

COVID-19 Response Leave Sharing Program

Purpose

COVID-19 Response Leave Sharing Program was created during a National, State, and City declared state of emergency and provides City employees a means to assist colleagues whose leave of absence during the declared state of emergency would otherwise result in a loss of pay. The program allows for different rules in accessing and providing leave for those impacted by COVID-19.

Due to the ongoing evolution of response from a local, state and federal level, the Bureau of Human Resources will continue to assess all available resources and make updates to this policy as appropriate.

Employees who apply for this program and are subsequently approved will be allowed to donate or receive accrued sick leave and/or vacation hours.

Eligibility for Leave Benefits under COVID-19 Response Leave Sharing Program

To be eligible for leave under the COVID-19 Response Leave Sharing Program, the following criteria must be met:

1. The employee is eligible to use sick leave and/or vacation leave in accordance with the Administrative Rules for Sick Leave and Vacation.
2. The employee is on an approved leave of absence for reasons related to a National, State, and City declared state of emergency, and is considered adversely affected by a major disaster when the employee:
 - a. falls under the latest Center for Disease Control's (CDC) definition of a high risk individual due to underlying health conditions, age, or any other applicable factors listed by the CDC, and there is no telework option available for the employee to perform their job duties;
 - b. is diagnosed with an infectious disease;
 - c. is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
 - d. is subject to a federal, state or local quarantine or isolation order related to COVID-19;
 - e. has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
 - f. is required to provide care for an impacted dependent (to include the need to care for a child whose school/daycare is closed);
 - g. whose regular work location is closed, there is no available telework and there is no other suitable work for the employee to perform.
3. The employee must exhaust all earned leave credits, including personal holidays, deferred holidays, vacations, sick leave, sick time, management leave, and compensatory time.
4. The receiving employee must submit an online application with the Bureau of Human Resources at the following link. <https://www.portlandoregon.gov/bhr/article/757106>

While the City is not requiring medical documentation to initiate COVID-19 Response leave during the declared state of emergency, the City does retain the right to request medical documentation to continue to receive donated leave to remain out on approved leave.

Conditions for Receiving Leave Donation

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

1. The employee has met the eligibility criteria outlined above.
2. 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 but not limited to medical layoff, donated leave may not be used to extend employment.
3. 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.
4. If an employee is otherwise eligible for City-paid health benefits, the employee will continue to receive those benefits while receiving donated leave.
5. Leave donations requested within the first pay period after an employee has returned to work may be collected and applied retroactively to cover any unpaid status period beginning with the first date the employee entered unpaid status.

Limits on Receipt of Donated Leave

An employee may only receive COVID-19 Response leave donations under this program up to the amount of time the employee is unable to work and is in unpaid status due to the COVID-19 National, State, and City declared state of emergency.

Employees who are able and offered suitable work and decline such work will not be eligible to receive leave donations under this program. This does not apply to employees who fall into the high risk category for COVID-19 as described in the Eligibility section, paragraph (2)(a).

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. During the COVID-19 National, State, and City declared state of emergency:

- Eligible full-time employees may receive a maximum of 240 hours of COVID-19 Response leave. Eligible part-time employees may receive a maximum donation that is a prorated portion of 240 hours by their part-time hours. For example, a part-time employee who works 20 hours per week will receive a maximum donation of 120 hours.
- Eligible full-time employees considered high risk by the Center for Disease Control are eligible to receive a maximum of 600 hours of catastrophic leave. Eligible part-time employees considered high risk may receive a maximum donation that is a prorated portion of 600 hours by their part-time hours.

Donated Time Not Used

When the recipient of donated leave returns to work, any donated leave which was not used will be returned to the COVID-19 Response leave bank and redistributed to other eligible employees.

Any remaining leave balance in the COVID-19 Response Leave Sharing Program at the end of the declared COVID-19 National, State, and City state of emergency will be returned to each donor in the

same proportion as the donor contributed toward the total hours donated during the declared state of emergency.

Eligibility to Donate

Employees are not eligible to donate sick and/or vacation hours if, post-donation, such donation either:

1. leaves them with less than 160 hours of sick leave accruals for sick leave donations; or
2. leaves them with less than 80 hours of vacation accruals for vacation donations.

Conditions for Making Leave Donations

1. During the COVID-19 National, State, and City declared state of emergency, a City employee may donate to the COVID-19 Response leave bank. No employee will be allowed to donate to a specific employee; instead, all donations will go into the COVID-19 Response leave bank.
2. Employees may donate up to one year's worth of sick leave based on the employee's sick leave accrual rate (104 hours for full-time employees), and up to one year's worth of vacation leave based on the employee's vacation accrual rate. See Human Resources Administrative Rule 6.03 for vacation accrual rates <https://www.portlandoregon.gov/citycode/article/12413> .
3. Donations must be made in increments of whole hours.
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. If the donated leave is not used and the declared state of emergency ends, the leave will be returned to the donating employee as stated above under the Donated Time Not Used section.
6. Donations are confidential and donor names will not be disclosed without the consent of the donor unless required by law.
7. 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

All employees donating accrued time will complete the following form linked here:

<https://www.portlandoregon.gov/bhr/article/757105>

Employees should contact their Bureau's Human Resource Business Partner with questions.

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

Procedures for Requesting COVID-19 Response Leave

1. Employees shall submit an application requesting COVID-19 Response leave during the COVID-19 National, State, and City declared state of emergency.

2. Applications will be reviewed in the order they are received for employee eligibility on a weekly basis by a BHR designee for the COVID-19 Response Leave Program.
3. If the employee's application is approved and donated leave is available, Human Resources will email an approval notice to the employee, the employee's assigned HR Business Partner, Central Time Administration, Health and Financial Benefits, and the employee's Bureau Timekeeper.
4. If there is not sufficient donated leave available to approve an employee's application, the application will continue to be reviewed by the BHR COVID-19 Response Leave Program designee until such time that donated leave is available or the COVID-19 Response Leave Sharing Program ends.

Administration

The Bureau of Human Resources is authorized to establish necessary procedures to implement and monitor the program and may modify as necessary the procedures and/or the program it has established.