

ORDER

AN ORDER AMENDING THE CITY OF TUPELO EMPLOYEE HANDBOOK POLICY 315 TO INCLUDE ADDITIONAL PROVISIONS CONCERNING THE AVAILABILITY OF DONATED LEAVE

WHEREAS, on March 19, 2019 the City of Tupelo City Council adopted the City of Tupelo Employee Handbook; and

WHEREAS, Employee Handbook Policy 315 establishes the ability of employees to donate their paid sick, vacation, and/or compensatory leave to fellow employees that are off work due to a catastrophic injury or illness; and

WHEREAS, the city wishes to include in Employee Handbook Policy 315 a definition of “catastrophic illness or injury” to further clarify those circumstances in which an employee will be able to accept donated leave; and

WHEREAS, certain provisions of Employee Handbook Policy 315 do not comply with our sick leave policy and therefore should also be modified to state that employees desiring to accept donated leave due to the catastrophic illness and injury of their immediate family shall not be required to exhaust their personal sick leave prior to receiving donated leave; and

WHEREAS, municipalities may establish a policy allowing for the donation of paid leave from one employee to another in accordance with the laws of the State of Mississippi.

NOW, THEREFORE, let it be ordered by the governing authorities of the City of Tupelo the following:

1. The prefatory paragraphs of this Order are hereby found and determined to be in accordance with a warranted and necessary expression of municipal authority.
2. Policy 315 – Donation of Leave shall state the following:

Any City of Tupelo employee may donate a portion of his or her earned personal leave, including vacation, sick, and/or compensatory leave to another employee who is suffering from a catastrophic illness or injury, or to another employee who has a member of his or her immediate family who is suffering from a catastrophic illness or injury, subject to the following provisions:

1. *The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of earned vacation, sick, and/or compensatory leave that is to be donated, and shall notify the donor employee's department head of his or her designation. The donor employee's department head shall then notify the recipient employee's department head of the amount of leave that has been donated by the donor employee to the recipient employee. The recipient employee's department head must receive approval from the Personnel Department for the donated leave.*

2. *The maximum amount of earned leave that an employee may donate to any other employee may not exceed a number of days which would leave the donor employee fewer than seven (7) total days of vacation and/or compensatory leave. The maximum amount of earned sick leave an employee may donate to any other employee may not exceed fifty percent (50%) of the earned sick leave of the donor employee. An employee who retires from employment with the City of Tupelo may donate all accrued vacation and sick leave.*
3. *An employee that seeks to receive donated leave due to their own catastrophic illness or injury must have exhausted all of his or her earned vacation, sick and compensatory leave before he or she will be eligible to receive any leave donated by another employee. An employee that seeks to receive donated leave due to catastrophic illness and injury of a member of the employee's immediate family must have only exhausted all of his or her earned vacation and compensatory leave before he or she will be eligible to receive any leave donated by another employee.*
4. *An employee may not donate any portion of their available sick leave to another employee that desires to receive donated leave due to the catastrophic illness or injury of the employee's immediate family.*
5. *Before an employee may receive donated leave, he or she must provide his or her department head and the Human Resources Department with a physician's statement that states the beginning date of the catastrophic illness or injury, a description of the illness or injury, a prognosis for recovery and an anticipated date that the recipient employee will be able to return to work.*
6. *If the total amount of leave donated to any employee is not used by the recipient employee, the donated leave will be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all employees.*
7. *For the purposes of this policy, "catastrophic illness or injury" shall mean a life-threatening injury or illness of the employee or a member of the employee's immediate family which totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all eligible leave time earned by that employee, resulting in the loss of compensation from the City of Tupelo for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods may be considered catastrophic.*
8. *For purposes of this policy, "immediate family" shall mean the employee's spouse, child, stepchild, parent, stepparent, parent-in-law, sibling, or legal dependent.*

After a full discussion of this matter, Council Member _____ moved that the foregoing Order be adopted and said motion was seconded by Council Member _____ and upon the question being put to a vote, the results were as follows:

Councilmember C. Mims _____
Councilmember L. Bryan _____
Councilmember T. Beard _____
Councilmember N. Davis _____
Councilmember B. Palmer _____
Councilmember J. Gaston _____
Councilmember R. Jones _____

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the forgoing order adopted.

CITY OF TUPELO, MISSISSIPPI

By _____
LYNN BRYAN
City Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN, Mayor

DATE