

City of Yakima  
Employee Handbook

Subject: Sick Leave Pool

Memorandum issued 6/30/1992

To: All Management, Supervisors, Confidential and AFSCME Employees

From: Sheryl M. Smith, Deputy Human Resources Manager

On February 25, 1992 the City Council adopted Ordinance #3437 which created two separate sick leave pools, one for Management (which also includes Supervisors and Confidential employees) and one for AFSCME employees. Attached for your information is a copy of that ordinance which states the criteria for donating leave to the applicable sick leave pool, as well as the procedures for requesting sick leave. In addition, we have enclosed a copy of the sick leave pool request form for your convenience.

If you have any questions, feel free to contact the Human Resources Division at 575-6090 or your AFSCME Shop Steward or Executive Board member.

Agenda Statement dated 2/25/1992

Item Title: An Ordinance Creating a Shared Leave Pool

Submitted by: Fred Stouder, Assistant City Manager

John R. Hanson, Director of Finance and Budget

John Vanek, City Attorney

Summary Explanation:

Background

The purpose of the sick leave pool would be to provide sick leave hours for persons who might exhaust other sick leave as a result of a catastrophic illness or accident. In concept, the pool would allow for donation of paid leave hours from existing leave balances above mandatory limits for employees. City of Yakima employees are willing to donate portions of their accrued paid leave (vacation and sick leave, personal "floating" holiday, compensatory time) to co-workers with extended illnesses who have exhausted their own paid leave balances. Currently such workers, if ineligible for state industrial benefits, must apply for leaves of absence, which eliminate their City incomes. Approval for use of leave from the pool would be by a recommendation to the City Manager from the AFSCME Executive Board for AFSCME employees, and from a Management Committee appointed by the City Manager for Management, Supervisory and Union Exempt employees. Final authority for leave pool use would reside with the City Manager.

As a part of previous discussions with the AFSCME bargaining unit, a committee was formed to determine the feasibility of creating such a shared leave pool for employees.

At the same time the committee was working on the pool for AFSCME employees, City Management, Supervisory and Union Exempt employees also expressed interest in the possibility of the leave pool concept. Accordingly, the attached ordinance provides for two shared leave pool arrangements for AFSCME, Management, Supervisory and Exempt employees.

These leave pools/sharing arrangements are similar to the leave sharing arrangement currently provided for the Police Department LEOFF II employees, and shared leave pools at the State level and other municipalities. Further, appropriate safeguards and controls to guide contributions to and use of pool hours are incorporated in the proposed ordinance.

The AFSCME Executive Board has reviewed the proposed pool language and concurs with the proposed ordinance.

Staff believes the shared leave policy concept benefits both employees and the City and recommends passage of the ordinance.

The following ordinance was passed by the City Council, signed and approved on the 25th day of February, 1992.

#### Ordinance No. 3437

An Ordinance relating to personnel and leaves of absence, providing two systems for the transfer of accrued leave, for exempt classification employees and for American Federation of State, County, and Municipal Employees (AFSCME) represented employees; and enacting Sections 2.40.110 and 2.40.120 as new sections of the City of Yakima Municipal Code.

WHEREAS, the City provides various types of leave to its management employees subject to payment upon termination; and

WHEREAS, the collective bargaining process involving American Federation of State, County, and Municipal Employees (AFSCME) member employees has resulted in an agreement to provide a sick leave transfer program; and

WHEREAS, the City Council finds it appropriate and in the public interest to permit the above-described employees to share vacation, sick leave, compensatory time, and floating holidays in carefully defined circumstances and to transfer such leave to and for the benefit of such employees who, without such transfers, would be forced to terminate their employment or go without pay; and

WHEREAS, the within AFSCME sick leave pool provisions have been the subject of notice to and agreement with Local 1122 of the Washington State Council of County and City Employees, American Federation of State, County, and Municipal Employees, AFL-CIO, in accordance with Article III, Section B of the collective bargaining agreement effective pursuant to RCW 41.56.123; now, therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 2.40.110 is hereby enacted as a new section of the City of Yakima Municipal Code to read as follows:

"2.40.110 Shared Leave - Management Employees.

- A. The City Manager or his designee, in his or her discretion, may grant to a management employee as defined in Subsection 2.04.030D of this Code, shared leave from another employee provided the following are met:
1. The employee suffers, or has an immediate family member suffering from, an illness, injury, impairment, or physical or mental condition such that the employee's use of sick leave is permissible pursuant to Section 2.40.030B.
  2. The employee has completed a six (6) month probationary period.
  3. The employee has depleted or will shortly deplete his or her total available paid leave. Paid leave is defined as vacation leave, sick leave, accrued compensatory time or personal holidays. Shared leave shall mean paid leave transferred to an employee pursuant to this section.
  4. Prior to the use of shared leave, the employee has abided by the provisions of Section 2.40.030B.
  5. Where applicable, the employee has diligently pursued and is found to be ineligible for Washington State industrial insurance benefits.
  6. The employee has begun the third full day of unpaid leave for the current injury or illness.

7. Shared leave is available pursuant to Subsection B to be donated to the employee.

- B. An employee may donate his or her accrued paid leave hours by submitting a time card specifying the type and amount of hours to be donated to the management extended sick leave pool, provided that the donated hours do not cause the donor employee's total available leave balances to decrease by more than ten percent (10%). Such time cards must be received by the division/department timekeeper no later than the fifth day of the first month of any quarter of the year. In case of emergency and upon request of the Management Group Pool Review Panel, the pool will be reopened by the City for donations prior to quarterly deadlines or at the City Manager's discretion.
- C. While an employee is using shared leave, he or she will continue to be classified as a City employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using sick leave.
- D. Paid leave shall be transferred on a dollar-value basis. The value of shared leave shall be the dollar value of the paid leave at the time it is recorded as available for use as shared leave. Once shared leave has been transferred to an employee, it shall be transformed into sick leave and so credited to the employee's sick leave accrual. The dollar value of the pool will be increased by the City by the same percentage or dollar-per-hour figure as any wage increase effective for management members.
- E. The Personnel Officer shall be responsible for monitoring shared leave and shall also be responsible for initiating the proper paperwork to the Payroll Office to adjust the accrued leave balances to the recipient from the pool. Records of all transactions from the pool to the recipient will be maintained by the Payroll Office with a copy of each transaction also maintained in the Human Resources Office. A recipient shall also have a record of hours received from the pool placed in his or her personnel file.
- F. Management employees shall submit applications to the Personnel Officer for hours from the management extended sick leave pool in the following manner:
  - 1. Indicate the desired hours, in one-hour increments on a form received from the Management Group Pool Review Panel.
  - 2. Submit a physician's statement indicating the nature of the illness, injury, impairment, or medical/mental condition, the prognosis for recovery, and the expected duration of the absence. All such information is confidential.

3. All requests processed by the Payroll Office by the fifteenth of a month shall be effective for that month.
- G. The City Manager shall appoint a Management Group Pool Review Panel, composed of no fewer than four individuals, holding positions described in Subsection 2.04.030D of this Code. The Management Group Pool Review Panel shall recommend whether or not to approve a request for leave from the management extended sick leave pool, according to the following factors:
1. The nature of the extended illness, injury, impairment, or medical/mental condition of the requesting employee.
  2. Any history of excessive or abusive use of sick leave by the requesting employee.
- H. The Management Group Pool Review Panel shall make reasonable efforts to determine that an employee granted shared leave uses such leave in accordance with Section 2.40.030. Use of shared leave contrary to Section 2.40.030 shall result in cancellation of the shared leave, the balance of which will be transferred to the management extended sick leave pool. The Personnel Officer shall so notify the involved employee and the Director of Finance and Budget.
- I. Nothing herein shall be construed as creating a right to shared leave or to a certain quantity of shared leave.
- J. Hours awarded from the pool shall be on a first-come-first-served basis."

Section 2. Section 2.40.120 is hereby enacted as a new section of the City of Yakima Municipal Code to read as follows:

"2.40.120 Shared Leave - AFSCME Employees.

- A. The City Manager or his designee, in his or her discretion, may grant to a permanent full-time or part-time employee who is a member of Local 1122, American Federation of State, County, and Municipal Employees (AFSCME), or, with the agreement of AFSCME Local 1122 Executive Board, to a City employee who is a member of another union and who is not eligible for disability benefits under state law, shared leave from any other employee provided the following are met:
1. The employee suffers from an illness, injury, impairment, or physical or mental condition such that the employee's use of sick leave is permissible pursuant to Section 2.40.030B.
  2. The employee has completed a six (6) month probationary period.

3. The employee has depleted or will shortly deplete his or her total available paid leave. Paid leave is defined as vacation leave, sick leave, accrued compensatory time or personal holidays. Shared leave shall mean paid leave transferred to an employee pursuant to this section.
4. Prior to the use of shared leave, the employee has abided by the provisions of Section 2.40.030B.
5. Where applicable, the employee has diligently pursued and is found to be ineligible for Washington State industrial insurance benefits.
6. The employee has begun the third full day of unpaid leave for the current injury or illness.
7. Shared leave is available pursuant to Subsection B to be donated to the employee.

B. An employee may donate his or her accrued paid leave hours by submitting a time card specifying the type and amount of hours to be donated to the AFSCME extended sick leave pool, provided that the donated hours do not cause the donor employee's sick leave balance to be less than 347 hours, unless otherwise approved by the Local 1122 Executive Board. The minimum number of hours to be donated at any one time is eight (8) hours. Such time cards must be received by the division/department timekeeper no later than the fifth day of the first month in any quarter of the year. In case of emergency and upon request of the Local 1122 Executive Board, the pool will be reopened by the City for donations prior to quarterly deadlines.

Paid leave shall be transferred on a dollar-value basis. The value of shared leave shall be the dollar value of the paid leave at the time it is recorded as available for use as shared leave. Once shared leave has been transferred to an employee, it shall be transformed into sick leave and so credited to the employee's sick leave accrual. The dollar value of the pool will be increased by the City by the same percentage or dollar-per-hour figure as any wage increase effective for Local 1122 members.

C. Union-member employees shall apply to Local 1122 Executive Board for hours from the AFSCME extended sick leave pool in the following manner:

1. Indicate the desired hours, in one-hour increments on a form received from the Local 1122 office.
2. Submit a physician's statement indicating the nature of the illness, injury, impairment, or medical/mental condition, the prognosis for

- recovery, and the expected duration of the absence. All such information is confidential.
3. All requests processed by the Payroll Office by the fifteenth of a month shall be effective for that month.
- D. Local 1122 Executive Board shall recommend whether or not to approve a request for leave from the AFSCME extended sick leave pool, according to the following factors:
1. The nature of the extended illness, injury, impairment, or medical/mental condition of the requesting employee.
  2. Any history of excessive or abusive use of sick leave by the requesting employee.
- E. Local 1122 Executive Board shall make reasonable efforts to determine that an employee granted shared leave uses such leave in accordance with Section 2.40.030. Use of shared leave contrary to Section 2.40.030 shall result in cancellation of the shared leave, the balance of which will be transferred to the AFSCME extended sick leave pool. Local 1122 Executive Board shall so notify the involved employee and the Director of Finance and Budget.
- F. Hours awarded from the pool shall be on a first-come-first-served basis.
- G. Local 1122 Executive Board will send correspondence for award of sick leave hours to the City of Yakima Human Resources Department, with a copy to the Payroll Officer. Local 1122 Executive Board and the City will notify each requesting employee of the final decision on award of hours.

The Personnel Officer shall be responsible for monitoring shared leave and shall also be responsible for initiating the proper paperwork to the Payroll Office to adjust the accrued leave balances to the recipient from the pool. Records of all transactions from the pool to the recipient will be maintained by the Payroll Office with a copy of each transaction also maintained in the Human Resources Office. Recipients shall also have a record of his/her hours received from the pool placed in their personnel file."

Section 3. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 25th day of February, 1992.

The foregoing ordinance was signed by: Patricia A. Berndt, Mayor,  
Attested By: Karen S, Roberts, City Clerk , and became effective 3/29/1992.

## Sick Leave Program Transfer Request

Name: \_\_\_\_\_

Employee Number: \_\_\_\_\_

Department: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Home Phone: \_\_\_\_\_

(Check all appropriate boxes and fill in all blanks.)

Yes No

AFSCME Group Employee.

Management Group Employee.

I have completed an initial 6 month probationary period.

I have depleted or will shortly deplete all my available sick leave, annual leave, comp leave and personal holidays.

I am currently receiving time loss payments for a work related injury or illness. (Washington State Industrial Insurance Benefits.)

Indicate your illness, injury, impairment, or physical or mental condition. \*\*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate the number of hours needed before your physician will allow you to return to work. \_\_\_\_\_

Attached must be a physician's statement indicating the nature of the illness, injury, impairment, or medical or mental condition, the prognosis for recovery, and the expected duration of the absence. (All such information is confidential.)

\*\* This must be permissible use of sick leave according to Section 2.40.030 of the City of Yakima Municipal Code.

All sections above must be completed prior to the appropriate committee beginning any review of this request.

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I, the undersigned, acknowledge that on my behalf the appropriate committee has my permission to review my sick leave use habits with supervisors and/or co-workers, keeping all such information confidential. I further understand that use of shared leave contrary to Section 2.40.030 of the City of Yakima Municipal Code shall result in cancellation of the shared leave and the balance will be transferred back to the leave pool.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

AFSCME requests shall be returned to the AFSCME President. This request will be reviewed by the AFSCME Executive Board who will forward their recommendation along with appropriate paperwork to the Personnel Officer. The City of Yakima has final approval for award of hours from the sick leave pool.

Management requests shall be returned to the Personnel Officer. This request will be reviewed by a committee who will forward their recommendation to the City Manager for the final approval for award of hours.

The appropriate committee must receive the request by the 5th day of the month that you wish to be granted for. The committee will complete their review and recommendation by the 10th of the month so if hours are awarded by the City, the Payroll Office can process the transfer by the 15th of the month.

\_\_\_\_\_  
Date Board Received

\_\_\_\_\_  
Board Recommendation (Approve or Deny)

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager (or appointed designee) Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Finance and Payroll

\_\_\_\_\_  
Date

