

State of California

MEMORANDUM

To: PERSONNEL MANAGEMENT LIAISONS

Date: September 5, 1991
Reference Code: 91-61

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers
Labor Relations Officers

From: Department of Personnel Administration
Office of the Director

Subject: Amendment of Department of Personnel Administration Regulations
599.925 and 599.925.1

The Department of Personnel Administration (DPA) has, under its authority to adopt regulations for nonrepresented employees, amended the following regulations, effective June 25, 1991:

599.925 - Catastrophic Leave - Nonrepresented Employees

599.925.1 - Catastrophic Leave for Natural Disaster -
Nonrepresented Employees

The amendment to each of the above regulations allows exceptions approved by the Director of DPA to the prohibition against non-represented employees receiving donated leave credits from represented employees. Exceptions must be based on extreme hardship or other compelling circumstances.

The only application of the amended regulations allowed for the transfer of leave credits between a nonrepresented employee and her represented spouse.

If you have any questions or need further information regarding these regulations, please contact Kathie Vaughn, Policy Development Office at (916)324-9363 or ATSS 454-9363.



Lillian J. Rowett
Chief Deputy Director

Attachments

599.925 Catastrophic Leave - Nonrepresented Employees

At the discretion of the appointing power, nonrepresented employees as defined in Section 599.619 will be permitted to transfer eligible leave credits to an employee when a catastrophic illness or injury occurs.

(a) The following definitions shall be used in the application of this rule:

(1) Catastrophic illness or injury is defined as an illness or injury which is expected to incapacitate the employee and which creates a financial hardship because the employee has exhausted all of his/her sick leave and other paid time off. Catastrophic illness or injury may also include an incapacitated family member if this results in the employee being required to take time off from work for an extended period of time to care for the family member and the employee has exhausted all of his/her sick leave and other paid time off.

(2) Eligible leave credits include annual leave, vacation, compensating time off (CTO) and/or holiday leave credits. They do not include sick leave.

(b) Eligible leave credits may be donated for a catastrophic illness or injury:

(1) upon the request of an employee;

(2) upon determination by the department director (or his/her designee) that the employee in the department is unable to work due to the employee's or family member's catastrophic illness or injury; and

(3) the employee has exhausted all paid leave credit.

(c) If the transfer of eligible leave credits is approved by the department's director or designee, any nonrepresented employee in that agency may, upon written notice to the Personnel Office, donate eligible leave credits at a minimum of eight hour increments. Donations thereafter must be in whole hour increments. Donations will be reflected as an hour for hour deduction from the leave balance of the donating employee. When transferring eligible leave credits, the agency should assure that only credits that may be needed are transferred. A nonrepresented employee may donate eligible leave credits to a represented employee. A nonrepresented employee who is designated managerial as defined in Government Code Section 3513(e) or supervisory as defined in Government Code Section 3522.1 may not receive donated eligible leave credits from a represented employee except in cases of extreme hardship or other compelling circumstances as approved by the Director of the Department of Personnel Administration. Transfer of eligible leave credits may be interdepartmental in accordance with the policies of the receiving department.

(d) In order to receive donated leave credits, a nonrepresented employee must provide appropriate verification of illness or injury as determined by the agency. A nonrepresented employee eligible for this program will have any time which is donated credited to his/her account in eight hour increments.

Donated credits will be reflected as an hour-for-hour addition to the vacation or annual leave balance of the receiving employee. Use of donated credits may not exceed a maximum of twelve (12) continuous months for any one catastrophic illness. The total amount of leave credits donated may not exceed an amount sufficient to insure the continuance of regular compensation. All such transfers are irrevocable. A nonrepresented employee who received time through this program shall use any leave credits he/she continues to accrue on a monthly basis prior to receiving time from this program.

NOTE: Authority cited: Sections 3539.5, 19815.4(d) and 19816, Government Code. Reference: Section 3517.8, Government Code.

599.925.1 Catastrophic Leave for Natural Disaster - Nonrepresented Employee.

At the discretion of the appointing power, nonrepresented employees as defined in Section 599.619 will be permitted to transfer eligible leave credits to an employee when a natural disaster occurs.

(a) The following conditions shall apply:

(1) Catastrophic leave for a natural disaster shall be leave for an employee who faces financial hardship because the employee has exhausted all of his/her eligible leave and is unable to work due to the effect of the natural disaster on the employee's principal residence.

(2) The employee resides in one of the counties where a State of Emergency exists as declared by the Governor.

(3) Eligible leave credits include annual leave, vacation, compensating time off (CTO) and/or holiday leave credits. They do not include sick leave.

(b) Eligible leave credits may be donated for catastrophic leave for a natural disaster:

(1) upon the request of an employee;

(2) upon determination by the department director or designee that the employee in the department is unable to work due to the effects of the natural disaster on the employee's principal residence; and

(3) the employee has exhausted all eligible leave credits.

(c) If the transfer of eligible leave credits is approved by the department's director or designee, any nonrepresented employee in that agency may, upon written notice to the Personnel Office, donate eligible leave credits at a minimum of eight hour increments. Donations thereafter must be in whole hour increments. Donations will be reflected as an hour-for-hour deduction from the leave balance of the donating employee. When transferring eligible leave credits, the agency should assure that only credits that may be needed are transferred. A nonrepresented employee may donate eligible leave credits to a represented employee. A nonrepresented employee who is designated managerial as defined in Government Code Section



3513(e) or supervisory as defined in Government Code Section 3522.1 may not receive donated eligible leave credits from a represented employee except in cases of extreme hardship or other compelling circumstances as approved by the Director of the Department of Personnel Administration. Transfer of eligible leave credits may be interdepartmental in accordance with the policies of the receiving department.

(d) In order to receive donated leave credits, a nonrepresented employee must provide appropriate verification as determined by the agency. A nonrepresented employee eligible for this program will have any time which is donated credited to his/her account in eight hour increments. Donated credits will be reflected as an hour-for-hour addition to the vacation or annual leave balance of the receiving employee. Use of donated credits may not exceed three (3) continuous months for any one occurrence; however, if approved by the appointing authority, use of donated credits may be for six (6) continuous months.

The total amount of leave credits donated may not exceed an amount sufficient to insure the continuance of regular compensation. All such transfers are irrevocable. A nonrepresented employee who receives time through this program shall use any leave credits he/she continues to accrue on a monthly basis prior to receiving time from this program.

NOTE: Authority cited: Sections 3539.5, 19815.4(d)., 19816 and 19849.13, Government Code. Reference: Section 3517.8, Government Code.