

**ADDENDUM #1
TO
MEMORANDUM OF UNDERSTANDING
BETWEEN**

**SUTTER COUNTY SUPERIOR COURT
AND
SUTTER COUNTY EMPLOYEES' ASSOCIATION, LOCAL #1**

In accordance with Government Code section 71634.2, representatives of Sutter County Superior Court and the Sutter County Employees' Association, Local #1 have met and conferred in good faith and have agreed to the changes included in this addendum which are hereby incorporated into the Memorandum of Understanding covering the employees in the Sutter County Superior Court General Bargaining Unit.

This addendum is intended to become effective April 16, 2008 unless otherwise specifically indicated.

The following Catastrophic Leave Sharing Policy have been approved by the Union and adopted by this Court:

- A. General. This program is established as a voluntary leave sharing arrangement by which one regular Court employee may donate vacation, CTO, sick or admin time to another regular Court employee who is experiencing a catastrophic illness or injury; subject to the conditions set forth by this program. This program is not available to extra-help employees or to employees with less than twelve months Court service. This program is not available to employees who have been placed on notice or who have been disciplined (in accordance with Court Personnel Policy #10.1.3) for abuse of sick leave within the preceding twelve months of the date of request.
- B. Definition of Terms.
1. **"Catastrophic Illness/Injury"** is a non-industrial illness/injury of more than fourteen calendar days duration to an employee which presents an undue financial burden on the employee, or is an illness/injury of more than fourteen calendar days duration to an immediate family member of the employee which requires the employee to be present to care for the family member.
 2. **"Immediate Family Member"** means the spouse, domestic partner or child of the employee. For the purposes of this program: the spouse and the employee must be in a legally valid existing marriage; the domestic partner and the employee must be in a registered relationship as determined by the State of California; and the child means the employee's natural and/or legally adopted child.
 3. **"Accrued Time Off"** is vacation, sick leave, compensatory time and administrative leave.
- C. Responsibility. The Court Human Resources Manager and the Court Executive Officer are responsible for the administration of this program to include ensuring that all program requirements are met.

D. Voluntary. Participation in this program by both donors and recipients is voluntary. No one shall be coerced, intimidated or threatened with reprisal for either participating or not participating in this program. Employees who believe that they are being forced to participate in this program shall immediately report their concerns to their supervisor or the Court Human Resources Manager. An investigation shall be conducted and the findings shall be communicated to the Court Executive Officer who will direct what action shall be taken based on the findings.

E. Criteria for Establishing a Leave Sharing Account for an Individual.

A leave sharing account may be established for an individual employee if the following conditions are met:

1. The employee or the employee's immediate family member must be experiencing a catastrophic illness/injury.
2. The employee must have exhausted or will soon exhaust all of their accrued time off.
3. The employee must indicate on the *Leave of Absence Application*, submitted to the Court Human Resources Manager at the beginning of the leave period, that they wish to participate in the catastrophic leave sharing program.
4. The Court Executive Officer must have approved the request for the establishment of the leave sharing account.

F. PROCEDURE FOR ESTABLISHING THE LEAVE SHARING ACCOUNT.

1. In order to establish a leave sharing account the employee must indicate on the *Leave of Absence Application*, submitted to the Court Human Resources Manager, that a leave sharing account be established in their behalf.
 - a. To support this request the employee must submit a completed a *Physician's Statement Supporting Leave Form* verifying the illness/injury. (NOTE: If the request is based on illness/injury of a spouse, the spouse must authorize their treating physician to complete the form and the employee must include a completed copy of the form pertaining to the spouse's illness/injury).
 - b. The employee must execute a statement authorizing the Court to publish announcements soliciting donations of leave time on their behalf.
2. Upon approval, the Court Executive Officer will forward the request with all supporting documents to the Court Human Resources Manager.
3. The Court Human Resources Manager will distribute a request for donations to all Court employees via e-mail.

G. CRITERIA FOR DONATIONS

1. Donations of vacation, CTO and admin leave must be for 4 or more hours in whole hour increments
2. Employees may make donations of sick leave for a minimum of 4 hours and a maximum of 8 total hours per recipient.
3. Donors must have a minimum of 80 hours of sick leave credited to their account after the donation is made.
4. Donations can only be made to the specific employee for whom a leave sharing account has been established.
5. Donations will be deducted from the donor and credited to the recipient's account on an hour for hour basis, as they are needed regardless of position or classification differences.

6. Donations will be transferred on a first donated-first-used basis.
7. Donated leave shall be taken from the donating employee's leave balance as needed. Only as much donated leave as is required, per pay period, by the receiving employee shall be debited, despite the amount pledged. The donating employee shall retain all leave that is not debited and actually used by the receiving employee.

H. PROCEDURE FOR PROCESSING DONATIONS

1. Donations will be made only to the specific employee for whom a leave sharing account has been established by Court Human Resources.
2. Donors will send an e-mail to Court Human Resources Manager stating the type of accrual and number of hours to be donated.
3. The Court Human Resources Manager will review all donations to ensure that they meet the criteria set forth in this policy.
4. The Court Human Resources Manager or designee will process donations concurrent with the processing of payroll.
6. Donation information is to be treated as confidential information by all parties who process the donations. Failure to maintain this confidentiality could result in disciplinary action.
7. Total donations received by an individual cannot exceed the lesser of, the amount needed to cover the absence or 1040 hours in a twelve-month period.


I. COORDINATION WITH STATE DISABILITY INSURANCE (SDI)

If an individual who receives donations under this program is also eligible to receive payments under the State Disability Insurance or Paid Family Leave, all vacation credits received under this program will be coordinated with such benefits.

By their signature below, the authorized representative of the parties agree to the adoption of the terms and conditions of this Addendum for the period of April 16, 2008 through June 30, 2009.

For Management:

For the Union:



Ken LeTellier
Court Executive Officer



Marie F. Clark
SCEA, Local #1 Business Agent
Chief Negotiator



Nancy Caporale
Human Resource Manager