

6.06 CATASTROPHIC LEAVE

Purpose

Catastrophic Leave is a leave-sharing program intended to provide a means for employees to assist another employee who, because of a personal non-occupational catastrophic illness, or the catastrophic illness of a family member, expects to be on leave and whose absence will result in a substantial loss of pay to the employee. To be eligible the employee must be in unpaid status for a minimum of 10 consecutive working days.

Employees will be allowed to donate or receive accrued sick leave and/or vacation hours in accordance with this rule.

Catastrophic Illness Definition

A catastrophic illness of an employee is any non-occupational illness, injury or physical or mental condition of such serious nature as to require long-term absence from work. Catastrophic illness of a family member shall be defined as those illnesses, injuries, or physical or mental conditions ~~that~~~~which~~ are of such serious nature as to require long-term and/or full-time care by the employee. Family members are defined as the employee's spouse/domestic partner, parent, parent-in-law, child, or other person for whom the employee is legal guardian. Chronic illnesses or injuries, ~~which that~~ result in intermittent absences from work, may be considered catastrophic, however, eligibility for catastrophic leave under these circumstances is determined on a case by case basis.

Eligibility to Receive Catastrophic Leave

To be eligible for catastrophic leave the following requirements must be met:

1. The employee is eligible to use sick leave or vacation leave in accordance with the Administrative Rules for **Sick Leave** and **Vacation**.
2. The employee is on an approved leave of absence because of their own catastrophic illness or to care for a family member who has a catastrophic illness as defined above.
3. The employee must exhaust all earned leave credits, including personal holidays, vacation, and sick leave up to the amount authorized by the administrative rules, management leave and compensatory time during a leave of absence because of~~due to~~ catastrophic illness ~~that, which~~ will cause the employee to be in unpaid status for a minimum of 10 consecutive working days. The ~~Director of Human Resources~~City Auditor may make an exception and allow eligibility for catastrophic leave donations for an employee who has accrued sick leave but is unable to use that leave ~~due to~~because of restrictions on use in other City administrative rules.
4. The recipient employee must file with ~~the Management Services~~appointing authority:
 - A [Request for Catastrophic Leave Form](#).
 - A [Medical Certification Form](#) from their health care provider or the family member's health care provider, verifying catastrophic illness.

The ~~City Auditor's Office~~ retains the right to require periodic medical certification to verify eligibility. Periodic updates are typically one per month. Eligibility shall cease when the employee can return to work or the family member is once again able to care for themselves.

Conditions for Receiving Leave Donations

An employee may receive and use leave donated by another City employee under the following conditions:

1. An employee who receives any donated leave credits must first exhaust all earned leave credits, including personal holidays, vacation, and sick leave up to the amount authorized by the administrative rules, management leave, and compensatory time.
2. An employee who qualifies for ~~C~~city sponsored Long Term Disability (LTD) insurance coverage is required to file a claim for benefits if the employee's leave of absence is reasonably expected to continue beyond the eligibility waiting period applicable to the employee's coverage.

If the claim is approved, an employee may receive both catastrophic leave and ~~city~~City sponsored disability benefits. However, ~~city~~City sponsored disability benefits will be reduced by other income the employee receives including but not limited to catastrophic leave.

3. Active members of the Fire & Police Disability & Retirement Fund (FPDR) with 10 or more years of service may be eligible to receive both catastrophic leave donations and ~~n~~Non-service disability benefits from FPDR at the same time; however, an employee shall not receive more compensation than they would have earned had they not been on leave.
4. Donated leave may not be used to extend employment beyond the point that it would otherwise end by rule or law. For example, if an employee would have otherwise been terminated due to layoff, including medical layoff or other reasons donated leave may not be used to extend employment.
5. An employee who uses donated leave is not in "pay status" and does not accrue personal holidays, vacation, or sick leave benefits nor do they earn pay for holidays.
6. If an employee is otherwise eligible for City-paid health benefits, the employee will continue to receive those benefits while receiving donated leave. If not eligible for City-paid health benefits, the employee will be provided a notice of their COBRA continuation rights.
7. Leave donations requested within the first pay period after an employee has returned to work may be collected and applied retroactively to cover the unpaid status period beginning with the first date the employee entered unpaid status.

Limits on Leave Donation

An employee may only receive catastrophic leave donations up to the amount of time the health care provider has indicated the employee will be unable to work and is in an unpaid status. For the care of the employee's family member, catastrophic leave donations may only be received for the amount of time the health care provider has indicated the family member will require long term or full-time care by the employee and the employee is in unpaid status.

Donations are credited in amounts not to exceed the recipient's unpaid leave hours in the prior pay period, if applied retroactively, or the unpaid leave hours in the current pay period, up to the amount approved. An employee may receive a maximum of 960 hours of leave donations per calendar year, prorated for part-time.

Donated Time Not Used

When the recipient employee returns to work, any donated leave which was not used by the recipient will be added to their sick leave quota and retained by the recipient.

Eligibility to Donate

An employee, having a minimum of six6 months of eCity service, may voluntarily donate sick leave and/or vacation leave but is bound by the requirements under the provisions of this administrative rule. Additionally, to be eligible to donate sick leave, the employee must have a minimum of 300 accrued and unused sick leave hours.

Conditions for Making Leave Donations

An Auditor's Office or City employee may donate leave to another Auditor's Office or City employee under the following conditions:

1. Employees may donate a combined maximum of 160 hours of leave from their accrued sick leave and/or vacation leave quotas in a calendar year to one or more eligible employees. The amount of sick leave that can be donated in a calendar year is limited to 40 hours. For example, if an employee donates 40 hours of sick leave in a calendar year, they may not donate more than 120 hours of vacation leave in the same calendar year.
2. Donations must be made in increments of whole hours.
3. 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.
4. Donations are irrevocable. If the recipient employee returns to work, or terminates employment for any reason, the leave donated to the employee will be converted to- sick leave per the Section on Donated Time Not Used.
5. Donations are confidential and may not be revealed without the consent of the donor.

5-

Transfers of accrued sick or vacation leave between the Auditor's Office and a City bureau

6. ~~An inter-bureau transfer of accrued sick leave or vacation~~ is allowed.
-

Calculating Donated Leave

The dollar value of the donated leave will be calculated by multiplying the donor's hourly rate times the number of hours donated. The product will then be divided by the recipient's hourly rate to arrive at the corresponding number of hours of donated leave available for use by the recipient employee.

Solicitation of Donations

Donations may be solicited by the recipient employee or on the recipient employee's behalf by coworkers or their union representatives. The ~~employing bureau~~ Auditor's Office may, at the recipient employee's request, notify ~~bureau~~ Auditor's Office employees that the recipient employee is eligible to receive voluntary donations of accrued vacation, but may not solicit donations on the employee's behalf. The ~~bureau~~ Auditor's Office may not release any medical information regarding the recipient employee or the recipient employee's family member, unless authorized by the employee or family member. With the approval of the recipient employee, the Auditor's Office may notify catastrophic leave coordinators in City bureaus that the employee is eligible to receive donations.

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

Procedure for Requesting Catastrophic Leave

1. Employee submits a completed Request for Catastrophic Leave form and Medical Certification form to ~~Management Services~~ the bureau ~~Catastrophic Leave Coordinator~~.
 2. ~~The Bureau Catastrophic Leave Coordinator~~ Management Services completes ~~its~~ their portion of the request form and prepares a memo of approval from the City Auditor.
 - 2.3. ~~Management Services~~ and submits forms and the approval memo to the Bureau of Human Resources.
 - 3.4. ~~If approved by Human Resources,~~ Human Resources e-mails the approval letter, donation posting and donation form to ~~the Bureau Catastrophic Leave Coordinator~~ Management Services.
 - 4.5. ~~Management Services~~ The Bureau Catastrophic Leave Coordinator will distribute the posting and donation forms as authorized by the recipient employee.
-

Administration

The ~~Bureau of Human Resources~~ City Auditor is authorized to establish necessary procedures to implement and monitor the program in the Auditor's Office and may modify as necessary the procedures it has established ~~to carry out the intent of the City Council.~~

This ~~p~~Program is not subject to the grievance and arbitration section of any collective bargaining agreement, nor is it subject to any appeal procedure provided for under the ~~Administrative Rules of the City of Portland~~ Auditor's Office Human Resources rules or the Portland City Charter. The City ~~of Portland~~ Auditor retains the right to change, modify or discontinue the program at any time. If the ~~Auditor~~ City chooses to discontinue the program, the recipient members already involved in the program shall be allowed to continue using accrued donated hours unless exhausted, or until no

longer necessary. However, no further contributions beyond the number received by the effective date of discontinuance will be allowed.

Contact Information

Questions about Catastrophic Leave may be directed to ~~the City FMLA Program Coordinator~~ Management Services.

Administrative Rule History

~~Adopted by Council March 6, 2002, Ordinance No. 176302~~
~~Effective April 5, 2002~~
~~Revised July 28, 2003~~
~~Revised July 1, 2004~~
~~Revised September 16, 2005~~
~~Revised April 17, 2009~~
~~Revised October 19, 2010~~
~~Revised April 25, 2016~~
