

CITY OF BRANSON, MISSOURI
ADMINISTRATIVE RULES

RULE NUMBER 21 REFERENCING ARTICLE 16 OF THE HUMAN RESOURCES MANUAL

A RULE PERTAINING TO THE **CARE LEAVE PROGRAM**

Section 1. Purpose

To provide a Care Leave Program by which additional paid leave is available, upon approval of the Human Resources Department, to employees who have exhausted all of their accrued leave time (including vacation, holiday, sick, exempt and compensatory time) due to a personal illness or injury which is life threatening or catastrophic. The requesting employee will be responsible for getting the doctor's certificate and completing paperwork to be submitted, for the leave provided herein, to the Human Resources Department. The Care Leave Program created under this policy is a privilege which may be terminated without cause at the discretion of the City Administrator at any time. Nothing contained herein shall be construed to give any employee a right to care leave benefits. A denial of care leave is not a denial of any right, and therefore the requesting employee may neither grieve nor appeal the decision. All other procedures for leave and accrual will take place in accordance with this manual.

Section 2. Definitions

As used in this policy, the following terms shall have the meaning set as follows:

Care Leave Benefits: Voluntary contributions of accrued sick and vacation time for the benefit of another employee, designated to a specific individual.

Pledger: A City employee who pledges accrued leave to a designated individual.

Catastrophic or Life Threatening Event: An illness or injury that is serious and incapacitates the employee; that has a duration of 20 or more calendar days of FMLA leave or leave approved by the employee's department Director; and where such time away from work associated with the illness or injury creates a financial hardship because the employee has exhausted all eligible leave accruals. Such illness or injury is not job-related, not willfully self-inflicted and not the result of a criminal or illegal activity by the employee. Also, it does not include common ailments such as flu, colds, measles or chickenpox. Examples of a catastrophic or life-threatening illness may include, but are not limited to: cancer, heart attack, stroke, Alzheimer's or a serious accident or fall causing significant bodily injury.

Designation to an Individual Employee: The pledging of accrued leave by a City employee for a specified, eligible employee under the procedures set out herein.

Recipient: A City employee who is found eligible and awarded care leave benefits under the criteria in this policy.

Sick Leave Pledge: Any employee may pledge accrued leave to an individual eligible for care leave under this policy; provided, however, leave contributions must be pledged at a minimum of four (4) hours and; the pledge may not result in a balance of less than 50% of maximum accrual sick leave hours for the pledger or less than 50% of maximum accrual vacation hours for the pledger. Leave pledged to the designated individual will be converted to the care leave fund on an hour-for-hour basis. For example, a sick leave pledge of four hours of sick leave shall convert to four (4) hours of a Care Leave Pledge.

Human Resources: Department of Human Resources for the City of Branson.

Accrual of Additional Leave: Employees will accrue annual leave, holiday and sick leave while using care leave as outlined. However, these credits must be used in the following pay period and prior to the further usage of Care Leave.

Section 3. Eligibility Criteria for Care Leave Benefits

Any full-time or part-time employee shall be eligible for care leave under the conditions as follows:

- A. The requesting employee is not on unpaid disciplinary status during the period requested for care leave;
- B. The requesting employee has exhausted all accrued leave. The Recipient must be on Family Medical Leave (FMLA) OR on leave approved by their department's director or designee;
- C. The requesting employee has experienced a personal injury or illness (to himself/herself or an immediate family member; as defined in the City's Human Resources Manual) which is life threatening or catastrophic (as defined in this administrative rule) and not job related;
- D. The requesting employee need not have contributed to the care leave fund to be eligible for care leave;
- E. The requesting employee has not exceeded 12 weeks, for any qualifying injury or illness; and
- F. The requesting employee has not abused or misused sick leave in the past calendar year. The Human Resources Department will review the employee's sick leave usage with the employee's supervisor and/or Department Head.

Section 4. Method to Pledge

Employees may pledge to an individual by submitting a Care Leave Pledge form to the Human Resources Department. The Human Resources Department shall review the form and verify that all criteria have been met.

Section 5. Human Resources Department Responsibility

The Human Resources Department shall be responsible for the following:

- A. Secure adequate medical documentation from the employee which justifies when the injury or illness is life threatening or catastrophic.
- B. Verify the exhaustion of the leave time for the requesting employee.
- C. Maintain appropriate leave records for pledgers and recipients of care leave.
- D. Notify the employee of approval or disapproval to receive care leave.
- E. Communication to all Department Heads as needed.

Section 6. Criteria for Approving or Disapproving Care Leave Requests

The Human Resources Department shall consider the following criteria in the awarding of care leave benefits:

- A. The Amount of care leave the employee is eligible to receive will be based upon a physician's statement containing the medical diagnosis and prognosis, which is kept by the Human Resources Department. The maximum amount of care leave an employee may receive is 12 weeks per qualifying illness or injury.
- B. The Human Resources Department has the right to require an updated status from an employee or other information as needed to fulfill the purposes in the policy.
- C. The Human Resources Department will forward Care Leave Request Forms to the City Administrator for final approval.
- D. Any amount of care leave granted to an employee, but not needed, will be returned to the pledger.
- E. Employee can accrue vacation, sick leave, or holiday credits while using pledged leave. All accrued time on the books must be exhausted before the care leave will cover the leave time.