

RESOLUTION NO. 175, SERIES 2018

A RESOLUTION ADOPTING SICK LEAVE BANK AND DIRECT DONATIONS OF LEAVE POLICIES FOR EMPLOYEES OF THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL.

SPONSORED BY: PRESIDENT DAVID JAMES

WHEREAS, The Louisville Metro Council ("Council") deems it in the best interest of its employees to offer an opportunity to participate in a Sick Leave Bank and Direct Donations of Leave;

WHEREAS, the Council has reviewed and considered the Sick Leave Bank and Direct Donations of Leave Policy attached hereto;

WHEREAS, the Council concurs that its employees are a great asset as they assist in maintaining the highest level of integrity and dedication in serving the residents of Louisville;

WHEREAS, the Sick Leave Bank would create a voluntary system for participating employees to donate sick days to a sick leave bank and then use days from the Sick Leave Bank if or when employees experience unforeseen health issues; and

WHEREAS, the Council concurs that the Sick Bank Leave and Direct Donations of Leave Policy will assist employees and retain employees who might otherwise be forced to retire or quit due to temporary health conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I. The Council hereby adopts the Sick Leave Bank and Direct Donations of Leave Policies as follows and attached hereto:

SECTION II. Sick Leave Bank Policy.

A. Participation

All full-time or part-time employees with at least one full year of continuous service are eligible to participate in the Sick Leave Bank (SLB) after having donated two (2) days of sick leave, vacation time, or comp time to the SLB during the open enrollment period as designated by the Louisville Metro Council Business Office and completing the Form to “Join Sick Leave Bank” form. Participation in the SLB is voluntary.

B. Governance

The Sick Leave Bank and Direct Donations of Leave policy is governed by the Committee on Committees (“Committee”). The Committee shall maintain strictest confidence as employee requests are reviewed and shall approve or disapprove based on an individual basis.

C. Rules of Operation for Sick Leave Bank

1. The SLB can be used for the employee and immediate family, as defined by Louisville Metro Government Personnel Policies as “an employee’s parents, spouse and children.”

2. The employee must be a full-time or a part-time LMC employee (including Legislative Assistants, Office Staff, Aids, etc.) with at least one year of continuous service who as part of his or her employment benefits accrues sick leave as explained in Louisville Metro Government Personnel Policies Section 16.2. Temporary employees are not eligible for the SLB.

3. Annually, the employee must donate two days of sick leave, vacation leave, or comp time to the SLB. This donation must be made during the open period

designated by the LMC Business Office. Donations are irrevocable. One day, as defined by Louisville Metro Government Personnel Policies, is one-fifth of the employee's standard work week.

4. At the time that the two days are donated, the employee must still have a remaining balance of at least ten days of sick leave, vacation leave, comp time, or a combination thereof.

5. At the time of receiving SLB leave, the employee must have exhausted all accumulated leave (e.g. sick, vacation, personal, comp time, etc.).

6. Regarding the employee, the illness or injury must be non-work related. Work-related illnesses or injuries are processed under the worker's compensation process.

7. The employee must submit an application for SLB leave. The medical certification must be completed by a licensed medical physician and provide a clear explanation of the facts that demonstrate the presence of a serious illness or injury under the SLB standards. The Committee has the authority to require a second independent medical certification. LMC will pay for this second certification if the employee's insurance does not cover payment.

8. During past use of sick leave, the employee must have complied with relevant Metro Council Policies and Procedures and Louisville Metro Government Personnel Policies governing the use of sick leave.

9. SLB leave can only be provided with the prior approval of the supervisor and the Metro Council President.

10. Employees do not accrue any leave while on SLB leave.

11. Annually (on a calendar year basis), an employee can withdraw up to a maximum of 40 days from the SLB.

12. If an employee exhausts the 40 days of SLB leave, the employee may apply for Direct Donations of Leave by following the procedures specified in the Direct Donation of Leave Policy.

13. The standards for determining a serious injury or illness for purposes of the SLB are as follows:

a. A period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility;

b. A period of incapacity that involves continuing treatment by (or under the supervision of) a licensed health care provider;

c. A period of incapacity due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.). Incapacity in this context means that the individual cannot do his or her job and does not have the ability to perform normal activities in his or her daily life; or

d. An absence to receive multiple treatments (including any period of recovery there from) either for restorative surgery after an accident or other injury, or for a chronic condition such as cancer or kidney disease.

e. A period of incapacity means that the individual cannot do his or her job and does not have the ability to perform normal activities in his or her daily life.

14. Generally, pregnancy, birth of a child, and maternity leave do not fall within the standards for SLB leave. If, however, there are serious complications with

the pregnancy or child birth (emergency C-section, pre-term labor, preeclampsia, serious complications that are life threatening to the mother or child, etc.), then SLB may be considered.

15. Generally, the SLB does not cover elective surgery or other elective procedures.

16. The SLB does not cover colds, the flu, stomach viruses, bronchitis, and other common illnesses.

17. The employee or an immediate family member must be unable to work or perform normal activities in his or her daily life due to a serious illness or injury.

SECTION III. Direct Donation of Leave Policy.

A. Rules of Operation for Direct Donations of Leave

1. Only those employees who are participants in the SLB (have donated the two days annually) can receive Direct Donations of Leave (DDL). Employees cannot otherwise receive donated days from coworkers.

2. Employees who desire to receive DDL from coworkers must submit an application. The Committee may, in its discretion, ask for a medical certification as to the need for DDL. DDL can only be provided with the prior approval of the supervisor and the Metro Council President.

3. Employees can receive DDL only after all accumulated leave and all SLB leave is exhausted.

4. Recipient employees only receive DDL if coworkers donate leave days to the employee.

5. For purposes of DDL, all days are equivalent. In other words, if a donor employee who works 5-hour days gives two days to an employee who works 8-hour days, the recipient employee receives two 8-hour days of leave.

6. All other terms of the SLB apply to DDL.

7. Those employees who desire to donate leave days to other employees must meet the following terms:

a. The donor employee must be a full-time or part-time LMC employee with at least one year of continuous service.

b. The donor employee may donate any number of sick, vacation, or comp leave days as long as the donor employee (at the time of the donation) maintains a balance of at least ten days of sick, vacation, comp time, or a combination thereof.

c. The donor employee need not be a participant in the SLB.


d. The donor employee must complete a donation form. Each donor employee's leave balance will be reduced by the amount of leave donated. Donations are irrevocable.

e. If the donor employee has an insufficient leave balance, the donation is voided.


SECTION IV. This resolution shall take effect upon its passage and approval.



H. Stephen Ott
Metro Council Clerk



David James
President of the Council



Greg Fischer
Mayor

1/2/19

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 

**LOUISVILLE METRO COUNCIL
ADOPTED**
December 13, 2018

R-215-18 Sick Leave and Direct Donation of Leave Policies sd 112718.docx

SICK LEAVE BANK AND DIRECT DONATIONS OF LEAVE

This policy is in two interrelated parts: The Sick Leave Bank and Direct Donations of Leave. Each of these voluntary programs is set out below.

SICK LEAVE BANK

The Louisville Metro Council (LMC) provides for a Sick Leave Bank (SLB) whereby participating employees can acquire additional sick leave days under the terms of the SLB:

GENERAL REQUIREMENTS

1. The SLB can be used for the employee or immediate family as defined by Louisville Metro Government Personnel Policies as “an employee’s parents, spouse and children.”
2. The employee must be a full-time or a part-time LMC employee (including Legislative Assistants, Office Staff, Aids, etc.) with at least one year of continuous service who as part of his or her employment benefits accrues sick leave as explained in Louisville Metro Government Personnel Policies Section 16.2. Temporary employees are not eligible for the SLB.
3. Annually, the employee must donate two days of sick leave, vacation leave, or comp time to the SLB. This donation must be made during the open period designated by the LMC Business Office. Donations are irrevocable. One day, as defined by Louisville Metro Government Personnel Policy, is one-fifth of the employee’s standard work week.
4. At the time that the two days are donated, the employee must still have a remaining balance of at least ten days of sick leave, vacation leave, comp time, or a combination thereof.
5. At the time of receiving SLB leave, the employee must have exhausted all accumulated leave (e.g. sick, vacation, personal, comp time, etc.).
6. Regarding the employee, the illness or injury must be non-work related. Work-related illnesses or injuries are processed under the worker’s compensation process.
7. The employee must submit an application for SLB leave. The medical certification must be completed by a licensed medical physician and provide a clear explanation of the facts that demonstrate the presence of a serious illness or injury under the SLB standards. The Committee has the authority to require a second independent medical certification. LMC will pay for this second certification in the employee’s insurance does not cover payment.
8. During past use of sick leave, the employee must have complied with relevant Metro Council Policies and Procedures and Louisville Metro Government Personnel Policies governing the use of sick leave.

9. SLB leave can only be provided with the prior approval of the supervisor and the Metro Council President.
10. Employees do not accrue any leave while on SLB leave.
11. Annually (on a calendar year basis), an employee can withdraw up to a maximum of 40 days from the SLB. If an employee exhausts the 40 days of SLB leave, the employee may apply for Direct Donations of Leave. See the terms of the provision below.

SERIOUS ILLNESS OR INJURY REQUIREMENTS

In addition to the above requirements, the employee or his or her immediate family member must meet the requirements of a serious illness or injury:

1. Generally, pregnancy, birth of a child, and maternity leave do not fall within the standards for SLB leave. If, however, there are serious complications with the pregnancy or child birth (emergency C-section, pre-term labor, preeclampsia, serious complications that are life threatening to the mother or child, etc.), then SLB may be considered.
2. Generally, the SLB does not cover elective surgery or other elective procedures.
3. The SLB does not cover colds, the flu, stomach viruses, bronchitis, and other common illnesses.
4. The employee or an immediate family member must be unable to work or perform normal activities in his or her daily life due to a serious illness or injury (see below).

Serious illness/injury involves:

- A period of incapacity* or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility;
- A period of incapacity that involves continuing treatment by (or under the supervision of) a licensed health care provider;
- A period of incapacity due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.);
- An absence to receive multiple treatments (including any period of recovery there from) either for restorative surgery after an accident or other injury, or for a chronic condition such as cancer or kidney disease.

*A period of incapacity means that the individual cannot do his or her job and does not have the ability to perform normal activities in his or her daily life.

DIRECT DONATIONS OF LEAVE

As a companion to the SLB, the LMC provides for Direct Donations of Leave (DDL) whereby participating recipient employees can acquire additional sick leave days after SLB leave is exhausted and fellow employees can donate leave days to a particular coworker. The DDL contains the following terms:

1. Only those employees who are participants in the SLB (have donated the two days annually) can receive DDL leave. Employees cannot otherwise receive donated days from coworkers.
2. Employees who desire to receive DDL leave from coworkers must submit an application. The LMC may, in its discretion, ask for a medical certification as to the need for DDL leave. DDL leave can only be provided with the prior approval of the supervisor and the Metro Council President.
3. Employees can receive DDL leave only after all accumulated leave and all SLB leave is exhausted.
4. Recipient employees only receive DDL leave if coworkers donate leave days to the employee.
5. For purposes of DDL leave, all days are equivalent. So, if a donor employee who works 5-hour days gives two days to an employee who works 8-hour days, the recipient employee receives two 8-hour days of leave.
6. All other terms of the SLB apply to DDL leave.
7. Those employees who desire to donate leave days to other employees must meet the following terms:
 - The donor employee must be a full-time or part-time LMC employee with at least one year of continuous service.
 - The donor employee may donate any number of sick, vacation, or comp leave days as long as the donor employee (at the time of the donation) maintains a balance of at least ten days of sick, vacation, comp time, or a combination thereof.
 - The donor employee need not be a participant in the SLB.
 - The donor employee must complete a donation form. Each donor employee's leave balance will be reduced by the amount of leave donated. Donations are irrevocable.
 - If the donor employee has an insufficient leave balance, the donation is voided.

ELIGIBLE EMPLOYEES ARE REMINDED THAT UNUSED SICK LEAVE MAY BE APPLIED TOWARD CREDITABLE SERVICE UNER THE KENTUCKY RETRIERMENT SYSTEM. EMPLOYEES SHOULD CONSIDER THE FINANICAL IMPACT OF LOSING THIS SERVICE BEFORE DONATING THEIR SICK LEAVE TIME TO ANOTHER EMPLOYEE. UNDER NO CIRCUMSTANCE WILL PREVIOUSLY DONATED SICK LEAVE TIME BE REINSTATED OR TRANSFERRED BACK TO THE DONATING EMPLOYEE FOR ANY REASON, INCLUDING RETIRMENT PURPOSES.