



BEAUMONT-CHERRY VALLEY WATER DISTRICT
560 Magnolia Avenue, Beaumont, CA 92223

**NOTICE AND AGENDA
MEETING OF THE PERSONNEL COMMITTEE**

*This meeting is hereby noticed pursuant to
California Government Code Section 54950 et. seq.*

Tuesday, February 17, 2026 - 4:30 p.m.
560 Magnolia Avenue, Beaumont, CA 92223

TELECONFERENCE NOTICE

*The BCVWD Personnel Committee members will attend in person at the
BCVWD Administrative Office*

This meeting is available to the public via Zoom teleconference

To access the Zoom conference, use the link below:

<https://us02web.zoom.us/j/85792068838?pwd=cFArZHZ4aHRSUmJLeTBCZVpnUGRmdz09>

To telephone in, please dial: (669) 900-9128

Enter Meeting ID: 857 9206 8838 • Enter Passcode: 457586

*For Public Comment, use the “**Raise Hand**” feature if on
the video call when prompted. If dialing in, please **dial *9** to
“**Raise Hand**” when prompted*

Meeting materials will be available on the BCVWD’s website:

<https://bcvwd.gov/document-category/personnel-committee-agendas/>

PERSONNEL COMMITTEE MEETING – FEBRUARY 17, 2026

Call to Order: Chair Covington

Roll Call

	John Covington, Chair
	Lona Williams

	Andy Ramirez (alternate)
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PERSONNEL COMMITTEE MEETING – FEBRUARY 17, 2026 - *continued*

Public Comment

PUBLIC COMMENT: RAISE HAND OR PRESS *9 to request to speak when prompted. If you are present in the Conference Room, please fill out a Request to Speak card and deliver it to the Recording Secretary.

At this time, any person may address the Committee on matters within its jurisdiction. However, state law prohibits the Committee from discussing or taking action on any item not listed on the agenda. Any non-agenda matters that require action will be referred to Staff for a report and possible action at a subsequent meeting.

Please limit your comments to three minutes. Sharing or passing time to another speaker is not permitted.

1. **Adjustments to the Agenda:** In accordance with Government Code Section 54954.2, additions to the agenda require a unanimous vote of the legislative body members present, which makes the determination that there is a need to take action, and the need to take action arose after the posting of the agenda.
 - a. Item(s) to be removed or continued from the Agenda
 - b. Emergency Item(s) to be added to the Agenda
 - c. Changes to the order of the Agenda

ACTION ITEMS

2. **Acceptance of Personnel Committee Meeting minutes**

Minutes may be accepted by consensus

- a. January 20, 2026 Regular Meeting (pages 4 - 8)

3. **Report / Update from BCVWD Employees Association** (no staff report)

Association Representatives		
Andrew Becerra	Luis Lomeli	Ericka Enriquez

4. **Report / Update from BCVWD Exempt Employees** (no staff report)

5. **Human Resources Report for January 2026** (pages 9 - 10)

6. **Policies and Procedures Manual Updates / Revisions**

a.	Policy 3225	Employee Leave Donations Program and Policy	pages 11 - 38
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7. **Action List for Future Meetings**

- Employee Association topics
- Policy manual updates (ongoing)
- Employee Group 2027 Memorandum of Understanding

8. Next Meeting Date: March 17, 2026

9. Adjournment

NOTICES

AVAILABILITY OF AGENDA MATERIALS - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Personnel Committee in connection with a matter subject to discussion or consideration at an open meeting of the Committee are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office") during business hours, Monday through Thursday from 7:30 a.m. to 5 p.m. If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Office at the same time or within 24 hours' time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available in the Board Room at the District Office. Materials may also be available on the District's website: <https://bcvwd.gov/>. (GC 54957.5)

REVISIONS TO THE AGENDA - In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Agenda may be made up to 72 hours before the Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the District's Main Office, located at 560 Magnolia Avenue, Beaumont, California, up to 72 hours prior to the Committee Meeting.

REQUIREMENTS RE: DISABLED ACCESS - In accordance with Government Code §54954.2(a), and the Americans with Disabilities Act (ADA), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the District Office. Notification of at least 48 hours (two workdays) in advance of the meeting will generally enable staff to make reasonable arrangements to ensure accessibility. The Office may be contacted by telephone at (951) 845-9581, email at info@bcvwd.gov or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

CERTIFICATION OF POSTING: A copy of the foregoing notice was posted near the regular meeting place of the Personnel Committee of Beaumont-Cherry Valley Water District and to its website at least 72 hours in advance of the meeting (Government Code §54954.2(a)).



BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA
560 Magnolia Avenue, Beaumont, CA 92223

MINUTES OF THE PERSONNEL COMMITTEE MEETING
Tuesday, January 20, 2026, at 4:30 p.m.

CALL TO ORDER

Chair Covington called the meeting to order at 4:32 p.m.

ROLL CALL

<i>Directors present:</i>	John Covington, Lona Williams
<i>Directors absent:</i>	None
<i>Staff present:</i>	General Manager Dan Jagers Director of Information Technology and Cybersecurity Robert Rasha Director of Operations James Bean Human Resources and Risk Manager Ren Berioso Executive Assistant Lynda Kerney
<i>BCVWD Employee Association reps:</i>	Andrew Becerra, Luis Lomeli, Ericka Enriquez
<i>Members of the Public:</i>	None

PUBLIC COMMENT: None.

ACTION ITEMS

- 1. Adjustments to the Agenda:** None.
- 2. Acceptance of Personnel Committee Meeting minutes**
The Personnel Committee was dark in December
 - November 18, 2025 Regular Meeting

The Committee accepted the meeting minutes by the following vote:

MOVED: Williams	SECONDED: Covington	APPROVED
AYES:	Covington, Williams	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

- 3. Report / Update from BCVWD Employees Association:** General Manager Dan Jagers confirmed with the representatives present that conversations had begun regarding the upcoming Memorandum of Understanding negotiations.

4. Report / Update from BCVWD Exempt Employees: None.

5. Report from Human Resources and Risk Management Department

Human Resources and Risk Manager Ren Berioso presented highlights of the report:

- Currently 46 employees
- Notable anniversaries including Joe Reichenberger (32 years)
- After Board approval of 2026 budgeted positions, two positions posted mid-December:
 - Administrative Clerk (Operations/Engineering) (399 applications received)
 - Customer Service Representative I (Finance & Administration) (363 applications received)
- Turnover Rates:
 - November 2025 monthly turnover: 2.7% (1 separation)
 - November 2025 YTD: 12.63% (lower than November 2024 YTD of 13.64%)
 - December 2025 monthly turnover: 0%
 - 2025 year-end turnover: 12.15% (lower than 2024 year-end of 15.09%)

In response to Chair Covington, Mr. Berioso reported that several applicants applied for both positions.

6. 2025 Risk Management Report for Fourth Quarter – October to December

Berioso reported three workers' compensation cases in the fourth quarter, lower than earlier periods in 2025. He emphasized continued safety training and reinforcement of proper protective equipment use.

Berioso reviewed property damage and loss claims, reporting two incidents in the fourth quarter, including a minor vehicle accident and the theft of five fire hydrants in December totaling approximately \$30,000. Chair Covington questioned whether hydrants were still being specified in brass for new developments and stated that most agencies no longer use brass due to theft concerns. He asked whether the District could simply revise its specifications and expressed concern about continuing to incur replacement costs. Director Williams asked whether developers could be required to use cast iron hydrants instead of brass. Director of Operations James Bean explained that hydrants in remote areas were being targeted and that management was evaluating replacement with ductile iron or cast iron models while reviewing whether a specification change was appropriate. Chair Covington advised that he did not want to revisit the issue in several months without progress and urged staff to move expeditiously.

Chair Covington also inquired whether hydrant theft losses were covered by insurance. Berioso reported that the hydrants were not covered, resulting in direct fiscal impact to the District. Covington asked about total annual costs and historical trends, expressing concern about absorbing recurring losses. Bean indicated the recent thefts represented the first significant cluster in some time and that management was actively evaluating mitigation options.

Berioso reviewed two claims against the District during the quarter, both of which have since been resolved with no fiscal impact.

Berioso provided an update on Emergency Response Team training, stating that 85 percent of required FEMA courses had been completed, with two participants remaining and a deadline of February 10, 2026. The Committee acknowledged the progress toward full compliance.

Berioso reported that the District received three ACWA JPIA President’s Special Recognition Awards for outstanding performance in general liability, property, and workers’ compensation programs. Only four agencies out of more than 400 members received all three awards concurrently. Chair Covington acknowledged the achievement, and Director Williams expressed appreciation for staff’s efforts. Bean credited the Board’s continued support for safety initiatives as a key factor in the District’s success.

The Committee received and filed the 2025 Risk Management Report for Fourth Quarter by the Personnel Committee by the following vote:

MOVED: Williams	SECONDED: Covington	APPROVED
AYES:	Covington, Williams	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

7. Human Resources and Risk Management Report for Fiscal Year 2025

Berioso summarized workforce metrics, recruitment activity, retention trends, training efforts, policy updates, and risk management outcomes. He reported that the District began 2025 with 49 employees and ended the year with 47. There were three new hires, three internal placements through promotion or transfer, and six separations, resulting in a net workforce decrease of 4.10 percent. Berioso noted that the 12.5 percent turnover rate reflected improvement compared to the prior year.

During discussion of the five-year workforce net growth table, Chair Covington cautioned that the numerical increases and decreases should not be viewed without context. He emphasized that each year’s staffing fluctuation resulted from deliberate Board-level discussions, succession planning decisions, reclassifications, and project-based staffing adjustments rather than arbitrary reductions or expansions. He stated that the figures could be misinterpreted to suggest the District was operating leaner than appropriate, when in fact there were substantive operational reasons behind each change. Berioso acknowledged that the negative 4.10 percent net growth reflected movement within the organization. General Manager Jagers added that prior staffing increases were tied to temporary operational needs, including the meter conversion effort.

The Committee also examined staffing levels relative to service demand. Berioso reported that the District currently operates at approximately one employee per 445 connections, compared to a peer agency average of one per 319 connections. Director Covington noted that while the ratio suggested efficiency, such comparisons require context, including differences between water-only agencies and combined water and sewer districts.

Chair Covington noted that these contextual factors are often not reflected in summary tables and that historical staffing conditions, including prior hiring challenges, should also be considered when evaluating present workforce levels.

Jagers explained that despite serving more connections per employee than the peer average, District departments continue to operate effectively, referencing the District’s strong employee engagement results as evidence that staff are not overburdened. Berioso added that the District has invested in cross-training and professional development to increase workforce flexibility, enabling employees to rotate across roles when needed and enhancing operational effectiveness without significantly increasing headcount. Jagers

commented that the District is in a stronger staffing position than in earlier years when recruitment difficulties had left field operations short-staffed.

Berioso then reviewed recruitment and classification activity, reporting that eight positions were posted in 2025 and six were filled, evenly divided between internal and external candidates. Several of the changes reflected succession planning and reclassification of existing roles rather than expansion of staffing levels. The Committee acknowledged that maintaining a balance between internal advancement and external recruitment supports long-term workforce stability.

Berioso reported six separations in 2025, including five voluntary and one involuntary departure. He stated that most voluntary departures were due to job opportunity and compensation, with one related to work environment concerns. The Committee noted that turnover has declined compared to prior years and viewed the 12.5 percent rate as trending in a positive direction.

Berioso also summarized compensation and benefits adjustments, including the 2.9 percent cost-of-living adjustment applied to the 2026 salary schedule and enhancements to employee wellness offerings following the 2025 benefits survey. Benefits enrollment increased modestly, while healthcare premiums continued to represent the District's largest benefit expense. He further reported 87 hours of training conducted in 2025, 88 percent completion of employee performance evaluations, and resolution of 29 employee and labor relations matters within an average of 6.1 days. The report concluded with updates on workers' compensation trends, property damage claims, policy amendments, legislative compliance efforts, and recognition of the District's 95 percent employee engagement score.

The Committee received and filed the Human Resources and Risk Management Report for Fiscal Year 2025 by the Personnel Committee by the following vote:

MOVED: Covington	SECONDED: Williams	APPROVED
AYES:	Covington, Williams	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

8. Consideration of Initiating Memorandum of Understanding (MOU) Negotiations with the Employee Association

Ren Berioso advised that the current MOU will sunset on December 31, 2026, and it was an appropriate time to begin the negotiation process. He noted that the General Manager would serve as the District's Chief Negotiator, supported by HR staff.

Berioso reviewed the negotiation timeline, explaining that the schedule was intended as a guideline. A pre-bargaining analysis had already been completed and provided to the General Manager to support preparation for negotiations. Closed session discussions would occur throughout the process to provide updates to the Board of Directors and allow the General Manager to receive direction on negotiation priorities. He noted that staff hoped to reach a tentative agreement by July 2026 to support fiscal planning, with the goal of finalizing the MOU by August or September 2026 following review by legal counsel. Berioso also stated that Employee Association representatives would be permitted to use District resources within reason to support negotiation preparation, provided such use was coordinated with the General Manager.

Chair Covington indicated the item should be presented to the full Board rather than acted on solely by the Personnel Committee. Jagers explained that initiating negotiations is part of an ongoing business process and does not itself implement changes to the MOU. He confirmed that staff would request full Board support at an upcoming Board meeting.

The Committee directed staff to submit the MOU negotiation proposal to the Board of Directors for final consideration and vote by the following vote:

MOVED: Williams	SECONDED: Covington	APPROVED
AYES:	Covington, Williams	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

Employee Representative Luis Lomeli communicated that the group is excited to negotiate and work with the Chief Negotiator for the future MOU. He said it is strongly believed that there will be agreement achieved by the proposed timeline. Jagers acknowledged the aggressive timeline. He explained that staff intended to begin meeting with the Employee Association by the end of the month and emphasized that the negotiation process follows an established cycle tied to the MOU expiration date. Jagers stated that staff would begin moving the process forward at a baseline level even while awaiting formal Board authorization, recognizing that employee representatives were already preparing to communicate their positions.

Jagers further explained that he anticipated receiving input from the Employee Association and beginning an initial phase of discussion, while continuing to evaluate and process information internally. Berioso clarified that the initial kickoff meeting planned for late January would focus on negotiation ground rules and non-economic items, which would not have fiscal impact. He stated that substantive negotiations involving economic items would likely begin in February and would require Board guidance regarding negotiation thresholds and parameters.

Chair Covington stated that he agreed staff could proceed informally with preliminary background work while awaiting Board approval. He suggested placing the item on the upcoming Board agenda.

9. Action List for Future Meetings

- Employee Association topics
- Policy manual updates (ongoing)
- Employee Group 2027 Memorandum of Understanding
- Policy 3225 Leave Donation Program

10. Next Meeting Date: February 17, 2026

ADJOURNMENT: 5:25 p.m.

Attest:

DRAFT UNTIL APPROVED

John Covington, Chairman
to the Personnel Committee of the Beaumont-Cherry Valley Water District



**Beaumont-Cherry Valley Water District
Personnel Committee Meeting
February 17, 2026**

Item 5

HUMAN RESOURCES REPORT

TO: Personnel Committee
FROM: Human Resources and Risk Management
SUBJECT: Human Resources Report for the Month of January 2026

Table 1: Personnel

The table below represents the District's current Workforce.

As of January 31, 2026

Total Current Employees (Excluding Board Members)	47
Full-Time Employees	44
Part-Time	1
Temporary	1
Interns	1
Separations	0
Retired Employee(s)	0

Table 2: New Hires

The table below represents newly hired employees.

As of January 31, 2026

Employee Name	Job Title	Department
None		

Table 3: Anniversaries*

The table below represents BCVWD employee anniversaries.

As of January 31, 2026

Employee Name	Department	Years of Service
Joseph Haggin	Operations	19 years
Melvin Gibson	Operations	4 years
Andrew Vara	Operations	1 year

**Work Anniversaries for the purposes of this report are calculated from the hire date and do not determine employment conditions or terms. This report does not include elected officials.*



Table 4: Promotions or Division/Title Change

The table below represents promotions or Division/Title Changes.

As of January 31, 2026

Employee Name	Former Title	Changed to
None	None	None

Table 5: Recruitment

The table below represents active/closed recruitment(s).

As of January 31, 2026

Position	Department	Update
Administrative Clerk	Operations / Engineering	Job Posting Closed 1/5/2026
Customer Service Representative I	Finance and Administration	Job Posting Closed 1/5/2026

Tables 6 to 7: Separation/Retirement

Table 6 below represents employees separating from BCVWD.

As of January 31, 2026

Employee Name	Position Held	Department	Last Day
None			

Table 7 below represents the monthly and year-to-date Turnover Rate comparing 2025 and 2026

As of January 31, 2026, vs. 2025

Turnover Rate as of January 31, 2026	0%	No Separation for this month
2025 Turnover Rate Year-to-Date	0%	0 Separation as of January 31, 2026
Turnover Rate as of January 31, 2025	0%	No Separation for this month
2024 Turnover Rate Year-to-Date	0%	0 Separation as of January 31, 2025

Table 9: Communications

The table below represents HR communications to BCVWD employees.

As of January 31, 2026

Communication	Topic
HR Memo 26-001 Martin Luther King Jr. Holiday Closure and Timesheet Completion Reminder	Holiday

Staff Report Prepared by Ren Berioso, Human Resources and Risk Manager



**Beaumont-Cherry Valley Water District
Personnel Committee
February 17, 2026**

Item 6

STAFF REPORT

TO: Personnel Committee

FROM: Human Resources and Risk Management

**SUBJECT: Policies and Procedures Manual Updates / Revisions for Policy 3225
Employee Leave Donation Program and Policy**

Staff Recommendation

Review the revision of Policy 3225, Employee Leave Donation Program and Policy, and recommend it to move forward to the Board of Directors for consideration, or direct staff as desired.

Executive Summary

Staff proposes revisions to Policy 3225, Employee Leave Donation Program and Policy, to modernize the program, clarify eligibility requirements, strengthen safeguards, and ensure alignment with applicable employment laws. The proposed updates provide clearer definitions, improved program administration, confidentiality protection, and safeguards against misuse while preserving the District's intent to support employees facing legitimate and unforeseen hardship.

Background

The Leave Donation Program policy was originally created in year 2019 in response to staff members expressing a desire to donate a portion of their accrued leave to a colleague experiencing hardship. After a series of discussions, from the Personnel Committee meetings to the Regular Board meeting, the Board of Directors subsequently adopted Policy 3225 on October 9, 2019, through Resolution 2019-11.

While the intent of the policy was to provide a compassionate mechanism for employee support, the qualification requirements as written have proven to be highly restrictive. In practice, the criteria have been so limiting that it has been nearly impossible for an employee to meet the eligibility thresholds necessary to access the program. As a result, the policy has not been utilized since its adoption more than five (5) years ago.

The District is fortunate to have compassionate and community-minded employees who have expressed continued willingness to donate accrued sick and/or vacation leave to colleagues experiencing legitimate hardship. Upon review and verification with Human Resources and the General Manager, it was determined that the current policy requires updates to better reflect operational realities and the evolving needs of the organization. Policies must be responsive to the events and needs of the District to remain effective and meaningful.

The proposed revisions were carefully developed through a collaborative effort involving Human Resources, Department Heads, MOU Representatives, and the General Manager to ensure operational practicality, fairness, and accountability. The updated draft was also reviewed by



Legal Counsel to ensure compliance with applicable federal and state laws and to mitigate potential legal risks to the District.

This revised policy draft is now presented to the Personnel Committee for a comprehensive review and collaborative discussion.

Discussion

The revised Policy 3225 incorporates structural and substantive updates intended to balance compassion with responsible program governance. Key inputs were incorporated to ensure the program operates equitably, transparently, and in compliance with applicable law.

The revisions include:

- **Clear Definition of Terms** to establish consistent interpretation of “Recipient Employee,” “Donating Employee,” and qualifying events.
- **Defined Criteria for Participation**, including exhaustion of accrued leave, documentation requirements, and prior return-to-work thresholds before subsequent participation.
- **Safeguards Against Program Manipulation**, including review of prior leave usage, sick leave cash-outs, and discretionary authority to deny requests where leave was intentionally depleted or where qualifying events were reasonably foreseeable.
- **Eligibility Verification** by Human Resources
- **Final Approval Authority** vested in the General Manager or designee
- **Explicit No Retaliation Protections**, reinforcing that participation whether requesting, donating, or declining to donate is voluntary and protected.
- **Program Management and Payroll Controls**, including structured donation limits, proportional return of unused leave, confidentiality of donors, and monetary value conversion methodology.
- **Compatibility with Applicable Laws**, including coordination with Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), State Disability Insurance (SDI), Paid Family Leave (PFL), and Workers’ Compensation benefits to prevent duplication of wage replacement and ensure lawful administration.

Additionally, the revised policy strengthens confidentiality protections by limiting disclosure of sensitive information when District-wide donation notices are issued and by protecting the identity of donating employees.

Collectively, these updates modernize the policy, reduce potential for abuse, provide clearer administrative guidance, and ensure the program can be responsibly implemented when needed.

Table A, Summary of Policy Changes, outlines the proposed changes to the current policy that are in reference to the redlined draft version attached herewith.



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
1	Entire Policy Sections	None	N/A	Modernized the language and updated certain procedures based on current events and changes in organizational structure.
2	Section 3225.1	None	The policy only covers catastrophic medical conditions.	Added qualifying events such as death of a family member(s) and/or being a victim of a crime.
3	None	None	N/A	Added Section 3225.1 Definition of Terms for Recipient and Donating Employees
4	None	None	The District uses Catastrophic Medical Condition in its language.	Added Section 3225.2.2(a)(1) that defines "Serious Health Condition". Added Section 3225.2.2(a)(1)(i) that included Grandparent and Siblings as covered family members.
5	None	None	N/A	Added Section 3225.2.2(a)(1)(ii) that defines "Death of a Family Member"
6	None	None	N/A	Added Section 3225.2.2(a)(1)(iii) that defines "Crime Victim"
7	None	None	N/A	Added Section 3225.2.3 "Safeguards Against Program Manipulation"
8	None	None	N/A	Added Section 3225.2.4 "No Guarantee of Approval"
9	None	None	N/A	Updated Section 3225.2.7 and changed the section title to "Notice of Leave Donation and Confidentiality of the Participants"
10	None	None	N/A	Updated Section 3225.2.9 per Legal Counsel and Director of Finance and Admin's advice. Since this is not pertaining to FMLA/CFRA, certain provisions need to be adjusted.



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
11	None	None	N/A	Updated Section 3225.2.10 to address the dynamics if two or more employees donated, and the process of the return of residual leave accruals. Also, Director of Finance and Admin provided an example to illustrate the provisions of the section.
12	None	None	N/A	Deleted Section 3225.2.11 and 12 since these provisions are already covered in other policies.
13	None	None	N/A	Added Section 3225.3 "Insufficient Leave Donations"
14	None	None	N/A	Added Section 3225.4 "No Retaliation"
15	None	None	N/A	Deleted Section 3225.2.5 "Forms" since this is procedural.
16	None	None	N/A	Deleted Section 3225.6 "Procedure" as this should not be in a policy.

Fiscal Impact:

There is no direct fiscal impact associated with the revision of this policy. The Leave Donation Program redistributes accrued leave between employees and does not create additional leave accrual liability beyond what is already earned under existing compensation structures. Administrative oversight will be managed within existing Human Resources and Payroll operations.

Attachments

1. Redlined version Policy 3225 Employee Leave Donation Program and Policy
2. Side-by-Side version Policy 3225 Employee Leave Donation Program and Policy
3. Clean version Policy 3225 Employee Leave Donation Program and Policy
4. Employee Leave Donation Program Procedure

Staff Report prepared by Ren Berioso, Human Resources and Risk Manager

Attachment 1

BEAUMONT-CHERRY VALLEY WATER DISTRICT

POLICY TITLE: EMPLOYEE LEAVE DONATION PROGRAM AND POLICY
POLICY NUMBER: 3225

3225.1 **Purpose.** To establish a program to assist Beaumont-Cherry Valley Water District (“District”) employees who have exhausted all earned paid time off caused by a serious health condition, catastrophic illness or injury, death of a family member, or being victims of a crime, and to outline a procedure through which employees may donate their own accrued sick, and vacation or other form of leaves to an eligible employee in need.

3225.2 **Policy.**

1. Definition of Terms

- a. Recipient Employee. A full-time, regular District employee who meets the eligibility criteria of the Leave Donation Program and has been approved to receive donated leave due to a qualifying event resulting in financial hardship after exhausting all accrued paid leave.
- b. Donating Employee. A full-time, regular District employee who voluntarily donates accrued sick or vacation leave to an eligible Recipient Employee, in accordance with the provisions of this policy.

4.2 Eligibility

- a. Participation Criteria. The recipient of the Leave Donation Program hours are is available to a full time, regular employee who has experienced a personal (or eligible family member) “catastrophic serious health medical condition, illness or injury”, death of a family member, or being a victim of crime which totally incapacitates the employee from work, and forces the employee to exhaust all leave time earned by that employee, resulting in a loss of compensation from the District and financial hardship for that employee. The General Manager or his/her designee may authorize the donation of leave hours to a recipient employee who is under the probationary period.
 - i. Serious Health Condition. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider, which makes the recipient employee or a covered family member unable to work or perform other regular daily activities. A medical certification from the treating healthcare provider must be provided to substantiate the existence of a serious health condition and to verify that the employee is subject to work restrictions. Per this section, the “Eligible Family” members covered as defined by the Healthy Workplaces, Healthy Families Act of 2014 (HWFHA) include:
 1. Child. A child, which means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
 2. Parent. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
 3. Spouse. The term “spouse” is not defined in the legislation mandating kin care but presumably applies only to an individual to whom the employee is legally married.

Commented [RB1]: This language was recommended by the Director of Engineering.

Adopted by Resolution 2019-011, 10/09/2019xxx

BEAUMONT-CHERRY VALLEY WATER DISTRICT

- 4. ~~Registered domestic partner. A registered domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State.~~
 - 5. ~~Grandparent. A biological, adoptive, step, or foster grandparent.~~
 - 6. ~~Sibling. A biological, adoptive, step, or foster brother or sister, including half-siblings.~~
 - ii. ~~Recipient Employee must be on an approved Family, Medical and/or Pregnancy Disability leave including a medical certification from the treating medical provider that the catastrophic medical condition, illness or injury exists.~~ **Death of a Family Member.** The Recipient employee must have an approved bereavement leave in place prior to submitting the Leave Donation request. Human Resources may request supporting documentation from the recipient employee. For information regarding the relationship of the employee to the deceased family member, please refer to Policy Number 3100.
 - iii. **Crime Victim.** The Recipient Employee must be the direct victim to be eligible for the Leave Donation Program. Human Resources may request supporting documentation (e.g. police report). For documentation information, please refer to Policy 3111.
 - b. The Recipient Employee must have exhausted all earned paid leave including sick leave, vacation, bereavement and other available accrued time banks, before the employee may accept leave donations.
 - e. ~~Recipient Employee must have passed their probationary period.~~
 - c. Before an employee is eligible to receive donated leave after having received donated leave from a previous occasion, the employee must have returned to work with the District and have worked a minimum of 12 consecutive months and minimum of 1250 hours during the months preceding the request.
 - d.
- 2-3. Safeguards Against Program Manipulation**
- a. ~~Eligibility may be affected if the Recipient Employee has received a sick leave cash-out within six (6) months preceding the event under consideration.~~
 - a-b. ~~Eligibility is also determined based on a review of the Recipient Employee's attendance record reviewed by Human Resources and the General Manager or designee.~~
 - b-c. ~~The District may review up to twelve (12) months of the Recipient Employee's leave usage to determine eligibility.~~
 - e-d. ~~The Recipient Employee shall be deemed ineligible if it is determined that accrued leave was intentionally depleted, converted, or cashed out for the purpose of qualifying for leave donations, or in anticipation of a reasonably foreseeable qualifying event.~~
- 3-4. No Guarantee of Approval**
- a. ~~Meeting the minimum eligibility requirements of this policy does not guarantee approval of leave donations. All requests are subject to the District's discretionary review based on the totality of circumstances, program intent, and equity considerations.~~
 - a-b. ~~If the Recipient Employee's request for Leave Donation under this policy has been denied, this shall not be construed as an adverse action against the Recipient Employee.~~

Commented [RB2]: These sections were jointly created by HR, Directors of Engineering, IT and Operations.

Commented [RB3]: This section was jointly created by HR, Directors of Engineering, IT and Operations.

Commented [RB4]: Added by HR.

Adopted by Resolution ~~2019-011, 10/09/2019~~xxx

4.5. Requesting Leave Donations

- a. ~~An Recipient eligible~~ employee, meeting the requirements stated above, must submit a request in writing using the form provided by ~~the Human Resources District~~.
- b. Human Resources shall ensure the confidentiality of all information related to the Recipient Employee.
- c. ~~The Recipient employee Employee~~ shall agree to accept the donated leave under the terms of this policy.
- d. The Recipient Employee's information shall not disclose his/her medical condition, diagnosis, and/or prognosis.

5.6. Authorization

- a. ~~Upon verification Human Resources will verify~~ that the ~~Recipient e~~Employee meets the eligibility requirements, including required documentation as set forth in this policy.
- ~~a.b. _____, the Human Resources Director of Finance and Administrative Services or their designee shall will recommend submit that~~ the request for Leave Donation to the General Manager or his/her designee for consideration together with the supporting documentation be approved; similarly requests that are not found to meet eligibility requirements shall be recommended for denial.
- ~~b.c.~~ The General Manager or his/her designee shall will serve as the final decision-making authority. The General Manager or his/her designee retains sole discretion to determine the amount of leave donations granted to the recipient employee, including any extensions, on a case-by-case basis.
- ~~e.d.~~ A decision on approval or denial of the Leave Donation request shall be made within one (1) work week eight (8) working days of receipt of a completed request.
- e. The Recipient Employee shall be notified in writing of approval by Human Resources. If the Leave Donation request is denied, Recipient employee shall also be notified in writing including the reason for denial. Such denial shall not be construed as an adverse action against the Recipient eEmployee.

6.7. Notice of Leave Donation and Confidentiality of the Participantsto Recipient Employee

- a. Upon approval of the Leave Donation request, a notice to all District employees shall be prepared by ~~Human Resources the Director of Finance and Administrative Services, or designee, using the District's prescribed form,~~ and distributed via email and on District bulletin boards disclosing only the minimum information necessary to facilitate participation, using the District's standardized form for this purpose.
- b. Medical information, diagnosis, prognosis, treatment details, financial circumstances, leave balances, benefit status, or any other confidential personnel information related to the Recipient Employee shall not be disclosed.
- ~~a.c.~~ The Recipient Employee's name and the nature of the qualifying event shall not be disclosed without the Recipient Employee's prior written authorization. If authorization is not provided, the notice may refer to "a District employee" approved under the Leave Donation Program.

Commented [RB5]: Modified by HR.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

~~b. The identity of Donating Employee(s), the amount donated, and related payroll or leave information shall remain confidential and shall not be disclosed except as necessary for payroll administration, auditing, or as otherwise required by law. Recipient Employee's Personal medical information shall not be disclose including the requesting Recipient Employee's his/her medical condition, diagnosis, and/or prognosis. The notice shall include the employee's name, department, and the process in which to donate.~~

~~d. _____~~

or

7.8. Donations to Recipient Employee

- a. Once a Leave Donation request has been approved, the ~~Department Director of Finance and Administration, ve Services, or designee, through its Payroll Division,~~ shall establish a leave donation account for Recipient Employee and tracking system for the receipt and usage of donations.
- b. All employee donations made to the Recipient Employee shall remain confidential, ~~including the Donating Employee(s)'s identity and personal information.~~
- c. Employees shall solely determine whether to voluntarily participate in making leave donations, without influence from the District, or its employees, supervisors or managers on whether or not to participate.
- d. Donations may be made in increments of one (1) hour.
- e. Employees who wish to donate to Recipient Employee may choose to donate time from ~~his/her~~ their sick leave or vacation leave bank, and must maintain a minimum balance of 40 hours in the leave bank(s) selected.
- f. ~~Donating Employees are limited to donating a minimum of one two (12) hours, and a maximum of forty (40) hours per calendar year per Recipient Employee, each year, and may donate to more than one Recipient Employee in the same calendar year, provided that the donating employee retains the minimum required leave balance as stated above.~~
- g. The value of donated leave time shall be determined based on the ~~Donating Employee's~~ donor's regular pay rate, and then converted to the Recipient Employee's regular pay rate ~~to the nearest half (0.5) hour~~ to determine the number of leave hours donated.

Example: Paul earns \$40 per hour and wants to donate 8 hours of sick time to Jane, who earns \$20 per hour.

The value of Paul's ~~8 hours donation~~ is \$320 ($\40×8), which would equate to 16 hours of sick leave ($\$320 / 20$) donation for Jane.

Similarly, if Jane donated 8 hours to Paul, the value of her ~~8 hours donation~~ is \$160 ($\20×8), which would equate to 4 hours of sick leave donation ($\$160 / \40) for Paul.

8.9. Use of Leave Donation

- a. Only the ~~approved~~ Recipient Employee ~~approved by the General Manager or his/her designee~~ may receive donated hours, and such donated hours ~~shall~~ may not be transferred by Recipient Employee ~~or by donors~~ to other employees.
- b. The Recipient Employee's account shall be administered ~~accordingly~~ so that hours will be used only as needed ~~and in the order donated. Donated hours shall reflect as a negative adjustment to the Donating Employee(s) donor's accrual balance~~

Commented [SM6]: I moved this because it makes it sound like you can only donate once, and then says you can donate to others.

Commented [BR(7)]: Sylvia suggested removed.

Commented [RTG8]: You may want to develop a system to determine what happens when there is more than one eligible employee. Perhaps donated hours could be divided between or among them. Donor employees should not be able to choose which employee they donate to.

Commented [BR(9R8)]: The LDP is not a bank and distributed to qualified employees. This is the employee's discretion to donate or not to someone whom they feel needs it.

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~~during the pay period in which they are utilized and not immediately upon submittal approval of the leave donation form.~~

- c. ~~Recipient Employee must follow all District required Family and Medical Leave procedures including keeping Human Resources the District informed of any changes in medical status and/or limitations, and supported by a certification from the treating healthcare provider, consistent with District Policy and FMLA/CFRA/CPDL regulations.~~
- d. ~~If the Recipient Employee is under Family and Medical Leave, he/she must apply for any paid leave or benefit programs for which they are eligible and if the time permits, including State Disability Insurance (SDI), Paid Family Leave (PFL) and/or other benefit programs, and then the eEmployee's access to the Leave Donation Program shall only be limited to covering for the difference between the employee's straight time base hourly wage and the compensation received from amount paid the employee by such programs. The Recipient Employee is required to provide shall present official documentation of such compensation all benefits payments received to the Director of Finance and Administrative Services, or designee Human Resources, during the catastrophic-long-term illness or injury, and while receiving donated leave.~~
- e. In the instance where a catastrophic illness or injury qualifies or may qualify an employee for State Workers' Compensation, the employee shall first make an application for Workers' Compensation benefits and then the employee's access to the Leave Donation Program shall only be for the difference between the employee's straight time base hourly wage and the amount paid the employee by the State Workers' Compensation benefits.
~~Recipient Employee is limited to a maximum total Life-time donation of 680 hours during their entire employment with the District.~~
- f.
- g. ~~No As with all sick leave, abuse and misuse of donated leave is grounds for disciplinary action, up to and including termination.~~

9-10. Residual Leave Donations

- a. The donation of leave is not intended to result in the Recipient Employee having a residual leave balance after the ~~qualifying-catastrophic~~ event is over.
- b. ~~Any leave donations not used by the Recipient Employee shall be returned to the Donating Employee(s) donor(s) based on the order in which the hours were donated and used. If two or more employees donated leave credits and the total donated leave exceeds the amount needed, the unused leave shall be returned to each Donating Employee in the form of leave credits. The return shall be proportional to the number of hours each Donating Employee originally contributed, not based on the monetary value of the leave. This includes leave credits that are later determined later to be unnecessary because a Workers' Compensation claim was approved for the employee. Donating Employees shall be notified that the time they pledged was not needed by the Recipient Employee and is being credited back to their-his/her own leave bank.~~

Example: Paul earns \$40 per hour and donates 8 hours of sick time to Jane, who earns \$20 per hour. The donation value is \$320 and for Jane, that is 16 hours of sick leave.

Jane uses 10 hours of donated sick leave and no longer needs the remaining 6 hours of sick leave, which has a value of \$120 (6x\$20).

Commented [SM10]: If you adjust to the donating person per pay period, that will be way too complicated and will not be even hours - only a lump sum adjustment would (which is what the example is), especially if there are more than a day's worth of hours donated OR more than one person donating- I can explain if needed, but this is NOT something I would want my team to have to calculate.

Commented [RTG11]: Not clear whether you are saying that the same policies and procedures that apply to FMLA and PDL also apply to this policy, or that someone is eligible for leave donation only if they are on FMLA or PDL.

Commented [BR(12R11): Deleted FMLA provisions.

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The unused leave is transferred back to Paul. The sick leave accruals for Paul are increased by 3 hours (\$120/\$40).

- b. _____
- c. Donated and unused leave has no cash value, and will not be paid out to the Recipient Employee if they/he/she separates from the District employment.
- d. If the Recipient Employee separates from District employment due to termination, retirement, disability, etc. any remaining donated leave shall be returned to the donor Donating Employee in the form of leave credits. If there are two or more Donating Employees, leave credits will be returned proportionally to the number of hours each Donating Employee originally contributed, not based on the monetary value of the leave.-

d.

10. Health Benefits

- a. ~~Health Insurance.~~ Employees on leave who were previously covered by the District's health benefits shall continue to be covered at the level and under the condition that the coverage would have been provided if the employee were continuing to work, consistent with FMLA/CFRA, and CPDL and existing benefits and leave policy.
- b. ~~Sick and Vacation Accruals.~~ Sick leave, vacation time, and other time off benefits do not accrue during the use of leave donated under the Employee Leave Donation program, or Family and Medical Leave.

11. Return to Work. Employee's return to work may require a physician's release and shall follow district policy and procedures related to Family and Medical Leave.

3225.3 Insufficient Leave Donations.

- a. If the total donated leave is insufficient to cover the Recipient Employee's approved absence, the Recipient Employee may elect to take unpaid leave in accordance with applicable District policy and law.
- b. The District is not obligated to supplement donated leave, extend donation periods, or provide additional compensation beyond the donated hours approved under this policy. The General Manager or designee may, at his/her sole discretion, authorize an additional donation notice period if warranted by the circumstances.

3225.4 Abuse and Misuse of Donated Leave. Donated leave must be used exclusively for its approved purpose. Any falsification, unauthorized use, abuse, or misuse may result in disciplinary action, up to and including termination of employment. The District reserves the right to investigate any suspected violations in accordance with its disciplinary procedures.

3225.5 No Retaliation. Participation in the Leave Donation Program is voluntary. No employee shall be subject to retaliation, intimidation, coercion, or adverse employment action for requesting donated leave, receiving donated leave, declining to donate leave, or participating in the program in any manner consistent with this policy.

Any employee who believes they have been subjected to retaliation related to the Leave Donation Program should report the matter to Human Resources. Allegations of retaliation will be reviewed and addressed in accordance with District policies and applicable law.

3225.4 Procedures/Steps.

Commented [RTG13]: If the employee is on FMLA, wouldn't a separate policy apply?

Commented [BR(14R13)]: Referred to Policy 3115. Done.

Commented [RTG15]: Not sure why the return to work policy would be different for employees using donated leave versus employees on unpaid status for long-term medical issues?

Commented [RB16]: Added to address Insufficient Leave Donations.

Commented [RB17]: Procedure should not be in a policy.

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BEAUMONT-CHERRY VALLEY WATER DISTRICT

- | | |
|--|--|
| <u>Requesting Recipient Employee</u> | 1. Initiates <u>Submits</u> a request for Leave Donation using the District's prescribed form and submits to Human Resources <u>the Director of Finance and Administrative Services.</u> |
| <u>Human Resources</u> | 2. Verifies eligibility of the requesting Recipient Employee based on the documentation submitted, and makes recommendation to the General Manager or his/her designee. |
| <u>General Manager or his/her designee</u> | 3. Renders a decision within one (1) work week <u>eight (8) working days of receipt of request.</u> |
| <u>Human Resources</u> | 4. Informs requesting Recipient Employee of decision and if approved, prepares and distributes a notice to District employees informing of the opportunity for employees to donate leave with a time frame of one (1) work week or four (4) workdays to donate to the bank. |
| <u>Department of Finance and Administration (Payroll)</u> | 5. If approved by the General Manager, simultaneously <u>Establishes a leave donation account for Recipient Employee; tracks donations and usage.</u> |
| <u>Donor Donating Employee</u> | 6. Completes a leave donation form and submits to Human Resources <u>the Director of Finance and Administrative Services, or designee.</u> |
| <u>Director of Finance and Administrative Services, or Designee</u>
<u>Department of Finance and Administration (Payroll)</u> | 7. Manages leave donations, converts hours, and allocates donations to Recipient Employee in the order received.

8. Deducts leave donations from donor Donating Employee(s) accounts at the time of use, and in the order received. |
| <u>Recipient Employee</u> | 9. Adheres to all provisions of the policy in order to become and remain eligible to receive leave donations, including the District's Family and Medical Leave procedures (if applicable), and keeping the District informed of leave status.

10. Applies for any State (or other) paid leave programs for which he/she is eligible if taking Family and medical Leave (FMLA/CFRA), and provides documentation to the District. The same rule applies if the employee is eligible for State Workers Compensation benefits. |

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~~Recipient Employee~~ ~~412. Coordinates return to work with the District Human Resources.~~

~~Director of Finance and Administrative Services, or Designee Department of Finance and Administration (Payroll)~~ ~~423. Returns residual donations to Donating Employee(s) proportionally to the number of hours each Donating Employee originally contributed, not based on the monetary value of the leave.~~

~~3225.4 Forms.~~

- ~~1. Employee Request for Leave Donation~~
- ~~2. Authorization to Donate Leave~~
- ~~3. Physician's Certification (Employee to Use District's FMLA/CFRA Medical Certification Form)~~

Adopted by Resolution ~~2019-011, 10/09/2019xxx~~

Attachment 2

PROPOSED POLICY

POLICY TITLE: EMPLOYEE LEAVE DONATION PROGRAM AND POLICY
POLICY NUMBER: 3225

3225.1 **Purpose.** To establish a program to assist Beaumont-Cherry Valley Water District ("District") employees who have exhausted all earned paid time off caused by a serious health condition, catastrophic illness or injury, death of a family member, or being victims of a crime, and to outline a procedure through which employees may donate their own accrued sick, and vacation or other form of leaves to an eligible employee in need.

3225.2 Policy.

1. Definition of Terms

- a. **Recipient Employee.** A full-time, regular District employee who meets the eligibility criteria of the Leave Donation Program and has been approved to receive donated leave due to a qualifying event resulting in financial hardship after exhausting all accrued paid leave.
- b. **Donating Employee.** A full-time, regular District employee who voluntarily donates accrued sick or vacation leave to an eligible Recipient Employee, in accordance with the provisions of this policy.

2. Eligibility

- a. **Participation Criteria.** The recipient of the Leave Donation Program hours are available to a full-time, regular employee who has experienced a personal (or eligible family member) "catastrophic-serious health, medical condition, illness or injury", death of a family member, or being a victim of crime which totally incapacitates the employee from work, and forces the employee to exhaust all leave time earned by that employee, resulting in a loss of compensation from the District and financial hardship for that employee. The General Manager or his/her designee may authorize the donation of leave hours to a recipient employee who is under the probationary period.
 - i. **Serious Health Condition.** A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider, which makes the recipient employee or a covered family member unable to work or perform other regular daily activities. A medical certification from the treating healthcare provider must be provided to substantiate the existence of a serious health condition and to verify that the employee is subject to work restrictions. Per this section, the "Eligible Family" members covered as defined by the Healthy Workplaces, Healthy Families Act of 2014 (HWHFA) include:
 1. Child. A child, which means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
 2. Parent. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
 3. Spouse. The term "spouse" is not defined in the legislation mandating kin care but presumably applies only to an individual to whom the employee is legally married.

CURRENT POLICY

POLICY TITLE: EMPLOYEE LEAVE DONATION PROGRAM AND POLICY
POLICY NUMBER: 3225

3225.1 **Purpose.** To establish a program to assist Beaumont-Cherry Valley Water District ("District") employees who have exhausted all earned paid time off caused by a catastrophic illness or injury, and a procedure in which employees may donate their own accrued sick and vacation leave to an eligible employee in need.

3225.2 Policy.

1. Eligibility
 - a. Leave Donation Program hours are available to a full-time, regular employee who has experienced a personal (or eligible family member) "catastrophic medical condition, illness or injury", which totally incapacitates the employee from work, and forces the employee to exhaust all leave time earned by that employee, resulting in a loss of compensation from the District and financial hardship for that employee.
 - b. "Eligible Family" members as defined by the Healthy Workplaces, Healthy Families Act of 2014 (HWHFA):
 - i. Child. A child, which means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
 - ii. Parent. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
 - iii. Spouse. The term "spouse" is not defined in the legislation mandating kin care but presumably applies only to an individual to whom the employee is legally married.
 - iv. Registered domestic partner. A registered domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State.
 - c. Determination of a "catastrophic medical condition" shall be consistent with eligibility for leave under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA) and the California Pregnancy Disability Leave Act (CPDL). Conditions that are short-term in nature including, but not limited to, common illnesses such as influenza, measles, common injuries, broken bones, strained ligaments, uncomplicated pregnancy, and the like are not catastrophic. Chronic illnesses or injuries such as cancer, major surgery, unresponsive syndromes and the like, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods may be considered catastrophic.
 - d. Recipient Employee must be on an approved Family, Medical and/or Pregnancy Disability leave including a medical certification from the treating medical provider that the catastrophic medical condition, illness or injury exists.
 - e. Recipient Employee must have exhausted all earned paid leave including sick leave, vacation, and other available accrued time banks, before the employee may accept leave donations.
 - f. Recipient Employee must have passed their probationary period.
 - g. Before an employee is eligible to receive donated leave after having received donated leave from a previous occasion, the employee must have returned to work with the District and have worked a minimum of 12 consecutive months and minimum of 1250 hours during the months preceding the request.
2. Requesting Leave Donations

- a. An eligible employee, meeting the requirements stated above, must submit a request in writing using the form provided by the District.
 - b. Recipient employee shall agree to accept the donated leave under the terms of this policy.
3. Authorization
- a. Upon verification that the employee meets the eligibility requirements as set forth in this policy, the Director of Finance and Administrative Services or their designee shall recommend that the request for Leave Donation be approved, simultaneously requests that are not found to meet eligibility requirements shall be recommended for denial.
 - b. The General Manager shall serve as the final decision-making authority.
 - c. A decision on approval or denial of the Leave Donation request shall be made within eight (8) working days of receipt of a complete request.
 - d. The Recipient Employee shall be notified in writing of approval. If the Leave Donation request is denied, Recipient employee shall also be notified in writing including the reason for denial.
4. Notice to Recipient Employee
- a. Upon approval of the Leave Donation request, a notice to all District employees shall be prepared by the Director of Finance and Administrative Services, or designee, using the District's prescribed form, and distributed via email and on District bulletin boards using the District's standardized form for this purpose.
 - b. Personal medical information shall not be disclosed including the requesting Recipient Employee's condition, diagnosis, and/or prognosis. The notice shall include the employee's name, department, and the process in which to donate.
5. Donations to Recipient Employee
- a. Once a Leave Donation request has been approved, the Director of Finance and Administrative Services, or designee, shall establish a leave donation account for Recipient Employee and tracking system for the receipt and usage of donations.
 - b. All Employee donations made to the Recipient Employee shall remain confidential.
 - c. Employees shall solely determine whether to voluntarily participate in making leave donations, without influence from the District, or its employees, supervisors or managers on whether or not to participate.
 - d. Donations may be made in increments of one (1) hour.
 - e. Employees who wish to donate to Recipient Employee may choose to donate time from their sick leave or vacation leave bank, and must maintain a minimum balance of 40 hours in the leave bank(s) selected.
 - f. Employees are limited to donating a maximum of 40 hours per calendar year per Recipient Employee, and may donate to more than one Recipient Employee in the same calendar year, provided that the donating employee retains the minimum required leave balance as stated above.
 - g. The value of donated leave time shall be determined based on the donor's regular pay rate, and then converted to the Recipient Employee's regular pay rate to the nearest half (0.5) hour to determine the number of leave hours donated.
- Example: Paul earns \$40 per hour and wants to donate 8 hours of sick time to Jane, who earns \$20 per hour. The value of Paul's 8 hours is \$320, which would equate to 16 hours of sick leave donation for Jane. Similarly, if Jane donated to Paul, the value of her 8 hours is \$160, which would equate to 4 hours of sick leave donation for Paul.

4. Registered domestic partner. A registered domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State.
 5. Grandparent. A biological, adoptive, step, or foster grandparent.
 6. Sibling. A biological, adoptive, step, or foster brother or sister, including half-siblings.
- ii. Recipient Employee must be on an approved Family, Medical and/or Pregnancy Disability leave including a medical certification from the treating medical provider that the catastrophic medical condition, illness or injury exists **Death of a Family Member.** The Recipient employee must have an approved bereavement leave in place prior to submitting the Leave Donation request. Human Resources may request supporting documentation from the recipient employee. For information regarding the relationship of the employee to the deceased family member, please refer to Policy Number 3100.
- iii. **Crime Victim.** The Recipient Employee must be the direct victim to be eligible for the Leave Donation Program. Human Resources may request supporting documentation (e.g., police report). For documentation information, please refer to Policy 3111.
 - b. The Recipient Employee must have exhausted all earned paid leave including sick leave, vacation, bereavement and other available accrued time banks, before the employee may accept leave donations.
 - c. Recipient Employee must have passed their probationary period.
 - c. Before an employee is eligible to receive donated leave after having received donated leave from a previous occasion, the employee must have returned to work with the District and have worked a minimum of 12 consecutive months and minimum of 1250 hours during the months preceding the request.
- d. **Safeguards Against Program Manipulation**
- a. Eligibility may be affected if the Recipient Employee has received a sick leave cash-out within six (6) months preceding the event under consideration.
 - a-b. Eligibility is also determined based on a review of the Recipient Employee's attendance record reviewed by Human Resources and the General Manager or designee.
 - b-c. The District may review up to twelve (12) months of the Recipient Employee's leave usage to determine eligibility.
 - e-d. The Recipient Employee shall be deemed ineligible if it is determined that accrued leave was intentionally depleted, converted, or cashed out for the purpose of qualifying for leave donations, or in anticipation of a reasonably foreseeable qualifying event.
- 3-4. **No Guarantee of Approval**
- a. Meeting the minimum eligibility requirements of this policy does not guarantee approval of leave donations. All requests are subject to the District's discretionary review based on the totality of circumstances, program intent, and equity considerations.
 - a-b. If the Recipient Employee's request for Leave Donation under this policy has been denied, this shall not be construed as an adverse action against the Recipient Employee.

- 4-5. Requesting Leave Donations**
- a. An Recipient eligible employee, meeting the requirements stated above, must submit a request in writing using the form provided by the Human Resources District.
 - b. Human Resources shall ensure the confidentiality of all information related to the Recipient Employee.
 - c. The Recipient employee/Employee shall agree to accept the donated leave under the terms of this policy.
 - d. The Recipient Employee's information shall not disclose his/her medical condition, diagnosis, and/or prognosis.
- 4-6. Authorization**
- a. Upon verification Human Resources will verify that the Recipient eEmployee meets the eligibility requirements, including required documentation as set forth in this policy.
 - b. the Human Resources Director of Finance and Administrative Services or their designee shall recommend submit that the request for Leave Donation to the General Manager or his/her designee for consideration together with the supporting documentation be approved, similarly requests that are not found to meet eligibility requirements shall be recommended for denial.
 - c. The General Manager or his/her designee shall serve as the final decision-making authority. The General Manager or his/her designee retains sole discretion to determine the amount of leave donations granted to the recipient employee, including any extensions, on a case-by-case basis.
 - d. A decision on approval or denial of the Leave Donation request shall be made within one (1) work week, eight (8) working days of receipt of a completed request.
 - e. The Recipient Employee shall be notified in writing of approval by Human Resources. If the Leave Donation request is denied, Recipient employee shall also be notified in writing including the reason for denial. Such denial shall not be construed as an adverse action against the Recipient eEmployee.
- 4-7. Notice of Leave Donation and Confidentiality of the Participant to Recipient Employee**
- a. Upon approval of the Leave Donation request, a notice to all District employees shall be prepared by Human Resources the Director of Finance and Administrative Services, or designee, using the District's prescribed form, and distributed via email and on District bulletin boards disclosing only the minimum information necessary to facilitate participation. Using the District's standardized form for this purpose.
 - b. Medical information, diagnosis, prognosis, treatment details, financial circumstances, leave balances, benefit status, or any other confidential personnel information related to the Recipient Employee shall not be disclosed.
 - c. The Recipient Employee's name and the nature of the qualifying event shall not be disclosed without the Recipient Employee's prior written authorization. If authorization is not provided, the notice may refer to "a District employee" approved under the Leave Donation Program.

6. Use of Leave Donation
 - a. Only the approved Recipient Employee may receive donated hours, and such donated hours may not be transferred by Recipient Employee or by donors to other employees.
 - b. The Recipient Employee's account shall be administered so that hours will be used only as needed and in the order donated. Donated hours shall reflect as a negative adjustment to the donor's accrual balance during the pay period in which they are utilized and not immediately upon submittal of the leave donation form.
 - c. Recipient Employee must follow all District required Family and Medical Leave procedures including keeping the District informed of any changes in medical status and/or limitations consistent with District Policy and FMLA/CFRA/CPDL regulations.
 - d. Recipient Employee must apply for any paid leave or benefit programs for which they are eligible, including State Disability Insurance (SDI), Paid Family Leave (PFL) and/or other benefit programs, and then the employee's access to the Leave Donation Program shall only be for the difference between the employee's straight time base hourly wage and the amount paid the employee by such programs. Recipient Employee shall present official documentation of such compensation received to the Director of Finance and Administrative Services, or designee, during the catastrophic illness, and while receiving donated leave.
 - e. In the instance where a catastrophic illness or injury qualifies or may qualify an employee for State Workers' Compensation, the employee shall first make an application for Workers' Compensation benefits and then the employee's access to the Leave Donation Program shall only be for the difference between the employee's straight time base hourly wage and the amount paid the employee by the State Workers' Compensation benefits.
 - f. Recipient Employee is limited to a maximum total life-time donation of 680 hours.
 - g. As with all sick leave, abuse and misuse of donated leave is grounds for disciplinary action, up to and including termination.
7. Residual Leave Donations
 - a. The donation of leave is not intended to result in the Recipient Employee having a residual leave balance after the catastrophic event is over.
 - b. Any leave donations not used by the Recipient Employee shall be returned to the donor(s) based on the order in which the hours were donated and used. This includes leave credits that are later determined to be unnecessary because a Workers' Compensation claim was approved for the employee. Donors shall be notified that the time they pledged was not needed by the Recipient Employee and is being credited back to their own leave bank.
 - c. Donated and unused leave has no cash value.
 - d. If the Recipient Employee separates from District employment due to termination, retirement, disability, etc., any remaining donated leave shall be returned to the donor.
8. Health Benefits
 - a. **Health Insurance.** Employees on leave who were previously covered by the District's health benefits shall continue to be covered at the level and under the condition that the coverage would have been provided if the employee were continuing to work, consistent with FMLA/CFRA, and CPDL and existing benefits and leave policy.
 - b. **Sick and Vacation Accruals.** Sick leave, vacation time, and other time off benefits do not accrue during the use of leave donated under the Employee Leave Donation program, or Family and Medical Leave.
9. **Return to Work.** Employee's return to work may require a physician's release and shall follow district policy and procedures related to Family and Medical Leave.

3225.3 **Procedures/Steps.**
Requesting Employee

1. Initiates a request for Leave Donation using the District's prescribed form and submits to the Director of Finance and Administrative Services.

Human Resources

2. Verifies eligibility of the requesting employee, and makes recommendation to the General Manager.

General Manager

3. Renders a decision within eight (8) working days of receipt of request.

Human Resources

4. Informs requesting employee of decision and if approved, prepares and distributes a notice to District employees informing of the opportunity for employees to donate leave.

Donor Employee

5. Establishes a leave donation account for Recipient Employee; tracks donations and usage.

6. Completes a leave donation form and submits to the Director of Finance and Administrative Services, or designee.

Director of Finance and Administrative Services, or Designee

7. Manages leave donations, converts hours, and allocates donations to Recipient Employee in the order received.

8. Deducts leave donations from donor employee accounts at the time of use, and in the order received.

Recipient Employee

9. Adheres to all provisions of the policy in order to become and remain eligible to receive leave donations, including the District's Family and Medical Leave procedures, and keeping the District informed of leave status.

10. Applies for any State (or other) paid leave programs for which he/she is eligible and provides documentation to the District.

b. ~~The identity of Donating Employee(s), the amount donated, and related payroll or leave information shall remain confidential and shall not be disclosed except as necessary for payroll administration, auditing, or as otherwise required by law. Recipient Employee's Personal medical information shall not be disclosed including the requesting Recipient Employee's his/her medical condition, diagnosis, and/or prognosis. The notice shall include the employee's name, department, and the process in which to donate.~~

d.

e.

7-8. Donations to Recipient Employee

- a. Once a Leave Donation request has been approved, the Department Director of Finance and Administration, its Services, or designee, through its Payroll Division, shall establish a leave donation account for Recipient Employee and tracking system for the receipt and usage of donations.
- b. All employee donations made to the Recipient Employee shall remain confidential, including the Donating Employee(s)'s identity and personal information.
- c. Employees shall solely determine whether to voluntarily participate in making leave donations, without influence from the District, or its employees, supervisors or managers on whether or not to participate.
- d. Donations may be made in increments of one (1) hour.
- e. Employees who wish to donate to Recipient Employee may choose to donate time from ~~his/her~~ sick leave or vacation leave bank; and must maintain a minimum balance of 40 hours in the leave bank(s) selected.
- f. Donating Employees are limited to donating a minimum of one (1) hour, and a maximum of forty (40) hours per calendar year per Recipient Employee, each year, and may donate to more than one Recipient Employee in the ~~same~~ calendar year, provided that the donating employee retains the minimum required leave balance as stated above.
- g. The value of donated leave time shall be determined based on the Donating Employee(s)'s regular pay rate, and then converted to the Recipient Employee's regular pay rate ~~to the nearest half (0.5) hour~~ to determine the number of leave hours donated.

Example: Paul earns \$40 per hour and wants to donate 8 hours of sick time to Jane, who earns \$20 per hour.

The value of Paul's 8 hours donation is \$320 (\$40x8), which would equate to 16 hours of sick leave (\$320/20) donation for Jane.

Similarly, if Jane donated 8 hours to Paul, the value of her 8 hours donation is \$160 (\$20x8), which would equate to 4 hours of sick leave donation (\$160/\$40) for Paul.

8-9. Use of Leave Donation

- a. Only the approved Recipient Employee approved by the General Manager or his/her designee may receive donated hours, and such donated hours ~~shall~~ not be transferred by Recipient Employee or by others to other employees.
- b. The Recipient Employee's account shall be administered accordingly so that hours will be used only as needed ~~and in the order donated.~~ Donated hours shall reflect as a negative adjustment to the Donating Employee(s)'s accrual balance

11. Submits Workers' Compensation claim, if the catastrophic injury or illness is perceived to be work related.

12. Coordinates return to work with the Director.

13. Returns residual donations to donors.

Recipient Employee

Director of Finance and Administrative Services, or Designee

3225.4 Forms.

1. Employee Request for Leave Donation
2. Authorization to Donate Leave
3. Physician's Certification (Employee to Use District's FMLA/CFRA Medical Certification Form)

during the pay period in which they are utilized and not immediately upon submittal approval of the leave donation form.

c. Recipient Employee must follow all District required Family and Medical Leave procedures including keeping Human Resources the District informed of any changes in medical status and/or limitations, and supported by a certification from the treating healthcare provider, consistent with District Policy and FMLA/CFRA/CFDL regulations.

d. If the Recipient Employee is under Family and Medical Leave, he/she must apply for any paid leave or benefit programs for which they are eligible and if the time permits, including State Disability Insurance (SDI), Paid Family Leave (PFL) and/or other benefit programs, and then the Employee's access to the Leave Donation Program shall only be limited to covering the difference between the employee's straight time base hourly wage and the compensation received from amount paid the employee by such programs. The Recipient Employee is required to provide shall present official documentation of such compensational benefits payments received to the Director of Finance and Administrative Services, or designee Human Resources, during the catastrophic long-term illness or injury, and while receiving donated leave.

e. In the instance where a catastrophic illness or injury qualifies or may qualify an employee for State Workers' Compensation, the employee shall first make an application for Workers' Compensation benefits and then the employee's access to the Leave Donation Program shall only be for the difference between the employee's straight time base hourly wage and the amount paid the employee by the State Workers' Compensation benefits.

Recipient Employee is limited to a maximum total life time donation of 680 hours during their entire employment with the District.

f. No As with all sick leave, abuse and misuse of donated leave is grounds for disciplinary action, up to and including termination.

9-10. Residual Leave Donations

a. The donation of leave is not intended to result in the Recipient Employee having a residual leave balance after the qualifying catastrophic event is over.

b. Any leave donations not used by the Recipient Employee shall be returned to the Donating Employee(s) based on the order in which the hours were donated and used. If two or more employees donated leave credits and the total donated leave exceeds the amount needed, the unused leave shall be returned to each Donating Employee in the form of leave credits. The return shall be proportional to the number of hours each Donating Employee originally contributed, not based on the monetary value of the leave. This includes leave credits that are later determined later to be unnecessary because a Workers' Compensation claim was approved for the employee. Donating Employees shall be notified that the time they pledged was not needed by the Recipient Employee and is being credited back to their highest own leave bank.

Example: Paul earns \$40 per hour and donates 8 hours of sick time to Jane, who earns \$20 per hour. The donation value is \$320 and for Jane, that is 16 hours of sick leave.

Jane uses 10 hours of donated sick leave and no longer needs the remaining 6 hours of sick leave, which has a value of \$120 (6x\$20).

The unused leave is transferred back to Paul. The sick leave accruals for Paul are increased by 3 hours (\$120/\$40).

- b. _____
- c. Donated and unused leave has no cash value, and will not be paid out to the Recipient Employee if they/she separates from the District employment.
- d. If the Recipient Employee separates from District employment due to termination, retirement, disability, etc. any remaining donated leave shall be returned to the donor. Donating Employee in the form of leave credits. If there are two or more Donating Employees, leave credits will be returned proportionally to the number of hours each Donating Employee originally contributed, not based on the monetary value of the leave.;

d.

10. Health Benefits

a. **Health Insurance.** Employees on leave who were previously covered by the District's health benefits shall continue to be covered at the level and under the condition that the coverage would have been provided if the employee were continuing to work, consistent with FMLA/CFRA, and CPDL and existing benefits and leave policy.

b. **Sick and Vacation Accruals.** Sick leave, vacation time, and other time off benefits do not accrue during the use of leave donated under the Employee Leave Donation program, for Family and Medical Leave.

11. **Return to Work.** Employee's return to work may require a physician's release and shall follow district policy and procedures related to Family and Medical Leave.

3225.3 Insufficient Leave Donations.

a. If the total donated leave is insufficient to cover the Recipient Employee's approved absence, the Recipient Employee may elect to take unpaid leave in accordance with applicable District policy and law.

b. The District is not obligated to supplement donated leave, extend donation periods, or provide additional compensation beyond the donated hours approved under this policy. The General Manager or designee may, at his/her sole discretion, authorize an additional donation notice period if warranted by the circumstances.

3225.4 **Abuse and Misuse of Donated Leave.** Donated leave must be used exclusively for its approved purpose. Any falsification, unauthorized use, abuse, or misuse may result in disciplinary action, up to and including termination of employment. The District reserves the right to investigate any suspected violations in accordance with its disciplinary procedures.

3225.5 **No Retaliation.** Participation in the Leave Donation Program is voluntary. No employee shall be subject to retaliation, intimidation, coercion, or adverse employment action for requesting donated leave, receiving donated leave, declining to donate leave, or participating in the program in any manner consistent with this policy.

Any employee who believes they have been subjected to retaliation related to the Leave Donation Program should report the matter to Human Resources. Allegations of retaliation will be reviewed and addressed in accordance with District policies and applicable law.

3225.4 Procedures/Steps.

U-1

Requesting Recipient Employee	<ol style="list-style-type: none">1. Initiates Submits a request for Leave Donation using the District's prescribed form and submits to Human Resources the Director of Finance and Administrative Services.
Human Resources	<ol style="list-style-type: none">2. Verifies eligibility of the requesting Recipient Employee based on the documentation submitted, and makes recommendation to the General Manager or his/her designee.
General Manager or his/her designee	<ol style="list-style-type: none">3. Renders a decision within one (1) work weeknight (8) working days of receipt of request.
Human Resources	<ol style="list-style-type: none">4. Informs requesting Recipient Employee of decision and if approved, Prepares and distributes a notice to District employees informing of the opportunity for employees to donate leave with a time frame of one (1) work week or four (4) workdays to donate to the bank.
Department of Finance and Administration (Payroll)	<ol style="list-style-type: none">5. If approved by the General Manager, simultaneously, Establishes a leave donation account for Recipient Employee, tracks donations and usage.
Donor Donating Employee	<ol style="list-style-type: none">6. Completes a leave donation form and submits to Human Resources the Director of Finance and Administrative Services, or designee.
Director of Finance and Administrative Services, or Designee Department of Finance and Administration (Payroll)	<ol style="list-style-type: none">7. Manages leave donations, converts hours, and allocates donations to Recipient Employee in the order received.
Recipient Employee	<ol style="list-style-type: none">8. Deducts leave donations from donor Donating Employee(s) accounts at the time of use, and in the order received.9. Adheres to all provisions of the policy in order to become and remain eligible to receive leave donations, including the District's Family and Medical Leave procedures (if applicable), and keeping the District informed of leave status.10. Applies for any State (or other) paid leave programs for which he/she is eligible if taking Family and medical Leave (FMLA/GFLRA) and provides documentation to the District. The same rule applies if the employee is eligible for State Workers Compensation benefits.

Recipient Employee 412. Coordinates return to work with the District Human Resources;
Director of Finance and Administrative Services, or Designee Department of Finance and Administration (Payroll) 423. Returns residual donations to Donating Employee(s) proportionally to the number of hours each Donating Employee originally contributed, not based on the monetary value of the leave.

9225.4 **Forms.**

1. Employee Request for Leave-Donation
2. Authorization to Donate-Leave
3. Physician's Certification (Employee to Use District's FMLA/CFRA Medical Certification Form)

POLICY TITLE: EMPLOYEE LEAVE DONATION PROGRAM AND POLICY
POLICY NUMBER: 3225

3225.1 **Purpose.** To establish a program to assist Beaumont-Cherry Valley Water District (“District”) employees who have exhausted all earned paid time off caused by a serious health condition , death of a family member, or being victims of a crime, and to outline a procedure through which employees may donate their own accrued sick, vacation or other form of leaves to an eligible employee in need.

3225.2 **Policy.**

1. Definition of Terms

- a. **Recipient Employee.** A full-time, regular District employee who meets the eligibility criteria of the Leave Donation Program and has been approved to receive donated leave due to a qualifying event resulting in financial hardship after exhausting all accrued paid leave.
- b. **Donating Employee.** A full-time, regular District employee who voluntarily donates accrued sick or vacation leave to an eligible Recipient Employee, in accordance with the provisions of this policy.

2. Eligibility

- a. **Participation Criteria.** The recipient of the Leave Donation Program is available to a full time, regular employee who has experienced a personal (or eligible family member) serious health condition, death of a family member, or being a victim of crime which totally incapacitates the employee from work, and forces the employee to exhaust all leave time earned by that employee, resulting in a loss of compensation from the District and financial hardship for that employee. The General Manager or his/her designee may authorize the donation of leave hours to a recipient employee who is under the probationary period.
 - i. **Serious Health Condition.** A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider, which makes the recipient employee or a covered family member unable to work or perform other regular daily activities. A medical certification from the treating healthcare provider must be provided to substantiate the existence of a serious health condition and to verify that the employee is subject to work restrictions. Per this section, the “Eligible Family” members covered include:
 1. Child. A child, which means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
 2. Parent. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
 3. Spouse. The term “spouse” is not defined in the legislation mandating kin care but presumably applies only to an individual to whom the employee is legally married.

4. Registered domestic partner. A registered domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State.
 5. Grandparent. A biological, adoptive, step, or foster grandparent.
 6. Sibling. A biological, adoptive, step, or foster brother or sister, including half-siblings.
- ii. **Death of a Family Member.** The Recipient employee must have an approved bereavement leave in place prior to submitting the Leave Donation request. Human Resources may request supporting documentation from the recipient employee. For information regarding the relationship of the employee to the deceased family member, please refer to Policy Number 3100.
 - iii. **Crime Victim.** The Recipient Employee must be the direct victim to be eligible for the Leave Donation Program. Human Resources may request supporting documentation (e.g. police report). For documentation information, please refer to Policy 3111.
- b. The Recipient Employee must have exhausted all earned paid leave including sick leave, vacation, bereavement and other available accrued time banks, before the employee may accept leave donations.
 - c. Before an employee is eligible to receive donated leave after having received donated leave from a previous occasion, the employee must have returned to work with the District and have worked a minimum of 12 consecutive months and minimum of 1250 hours during the months preceding the request.

3. Safeguards Against Program Manipulation

- a. Eligibility may be affected if the Recipient Employee has received a sick leave cash-out within six (6) months preceding the event under consideration.
- b. Eligibility is also determined based on a review of the Recipient Employee's attendance record reviewed by Human Resources and the General Manager or designee.
- c. The District may review up to twelve (12) months of the Recipient Employee's leave usage to determine eligibility.
- d. The Recipient Employee shall be deemed ineligible if it is determined that accrued leave was intentionally depleted, converted, or cashed out for the purpose of qualifying for leave donations, or in anticipation of a reasonably foreseeable qualifying event.

4. No Guarantee of Approval

- a. Meeting the minimum eligibility requirements of this policy does not guarantee approval of leave donations. All requests are subject to the District's discretionary review based on the totality of circumstances, program intent, and equity considerations.
- b. If the Recipient Employee's request for Leave Donation under this policy has been denied, this shall not be construed as an adverse action against the Recipient Employee.

5. Requesting Leave Donations

- a. A Recipient employee, meeting the requirements stated above, must submit a request in writing using the form provided by Human Resources.

- b. Human Resources shall ensure the confidentiality of all information related to the Recipient Employee.
- c. The Recipient Employee shall agree to accept the donated leave under the terms of this policy.
- d. The Recipient Employee's information shall not disclose his/her medical condition, diagnosis, and/or prognosis.

6. Authorization

- a. Human Resources will verify that the Recipient Employee meets the eligibility requirements, including required documentation as set forth in this policy.
- b. Human Resources will submit the request for Leave Donation to the General Manager or his/her designee for consideration together with the supporting documentation.
- c. The General Manager or his/her designee will serve as the final decision-making authority. The General Manager or his/her designee retains sole discretion to determine the amount of leave donations granted to the recipient employee, including any extensions, on a case-by-case basis.
- d. A decision on approval or denial of the Leave Donation request shall be made within one (1) work week of receipt of a completed request.
- e. The Recipient Employee shall be notified in writing of approval by Human Resources. If the Leave Donation request is denied, Recipient employee shall also be notified in writing including the reason for denial. Such denial shall not be construed as an adverse action against the Recipient Employee.

7. Notice of Leave Donation and Confidentiality of the Participants

- a. Upon approval of the Leave Donation request, a notice to all District employees shall be prepared by Human Resources and distributed via email and on District bulletin boards disclosing only the minimum information necessary to facilitate participation.
- b. Medical information, diagnosis, prognosis, treatment details, financial circumstances, leave balances, benefit status, or any other confidential personnel information related to the Recipient Employee shall not be disclosed.
- c. The Recipient Employee's name and the nature of the qualifying event shall not be disclosed without the Recipient Employee's prior written authorization. If authorization is not provided, the notice may refer to "a District employee" approved under the Leave Donation Program.
- d. The identity of Donating Employee(s), the amount donated, and related payroll or leave information shall remain confidential and shall not be disclosed except as necessary for payroll administration, auditing, or as otherwise required by law

8. Donations to Recipient Employee

- a. Once a Leave Donation request has been approved, the Department of Finance and Administration, through its Payroll Division, shall establish a leave donation account for Recipient Employee and tracking system for the receipt and usage of donations.
- b. All employee donations made to the Recipient Employee shall remain confidential, including the Donating Employee(s)'s identity and personal information.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

- c. Employees shall solely determine whether to voluntarily participate in making leave donations, without influence from the District, or its employees, supervisors or managers on whether or not to participate.
- d. Donations may be made in increments of one (1) hour.
- e. Employees who wish to donate to Recipient Employee may choose to donate time from his/her sick leave or vacation leave bank and must maintain a minimum balance of 40 hours in the leave bank(s) selected.
- f. Donating Employees are limited to donate a minimum of one (1) hour, and a maximum of forty (40) hours per Recipient Employee, each year, and may donate to more than one Recipient Employee in a calendar year, provided that the donating employee retains the minimum required leave balance as stated above.
- g. The value of donated leave time shall be determined based on the Donating Employee(s)'s regular pay rate and then converted to the Recipient Employee's regular pay rate to determine the number of leave hours donated.

Example: Paul earns \$40 per hour and wants to donate 8 hours of sick time to Jane, who earns \$20 per hour.

The value of Paul's donation is \$320 ($\40×8), which would equate to 16 hours of sick leave ($\$320/20$) donation for Jane.

Similarly, if Jane donated 8 hours to Paul, the value of her donation is \$160 ($\20×8), which would equate to 4 hours of sick leave donation ($\$160/\40) for Paul.

9. Use of Leave Donation

- a. Only the Recipient Employee approved by the General Manager or his/her designee may receive donated hours, and such donated hours shall not be transferred by Recipient Employee to other employees.
- b. The Recipient Employee's account shall be administered accordingly so that hours will be used only as needed.
- c. Recipient Employee must keep Human Resources informed of any changes in medical status and/or limitations and supported by a certification from the treating healthcare provider.
- d. If the Recipient Employee is under Family and Medical Leave, he/she must apply for any paid leave or benefit programs for which they are eligible and if the time permits, including State Disability Insurance (SDI), Paid Family Leave (PFL) and/or other benefit programs. Employee's access to the Leave Donation Program shall be limited to covering the difference between the employee's straight time base hourly wage and the compensation received from such programs. The Recipient Employee is required to provide official documentation of all benefits payments to Human Resources, during the long-term illness or injury, and while receiving donated leave.
- e. In the instance where a catastrophic illness or injury qualifies or may qualify an employee for State Workers' Compensation, the employee shall first make an application for Workers' Compensation benefits and then the employee's access to the Leave Donation Program shall only be for the difference between the employee's straight time base hourly wage and the amount paid the employee by the State Workers' Compensation benefits.

10. No Residual Leave Donations

- a. The donation of leave is not intended to result in the Recipient Employee having a residual leave balance after the qualifying event is over.

- b. Any leave donations not used by the Recipient Employee shall be returned to the Donating Employee(s). If two or more employees donated leave credits and the total donated leave exceeds the amount needed, the unused leave shall be returned to each Donating Employee in the form of leave credits. The return shall be proportional to the number of hours each Donating Employee originally contributed, not based on the monetary value of the leave. This includes leave credits that are determined later to be unnecessary because a Workers' Compensation claim was approved for the employee. Donating Employees shall be notified that the time they pledged was not needed by the Recipient Employee and is being credited back to his/her own leave bank.

Example: Paul earns \$40 per hour and donates 8 hours of sick time to Jane, who earns \$20 per hour. The donation value is \$320 and for Jane, that is 16 hours of sick leave.

Jane uses 10 hours of donated sick leave and no longer needs the remaining 6 hours of sick leave, which has a value of \$120 (6x\$20).

The unused leave is transferred back to Paul. The sick leave accruals for Paul are increased by 3 hours (\$120/\$40).

- c. Donated and unused leave has no cash value and will not be paid out to the Recipient Employee if he/she separates from the District.
- d. If the Recipient Employee separates from District employment due to termination, retirement, disability, etc. any remaining donated leave shall be returned to the Donating Employee in the form of leave credits. If there are two or more Donating Employees, leave credits will be returned proportionally to the number of hours each Donating Employee originally contributed, not based on the monetary value of the leave.

3225.3 **Insufficient Leave Donations.**

- a. If the total donated leave is insufficient to cover the Recipient Employee's approved absence, the Recipient Employee may elect to take unpaid leave in accordance with District policy and applicable law.
- b. The District is not obligated to supplement donated leave, extend donation periods, or provide additional compensation beyond the donated hours approved under this policy. The General Manager or designee may, at their sole discretion, authorize an additional donation notice period if warranted by the circumstances.

3225.4 Abuse and Misuse of Donated Leave. Donated leave must be used exclusively for its approved purpose. Any falsification, unauthorized use, abuse, or misuse may result in disciplinary action, up to and including termination of employment. The District reserves the right to investigate any suspected violations in accordance with its disciplinary procedures.

3225.5 No Retaliation. Participation in the Leave Donation Program is voluntary. No employee shall be subject to retaliation, intimidation, coercion, or adverse employment action for requesting donated leave, receiving donated leave, declining to donate leave, or participating in the program in any manner consistent with this policy.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

Any employee who believes they have been subjected to retaliation related to the Leave Donation Program should report the matter to Human Resources. Allegations of retaliation will be reviewed and addressed in accordance with District policies and applicable law.

DRAFT

Adopted by Resolution xxx



EMPLOYEE LEAVE DONATION PROGRAM PROCEDURE

Recipient Employee

1. Submits a request for Leave Donation using the District's prescribed form and submits it to Human Resources.

Human Resources

2. Verifies eligibility of the Recipient Employee based on the documentation submitted and makes recommendations to the General Manager or his/her designee.

General Manager or his/her designee

3. Renders a decision within one (1) work week of receipt of request.

Human Resources

4. Informs Recipient Employee of the General Manager's decision. If approved, prepares and distributes a notice to District employees informing the employees the opportunity to donate leave with a time frame of one (1) work week or four (4) workdays to donate to the bank.

Department of Finance and Administration (Payroll)

5. If approved by the General Manager, simultaneously establishes a leave donation account for Recipient Employee; tracks donations and usage.

Donating Employee

6. Completes a leave donation form and submits it to Human Resources.

Department of Finance and Administration (Payroll)

7. Manages leave donations, converts hours, and allocates donations to Recipient Employee.

8. Deducts leave donations from Donating Employee(s) accounts at the time of use.

Recipient Employee

9. Adheres to all provisions of the policy in order to become and remain eligible to receive leave donations, including the District's Family and Medical Leave procedures (if applicable), and keeping the District informed of leave status.

10. Applies for any State (or other) paid leave programs for which he/she is eligible if taking Family and medical Leave (FMLA/CFRA) and provides documentation to the District. The same rule applies if the employee is eligible for State Workers Compensation benefits.

11. Coordinates return to work with the District Human Resources.

Department of Finance and Administration (Payroll)

12. Returns residual donations to Donating Employee(s) proportionally to the number of hours each Donating Employee originally contributed, not based on the monetary value of the leave.

Human Resources

13. Notifies Donating Employee(s) of the return of any residual leave to their respective leave banks (if applicable).