



Natural Disaster Leave Donation Bank	Administrative Regulation No. X.XX.XXX
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1. Overview of Purpose and Scope of this Regulation.

The purpose of this Natural Disaster Leave Donation Bank Administrative Regulation (referred to herein as this Regulation) is to establish a voluntary leave bank that may be accessed by employees who meet the requirements of a “Recipient” experiencing the impacts of a “Disaster Event.”

While it is each individual employee's responsibility to accrue leave time and spend it responsibly, natural disasters such as fire, earthquake, or other Federally designated disasters are becoming more frequent in the region and many of our staff find themselves impacted by evacuations and/or damage to their homes, in some instances, multiple times. Employees have expressed an interest in assisting fellow employees who find themselves impacted by such an event to allow them time away from work to manage these impacts to their home and family.

This Administrative Regulation provides the framework for a program that is consistent with Internal Revenue Service (IRS) requirements and establishes eligibility guidelines and a systematic leave accrual banking system for disaster events.

There is no guarantee of the availability of time leave donations implied in this Regulation; this Regulation is not an entitlement to extra leave during a disaster event, nor is it a formal supplement to current employee leave benefits as defined in the relevant memoranda of understanding with recognized employee groups. It is, rather, a consistent set of procedures which shall be applied equally to eligible individuals. The decision to approve or deny a grant of donated leave under this Regulation is made by the City Manager and is not subject to appeal.

2. Definitions. The following definitions shall apply to this regulation:

Disaster Event: refers to a natural event such as a wildfire, earthquake, or flood, that the President of the United States has declared a “major disaster” pursuant to section 401 of the Stafford Act.

Regulations.

3. Procedures

3.1. Requirements: Donors

- 3.1.1.** All full-time, regular employees who have successfully completed their probationary period may donate time to the leave accrual bank.
- 3.1.2.** Vacation time, Management Leave, and Compensated Time Off (CTO) may be donated.
- 3.1.3.** Donors must have a balance of accrued sick leave of at least 80 hours and accrued vacation leave of 40 hours immediately following a donation.
- 3.1.4.** The amount of leave that may be donated by a leave donor in any year may not exceed the maximum amount of leave that an employee accrues during the calendar year.
- 3.1.5.** Donors may not claim an expense, charitable contribution, or loss deduction on account of the leave donation or its use by a leave recipient.
- 3.1.6.** All leave time donations are irrevocable by the Donor and may only be returned to the Donor by actions outlined in sections 3.5.3 and 3.5.6 below.
- 3.1.7.** All leave time donations are confidential. Statistical reports on leave policy shall contain only aggregate figures.

3.2. Requirements: Recipients

- 3.2.1.** City employees who have been displaced from their primary residence due to a mandatory evacuation order or damage/loss of the residence where the proximate cause of the displacement is a disaster event thereby causing a severe hardship to the employee that requires the employee to be absent from work.
- 3.2.2.** Employees must have successfully completed their initial probationary period to be eligible for donations from the leave accrual bank.

3.3. Program Requirements

- 3.3.1.** In the case of a disaster event, Human Resources and the Finance Department will notify employees of the potential need

for donated leave time. Payroll will provide interested employees with a leave donation form (Exhibit A) for submittal.

- 3.3.2.** Donors may deposit accrued leave in the City's sponsored leave bank for use by Recipients in accordance with this Regulation.
- 3.3.3.** Donors may not deposit leave for transfer to a specific leave recipient.
- 3.3.4.** A leave recipient may receive paid leave (at the normal rate of compensation) from leave deposited in the leave bank. Each leave recipient must use this leave for purposes related to the disaster event.
- 3.3.5.** Recipients may not convert leave received under the plan into cash in lieu of using leave. However, a leave recipient may substitute leave received under the plan for leave without pay used because of the disaster event.
- 3.3.6.** Depending on the availability of accrued leave in the bank, the employee will be eligible to receive Disaster Leave benefits for a maximum of 40 hours to be used within 8-weeks from the declaration by the Federal Government for the Disaster Event.
- 3.3.7.** No request for donated leave will be considered or granted unless the requesting employee first agrees and consents in writing to a review of his/her leave history.

3.4. Bank Accrual Review Board (BARB) Review Process

- 3.4.1.** A seven-member Bank Accrual Review Board (BARB) shall be appointed annually in writing by the City Manager or her/his designee. One representative shall be drawn from the general membership of each of the recognized bargaining units (NPOA, Police Mid-Management, AMP, NCEA, NCFA, Fire Mid-Management); one department head shall also be appointed by the City Manager to serve as a BARB member.
- 3.4.2.** Requests will be evaluated and recommended on a case-by-case basis by the BARB. The BARB will serve in an advisory capacity only; the City Manager shall have the sole authority to approve grants of disaster leave.
- 3.4.3.** Applicants for disaster leave shall obtain Departmental approval and submit an application form (Exhibit B) to the Human Resources Director.

- 3.4.4.** As needed, the BARB Chairperson, appointed in writing by the City Manager, will convene a meeting with the Payroll Division as to the availability of donated leave for the disaster event.
- 3.4.5.** All requests for donated leave time from the bank are confidential and will be treated with care and discretion by each member of the BARB. If periodic requests for additional leave donations are needed during the course of a year, these additional drives will protect the identity of the employee requesting the leave donation.
 - a.** BARB members will sign an agreement committing to maintain the confidentiality of each employee's leave information.
- 3.4.6.** A second grant of Disaster Leave during an employee's tenure with the City will be considered only under extenuating circumstances. Such a grant will be considered for a new disaster event. No secondary grant will be made which is contiguous to the primary grant.
- 3.4.7.** Evaluation by the BARB will include:
 - a.** Overall need presented by the employee within the application form.
 - b.** Concurrent requests for leave time from more than one individual will be evaluated and recommended an equitable leave distribution on a case-by-case basis, with priority given to those employees who have lost or incurred significant damage to their residence using the following guidelines:
 - i. loss of home.
 - ii. severity of damage to home.
 - iii. length of mandatory evacuation.

3.5. Time Bank:

- 3.5.1.** All donated leave shall be transferred in HOURS and not in dollar amounts; donated leave time shall be credited each pay period and subject to the recipient's normal payroll deductions.
- 3.5.2.** Donated hours shall be treated in accordance with Internal Revenue Service (IRS) guidelines under IRS Notice 2006-59 (disaster related leave sharing program).
- 3.5.3.** Leave deposited on account of one disaster event may be used only for employees affected by that disaster.

- a. Donations are irrevocable by the Donor. There may be instances where the City must return donated leave time to adhere to IRS requirements. If this occurs, donors will be notified by Payroll of the replenishment of their leave banks.
- b. Except for an amount so small as to make accounting for it unreasonable or administratively impracticable, any leave deposited under a disaster event leave-sharing plan that is not used by leave recipients by the end of the period specified in Section 3.3.6 and Section 3.4.5, must be returned within a reasonable period of time to the leave donors so that the donor will be able to use the leave.
- c. The amount of leave returned to each leave donor must be in the same proportion as the amount of leave donated by the leave donor bears to the total amount of leave donated on account of that disaster event.

3.5.4. When donated leave is approved for Recipient, leave hours will be pulled from the bank during each pay period to cover leave coded as Disaster Leave for the time period associated with the approved grant.

3.5.5. While Recipient is using donated leave hours, no sick leave or vacation will accrue. Any sick leave accumulated by coordination with SDI shall be used during the same pay period; accumulated leave donations shall be pro-rated in such cases. In no event will an employee receive more than her/his full salary.

4. Employee Agreements

Nothing in this Administrative Regulation shall be construed to modify the employment relationship between the City and the receiving employee, or to restrict the City's management rights. Neither shall this Regulation modify existing City rules, policies or agreements regarding accrual of paid leave, or the granting of unpaid leave of absence.

- 5. Modifications:** This Regulation may be terminated at any time at the discretion of the City Manager.



EXHIBIT A
CITY OF NAPA DISASTER LEAVE DONATION FORM:
{To be Named} EVENT

On XX, 2021, the President of the United States declared a major disaster due to the {To be Named} Event. Under the Disaster Leave program, employees may donate accrued vacation and compensatory hours to employees impacted by a declared disaster.

To donate hours, review and complete this donation form.

I wish to assist another employee who is a victim of the {To be Named} Event. I understand that:

- I may donate regularly accrued vacation, management leave or compensatory hours only.
- Donated hours must be in one-hour increments.
- My donation will be only be used specific to the {To be Named} Event, and will be “pooled” with other donations. The Payroll Division will deduct and apply donated hours in the order received and will monitor donation levels to minimize the number of unused hours. This may result in donations not being deducted at the time they are donated, or donations not being accepted, if sufficient donations have already been received to cover the needs of impacted employees.
- I must have 40 or more accrued vacation hours and 80 hours of sick leave remaining after my donation is deducted.
- The total number of vacation, management leave and/or compensatory hours combined that I can donate for this disaster may not exceed the number total number of hours of vacation I normally accrue in a year based on my MOU or Salary Resolution.
- I may not claim donated time as a charitable donation.
- The City will comply with all IRS rules in administration of the Disaster Leave program.

Name (Print): _____ Employee # _____

Department: _____

Number/Type of Hours Donated (1 hour increments): Vacation _____

Management Leave _____ Comp _____

I authorize Payroll to deduct the indicated hours from my leave accruals.

Signature: _____ Date: _____

Submit completed form to Payroll via e-mail to [XXXX](#) with the subject line: XXXX Disaster Leave Donation or drop-off the original copy.

PAYROLL OFFICE ONLY

Date received by Payroll:	
Pay Date Deduction Applied:	



EXHIBIT B

CITY OF NAPA DISASTER LEAVE REQUEST FORM:

{TO BE NAMED} EVENT

On XX, 20XX, the President of the United States declared a major disaster due to the {To be Named} Event. Under the Disaster Leave program, impacted employees may apply to receive leave hours donated by other City employees.

Employee Request for Disaster Leave: I certify that my primary residence has been impacted by mandatory evacuation, damage or loss by {To be Named} Event.

Employee Name: _____ Employee ID # _____

Employee Contact Number: _____ Department: _____

Street address of impacted property: _____

City _____ Zip Code _____

Impacts to my primary residence are as follows: _____

I understand that donated leave:

- Will be distributed only for the eligible reasons outlined in the Disaster Leave Administrative Regulation:
 - City employees who have been displaced from their primary residence due to a mandatory evacuation order; and
 - Damage/loss of the residence where the proximate cause of the displacement is a disaster event thereby causing a severe hardship to the employee that requires the employee to be absent from work.
- Time is limited to a maximum of 40 hours, and must be used for purposes related to impacts to my primary residence caused by the {To be Named} event, and within eight weeks year from the proclamation of the disaster by the Federal Government;
- Time requested for a mandatory evacuation is limited to a maximum of 40 hours or the actual impact to the employee, whichever is less;
- Will be applied by Payroll each pay period to Leave Without Pay (LWOP) hours incurred because of the {To Be Named} event;
- Will be provided to eligible employees, subject to the number of hours donated by employees, and number of employees receiving donations each pay period based on the recommendations of the BARB and as determined by the City Manager; and
- May not be received as cash in lieu of using the leave.

I further understand that Payroll will administer leave donations.

Employee Signature:_____ **Date:**_____

Department to Complete:	This Disaster donation request is:	<input type="checkbox"/>	Approved	<input type="checkbox"/>	Denied
If denied, state reason: _____					
Department Head (or Designee) Signature:_____Date_____					
E-mail HR@cityofnapa.org with subject line Disaster Leave Request- (Employee Name)					
BARB – Recom.: <input type="checkbox"/> Approved <input type="checkbox"/> Denied (Reason:_____)					
City Manager/Designee:_____Date:_____					