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| City of Lawrence - ProposedGeneral Order |
|  | Compensation and Benefits | Date: | January 1, 2013 |
| Title: Hardship Leave – FIRE & EMS | Revised: | January 1, 2013December 5, 2018February 25, 2020January 6, 2021 |
| Number: | 2.30 | Pages | 6 |

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| PURPOSE: | The purpose is to provide a means for employees to assist another employee or to provide for an employee, who because of a non-occupational catastrophic illness, injury, impairment, or physical, or mental condition, has either exhausted all of their accrued time or has used a minimum of 480 hours of their accrued time (whichever comes first) due to a long-term illness or injury as defined by department General Orders, City Ordinance, and FMLA. A hardship leave request may be initiated at the onset of qualifying medical emergency if it is believed that the employee will exhaust their hours as listed above. If approved by the Board, Hardship Leave will be automatically applied once the required hours of the employee’s accrued time have been used. This ensures uninterrupted support and minimizes the administrative burden on employees during times of significant personal crisis. The Hardship Leave Bank is to provide an active member with salary replacement, to include their base pay, technical pay(s), educational pay and longevity pay.  |
| DEFINITIONS: | **Accrued Time** – An employee’s available time off in the category of sick, vacation, personal, holiday (bonus) and/or compensatory (comp) time.**Active Member** – An employee who has donated the minimum accrued time into the Leave Time Bank during the designated open enrollment for that year.**Buy-In** – The donated time an employee must put into the leave time bank to be an active member of the Hardship Leave Bank.**Hardship Leave Bank Board** – The representatives that are responsible for recommending awarded hours. This board is all responsible for overseeing the policy and establishing rules and procedures to be followed.**Hardship Leave** – Use of approved leave time bank hours that an employee receives for any medical condition, psychological condition, or physical injury that is non-occupational and not intentionally self- inflicted and includes, but is not limited to, inpatient care in a hospital, hospice care, or residential (home and institutional) care.**Family Member** – Any member of an employee’s family as defined by the Family Medical Leave Act (FMLA) and the City of Lawrence Municipal Code 1-2-5-7.**Medical Emergency** – A medical condition of either the employee or the employee’s family member that is likely to require the employee to be absent from duty for a prolonged period.**Leave Time Bank** – The pool of time donated by eligible members for the use of fellow employees in time of a Hardship Leave. Typically referred to as the “pool.”**Pool** – See Leave Time Bank.**Pool Manager** – This is the representative that is responsible for tracking hours donated to the pool and the utilizations of such hours. This is typically the Deputy Chief of Administration. In his or her absence, it would be then delegated to the Fire Chief. |
| POLICY: | 1. The intent of the Hardship Leave Program is to provide a means for employees to assist another employee for a medical emergency, because of:
	1. A non-occupational catastrophic illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility; or
	2. A non-occupational illness, disease, or condition that in the medical judgment of the state licensed treating healthcare provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future or requires constant care.
2. The Hardship Leave Program can also be utilized by an employee to care for a family member as defined by the City of Lawrence Municipal Code 1-2-5-7.
3. Open enrollment for donated hours will be the month of January each year and announced by the Pool Manager.
	1. Only the Hardship Leave Bank Board can rule for additional open enrollment periods, if needed, but will not exceed for one month.
	2. This will be on a case-by-case basis and in no way sets any precedence.
4. Initial buy-in will be a minimum of 24 hours of accrued time to become an active member. An annual renewal buy-in will be a minimum of 8 hours of accrued time for every consecutive year as an active member. No more than 240 hours can be donated by an individual annually and may only come from one category of accrued time.
	1. Participation is based upon a voluntary opt-in.
	2. Any accrued time donated to the hardship leave bank is irrevocable by the donating employee.
	3. Any discontinues of being an active member for any period of time, and at a later open enrollment wants to become an active member, must provide an initial buy-in.
	4. The Hardship Leave Bank may not exceed 10,000 hours for each department.
		1. When the pool reaches 9,520 hours or greater, all active members donations will cease during any future open enrollment(s).
		2. Any active member at this time will remain active until the pool of hours has been reduced to 9,519 hours or less.
		3. When the pool reaches 9,520 hours or greater, new employees will be the only eligible employees for open enrollment(s).
		4. When the pool has been reduced to 9,519 hours or less all employees will be eligible for future open enrollment(s) the year following the reduction in hours.
	5. The Hardship Leave Bank may not have a negative balance
		1. In the event the pool is less than the amount of approved hardship leave for a recipient employee, the recipient employee will only receive up to the amount left in the pool.
		2. In the event the pool needs to be replenished the Hardship Leave Bank Board may require a mandatory donation, not to exceed 5 hours, of accrued time per active member. This mandatory donation can only occur once in a 12-month period.
5. Active members may request the need for hardship leave through the Pool Manager.
	1. All official hardship leave request must be made through department email. Additionally, the hardship leave request must be acknowledged through department email by the Pool Manager within 4 business days. If no response is issued within this timeframe, the request shall be considered received and active as of the original date of submission.
	2. The pool manager will ensure to protect the City of Lawrence from violations of Protected Health Information (PHI) as outlined in the Health Insurance Portability and Accountability Act (HIPAA).
	3. The Pool Manager will make every effort to evaluate and consider all relevant information relating to an active members request.
6. The Pool Manager will present all relevant information relating to an active member request for Hardship Leave to the Hardship Leave Bank Board in a public meeting, except when reviewing PHI, the Board will go into an Executive Session.
	1. The Board will determine if an active member is approved or not approved to receive Hardship Leave;
		1. Every effort will be made to be objective in making Hardship Leave determination.
		2. The final authority for interpretation of this policy will rest with the Board.
	2. Determine the number of hours to be awarded;
		1. An initial maximum allotment of 480 hours can be awarded.
		2. A recipient employee may petition the Board for additional hours to be awarded, but will not exceed more than 1,440 awarded hours in total.
	3. Determine when the hours can be used; and
	4. If applicable, determine the deration the Hardship Leave hours will be use.
7. The Hardship Leave Bank Board will have the final authority to award an active member with Hardship Leave.
	1. All decisions are considered only on its merit, on a case-by-case basis, and will be made without setting precedence for future or past decisions.
	2. In the event a requestee disagrees with the Board’s original decision the requestee may request a one-time appeal.
	3. During the appeal process the original decision of the Board will be suspended until a final decision is made by the Board.
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| PROCEDURE: | 1. Open Enrollment
	1. Each employee donating time to the Hardship Leave Bank will complete and return the “Hardship Leave Donation Form” to the Pool Manager.
		1. Each employee will indicate if the employee is donating as an initial or re-enrollment donation.
		2. Indicating the number of hours donating and the category the time shall be donated from.
	2. The Pool Manager will maintain and log these donations, reporting all donations to payroll and the employee(s) soon after the closing of open enrollment.

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| Pool Manager |
| 1. Fire Department
 | 1. Deputy Chief – Administration
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| 1. Police Department
 | 1. Commander – Professional Standards
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1. Requesting to Receive Hardship Leave
	1. Active member must submit the “Request to Receive Hardship Leave” form to the Pool Manager. However, in an extenuating circumstance in which the employee is incapacitated the request can be made by their immediate supervisor. This ensures uninterrupted support and minimizes the administrative burden on employees during times of significant personal crisis.
		1. The requestee must provide any supporting documentation for the medical emergency; and/or
		2. A Medical Certificate from a licensed medical provider verifying eligibility.
2. Once the Pool Manager provides written acknowledgment of the hardship leave request they will notify the employee and the Hardship Leave Bank Board Hardship Leave Bank Board
	1. The Hardship Leave Bank Board will consist of a 3-member Board:
		1. Representative from Human Resource/Payroll;
		2. Representative from City Legal; and
		3. Representative selected by the Chief of the Department, preferably from the Pension Board.
	2. The Hardship Leave Bank Board will post and conduct a public meeting within 10 business days of the notification from the Pool Manager.
		1. A quorum must be at least 50% of the Board members present to vote on any decision(s) made.
		2. If a quorum is present, the Pool Manager will present all relevant information to the Board.
		3. Decision(s) will be by majority vote.
		4. If there are extenuating circumstances in which the board cannot meet in 10 business days from the Pool Managers request, an email will be sent to the employee as an update, and the board will meet as soon as possible. Hardship Leave is based on the date of the request after the employee’s initial 480 has either exhausted all their accrued time or has used a minimum of 480 hours of their accrued time (whichever comes first).
	3. Additionally, the Hardship Leave Board may meet remotely (e.g., TEAMS, ZOOM) when a quorum is otherwise unavailable and a remote meeting is necessary.The Board will notify, in writing, the requestee, the Chief of the Department, the Pool Manager, and payroll within 48 hours of the following:
		1. Hardship Leave approved or not approved;
		2. If approved, the number of hours awarded, when the hours will be used, and the deration the hours will be used; and/or
		3. Any other decisions made by the Board governed by this policy.
3. Appealing the Hardship Leave Bank Board Decision
	1. Within 48 hours of the Board’s notification of decision, the requestee may request an appeal by submitting a letter of appeal to the Pool Manager.
		1. Specify the decision to appeal;
		2. Provide a brief summary of facts to support your appeal;
		3. Provide any supporting documentation; and
		4. Indicate the outcome the requestee would like to obtain.
	2. Once the Pool Manager provides written acknowledgment within 4 business days of the appeal and supporting documentation, the Pool Manager will notify the requestee, the Hardship Leave Bank Board, the Chief of the Department and payroll of the appeal.
	3. The Hardship Leave Bank Board will post and conduct a public meeting within 10 days of the notification.
		1. A quorum will be 100% of the Board members present to vote on any decision(s) made on an appeal.
		2. If a quorum is present, only the Requestee will present all relevant information to the Board.
		3. If needed, the Pool Manager may be called upon by the Board.
		4. Decision(s) will be by majority vote.
	4. Notification of the appeal decision will be followed as outlined above.
4. Receiving Hardship Leave
	1. The recipient employee may be assigned to a 40-hour work week for payroll accounting purposes until released by their physician or their family member needs are taken care of by other means.
	2. Once the recipient employee utilizes any hardship leave awarded and returns to work, the recipient employee must repay the hardship leave bank 24 hours of accrued time.
		1. Payment must be made immediately returning from hardship leave.
		2. In the event the recipient employee has no accrued time upon their return, the recipient employee must provide payment as the recipient employee accumulates their accrued time, until the full amount of time has been received.
	3. The recipient employee will report any usage of donated time to the Pool Manager and recorded accurately on the employees’ attendance records. It is the recipient’s responsibility to report usage and track their hours.
	4. The recipient employee will not seek outside employment, off-duty employment and/or be employed elsewhere, while receiving hardship leave, unless written approval from the Hardship Leave Bank Board has been given.
		1. Failure to obtain written approval from the Board will lead to termination of all Hardship Leave.
		2. Violation will be considered as abuse to this policy.
	5. The recipient employee may request for intermittent usage of Hardship Leave and may be able to retain donated hours after returning to work for a period of time.
		1. The intermittent usage must have prior approval by the Board.
		2. The Pool Manager will oversee the approved intermittent usage and will be dealt with on a case-by-case basis.
	6. The recipient employee who uses Hardship Leave is on “sick leave status” and accrues personal, holiday (bonus), vacation and sick leave hours as they normally would in that status.
	7. The recipient employee who uses Hardship Leave will be eligible for continuation of active employee health insurance benefits. Such paid leave is subject to all regular payroll deductions including any employee contributions to health care.
	8. If a recipient employee has 120 awarded hours remain of Hardship Leave and it is apparent that the employee will not return to duty before the end of the awarded hours, the recipient employee may petition the Board for additional hours to be awarded.
		1. To petition the Board the recipient employee will follow the same procedure in requesting Hardship Leave outlined above.
		2. No more than 1,440 hours may be award to a recipient employee in a 12-month period.
	9. If a recipient employee is released to full duty or terminates employment before exhausting all awarded hours any awarded hours not used by the recipient will be returned to the leave time bank.
		1. The recipient does not own donated hours and forfeits unused awarded hours after returning to work.
		2. The only exception to this will be for any recipient granted intermittent usage, which will be utilized as outlined by the Board and Pool Manager.
5. Alleged or Suspected Abuse of Hardship Leave
	1. The Pool Manager will investigate all alleged or suspected abuse of usage and report these findings to the Board.
	2. The Board will make recommendations to the Chief of the Department for any disciplinary action.
	3. An employee found violating or abusing the program:
		1. Will forfeit all remaining awarded hours;
		2. Potentially provide monetary reimbursement to the City for all Hardship Leave used; and/or
		3. Face disciplinary action.
6. The Hardship Leave Bank Board has final authority on all decisions made within this policy.
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By Order Of,



Robert Wallace, Chief

City of Lawrence Fire Department