



6.06 CATASTROPHIC LEAVE

Purpose

Catastrophic Leave is a leave sharing program intended to provide a means for employees to assist another employee who, because of a personal non-occupational catastrophic illness, or the catastrophic illness of a family member, may go on leave without pay, or leave City employment.

A catastrophic illness of an employee is any non-occupational illness, injury or physical or mental condition of such serious nature as to require long-term absence from work. Catastrophic illness of a family member shall be defined as those illnesses, injuries, or physical or mental conditions which are of such serious nature as to require long term and/or full time care by the employee. Family members are defined as the employee's spouse/domestic partner, parent, child, or other person for whom the employee is legal guardian.

Employees will be allowed to donate or receive accrued vacation hours and compensatory time hours in accordance with this rule.

Eligibility to Receive Catastrophic Leave

An employee may be eligible to receive and use donated leave if he or she, or their family member, has a catastrophic illness as defined above.

The recipient employee must file with the appointing authority a [medical certificate](#) from their health care practitioner or the family member's health practitioner, verifying eligibility under these criteria. The employee's supervisor will provide a copy of the certificate and the request to use donated leave to the Bureau of Human Resources.

The City retains the right to require periodic medical certification to verify eligibility. Periodic updates are typically one per month. Eligibility shall cease when the employee can return to work or the family member is once again able to care for him/her self.

Conditions for Receiving Leave Donations

An employee may receive and use leave donated by another City employee under the following conditions:

1. An employee who receives any donated leave credits must **first** exhaust all earned leave credits, including personal leave, vacation, sick leave up to the amount authorized by the administrative rules and compensatory time.
2. In order to receive and use donated leave, an employee must not be receiving any other salary continuation benefits such as long-term disability benefits, retirement benefits or social security. The employee's supervisor or the donation coordinator designated by the bureau shall be responsible for verifying this information with Benefits.

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3. Donated leave may not be used to extend employment beyond the point that it would otherwise end by rule or law. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment. At the discretion of the recipient employee's bureau director, an employee may be granted use of the donated catastrophic leave beyond the leave amounts provided in the [Family and Medical Leave Act \(FMLA\) and/or Oregon Family Leave Act \(OFLA\)](#).
 4. An employee who uses donated leave is not on "pay status" and does not accrue personal holidays, vacation, or sick leave benefits nor do they earn pay for holidays.
 5. If an employee is otherwise eligible for City-paid health benefits the employee will continue to receive those benefits while receiving donated leave. If not eligible for City-paid health benefits, the employee will be provided a notice of their COBRA continuation rights.
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Limits on Leave Donation

An employee may only receive catastrophic leave donations up to the amount of time the health care provider has indicated the employee will be unable to work. For the care of the employee's family member, catastrophic leave donations may only be received for the amount of time the health care provider has indicated the family member will require long term or full time care.

An employee may receive a maximum of 520 hours of donated paid leave. If the employee exhausts the donated leave before the employee can return to work or terminates from employment with the City, the employee may receive donated leave again. At no time may an employee have more than 520 hours of donated leave at his or her disposal nor may an employee receive more than 1040 hours of leave in any one year.

Donated Time Not Used

When the recipient employee returns to work, any donated leave which was not used by the recipient will be divided equally between vacation and sick leave and retained by the recipient.

If the recipient employee terminates from city service for any reason, any donated leave hours which were not used by the recipient and were converted to vacation under the above formula will be paid to the recipient or his or her survivors.

Eligibility to Donate

An employee who is eligible to receive vacation leave is eligible to participate in the Catastrophic Leave Sharing Project as a recipient or donor but is bound by the requirements under the provisions of this administrative rule.

Conditions for Making Leave Donations

An employee may donate leave to another City employee under the following conditions:

1. Donors may donate time which they would otherwise forfeit, except in the month of December, an employee may not donate vacation hours if their excess vacation hours exceed the number of workday hours left in the year.
2. Donations must be made in increments of whole hours.
3. Donors must sign a declaration that their donation is voluntary and is intended as a gift and has been made without coercion, compensation or for other consideration.
4. Donations are irrevocable. If the recipient employee returns to work, or terminates employment for any reason, the leave donated to him or her will be converted to vacation and sick leave per the Section on Donated Time Not Used.
5. Inter-bureau transfers of accrued vacation and compensatory time are allowed.

Calculating Donated Leave

The dollar value of the donated leave will be calculated by multiplying the donor's hourly rate times the number of hours donated. The product will then be divided by the recipient's hourly rate to arrive at the corresponding number of hours of donated leave available for use by the recipient employee.

Solicitation of Donations

Donations may be solicited by the recipient employee or on his or her behalf by coworkers or their union representatives. The employing bureau may, at the recipient employee's request, notify bureau employees that the recipient employee is eligible to receive voluntary donations of accrued vacation and compensatory leave, but may not solicit donations on the employee's behalf. The bureau may not release any medical information regarding the recipient employee or his or her family member, unless authorized by the employee or family member.

Employees are prohibited from threatening or coercing other employees concerning any aspect of this rule including, but not limited to, pressuring another employee to donate time or refuse to accept donated time.

Procedure for Requesting Catastrophic Leave

1. Employee completes the [Request for Catastrophic Leave](#) form.
2. Health Care Provider completes [Health Care Certification form](#) for employee to submit with donation form.
3. Bureau reviews forms and signs.
4. Bureau submits forms to the Bureau of Human Resources.
5. If approved by Human Resources, Human Resources e-mails approval letter and forms for posting to Donation Coordinator in bureau.
6. Bureau posts forms and handles administration of crediting leave hours.

Administration

The Bureau of Human Resources is authorized to establish necessary procedures to implement and monitor the program and may modify as necessary the procedures it has established to carry out the intent of the City Council.

This Program is not subject to the grievance and arbitration section of any collective bargaining agreement, nor is it subject to any appeal procedure provided for under the Administrative Rules of the City of Portland or the Portland City Charter. The City of Portland retains the right to change, modify or discontinue the program at any time. If the City chooses to discontinue the program, the recipient members already involved in the program shall be allowed to continue using accrued donated hours unless exhausted, or until no longer necessary. However, no further contributions beyond the number received by the effective date of discontinuance will be allowed.

Contact Information

Human Resource Managers should contact [Labor Relations](#) with any questions relating to Catastrophic Leave.

Administrative Rule History

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
