

**TOWN COUNCIL OF CENTREVILLE  
RESOLUTION 01-2021**

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**A RESOLUTION OF THE TOWN COUNCIL OF CENTREVILLE TO AMEND THE TOWN OF CENTREVILLE PERSONNEL MANUAL RULES AND REGULATIONS, SECTION V GOVERNING THE OPERATION FOR THE TOWN OF CENTREVILLE TO AMEND SPECIFIC POLICIES AS IT RELATES TO LEAVE**

WHEREAS, By Ordinance 01-2011, enacted on March 17, 2011 and effective on April 6, 2011, the Town Council adopted the Personnel Manual: Rules and Regulations Governing the Operation of a Merit System ("Personnel Manual"), as a personnel manual for employees of the Town of Centreville.

WHEREAS, by Ordinance 02-2013 enacted on February 21, 2013 and effective on March 14, 2013, the Town Council ordained in Section 3 that future amendments to the Personnel Manual may be adopted by resolution.

WHEREAS, the Town of Centreville wishes to amend Section V (J), Leave Donations.

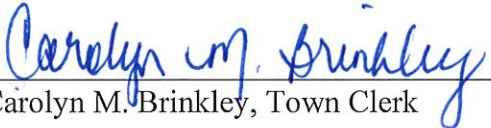
NOW, THEREFORE, be it resolved by the Town Council of Centreville, this 4<sup>th</sup> day of February 2021:

1. That the Town of Centreville Rules and Regulations for Employees, Section V. Forms of Leave, (J) Leave Donations is amended and attached hereto as Exhibit A and Policy Number 300-102, Leave Donation Policy is added to the Town of Centreville Standard Operating Procedures and attached hereto as Exhibit B and is hereby approved.

2. This Resolution shall be effective immediately.

ATTEST:

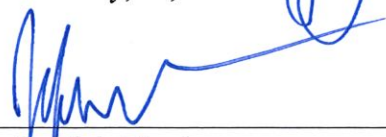
THE TOWN COUNCIL OF CENTREVILLE

  
\_\_\_\_\_  
Carolyn M. Brinkley, Town Clerk

  
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Timothy E. McCluskey, President

  
\_\_\_\_\_  
Steven K. Kline, Vice President

  
\_\_\_\_\_  
Robert R. Hardy, Jr., Member

  
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Jeffrey D. Kiel, Member

  
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Shelby C. Anania, Member

SECTION V. FORMS OF LEAVE

J. ~~DONATED LEAVE~~ LEAVE DONATIONS

- ~~1. An employee may donate unused annual, sick, compensatory or personal leave to another employee in certain circumstances of need, with the approval of the Town Manager.~~
- ~~2. In order to receive donated leave, the receiving employee shall have exhausted all available leave. Donated leave shall be converted to and be available for use by the receiving employee only as sick leave.~~
- ~~3. Donated leave shall be administered and approved by the Town Manager. Requests for donated leave shall be in writing by the requesting employee and directed to the Town Manager.~~
- ~~4. Employees donating leave shall be required to have a minimum sick leave balance of at least 100 hours after any donation.~~

1. Eligibility

- 1.1 Donating employee (“The Donor”). A Donor must have a sick leave balance of no less than 100 hours after donation in order to donate sick leave to another employee.
  - a. If separating from the Town and the Donor volunteers to donate their leave, they must submit their request to donate leave to the Human Resources Department, through their Supervisor prior to their resignation from Town employment.
- 1.2 Receiving employee (“The Receiver”). An employee receiving a donation of leave must:
  - a. show a specific, documented and immediate need for the donation and;
  - b. If the Receiver has available time in his or her balance, the Receiver’s leave time will be used prior to any donated time. Donated time may only be used for time related to an approved request.
- 1.3 Both the Donor and the Receiver must be in the classified service. (Contractual and Part-time employees are not eligible).
- 1.4 Employees receiving Workers Compensation, Short-Term Disability, Long Term Disability are not eligible to use donated leave.
- 1.5 All paid leave granted to the Receiver is considered wages and is subject to appropriate withholdings.

- 1.6 Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family Medical Leave Act.
- 1.7 The Town Manager reserves the right to deny the donation of leave based on the aforementioned eligibility criteria, exhausted use of FMLA, poor attendance, and/or other issues as determined by management.
- 1.8 The Human Resources Department may assist with the solicitation of leave donations on behalf of other employees.
- 1.9 In accordance with the Ethics Code, §8-12(a)2, there is a violation if a Supervisor is requesting a donation of leave for themselves from an employee that he or she directly supervises. However, there is not a violation for an employee to request leave donations from their Supervisor. Nor is there a violation for a Supervisor to request leave donations from another Supervisor of other Town employees not under their supervision.

2. **Procedure**

- 2.1 Employees who would like to make a request to receive donated leave from their co-workers and/or leave bank reserve must have a situation that meets the following criteria:
  - a. Medical emergency, defined as a medical condition of the employee or an immediate family member, that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family is defined in accordance with the Personnel Manual.
  - b. Major disaster, defined as a disaster declared by the President under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the President pursuant to 5 U.S.C. §6391 for federal government agencies, state of emergency issued by Proclamation of the Governor of the State of Maryland, local emergency, or employee personal tragedy. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member of the employee that requires the employee to be absent from work.
- 2.2 The Donor must complete a Leave Donation Form and forward it through their Supervisor to Human Resources for concurrence.

- a. A separate Leave Donation Form must be completed for each request or for a continuation of a previous request for which prior donated leave has been exhausted.
- 2.3 The Donor or their Supervisor will forward the Leave Donation Form to the Department Director of the Receiver. The Receiver's Department Director will complete their portion of the form and forward it to the Human Resources Department.
- a. If the Receiver's Department Head does not concur with the donation of leave to the employee, the Director shall contact Human Resources to address the concerns.
  - b. The Receiver's Department Head may be asked to submit in writing concerns regarding the donation of leave, to be attached to the Leave Donation Form.
- 2.4 Human Resources will determine the eligibility of both the Donor and the Receiver for leave donation and will contact the Receiver to request documentation of the immediate need as necessary.
- a. Notification will be sent to the Donor from Human Resources indicating the approval or denial of the requested donation.
  - b. Likewise, a letter will be sent to the Receiver regarding an approved donation.
  - c. If approved, a copy of the signed Leave Donation Form will be maintained in the Donor's personnel file.
  - d. The Human Resources Manager reserves the right to approve only a portion of the hours requested for donation, dependent on the documented need, leave balance of the Donor and all leave balances of the Receiver.
- 2.5 Donated leave is allocated to the Donor each pay period as needed for the approved event. Donated leave is used as sick leave and as needed. Once the Receiver has returned to work, any unused leave is retained by the Donor. Donated leave cannot be saved by the Receiver for a future event. This information will be tracked and processed collaboratively by Human Resources.
- 2.6 An employee separating with the Town who would like to donate leave to the Town's leave bank for use by eligible recipients must have a situation that meets these criteria:

## EXHIBIT A

- a. Be in good standing with all available leave prior to donating the leave;
  - b. Must submit a signed leave donation form indicating the leave is to be donated in the Town's leave bank;
  - c. Leave donated into the Town's leave bank is non-refundable and will not be returned to the Donor, if unused.
- 2.7 An employee whose leave will be forfeited due to exceeding the leave limit by the end of the calendar year and would like to donate leave to the Town's leave bank for use by eligible recipients must have a situation that meets these criteria:
- a. Must submit a signed leave donation form indicating the leave is to be donated in the Town's leave bank;
  - b. Leave donated into the Town's leave bank is non-refundable and will not be returned to the Donor, if unused. (In accordance with Leave Donation Policy #300-102) (Effective XX, 2021)

# TOWN OF CENTREVILLE STANDARD OPERATING POLICIES

**SECTION:** 300 - Human Resources

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**POLICY TITLE:** Leave Donation Policy

**POLICY NUMBER:** 300-102

**APPROVAL:** Town Council of Centreville

**EFFECTIVE DATE:**

**REVISION DATE (S):**

**REFERENCE(S):**

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1. **PURPOSE:** Town of Centreville recognizes that employees may have a family medical emergency or be affected by a major disaster, resulting in a need for additional time off in excess of their available sick/personal time. To address this need, all eligible employees will be allowed to donate accrued paid sick, personal, compensatory, administrative, or annual leave hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.
2. **APPLICABILITY/ELIGIBILITY:**
  - 2.1 Donating employee (“The Donor”). A Donor must have a sick leave balance of no less than 100 hours after donation in order to donate sick leave to another employee.
    - 2.1.1 If separating from the Town and the Donor volunteers to donate their leave, they must submit their request to donate leave to the Human Resources Department, through their Supervisor prior to their resignation from Town employment.
  - 2.2 Receiving employee (“The Receiver”). An employee receiving a donation of leave must:
    - 2.2.1 show a specific, documented and immediate need for the donation and;
    - 2.2.2 If the Receiver has available time in his or her balance, the Receiver’s leave time will be used prior to any donated time. Donated time may only be used for time related to an approved request.
  - 2.3 Both the Donor and the Receiver must be in the classified service. (Contractual and Part-time employees are not eligible).
  - 2.4 Employees receiving Workers Compensation, Short-Term Disability, Long Term Disability are not eligible to use donated leave.

- 2.5 All paid leave granted to the Receiver is considered wages and is subject to appropriate withholdings.
- 2.6 Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family Medical Leave Act.
- 2.7 The Town Manager reserves the right to deny the donation of leave based on the aforementioned eligibility criteria, exhausted use of FMLA, poor attendance, and/or other issues as determined by management.
- 2.8 The Human Resources Department may assist with the solicitation of leave donations on behalf of other employees.
- 2.9 In accordance with the Ethics Code, §8-12(a)2, there is a violation if a Supervisor is requesting a donation of leave for themselves from an employee that he or she directly supervises. However, there is not a violation for an employee to request leave donations from their Supervisor. Nor is there a violation for a Supervisor to request leave donations from another Supervisor of other Town employees not under their supervision.

### 3. **PROCEDURE:**

- 3.1 Employees who would like to make a request to receive donated leave from their co-workers and/or leave bank reserve must have a situation that meets the following criteria:
  - 3.1.1. Medical emergency, defined as a medical condition of the employee or an immediate family member, that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family is defined in accordance with the Personnel Manual.
  - 3.1.2. Major disaster, defined as a disaster declared by the President under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the President pursuant to 5 U.S.C. §6391 for federal government agencies, state of emergency issued by Proclamation of the Governor of the State of Maryland, local emergency, or employee personal tragedy. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member of the employee that requires the employee to be absent from work.
- 3.2 The Donor must complete a Leave Donation Form and forward it through their Supervisor to Human Resources for concurrence.
  - 3.2.1 A separate Leave Donation Form must be completed for each request or for a continuation of a previous request for which prior donated leave has been exhausted.
- 3.3 The Donor or their Supervisor will forward the Leave Donation Form to the Department Director of the Receiver. The Receiver's Department Director will complete their portion of the form and forward it to the Human Resources Department.

- 3.3.1 If the Receiver's Department Head does not concur with the donation of leave to the employee, the Director shall contact Human Resources to address the concerns.
- 3.3.2 The Receiver's Department Head may be asked to submit in writing concerns regarding the donation of leave, to be attached to the Leave Donation Form.
- 3.4 Human Resources will determine the eligibility of both the Donor and the Receiver for leave donation and will contact the Receiver to request documentation of the immediate need as necessary.
  - 3.4.1 Notification will be sent to the Donor from Human Resources indicating the approval or denial of the requested donation.
  - 3.4.2 Likewise, a letter will be sent to the Receiver regarding an approved donation.
  - 3.4.3 If approved, a copy of the signed Leave Donation Form will be maintained in the Donor's personnel file.
  - 3.4.4 The Human Resources Manager reserves the right to approve only a portion of the hours requested for donation, dependent on the documented need, leave balance of the Donor and all leave balances of the Receiver.
- 3.5 Donated leave is allocated to the Donor each pay period as needed for the approved event. Donated leave is used as sick leave and as needed. Once the Receiver has returned to work, any unused leave is retained by the Donor. Donated leave cannot be saved by the Receiver for a future event. This information will be tracked and processed collaboratively by Human Resources.
- 3.6 An employee separating with the Town who would like to donate leave to the Town's leave bank for use by eligible recipients must have a situation that meets these criteria:
  - 3.6.1 Be in good standing with all available leave prior to donating the leave;
  - 3.6.2 Must submit a signed leave donation form indicating the leave is to be donated in the Town's leave bank;
  - 3.6.3 Leave donated into the Town's leave bank is non-refundable and will not be returned to the Donor, if unused.
- 3.7 An employee whose leave will be forfeited due to exceeding the leave limit by the end of the calendar year and would like to donate leave to the Town's leave bank for use by eligible recipients must have a situation that meets these criteria:
  - 3.7.1 Must submit a signed leave donation form indicating the leave is to be donated in the Town's leave bank;
  - 3.7.2 Leave donated into the Town's leave bank is non-refundable and will not be returned to the Donor, if unused.