

DES MOINES

J. SHARED LEAVE

1. INTENT

The purpose of shared leave is to permit city employees, at no additional cost to the City other than the administrative costs of the program, to come to the aid of a fellow city employee who is suffering from, or who is caring for an immediate family member suffering from a *serious health condition*, as defined under FMLA, which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. Examples of serious health condition to immediate family members might include a terminally ill child or spouse requiring home care by the employee or similar circumstances. However, under these circumstances the employee should make good faith efforts to share these burdens with other family members. *Immediate family members* for this shared leave policy shall mean the employee's spouse, child, adopted child, foster child, or stepchild living with the employee or parent (whether living with the employee or not). Exceptions may be granted for other household members for which the employee is the primary caregiver.

2. REQUEST

Requests for shared leave shall be submitted by the requesting employee to his or her Department Director for review and recommendation. The Department Director shall refer the request to the employee relations committee for review and recommendation to the City Manager. The City Manager shall have final approval authority for granting shared leave. The Department Director, committee or City Manager may require the employee to submit medical or other appropriate documentation to support requests for shared leave.

3. ELIGIBILITY TO RECEIVE SHARED LEAVE

The City Manager may permit an employee to receive shared leave under the following circumstances:

- a. The employee suffers from or is caring for an immediate family member, as defined in J-1 above, who is suffering from a serious health condition, as defined by FMLA, which has caused or is likely to cause the employee to go on leave without pay status or terminate city employment.
- b. The employee's absence and the use of shared leave are justified.
- c. In order to be eligible for shared leave, an employee shall have utilized a minimum of 80 hours of their own vacation, sick leave, Kelly time, compensatory time, holiday leave, or unpaid time toward the particular illness or circumstance for which the employee is requesting shared leave. In addition, the employee shall have exhausted all accumulated vacation, sick, Kelly, comp, and holiday time.
- d. The employee has abided by city rules regarding sick leave use both prior to and during shared leave.
- e. The employee has diligently pursued and been found to be ineligible for benefits under state industrial insurance.
- f. To be eligible for receiving shared leave an employee must have contributed a minimum of 8 hours to the shared leave program over the past year; however, this requirement may be waived for employees employed for less than one year with the City.

4. AMOUNT OF SHARED LEAVE

The City Manager shall determine the amount of leave, if any, which an employee may receive under this section. The City Manager may grant an initial shared leave of up to 320 hours. Upon expiration of the initial authorization, an employee may request additional shared leave in increments of 160 hours. The Employee Relations Committee and City Manager shall review each request. No employee shall receive more than a maximum of 1440 hours in any 5-year period. Under exceptional circumstances the Committee may recommend exceptions to this limit.

5. DONATION OF SHARED LEAVE

An employee may request his or her Department Director to transfer a specified amount of annual sick leave to the shared leave bank.

6. WHILE ON SHARED LEAVE

While an employee is on leave under this program, he or she shall continue to be classified as a city employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued sick leave. However, an employee shall not accrue vacation or sick leave while on shared leave. If an employee is able to work part-time under this program, he shall receive pro-rated vacation and sick benefits, which must be utilized prior to sick bank drawdowns.

a. All salary benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave.

b. The employee's salary rate shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance or any other benefit received as a result of payment by the City to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status.

7. MAXIMUM DONATION

No employee may transfer more than 40 hours to the shared leave bank in any 12 month period.

8. MAXIMUM ACCRUAL

The shared leave bank shall be limited to a maximum accrual of 50 hours times the number of full-time city employees.

9. RECORDKEEPING

The personnel department shall be responsible for accounting for the values of donated and shared leave and the finance department shall be responsible for adjusting the accrued leave balances to show the transferred leave.

10. MONITORING EQUIVALENT AND APPROPRIATE USE

The personnel department shall monitor the use of shared leave to ensure equivalent treatment for all employees of the City. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave. In no event shall any unused shared leave be paid to the employee in the event of leaving city service.