

ORDINANCE NO. 20-820

CITY OF GENTRY, ARKANSAS

AN ORDINANCE ADOPTING A CATASTROPHIC LEAVE BANK PROGRAM FOR CITY EMPLOYEES; AND FOR OTHER PURPOSES

WHEREAS, Arkansas Code Annotated § 14-42-122 authorizes cities of the first class to develop, implement, and maintain a catastrophic leave program;

WHEREAS, the City Council finds it desirable to implement such a program;

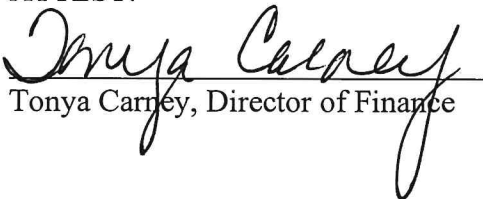
NOW THEREFORE, be it ordained by the City Council of the City of Gentry:

Section 1: The attached Catastrophic Leave Bank Policy is hereby adopted. The City Finance Director shall incorporate the Policy into the City's Personnel Handbook in an appropriate location.

Section 2. This Ordinance supersedes all prior Ordinances, Resolutions, policies, or provisions of the City Code that may conflict with the provisions of this Ordinance.

PASSED and APPROVED in regular session this 2nd day of March 2020.

ATTEST:


Tonya Carney, Director of Finance


Kevin Johnston, Mayor



City of Gentry Catastrophic Leave Bank Policy

- 1) **Purpose.** The Catastrophic Leave Bank Program (the "Program") assists eligible City employees who have exhausted all other paid leave in dealing with catastrophic injuries or illnesses incurred by them or eligible family members. The Program does not create an expectation or promise of continued employment with the City and is intended simply to help employees handle qualifying emergencies.
- 2) **Definitions.**
 - a) Catastrophic Leave Bank - A pool of accrued annual and sick leave voluntarily donated by City employees that may be approved for use by employees who meet the eligibility requirements.
 - b) Catastrophic Illness or Injury – A serious illness or injury suffered by an employee, spouse of an employee, parent of an employee, or minor child of an employee, as certified by a physician, which requires an employee's absence from duty for a prolonged period of time and which, except for the Program, would result in a substantial loss of income to the employee because of the exhaustion of all earned sick, annual, holiday and compensatory leave. Elective procedures do not qualify for catastrophic leave, although complications related to an elective procedure may qualify for catastrophic leave.
- 3) **Eligibility.** An employee may be eligible to receive catastrophic leave donations under the Program if the employee:
 - a) Is a full-time employee of the City;
 - b) Has been employed by the City for at least one (1) year;
 - c) Has exhausted all available sick, annual, holiday and compensatory leave time;
 - d) Provides an acceptable medical certificate from a physician supporting the absence and including an approximate date of return;
 - e) At the onset of the illness or injury, had to his or her credit at least eighty (80) hours of combined sick and annual leave. (This requirement may be waived for an otherwise eligible employee if an "extraordinary circumstance" is declared by a Department Head.);
 - f) Has not been disciplined or counseled for an abuse of leave during the immediately preceding five (5) years; and

- g) Is not applying for catastrophic leave as a result of an illness or injury that is covered by workers' compensation benefits under applicable law.

4) Donations. Donations of leave shall be made using the City's Catastrophic Leave Donation form, in conformity with the following requirements:

- a) Accrued leave may only be donated in one-hour increments, unless the donating employee is terminating his or her employment.
- b) Employees may only donate accrued sick or annual leave.
- c) Donations may not reduce the donating employee's accrued sick and annual leave balance to less than forty (40) hours, unless the employee is terminating his or her employment.
- d) All donations are final, and may not be reversed.
- e) Donations shall be made generally to the Catastrophic Leave Bank, and cannot be designated for any specific recipient.
- f) Donations of leave are not tax deductible.

5) Applications. Applications for Catastrophic Leave shall be made using the City's Catastrophic Leave Application form, and include a signed statement from a physician listing the diagnosis and prognosis for the applicable catastrophic illness or injury, as well as the employee's projected return-to-work date.

6) Administration of the Program.

- a) Upon submission of a completed application for catastrophic leave to the City Human Resources Director, the application shall be forwarded to the Catastrophic Leave Committee, which shall be composed of the Department Heads of the City of Gentry.
- b) The Committee will review all catastrophic leave requests on a first-filed, first-reviewed basis, ensure that all eligibility requirements are met, and decide, by vote of a majority of the members, whether to grant the request, grant the request in part, or deny the request.
- c) Committee members shall maintain the confidentiality of information submitted in connection with a catastrophic leave request.
- d) In reviewing requests for catastrophic leave, the Committee shall consider, among other things:

- i) Existence of a bona fide, serious medical condition meeting the definition of a catastrophic illness or injury;
 - ii) Employee's longevity of service, attendance, and prior leave usage;
 - iii) Effect of the employee's absence on his or her department; and
 - iv) Length of requested leave.
- e) The Committee may request additional information from the applicant or a second physician's certification when it deems such information to be necessary or helpful to its determination.
- f) An employee may appeal an adverse determination by the Committee to the Mayor, who shall make a final decision on the application for catastrophic leave.
- g) Catastrophic leave will only be awarded if leave is available in the Catastrophic Leave Bank.
- h) No employee shall be eligible for approved catastrophic leave in excess of three (3) months. The employee has the option of reapplying for additional leave at the conclusion of the period of approved catastrophic leave.
- i) No employee will be eligible for catastrophic leave beyond the effective date of long-term disability or Social Security disability benefits, whichever comes first.
- j) Catastrophic leave shall not be awarded retroactively.
- k) Employees on catastrophic leave will not accrue vacation, sick or holiday leave, but will continue to receive other benefits, including City contributions to insurance and retirement. Employees on catastrophic leave will also continue to receive their normal rate of pay.
- l) Employees shall use accrued vacation and/or sick leave concurrently with FMLA leave. Persons on FMLA leave who have exhausted paid leave and meet other eligibility criteria may apply for catastrophic leave. If approved for catastrophic leave, such leave (as with other forms of paid leave) runs concurrently with the eligible employee's FMLA leave.
- m) In the event that an employee on catastrophic leave is terminated, retires, dies, or returns to work prior to the expiration of previously approved catastrophic leave time, all unused catastrophic leave shall be returned to the Catastrophic Leave Bank.

- n) An employee may be dismissed if such employee fails to report to work promptly at the expiration of the period of approved/granted catastrophic leave. Nothing, however, shall prevent the City from accepting satisfactory reasons provided by the employee, in advance of the date the employee is scheduled to return to work, and from granting leave without pay status to an employee prior to or after the expiration of such catastrophic leave if, in the view of the Department Head, such action is warranted.
 - o) Alleged abuse of the Program shall be investigated, and in the event of a finding of wrongdoing, the employee shall repay all of the leave hours awarded from the Program and shall be subject to such other disciplinary action as is determined by the participating Department Head.
- 7) **Record-keeping.** The City Human Resources Director shall track the following in connection with the Program:
- a) The amount of leave donated by each employee;
 - b) The amount of catastrophic leave awarded to each applicant; and
 - c) Any other such data as required for effective operation of the Program.
- 8) **Prohibition of Coercion or Penalties.** An employee shall not, directly or indirectly, intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, another employee with respect to donating, receiving or using catastrophic leave. No employee shall be penalized for his or her decision to donate, not donate, or use catastrophic leave.