



Catastrophic Leave Policy and Procedures

1. Purpose

This policy and procedure is to provide guidance and outline the process through which qualified employees may participate as a donor or recipient in the Catastrophic Leave Program.

2. Scope

All regular City of Woodburn employees who have completed six (6) months of continuous service.

3. Policy

City of Woodburn offers a Catastrophic Leave Program which is intended to provide a temporary means for employees to assist another employee who, because of a personal non-occupational catastrophic illness or injury, or the catastrophic illness or injury of a family member, is unable to work and whose absence will result in a substantial loss of pay to the employee.

4. Procedures

A. Eligible Employees:

In order to be eligible as a recipient, an employee must:

- i. Be a full-time or part-time regular employee who has completed six (6) months of continuous service with the City;
- ii. Have a non-occupational, Family and Medical Leave Act (FMLA) or the Oregon Family Leave Act (OFLA) qualifying medical condition or have a qualified family member who has a FMLA/OFLA qualifying medical condition; and

- iii. Have used all accrued leave or have less than 80 hours of total accrued leave time, and anticipates exhausting all this time as a result of the qualifying leave.

An employee who is eligible for any type of retirement disability, worker's compensation, long-term disability insurance, or other supplemental income is not eligible to receive and use donated leave.

B. Donations:

- i. An employee who has a minimum of six (6) months of service, may voluntarily donate their vacation, executive, management time, and police holiday hours to the program. The donating employee must have at least 40 hours combined vacation, executive, management time and police holiday (as available) to be eligible to make a donation.
- ii. Employees may donate a combined maximum of 160 hours of leave from their accrued vacation, executive, management, or police holiday leave in a calendar year to one or more eligible employees.
- iii. Donations must be made in increments of whole hours.
- iv. Donors must fill out and sign the HR-CLB/02 Catastrophic Leave Donation form.
- v. Donors are restricted from donating Catastrophic Leave to their immediate supervisors, their department directors, or anyone in a position to make or influence a decision regarding the donors' employment (e.g., merit increase, performance evaluation, promotion, etc.), in order to prevent ethical concerns.
- vi. If the recipient employee returns to work, or terminates employment for any reason, the remaining leave donated to the employee will stay in the Catastrophic Leave Bank.
- vii. The Catastrophic Leave Bank will contain a dollar amount, not a number of hours. Accordingly, the dollar value of the donated leave will be calculated by multiplying the donor's hourly rate by the number of hours donated. When time is donated to a recipient, the number of hours awarded will be calculated from the recipient's hourly rate to determine the dollar value that will be subtracted from the bank or the donation, in whole hourly increments.
- viii. Donations are processed in the order they are received by the Human Resources Department. Donations balance made to a person in excess of the need, shall be deposited to the Catastrophic Leave Bank.
- ix. Donations are confidential and may not be revealed without the consent of the donor. For processing of the donations, certain employees in finance/payroll and HR department will be considered confidential employees.
- x. Donations are not considered charitable contributions for income tax purposes under IRS rules.

C. Request for Catastrophic Leave:

- i. An employee who needs a donation must apply by using the HR-CLB/01 Request for Catastrophic Leave form.
- ii. If the employee is already on a protected leave status through a qualifying FMLA or OFLA reason, then the medical certification on file is adequate to meet eligibility requirement under 4. A. ii of this policy. If the employee did not apply for FMLA or OFLA, then the employee must submit HR-FMLA/04 Protected Leave Health Care Provider Certification –Self or HR-FMLA/05 Protected Leave Health Care Provider Certification – Family Member along with their HR-CLB/01 Request for Catastrophic Leave form.
- iii. The Human Resources Director will review the application and medical certification forms, along with employee’s eligibility, and will approve or deny the request based on the provisions of this policy.
- iv. If approved, the donation solicitation e-mail will be sent first to the employee’s department. If there is continued need for more donations, a second solicitation email may be sent to all City employees at the employee’s request as noted on the HR-CLB/01 Request for Catastrophic Leave form.
- v. Recipients of donated leave will send written notice to the Human Resources Director at any time during the leave of absence when a substantive change occurs. Such notice shall detail any changes in the estimated time of return and keeping the City apprised of changes in the individual’s condition. A substantive change is defined as change in the physician’s recommendation for the date that the recipient may return to work.
- vi. No medical information regarding the recipient employee or the recipient employee’s family member will be released to donors or other employees, unless authorized by the employee or family member.
- vii. Employees may withdraw from the general Catastrophic Leave Bank, up to 40 hours in a calendar year, if there is any money in the bank and if they have not received sufficient amount of donations for their need.

D. Intermittent or Reduced Schedule:

Catastrophic leave used on an intermittent basis may be available to employees who have been off work full time and are only able to return to work on a part-time basis due to medical limitations, subject to the provisions of this policy.

E. Other Provisions:

- i. An employee who uses donated leave is not in "pay status" and does not accrue personal holidays, vacation, executive, management, or sick leave benefits, nor do they earn pay for holidays, except for when on protected leave.
- ii. For employment tax purposes, donated leave received is considered wages. A recipient may not receive a cash payout in lieu of paid time off.
- iii. If an employee is otherwise eligible for City-paid health benefits, the employee will continue to receive those benefits while receiving donated leave.
- iv. Catastrophic leave start date is based on the date the HR-CLB/O1 Request for Catastrophic Leave application is received by the Human Resources Department.
- v. Using catastrophic leave donations retroactively from the application date may be allowed if the employee was medically unable to contact the Human Resources Department and/or file the necessary forms in a timely manner, or after the conclusion of a worker's compensation claim/appeal.
- vi. 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 and is in an unpaid status, not to exceed the maximum allowed use per calendar year under this policy. 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 by the employee and the employee is in unpaid status, not to exceed the maximum allowed use per calendar year under this policy.
- vii. Donations are credited in amounts not to exceed the recipient's unpaid leave hours in the prior pay period, if applied retroactively, or the unpaid leave hours in the current pay period, up to the amount approved. Employee will not receive donations beyond what is needed to maintain regular salary and benefits.
- viii. An employee may receive a maximum of 480 hours of leave donations per calendar year, including the maximum 40 hours received from the general bank, prorated for part-time employees.
- ix. If the employee does not receive any donations, there is no money in the general Catastrophic Leave Bank, and/or the employee already withdrew the maximum allowed 40 hours from the general bank, the City is not obligated to do anything else. The employee will be notified of the status of the donations by the Human Resources Director.
- x. Donated leave may not be used to extend employment beyond the point that it would otherwise terminate under City policy and/or union contracts.
- xi. The Catastrophic Leave Program is not subject to the grievance and arbitration section of any collective bargaining agreement. However, an employee may appeal to the City Administrator within five business days if they believe an action by the HR Director was arbitrary, capricious, or contrary to this policy.

5. Forms

HR-CLB/01 Catastrophic Leave Request
HR-CLB/02 Catastrophic Leave Donation
HR-FMLA/03 Protected Leave Release of Health Information
HR-FMLA/04 Protected Leave Health Care Provider Certification –Self
HR-FMLA/05 Protected Leave Health Care Provider Certification – Family Member

6. References

Family Medical Leave Act (FMLA) of 1993 – [29 CFR 825.301](#)
Family Medical Leave Act National Defense Authorization Act of 2010 Amendments
[\(2010 NDAA\)](#)
Oregon Family Leave Act (OFLA) – [ORS 659A.150-659A.186](#)
Oregon Military Family Leave Act (OMFLA) – [ORS 659A.090-659A.099](#)
Oregon Crime Victims Law – [ORS 659A.190-659A.198](#)
Oregon Victims of Certain Crimes Leave Act (OVCCLA) – [ORS 659.A270-659A.285](#)

7. Review of Policy and Procedures

This policy will be reviewed every three years or as state and federal regulations are revised and necessitate a change in the policy or procedures.

Adopted: February 2017