

MEMORANDUM OF UNDERSTANDING

SICK LEAVE/VACATION TRANSFER PROGRAM

Section 1 Scope. All members who are eligible to accrue sick leave or vacation leave are eligible to participate as a recipient or donor in the sick leave/vacation transfer program subject to the provisions outlined below. Members are permitted to donate sick leave or vacation leave to another employee who is suffering from a FMLA qualifying illness, injury, impairment, or physical or mental condition and such condition has caused or will cause the receiving employee to go on leave without pay for more than five consecutive working days. A recipient may only use donated sick leave/vacation to cover absences caused by the above and in no event shall donated sick leave/vacation be compensatory at time of termination.

Section 2 Procedures.

- A. Recipient request. An employee or an employee's immediate family member if the employee is physically or mentally incapable must request in writing to receive donated sick leave or vacation. The County may waive this requirement at its sole discretion. Obtaining leave under false pretenses may subject the user to disciplinary action up to and including termination.
- B. Donor request. An employee may request to donate sick leave or vacation leave to another employee who has been authorized to receive such sick leave or vacation as outlined below. Such request to donate sick leave or vacation leave shall be made in writing by the donor employee to his/her supervisor. A non-represented employee is eligible to donate to an employee, but is not eligible to receive donated sick leave/vacation, unless County Policy allows for this transfer.
- C. Acknowledgement that transfer is a gift. The donor employee and the receiving employee by participating in this program are acknowledging that such sick leave/vacation transfer is intended to be a gift and has been or will be accomplished for no exchange of compensation or any consideration whatsoever.
- D. Sick leave/Vacation – Receipt and Donor value. All sick leave/vacation being donated shall be donated on an hourly basis regardless of the donor's rate of pay and the recipient shall use it on an hourly basis regardless of the recipient's base rate of pay; i.e., the donor donates it at his/her rate of pay and the recipient uses it at his/her rate of pay.
- E. Eligible recipient. An employee may receive sick leave/vacation from another employee under the following conditions:
 - 1. The employee has been employed by the County for a minimum of one consecutive year.
 - 2. The employee has exhausted all of his/her accrued sick leave and vacation.
 - 3. The employee is not receiving or eligible to receive Workers' Compensation benefits.
 - 4. The employee who is suffering from a FMLA qualifying illness, injury, impairment, or physical or mental condition and such condition has caused or

will cause the receiving employee to go on leave without pay for more than five consecutive working days.

5. The County has received satisfactory evidence from a qualified medical authority that the physical or mental condition exists.
 6. The employee has not received or been a recipient of more than 480 hours of donated sick/vacation leave in the past 12 months.
- F. Eligible Donor. An employee may donate sick leave/vacation to an eligible recipient under the following conditions:
1. Vacation.
 - a. A donor employee with at least 9 months of consecutive County employment.
 - b. A donor employee may donate any amount of accrued vacation leave. For the purpose of this subsection only, vacation leave includes floating holidays.
 2. Sick Leave.
 - a. A donor employee may donate a maximum of 120 hours of sick leave, as long as the donor employee's sick leave balance does not go below 480 hours.
 - b. In the event that a donor employee has a sick leave balance below 480 hours, the employee may donate a maximum of 40 hours of sick leave, as long as the donor employee's sick leave balance does not go below 240 hours.
 - c. The donor employee has not donated more than 120 hours of sick leave in the past 12 months to the same employee under subsection (a) or more than 40 hours under subsection (b).
 - d. A donor employee may not donate sick leave hours that the donor would not be able to utilize due to a separation from County employment.
- G. Direct Solicitation Prohibited. Once a recipient's request has been approved, the supervisor shall provide each member a notice that an employee is eligible to receive donated leave. This notice shall only include the employee's name and will not reference any medical condition or protected health information. This shall be the only solicitation allowed by any County employee. Violations of this subsection on solicitation may subject the employee to disciplinary action up to and including termination.
- H. Accounting responsibilities. The Finance and Tax Department shall be responsible for receiving and matching requests and donations and reducing donor's sick leave and/or vacation accounts and increasing recipient's sick leave and/or vacation accounts as authorized. Once the recipient's accounts have been credited there shall be no returns of sick leave or vacation leave to donors. In the event the donations exceed the requested amount, the actual amount used or the maximum amount allowed under Subsection E, the Finance and Tax Department shall pro rate each donor's donation to arrive at the amount needed. In pro rating, the amounts shall be rounded to the nearest one half hour. The Finance and Tax Department will then adjust the amount of each donor's leave balances.

Section 3. Miscellaneous.

M-010-20

- A. Term. This MOU will be effective as of January 22, 2020 and will expire at the termination of the Collective Bargaining Agreement between Jefferson County and the Laborers' Union Local 737 representing the Jefferson County Service Employees Bargaining Unit effective July 1, 2019 through June 30, 2025.
- B. All other terms and conditions of the Parties' Collective Bargaining Agreement will remain in effect.
- C. Any dispute between the County and the Union as to the application, interpretation, or meaning of any term of the Memorandum of Understanding shall be subject to the Grievance Procedure set forth in Article XIII of the Parties' Collective Bargaining Agreement.

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA
LOCAL #737

_____ Date: _____

Print Name: _____

Title: _____

_____ Date: _____

Print Name: _____

Title: _____

JEFFERSON COUNTY

Kelly Simmelink
Kelly Simmelink, Commission Chair

Date: 01/22/2020

Mae Huston
Mae Huston, Commissioner

Wayne Fording
Wayne Fording, Commissioner