physician who is a board certified specialists in the treatment of such illness or injury.

D. A full-time regular employee may receive a maximum of 480 hours per event. Fire recipient employees assigned to a 24-hour shift schedule may receive a maximum of 720 hours per incident.

E. Human Resources will review request for eligibility and make a recommendation to the City Manager. All requests will be reviewed and approved /denied within 10 working days of receipt.

F. Employees will not accrue vacation and sick leave while using leave from the Sick Leave Pool.

G. Use of Sick Leave Pool hours will not be considered “hours worked” in the calculation of overtime.

H. Employees are not eligible to withdraw from the Sick Leave Pool when leave is due to an employee’s work related injury while eligible for workers’ compensation benefits.

I. Employees must have completed 3 continuous months of employment to apply for Sick Leave Pool hours.

**Administration of the Sick Leave Pool.** The Finance Director will be responsible for maintaining the sick leave pool using the INCODE leave bank process within the payroll module.