MEMORANDUM

To: Council Members

From: Staff

Date: December 14, 2018 Council Meeting

Subject: Proposed Amendment to the Personnel Policy and Procedures

Background

Council’s Personnel Policy and Procedure establishes policies and standards related to employment, employee relations, compensation, benefits, employee conduct, and other personnel practices of the Council. The manual was last revised on May 19, 2017 as the conclusion of an extensive update. The current proposed amendment is intended to add a sick leave donation program to Council’s personnel policies and procedures consistent with other regional planning councils in Florida and with most of the counties in the Region.

Analysis

The proposed voluntary program will allow employees with sufficient sick leave balances to donate leave to be used by a fellow employee with a serious medical condition who has exhausted their own available paid leave (sick, vacation, etc.). The program will require that the donor and recipient both be regular (i.e., non-probationary) employees. The donor must also have a minimum balance of 112 hours available after the donation in order that they will have leave available for their own use if they become ill, and the recipient must be experiencing an extended serious illness that prevents them from working. Leave will be shared on an hour-for-hour basis.

The proposed inclusion of a voluntary sick leave donation program will provide Council staff with a benefit received by staff of many of our peer regional planning councils and by employees of most of the counties in the Treasure Coast region. As Council’s most valuable and hardest to replace asset, support for the mental and physical well being of the staff is crucial to the long term success of the organization. In addition, since the sick leave benefits are merely being transferred, no new benefits (and subsequent liability) are accrued.

Recommendation

Council should approve the proposed amendment to the Personnel Policy and Procedures.

Attachment
TREASURE COAST REGIONAL PLANNING COUNCIL

PERSONNEL POLICY AND PROCEDURE

DRAFT 12-6-2018
Including Revisions approved at the Council meeting of May 19, 2017

TCRPC
Personnel Policy
SECTION 4 – BENEFITS

4.1 Annual Vacation

Each full-time employee shall be entitled to paid annual vacation to be provided in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Years of Employment</th>
<th>Days Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-3</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>8-10</td>
<td>15</td>
</tr>
<tr>
<td>11</td>
<td>16</td>
</tr>
<tr>
<td>12</td>
<td>17</td>
</tr>
<tr>
<td>13</td>
<td>18</td>
</tr>
<tr>
<td>14</td>
<td>19</td>
</tr>
<tr>
<td>15 and up</td>
<td>20</td>
</tr>
</tbody>
</table>

Regular part-time employees who work at least 30 hours per week shall accrue annual vacation on a prorated basis with 37.5 hours of work equaling 100%.

Annual vacation is accrued to an employee’s account each month based on the listed annual accrual rate. For example, after six months of employment, a new regular employee will have accrued five days of annual vacation. An employee shall be eligible to use annual vacation only after regular employee status has been achieved. All annual vacation shall be approved in advance by the Executive Director or his designee and shall be coordinated with the work demands of the Council. An employee may accumulate up to 20 days of annual vacation. When the requirements of an employee’s job prevent the taking of vacation leave such that leave accumulates in excess of 20 days, the period of time during which such leave must be used may be extended upon the approval of the Executive Director. Upon any separation of employment from the Council, an employee shall be paid for unused annual vacation accrued to his or her account subject to the terms and conditions in Section 2.6.

4.2 Sick Leave

4.2.1 Each full-time employee of the Council shall be entitled to sick leave at a rate of 6.25 hours per month of employment. This equals 10 sick days per year. Regular part-time employees who work at least 30 hours per week shall accrue sick leave on a prorated basis with 37.5 hours of work equaling 100%. Accumulated sick leave is unlimited. Upon separation from the Council, the employee shall not be paid for accumulated, unused sick leave.
4.2.2 Sick leave may be used for the following:

(a) personal illness or injury;
(b) medical or dental appointments;
(c) illness of spouse, parent, or child, requiring the employee’s presence;
(d) exposure to a contagious disease or quarantine; and
(e) attendance at funerals of relatives as that term is defined in Policy 2.1.3.

4.2.3 Any sick leave for a period of three or more days will require a physician’s statement to support its validity, if requested by the Executive Director. If abuse of sick leave is suspected, or use is excessive, a physician’s statement may be requested on absences less than 3 days.

4.2.4 Employees shall notify their supervisor as soon as possible when requesting sick leave and shall report to their supervisor if leaving work early due to onset of illness or urgent need for leave.

4.2.5 Employees who are injured on the job may use sick leave on a prorated basis to supplement workers compensation payments to bring their pay up to their regular hourly rate.

4.3 Sick Leave Donation Program

4.3.1 The Sick Leave Donation Program is a voluntary program that allows employees of the Council to voluntarily donate their sick leave to a qualified Council employee who is unable to work because of an extended serious illness or injury. Employees who are qualified recipients for donated sick leave are those who meet all of the following conditions:

(a) Have completed their initial probationary period and are a regular employee.
(b) Are currently unable to work because of extended serious illness or injury requiring hospitalization or extensive medical care.
(c) Have exhausted all accrued annual vacation and sick leave, personal days, and any other available paid time off.
(d) Are not eligible for workers’ compensation benefits.
(e) Have not previously been disciplined for abuse of sick leave or leave without pay.

Employees who meet the above conditions must apply in writing to the Executive Director to be qualified for consideration under the Sick Leave Donation Program.

4.3.2 A sick leave donor is an employee who donates sick leave to a qualified recipient. The sick leave donor must meet all of the following conditions:
(a) Must have completed their initial probationary period.
(b) Must have a sick leave balance of at least 112 hours after subtracting the sick leave amount to be donated.
(c) Must be currently employed and not departing from employment with the Council.

4.3.3 Sick leave donations to a qualified recipient will be made on an hour for hour basis and upon approval of the Executive Director. Once sick leave has been donated and used by the recipient, it cannot be returned to the donor. In the event of excess donations received but not used due to early recovery, resignation, retirement, or death, all donations received but not utilized shall be returned to the donating employee(s) based on the proportion of hours that an employee donated in relation to the total hours donated by all employees (for example, an employee who donates 50 hours of 450 hours total donated shall be credited with 50/450ths of the hours not utilized). Such returned leave shall be reflected in the employee leave balance records.

4.3.4 The Sick Leave Donation Program does not supplant any other established Personnel Policies and Procedures.

4.3.5 Requests for approval to donate and receive donations of sick leave shall be submitted in writing to the Executive Director and shall be evaluated in accord with the criteria in Section 4.3.2 and 4.3.1, respectively.

4.3.6 Benefits for a qualified recipient’s authorized usage of donated sick leave hours shall continue for the duration of the available paid leave. In the event a designated holiday occurs during the period of authorized leave, the employee shall receive holiday pay as normal and shall not be charged for sick leave. Under no circumstances shall payment to the employee exceed the normal payment to the employee for their ordinary work schedule.

4.3.7 Authorization to receive donated sick leave may be terminated under any of the following conditions or circumstances:

(a) An employee shall be subject to disciplinary action up to and including possible termination if the employee claims or receives unemployment compensation or accepts other employment during the approved donated sick leave period.
(b) If the Executive Director determines that an employee has abused the use of donated sick leave, falsified information, failed to return to work when able to do so, or was otherwise not eligible for donated sick leave, the employee shall be required to repay the value of the donated sick leave previously approved and shall be subject to disciplinary action up to and including possible termination.
An employee who is on approved donated sick leave and whose medical condition improves sufficiently to return to work shall immediately notify their immediate supervisor.

4.3.8 In any dispute arising over the use and administration of donated sick leave, the decision of the Executive Director shall be final. Disciplinary actions shall be subject to Section 7.

4.34.4 Holidays

The following dates will be observed as paid holidays:

New Year’s Day
Martin Luther King, Jr. Day or Presidents’ Day (at each employee’s choice)
Memorial Day
Independence Day
Labor Day
Veteran’s Day
Thanksgiving Day
Thanksgiving Friday
Christmas Eve
Christmas Day
Personal Day (2)

If any of these holidays fall on a Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays fall on a Sunday, the following Monday shall be observed as a holiday.

Regular and probationary full-time employees shall receive paid holiday leave beginning with their employment. Regular and probationary part-time employees who work at least 30 hours per week shall be eligible for holiday benefits on a prorated basis with pay based on their typical work day.

Employees who are on approved leave with pay when authorized holidays occur shall not have such days charged against their accrued leave credits. Employees who are on unpaid leave of absence or suspension shall not be paid for holidays.

Personal Days shall require prior approval of the Executive Director and shall be taken during Council’s fiscal year between October 1st and September 30th. Unused Personal Days expire at the end of each fiscal year.

4.44.5 Family and Medical Leave (FMLA)

Council has adopted a family and medical leave policy to comply with the federal medical leave laws. To be eligible for leave under the Family and Medical Leave Act (FMLA), the employee must have worked for Council for at least twelve months (which need not be consecutive) and
must have worked at least 1,250 hours over the previous twelve months. Family and medical leave is available as follows:

(a) to care for the employee’s child after birth, or placement for adoption or foster care;
(b) to care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
(c) for a serious health condition that makes the employee unable to perform the employee’s job.

The Executive Director may require a written medical certification of the existence of a serious medical condition of the employee, spouse, parent, or child.

The employee shall provide a 30-day advance notice prior to the expected start of leave for events such as a birth, adoption, or planned medical treatment.

Family and medical leave is limited to 12 weeks in any twelve-month period. This period shall be measured from the first day of FMLA leave. Employees must use all accrued leave benefits in conjunction with any unpaid family and medical leave. Paid leave runs concurrently with family and medical leave. For example, if an employee has available two weeks of annual vacation then a 12-week family and medical leave would include two paid weeks of annual vacation and 10 unpaid leave weeks.

In certain cases, an eligible employee entitled to family and medical leave may take that leave on an intermittent or reduced work schedule. Each time an employee takes family and medical leave, Council will compute the amount of leave the employee has taken under this policy and subtract it from the twelve weeks of available leave for the twelve month period.

For birth, adoption or placement of a child from foster care, the leave option expires one year after the event.

Council will continue to pay for medical, dental, and life insurance for any employee taking family and medical leave. However, the employee must pay their regular portion of premiums, if any. If the employee does not return to work for the Council at the conclusion of the leave, then the employee will be obligated to reimburse the Council for its portion of medical, dental, and life insurance premiums which the Council paid during the leave, unless the reason the employee does not return is due to:

(a) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to leave under this policy; or

(b) other circumstances beyond the employee’s control, i.e., the employee is laid off while on leave or the employee is needed to provide care to a family member with a serious health condition.

Circumstances beyond the employee’s control do not include a situation where an employee desires to remain with a parent in a distant city even though the parent no longer requires the
employee’s care, a decision not to return to work in order to stay with a healthy newborn child, or undertaking employment elsewhere.

No additional sick leave, annual vacation, or holiday leave will accrue to the employee for periods of time when the employee is on an unpaid leave of absence.

4.54.6 Jury Duty and Court Attendance

On proof of the necessity of jury service or attending court pursuant to subpoena or other court order, not as a party to litigation involved, an employee shall be granted leave with pay for such purposes by the Executive Director. When an employee’s attendance in court is required as part of a legal process, leave with pay shall be granted for this purpose by the Executive Director except that such leave shall be without pay for an employee who is a defendant, plaintiff, or complainant in a civil or criminal action not associated with the Council’s business or affairs. Payment received for jury duty, if any, shall be signed over to the Council.

4.64.7 Military Leave

Council will comply with state and federal laws governing military leave.

4.74.8 Leave Without Pay

Regular employees may be allowed to be absent without pay on the basis of an application specifying the reason for the request, approved by the Executive Director. Such approval may be subsequently withdrawn and the employee recalled to service. No additional sick leave, annual vacation, or holiday leave will accrue to the employee for periods of time when the employee is taking leave without pay.

4.84.9 Bereavement Leave

Employees shall use sick leave for time off for attendance funerals of relatives as defined under Section 2.1.3.

4.94.10 Health, Dental, and Life Insurance

Council shall provide an insurance program for all full time employees and part time employees who work an average of 30 or more hours per week during any month. The extent of the program is determined by the Council and includes medical, dental, and life insurance. See Council Health Plan.

Council shall pay only the cost of individual participation in any insurance program. Extra costs for dependent or family coverage shall be paid by the employee.
4.104.11 Retirement Program

Council shall contribute to a Simplified Employee Pension plan for all regular employees. The contribution will be based on regular earnings. See Council SEP Plan. Regular employees shall also have the option to contribute to a deferred compensation plan. See Council Deferred Compensation Plan.

4.114.12 Workers’ Compensation

Employees disabled as a result of injuries arising out of and in the course of employment, and compensable under the provisions of the Workers’ Compensation Law, shall be afforded the coverage prescribed by that law.

4.124.13 Educational Reimbursement

Council may pay the cost of educational expenses if:

(a) the course work and professional certification relate to the employee’s job and can be shown to benefit Council;
(b) there exists adequate funds appropriated for such purposes within the adopted budget;
(c) the employee’s course or professional certification had prior approval by the Executive Director; and
(d) the employee has worked for Council for one or more years.

Reimbursement shall be for actual tuition expenses paid at 100 percent for satisfactory completion. In the event that the employee separates from the Council within two years of completion of the course or program of study, they shall reimburse the Council for any educational expense paid by Council.

4.134.14 Professional Dues

In order to encourage employees to maintain membership in professional organizations, which often provide opportunities for professional development and continuing education at reduced cost, Council shall reimburse employee professional organization membership in a single organization up to $500 per employee per year subject to the approval of the Executive Director.