

RESOLUTION NO. 16-1094

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF CHINO VALLEY PERSONNEL POLICY AND ADMINISTRATIVE GUIDELINE MANUAL, BY REPEALING POLICY NO. 705, DATED SEPTEMBER 12, 2002 AND ADOPTING NEW POLICY NO. 705 CONTRIBUTION OF VACATION AND SICK LEAVE, AMENDED NOVEMBER 8, 2016, RELATED TO THE DONATION OF SUCH LEAVE BY ONE EMPLOYEE TO ANOTHER EMPLOYEE IN NEED OF ADDITIONAL LEAVE DUE TO SERIOUS OR EXTENDED ILLNESS OR INJURY; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town Council may adopt by resolution rules and regulations concerning personnel administration for its employees,

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, Arizona, that the Town of Chino Valley Personnel Policy and Administrative Guideline Manual is hereby amended by repealing Policy No. 705, dated September 12, 2002, and adopting Policy No. 705 Contribution of Vacation and Sick Leave, Amended November 8, 2016, to read as shown in Exhibit A, attached hereto and incorporated herein by this reference.

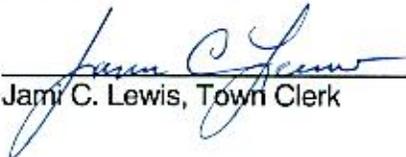
BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict with provisions of this Resolution, or any part of the Code or Personnel Policy and Administrative Guidelines Manual adopted herein by reference, are hereby repealed.

BE IT FURTHER RESOLVED that if any section subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 8th day of November, 2016.


Chris Marley, Mayor

ATTEST:

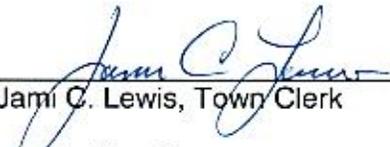

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Phyllis L. N. Smiley, Town Attorney

I hereby certify the above foregoing Resolution No. 16-1094 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on November 8, 2016, and that quorum was present thereat and that the vote thereon was 7 ayes and 0 nays and 0 abstentions. 0 Councilmembers were absent or excused.



Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Exhibit A – Policy No. 705, Amended November 8, 2016 Contributions of Vacation and Sick Leave.

EXHIBIT A
Personnel Rule Revisions

condition must be non-job related and the employee must have exhausted all sick, personal and vacation leave, as well as compensatory time earned. The condition

CONTRIBUTION OF VACATION AND SICK LEAVE

I. PURPOSE:

The purpose of this policy is to establish guidelines and procedures for the contribution and transfer of vacation and sick leave accrued under Policy 700 and 715 of this Manual.

II. POLICY AND GUIDELINES:

It is the policy of the Town of Chino Valley that one employee may donate vacation and/or sick leave to another employee who has a non-job related, seriously incapacitating and extended illness or injury provided that the recipient employee has exhausted all appropriate leave balances.

Information regarding an employee's need for donation of vacation and/or sick leave may be circulated by the Human Resources Department, in compliance with Arizona and federal law. Qualifying requests are limited to notifying staff of the need for donations and should refer prospective donors to the Human Resources Department. Donations are completely voluntary and there shall be no suggestion of pressure on employees to donate leave.

III. RESPONSIBILITY:

The Human Resources Director shall approve all transfers of vacation and or sick leave.

IV. ELIGIBILITY:

- A. Donors and recipients must be eligible to accrue and use vacation and sick leave.
- B. Donors and recipients must be Town of Chino Valley employees.
- C. Donors must at all times reserve at least ~~8~~40 hours of vacation ~~and sick leave~~ for their own use and no donation may be made if the donor will have less than ~~4~~80 hours left for his or her own use.
- D. An illness or injury must be considered seriously incapacitating and extended, as verified by a Medical Statement.

If the recipient is the one with the seriously incapacitating illness or injury, the condition must be non-job related and the employee must have exhausted all sick, personal and vacation leave, as well as compensatory time earned. The condition must also qualify under the guidelines set forth in the Family Medical Leave Act (FMLA). Employees who do not meet the FMLA length and/or hours of service requirement may receive an exemption if they meet all the other eligibility requirements under this Act.

- D. If an immediate family member is the one with a seriously incapacitating illness or injury and the receiving employee is a primary caregiver of the immediate family member, the receiving employee must have used all sick, personal, and vacation leave, as well as compensatory time earned. The condition of the family member must also meet the guidelines for qualifying reasons as set forth in the FMLA.

V. DEFINITIONS:

“Donor” means an employee who is eligible to donate leave to another individual and does so in writing.

“Employee” means any employee eligible to accrue leave.

“Extended” means a period of two or more weeks of absence from the job.

“Immediate Family Member” means the employee’s spouse, child or parent for whom the employee requesting leave is a primary caregiver.

“Medical Statement” means a written document, on appropriate letterhead, which reflects a full diagnosis of the illness or injury and a prognosis, including anticipated date of recovery executed by a licensed health care practitioner qualified to make such a diagnosis and prognosis.

“Recipient” means an employee who is eligible to receive donations of vacation and/or sick leave by meeting the criteria set forth in this Policy.

“Seriously Incapacitating” means any illness or injury which confines the employee or immediate family member to home or bed or otherwise renders the person unable to care for himself or herself for an extended period of time.

VI. APPLICATION PROCEDURE:

- A. The employee, or the employee’s representative, wishing to receive donated leave shall send a donation request to the Human Resources Department stating the reason for the request and providing all information necessary for the Department to determine eligibility.

The Human Resources Department shall review the request and determine the employee’s eligibility based upon the criteria outlined in this policy and the information provided by the employee.

- B. The Human Resources Department shall determine whether, based upon the information provided, the request for donations has been granted and shall inform the employee of the determination.

- C. Following determination of eligibility, the Human Resources Department shall notify staff that a request for donation of leave time has been approved and that voluntary donations will be accepted from employees.

VII. DONATION PROCEDURE:

- A. Town of Chino Valley employee may contribute one or more hours of vacation and/or sick leave to another Town of Chino Valley employee who has been authorized to receive donations.
- B. An employee may donate vacation time at a rate of 100%, processed on a proportional basis, calculated as set forth below in Section VIII.D.
- C. An employee may donate sick time only if the employee has accumulated more than 192 hours. Sick time donations will be at a rate of 50%, processed on a proportional basis, calculated as set forth below in Section VII.D.

VIII. GENERAL PROCEDURES:

- A. The Human Resources Department shall coordinate with the Finance Department in tracking and processing all donations.
- B. Once the need for leave has been approved, an employee who then receives a partial medical release to return to work may continue to receive donations until the employee receives a full medical release from a licensed health care practitioner, qualified to provide such a release.
- C. All documents and donations shall be processed through the HRIS and payroll systems. All donations will be processed on a proportional basis and any unused donations shall be returned to the donor(s). The Human Resources and Finance Department shall maintain an adequate audit trail of all leave donated, distributed, used and returned.
- D. The dollar value of leave donations will be adjusted proportionately in relation to the salary of the employee donating leave.

Example 1: A donor donates two (2) vacation hours at \$20.00/hour to a recipient at \$10.00/hour. The recipient would receive four (4) vacation hours ($\$20.00 \times 2 \text{ hours} = \$40.00 / \$10.00 = 4 \text{ hours}$).

Example 2: A donor donates two (2) sick hours at \$20.00/hour to a recipient at \$10.00/hour. The recipient would receive two (2) sick hours ($\$20.00 \times 2 \text{ hours} \times 50\% = \$20.00 / \$10.00 = 2 \text{ hours}$).