

TITLE: LEAVE DONATION
PROGRAM

PERSONNEL
ADMINISTRATIVE X

RESOLUTION
NO: 20-612

EFFECTIVE
DATE: 8/11/2020

TYPE:
POLICY X
PROCEDURE X

SUPERSEDES:
POLICY#33a
PROCEDURE#

I. SCOPE

This policy applies to all employees under the appointing authority of the Board of Lucas County Commissioners unless covered under a similar program through a collective bargaining agreement.

II. PURPOSE

The Leave Donation Program is to allow employees to voluntarily provide assistance to eligible co-workers who are in need of paid leave due to a serious illness or injury involving the co-worker or a member of his/her immediate family. In addition, until further notice leave may also be donated to an employee who cannot work remotely & needs to remain at home with a child due to school and/or child care provider being closed or unavailable as a result of COVID-19.

III. POLICY

As permitted by Ohio Revised Code 124.391, the Board of Lucas County Commissioners will allow eligible employees to donate accrued but unused sick leave, vacation and personal time on a limited basis to another eligible employee who has a qualifying serious injury or illness, or who has a covered family member who has a serious injury or illness, as defined below, or who is unable to work remotely and is required to stay home with a child due to school and/or child care provider being closed or unavailable as a result of COVID-19. Employees at JFS and CSEA will only donate to, and receive donations from, employees within their respective agencies.

IV. PROCEDURE

A. Eligible Employees

In order to DONATE sick leave, an employee must have a balance of at least 120 hours of sick leave after deducting the total donated hours. There is no minimum balance requirement to donate vacation or personal time.

In order to RECEIVE donated leave, an employee must:

1. have completed his/her initial probationary period, and
2. have a qualifying serious illness or injury, or have an immediate family member who has such, or be unable to work remotely and be required to stay home with a child due to school and/or child care provider being closed or unavailable as a result of COVID-19, and
3. have no available leave time (sick, vacation, compensatory or personal), and
4. not be receiving workers' comp, unemployment or PERS disability, and
5. not have active discipline in their personnel file related to excessive use of sick leave, abuse of sick

leave, unauthorized absence, or pattern use of sick leave.

B. Qualifying Illnesses and Injuries or COVID Child Care Situations

Leave may be donated for each serious illness or injury involving the employee or a member of his/her

immediate family that requires hospitalization and/or an absence from work, or for a period of time during which the employee must remain home with a child due to school and/or child care provider being closed or unavailable as a result of COVID-19, in excess of ten (10) consecutive workdays, with at least five (5) of the workdays being without pay, for each specific case of serious illness or injury.

For purposes of this policy, "immediate family" is defined as the employee's spouse, children {biological, step, adopted or foster }, parents, grandparents, siblings, or a legal guardian or other person who stands in place of a parent (in loco parentis). For the specific purpose of leave donated due to an employee for school or child care leave purposes related to COVID-19, the definition of a "child" is as covered in the "Families First Coronavirus Response Act".

Normal pregnancy and child care are not considered to be a serious illness or injury for the purposes of this policy.

Eligibility for Family & Medical Leave (FMLA) is a separate matter and does not guarantee that an individual will be eligible to receive donated leave.

C. Requesting, Receiving & Using Donated Leave

Eligible employees requesting donated leave will complete the attached application and return it along with appropriate medical certification to the Director of Human Resources. The Director of Human Resources, or his/her designee shall review the request to ensure that the employee is eligible as defined by paragraph IV-A and IV-B. With the written permission of the employee, approved requests shall then be communicated to all co-workers. Requests that are denied may be appealed to the County Administrator.

An eligible employee may receive a maximum of 1,040 hours of donated leave per each specific approved and covered incident.

Employees using donated leave shall be considered to be in an active pay status and shall accrue sick and vacation leave and be entitled to any benefits to which they would otherwise receive. Any sick and vacation leave that is accrued must be used in the following pay period before donated leave can be used.

Donated leave shall never be converted into a cash benefit; it shall only be used to cover the eligible work hours that the affected employee would have regularly been scheduled to work each week. Employees who use donated leave will have those hours counted as absences for the purposes of determining eligibility for attendance-related bonuses, if applicable, unless the leave is covered under FMLA.

D. Donating Leave

Participation in this program is strictly voluntary. No employee is to be directly solicited to donate leave, nor shall any employee be forced to donate.

Leave may only be donated in eight (8) hour increments. Employees donating leave must specify the types

LEAVE DONATION PROGRAM
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Policy 33b

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and amounts of leave being donated (*for example, "24 hours total= 8 hours sick leave and 16 hours vacation"*) on the leave donation form.

An employee may donate sick leave only if he/she will still have a balance of at least 120 hours after the donated hours are deducted.

Employees wishing to donate leave must complete and return the "Leave Donation Form" to Human Resources, who will date stamp each form in the order it is received. Once the appropriate balances have been determined, the donated leave shall be used in the order in which it was donated.. In the event that there are multiple donors giving more than eight (8) hours each, the donation will be taken eight (8) hours per person before going back and deducting in excess of eight (8) hours from any individual.

The maximum number of hours that may be donated by an employee is a total of 80 hours per calendar year. Leave that has been donated and used may not be returned to the donor, and the donor is not entitled to any compensation for the donated leave. Any donated but unused leave shall be returned to the donor..

Any hours donated will not be counted against the donor for purposes of determining eligibility for attendance-related bonuses, if applicable.



County Administrator

August 11, 2020

Date: August 11, 2020

Resolution No. 20-612

Title: Amendments to the "Leave Donation Program" Policy of the Board of Lucas County Commissioners (Policy 33a)

Department/Agency: Human Resources

Contact: Brian Cunningham

Summary/Background: Working parents continue to be faced with difficult situations related to child care as a direct result of school operations impacted by COVID-19. While the federal "Families First Coronavirus Response Act" provides some opportunities for leave from work for such cases, not all employees will be eligible for this leave or may exhaust what leave is available to them. We recommend that the Board amend our "Leave Donation Program" policy to permit child care absences that are directly related to COVID-19 as a result of schools not being available for classroom instruction and/or child care not being available to be qualifying reasons to apply for leave donation, provided that the employee is not receiving unemployment.

Budget Impact: Since employees/positions are budgeted for a full year, there is no impact.

Statutory Authority/ORC: 124.391

Commissioner Byers offered the following resolution:

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

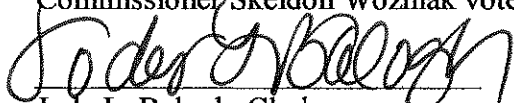
Section 1. The "Leave Donation Program" policy is hereby amended as described above and reflected in the attached policy.

Section 2. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law.

Section 3. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

Commissioner Byers voted yes
Commissioner Gerken voted yes
Commissioner Skeldon Wozniak voted yes



Jody L. Balogh, Clerk