

ORDINANCE NO. 3512

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL, CHAPTER 15, REGARDING EMPLOYEE BENEFITS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Mesquite has adopted a General Government Policies and Procedures Manual; and

WHEREAS, Chapter 1 of the Policies and Procedures Manual provides for the revision of the policies and procedures set forth in such manual by adoption of ordinance; and

WHEREAS, it has been determined that the policies and procedures for City employees are in need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 15 of the General Government Policies and Procedures Manual is hereby amended by adding a new Section 15.2(7) to read as follows, in all other respects said Policies and Procedures Manual to remain in full force and effect:

**CHAPTER 15**

**EMPLOYEE BENEFITS**

**II.**

**VACATIONS**

**7. Vacation Donation:**

- a. Policy: Employees may donate vacation leave to another employee whose earned leave has been or soon will be exhausted due to a nonwork-related serious injury/illness or due to an immediate family member's serious injury/illness or event resulting in death. An immediate family member is an employee's spouse, son, daughter, parent, stepparent, stepchild, grandparent, grandchild or other persons living within the same household. A written statement from a licensed medical practitioner substantiating the request is required.
- b. Eligibility to Request Vacation Donation: Full-time employees, not on their original probation, who have exhausted or are within seven calendar days of exhausting their vacation, sick leave (if applicable) and compensatory time may request vacation donation by completing the "*Vacation Donation Request*" form. Short-term

injuries/illnesses with recuperation time of less than one week are not eligible.

- c. **How to Request Vacation Donation:** Employees may ask for up to 12 weeks of Donated Vacation time per request. The form will be submitted, along with medical documentation, to the Department Director. The Director will submit the form to the Human Resources Department if the request is in compliance with this policy. The Human Resources Department will send notification to each department notifying employees of the specific Vacation Donation Request. Employees must designate the number of weeks requested not to exceed the amount of time required by medical necessity. Subsequent requests up to the allowed 12 weeks may be made by the employee if medical need exists. Regardless of the amount of vacation donated, employees shall return to work as soon as medically able.
- d. **Requesting More Than 12 Weeks:** Directors may consider Vacation Donation requests in excess of the initial 12 weeks, not to exceed a total of 24 weeks. Directors may not approve Vacation Donation requests unless they can do so without causing undue hardships on existing staff or department resources.
- e. **How to Donate Vacation:** Employees may complete an "*Vacation Donation*" form and submit it to the Human Resources Department.

The minimum vacation donation is one-half day. There is no maximum donation amount; however, the donation may not reduce the available donor's vacation leave below 40 hours. Vacation Donation is on a day-for-day basis and is irrespective of pay rates\*. Vacation Donations received will be randomly selected and credited on the designated employee's vacation account as it is used.

Unused donated vacation time has no monetary value and will be returned to the donor. The employee has no property right to the unused donated vacation.

\* If an employee working a 56-hour week donates one day of vacation to an employee working a 40-hour week, the recipient will receive one day of vacation at 8 hours. Conversely, an employee working a 40-hour week who donates one day at 8 hours to an employee working a 56-hour week, the recipient will receive one day of vacation at 12 hours.

- f. **Privacy:** Information about employees requesting a vacation donation will be cleared with the employees before it is publicized. Employees will be asked to authorize any statement on the "*Vacation Donation Request*" form. The employee has the right to

maintain medical confidentiality and not express details of injury or illness.

- g. Restrictions: Donations may not be requested when an employee is receiving long-term disability payments. All leave earned by the employee receiving Donated Vacation must be taken prior to donated vacation. The use of donated vacation will be concurrent with FMLA leave if eligible.

State law prohibits granting of "prospective leave", that is, Vacation Donated cannot be applied to prior absences.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That, as with all policy and procedures contained in the General Government Policies and Procedures Manual, the provisions of this ordinance are not intended to create contractual rights between the City of Mesquite and its employees.

SECTION 5. That upon passage of this ordinance, all employees of the City of Mesquite shall be notified of the revisions made herein to the General Government Policies and Procedures Manual.


SECTION 6. That the present policies and procedures of the City of Mesquite are in need of revision, creates an urgency and necessitates that this ordinance become effective immediately from and after its passage, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of August, 2002.



Mike Anderson  
Mayor

ATTEST:



Ellen Williams  
City Secretary

APPROVED:



B. J. Smith  
City Attorney