



RESOLUTION No. 20-264

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION ADOPTING THE REVISED NEVADA COUNTY PERSONNEL CODE SECTION 21.3

WHEREAS, the County is interested in maintaining effective human resources policies and procedures that comply with federal and state regulations that meet the service needs of the County; and

WHEREAS, the County is committed to providing employees with fair and understandable policies and rules; and

WHEREAS, the County adopted a comprehensive revised Personnel Code at their December 11, 2018 meeting, per Resolution 18-591; and

WHEREAS, Section 21.3 of the Personnel Code (Donation of Accrued Vacation Time/PLP) provides a method for employees to assist fellow employees who have exhausted their paid leave time due to a catastrophic illness, injury or other unforeseen, unanticipated emergency need; and

WHEREAS, employees and bargaining unit representatives have provided feedback through the meet and confer process to the updating of the Nevada County Personnel Code Section 21.3 to a Catastrophic Leave Program, thereby necessitating these revisions by way of resolution; and

WHEREAS, pursuant to the Catastrophic Leave Program, a county-wide leave bank will be established enabling an employee who wishes to contribute to authorize that a portion of his/her accrued vacation, compensatory time, floating holiday, HTO, administrative leave, PLP, PTO or comp time be deducted from one or more of those leave banks and credited to the County Catastrophic Leave Bank, subject to eligibility and use provisions contained therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that the revisions to the Nevada County Personnel Code Section 21.3 – Catastrophic Leave Program, effective July 1, 2020, are approved in substantially the same form as attached hereto.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of June, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Heidi Hall, Chair

6/23/2020 cc: HR*
Dept Heads*

COUNTY OF NEVADA PERSONNEL CODE

21.3 CATASTROPHIC LEAVE POLICY

STATEMENT OF PURPOSE

The purpose of this policy is to provide a method for employees to assist fellow employees who have exhausted their paid leave time due to a catastrophic illness, injury or other unforeseen, unanticipated emergency need.

The program establishes and maintains a county-wide bank wherein any employee who wishes to contribute may authorize that a portion of his/her accrued vacation, compensatory time, floating holiday, HTO, administrative leave, PLP, PTO or comp time be deducted from one or more of those banks and credited to the County Catastrophic Leave Bank. Employees are only entitled to receive contributions from the County-wide bank while on an approved leave of absence upon verification of eligibility.

A. Definition of Eligible Employee

To be eligible, the employee must meet **all** of the following criteria:

- Have successfully completed a probationary period.
- Must be on an approved leave of absence.
- Have exhausted all available leave balances.
- Be disabled due to verifiable, catastrophic injury or illness. Must be unable to work due to an unforeseen, unanticipated emergency.
- Must have donated at least four (4) hours of leave during their employment.
- Must integrate with State Disability Insurance.

B. Definition of Catastrophic Illness or Injury

Catastrophic illness or injury is an illness or injury which is expected to incapacitate the employee for a period of time, and which creates a financial hardship because the eligible employee has exhausted all of his/her accumulated leave. Catastrophic illness or injury is further defined as a debilitating illness or injury of an immediate family member that results in the employee being required to take time off from work for a period of time to care for the family member, when this creates a financial hardship because the employee has exhausted all of his/her accumulated leave. Immediate family shall mean son or daughter including variation of step or foster, spouse, parents, grandparents, and brother or sister of the employee.

C. Plan Administrator

The Human Resources Director shall be responsible for the following administrative duties:

- Review catastrophic leave applications for satisfaction of all eligibility requirements.
- Receive, evaluate, approve or deny all requests to donate leave hours, and forward all approved requests to the Auditor-Controller.
- Maintain the confidentiality of employees donating hours.
- Coordinate with the County Auditor-Controller during the application review process, upon approval of applications, and to facilitate the transfer of leave time.
- Investigate any allegations of misuse relating to the donation of leave time.
- Forward all appeals resulting from denial of applications, to the County Executive Officer, whose decision shall be final.

D. The Auditor Controller

The Auditor Controller shall be responsible for the following payroll/administrative functions of the program:

- Monitor the number of hours donated to every recipient to ensure that accrued hours do not exceed 480 hours per employee.
- Maintains the County-wide bank and balance of hour value in dollars donated by employees for general use by eligible employees.
- Provide information to Human Resources on the total number of hours used by leave bank recipients and other relevant payroll data.
- Process all approved requests to donate leave hours.
- Maintain the confidentiality of persons donating hours.

E. Requesting and processing catastrophic leave applications

- Employees wishing to participate in the catastrophic leave program must complete a Catastrophic Leave Application and submit it to the Human Resources Department.
- Employees applying for catastrophic leave must be willing to provide additional information and/or a physician's statement, as may be needed to establish eligibility, upon request of the Human Resources Director or Health Benefits Officer. Failure to provide this information may result in a denial of the leave application.
- All information regarding the leave application will be kept confidential and the employee will be contacted by Human Resources when a determination has been made regarding the application.
- Any application which is denied may be appealed to the County Executive Officer. The County Executive Officer's decision shall be final.

F. Conditions and Procedures for Donating Leave Hours

- Employees wishing to donate accrued leave hours must submit a completed Leave Donation Form to the Human Resources Department.
- Employees may donate any cashable leave hours as identified above (sick time is not eligible).
- The minimum donation is 4 hours.

- The transfer of leave hours is non-refundable.
- When any recipient has received a total donated leave balance of 480 hours per leave event, the Auditor Controller will stop integrating donated leave.
- Leave donated in accordance with this policy will not be considered wages for the employee who surrenders the leave and will therefore not be included in gross income or subject to withholding.
- Donated leave shall be changed to its cash value and credited to the catastrophic leave bank. As employees received donated leave, it will be at their base hourly rate.
- Employees donating leave must maintain an overall leave balance of at least 80 hours after donating.