

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

RESOLUTION NO: 22-07

A RESOLUTION concerning

Policies and Procedures Handbook for the Employees of The City of Frederick – Organ and Bone Marrow Donation Leave

BACKGROUND

On June 2, 2011, the Board of Aldermen adopted Resolution No. 11-14, adopting a new Policies and Procedures Handbook for Employees of The City of Frederick ("Handbook"). Subsequently, the Board of Aldermen has adopted numerous additional resolutions amending various sections of the Handbook.

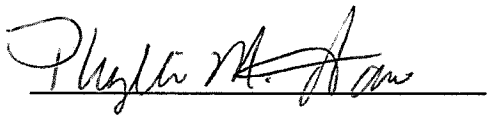
The Board of Aldermen wishes to amend the Handbook by adding a new policy regarding organ and bone marrow donation leave.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, that the Policies and Procedures Handbook for Employees of The City of Frederick is hereby amended by adding to the "Benefits" section a policy entitled "Organ and Bone Marrow Donation Leave", attached hereto as Exhibit A and incorporated herein by this reference.

AND BE IT FURTHER RESOLVED, that except as amended by this resolution, the Policies and Procedures Handbook for Employees of The City of Frederick remains as adopted on June 2, 2011 and subsequently amended by the Board of Aldermen.

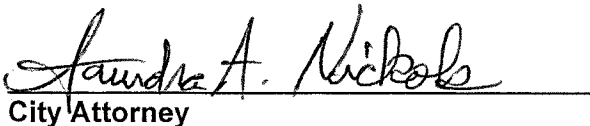
ADOPTED AND APPROVED THIS 5th DAY OF MAY, 2022.

WITNESS




Michael C. O'Connor, Mayor

APPROVED FOR LEGAL SUFFICIENCY:


City Attorney

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Title: Organ and Bone Marrow Donation Leave	Approved: May 5, 2022

The purpose of this policy is to establish the policies and procedures by which eligible employees may qualify for leave for the purpose of organ or bone marrow donation in compliance with the Maryland Organ Donation Leave law.

ELIGIBILITY:

To be eligible, employees must have been employed with the City for a least 12 months and worked at least 1250 hours during the previous 12-month period. The employee must provide written certification from a medical provider that states the employee is a bone marrow or organ donor, that the procedure is medically necessary, and the expected amount of time that the employee will be unable to work.

The amount of leave for which an employee may be eligible is:

- Up to 60 business days in any 12-month period to serve as an organ donor*
- Up to 30 business days in any 12-month period to serve as a bone marrow donor*

* Organ and Bone Marrow Donation Leave is in *addition* to the 12- or 26-week period (whichever is applicable) under Family Medical Leave Act (FMLA) regulations. However, if the reason for the leave otherwise qualifies as a serious health condition under FMLA regulations, the period of absence will be first designated as FMLA leave. Organ and Bone Marrow Donation Leave will be designated when an employee has exhausted all of their FMLA leave or the reason for their leave does not qualify as a serious health condition under the FMLA (for example, in the case of a short outpatient procedure with no complications).

PROCEDURE:

Employees requesting leave under this policy should comply with the following requirements:

1. Employees should request leave under this policy with as much advance notice as practicable.
2. Employees will initially complete the FMLA Leave Request form and have a doctor complete the FMLA Employee or Family Member Medical Certification form, submitting forms directly to Human Resources.
3. Employees will be notified if the leave is not eligible for FMLA and will be provided an Organ and Bone Marrow Donation Leave Request Form. Employee must complete and provide it to Human Resources along with appropriate written medical certification that they are an organ or bone marrow donor and that there is a medical necessity for the donation.
4. During Organ and Bone Marrow Donation leave, employees will be required to use all eligible accrued leave, however, sick leave can only be used during the period that the employee is incapacitated, attending medical appointments or receiving treatment.

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5. During leave under the Organ and Bone Marrow Donation Policy, the City will maintain coverage for employees and their family members who participate in the group health plan on the same terms as if the employees had continued to work. If on unpaid leave, employees are responsible for their regular If you are not on the City's payroll, e.g., exhausted leave benefits or on short- or long-term disability, you are responsible for paying your own cost share for medical and dental benefits to the City in order to continue to receive these benefits.
6. Use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of the leave. Employees should consult the applicable plan document for all information regarding eligibility, coverage and benefits.
7. Any period of absence granted under the Organ and Bone Marrow Donation Policy will not result in a break in continuous service for the purpose of an eligible employee's right to salary adjustments, sick leave, vacation, paid time off, or seniority.
8. Once your physician has cleared you to return to work, your physician must complete the Return to Work Form – including any work restrictions necessary – and you or your physician must return the form to Human Resources a minimum of two (2) days before your planned return to work date. You should bring a copy of your job description to your physician for her/his reference when completing the Return to Work Form.
9. You are not authorized to return to work until Human Resources has received the Return to Work Form and contacted your immediate supervisor to ensure the City is able to accommodate any restrictions you may have. This is important for your own safety and the safety of other employees and the public.
10. Advanced notification to Human Resources of your proposed return to work date is also important to avoid any delay in reinstating your pay and benefits and in order for your immediate supervisor to properly schedule work assignments.
11. Upon returning from leave under this policy, employees will be restored to their position of employment held when the leave began or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

Employees with questions regarding this policy should contact Human Resources.