

ORDINANCE NO. 4072

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING CHAPTER 15 OF THE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL BY ADDING A NEW SECTION 15.4(5) REGARDING CATASTROPHIC FAMILY SICK LEAVE DONATION POLICY; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS, pursuant to the City's Charter, Article IX-A, Section 6, the Human Resources Department presented the Personnel Board with the revisions to Chapter 15 of the General Government Policies and Procedures Manual ("Revisions") on November 24, 2009; and

WHEREAS, the Personnel Board voted to recommend the adoption of the Revisions; and

WHEREAS, the City Manager presented the recommended Revisions to the City Council.

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

SECTION 1. That the City Council of the City of Mesquite hereby adopts the revisions to Chapter 15 of the General Government Policies and Procedures Manual as recommended by the Personnel Board and presented by the City Manager to read as follows, in all other respects said Manual, Chapter and Section to remain in full force and effect:

CHAPTER 15  
EMPLOYEE BENEFITS

IV.  
SICK LEAVE

5. Catastrophic Family Sick Leave Donation

- a. Policy: Employees may donate a maximum of 40 hours of family sick leave per calendar year to another employee to be used for the medically required care of an eligible family member that has a catastrophic illness/injury. For the purpose of using Catastrophic Family Sick Leave Donation, an eligible family member shall be the employee's child, stepchild, parent, stepparent or spouse. A child is defined as a biological child, adopted child, foster child, stepchild or child for whom an employee is standing in *loco parentis*. A catastrophic illness or injury must qualify under the Family Medical Leave Act and be an extremely severe health condition that necessitates the employee's absence from work for the purpose of medically required convalescence or treatment. The family member must have suffered, and be under current, active medical treatment for a long-term catastrophic illness or injury including, but not limited to cancer, HIV/AIDS, major surgery, serious accident, heart attack, long-term hospitalization or other situations that pose a threat to life. Short term conditions requiring brief treatment and recovery (for example, flu, measles, common illnesses and common injuries),

normal childbirth, broken bones, non-catastrophic illnesses or elective surgery are excluded.

- b. Eligibility for Catastrophic Family Sick Leave Donation: Full-time employees employed by the City for at least 12 months, who have exhausted all but 10 days of vacation leave or are within seven calendar days of exhausting all but 10 days of vacation leave, have exhausted all compensatory time and have exhausted their own family sick leave are eligible to request Catastrophic Family Sick Leave Donation by completing a "Catastrophic Family Sick Leave Donation Request" form. Catastrophic Family Sick Leave Donation may only be used for absences directly related to the purpose for which it was intended. Catastrophic Family Sick Leave Donation may not be used for personal sick leave.
  
- c. How to Request Catastrophic Family Sick Leave Donation: Employees may request up to four weeks of Catastrophic Family Sick Leave Donation per request. The Catastrophic Family Sick Leave Donation Request form will be submitted, along with medical documentation, to the Department Director. Medical documents will need to explain the care needed by the patient and why such care is medically necessary. The employee will also describe the care provided to the family member and estimate leave time needed to provide such care. 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 Catastrophic Family Sick Leave Request. Employees must designate the number of weeks requested not to exceed the amount of time required by medical necessity. Subsequent requests in excess of the initial four weeks may be made by the employee if medical need exists not to exceed 12 weeks used during any two-year period. Regardless of the amount of family sick leave donated, employees shall return to work as soon as medically possible. Catastrophic Family Sick Leave Donation balances may be forfeited when the employee returns to work full time for a minimum of 30 days and there is no further medical evidence of needed continuing treatment related to the purpose for which the Catastrophic Family Sick Leave Donation was intended.
  
- d. How to Donate Catastrophic Family Sick Leave: Employees may complete a Catastrophic Family Sick Leave Donation form and submit it to the Human Resources Department.

The minimum donation is one half day. The maximum donation is 40 hours per calendar year and is on a day-for-day basis and is irrespective of pay rates\*. Catastrophic Family Sick Leave Donations received will be randomly selected and credited on the designated employee's Family Sick Leave account as it is used.

Unused donated Catastrophic Family Sick Leave time has no monetary value and will be returned to the donor. The employee has no property right to the unused donated family sick leave.

\*If an employee working a 56-hour week donates one day of Catastrophic Family Sick Leave to an employee working a 40-hour week, the recipient will receive one

day of Catastrophic Family Sick Leave at eight hours. Conversely, an employee working a 40-hour week who donates one day at eight hours to an employee working a 56-hour week, the recipient will receive one day of Catastrophic Family Sick Leave at 12 hours.

- e. Privacy: Information about employees requesting a Catastrophic Family Sick Leave Donation will be cleared with the employees before it is publicized. Employees will be asked to authorize any statement on the Catastrophic Family Sick Leave Donation Request form. The employee has the right to maintain medical confidentiality and not express the details of the injury or illness.
- f. Restrictions: Donations may not be requested when an employee is receiving long-term disability payments. The use of donated Catastrophic Family Sick Leave will be concurrent with FMLA leave if eligible.

State law prohibits granting of "prospective leave," that is, Catastrophic Family Sick Leave Donated cannot be applied to prior absences.

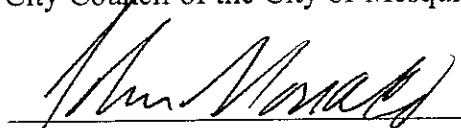
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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.

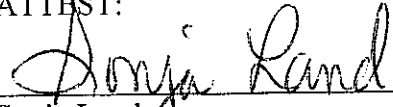
SECTION 4. That the policy and procedures contained in the General Government Policies and Procedures Manual are not intended to create contractual rights between the City of Mesquite and its employees.

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

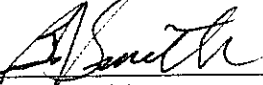
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of December, 2009.

  
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John Monaco  
Mayor

ATTEST:

  
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Sonja Land  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney