



Bridget Quinn-Carey  
Interim President & Chief Executive Officer

May 29, 2015

David Paskin  
Associate Director, Research & Negotiations  
District Council 37  
AFSCME, AFL-CIO  
125 Barclay Street  
New York, New York 10007

John Hyslop, President  
Queens Library Guild  
Local 1321, District Council 37  
AFSCME, AFL-CIO  
125 Barclay Street  
New York, New York 10007

**RE:** *Queens Library's Donated Sick Leave Program for Employees*

Dear Mr. Paskin and Mr. Hyslop:

I refer you to the Collective Bargaining Agreement for the period of October 1, 1999 through December 31, 2014 and any and all extensions ("the Collective Bargaining Agreement") between the Queens Borough Public Library ("the Library") and the District Council 37, American Federation of State, County and Municipal Employees, AFL-CIO and its affiliated Local 1321 (collectively "the Union").

**WHEREAS**, the Library and the Union share a common and compelling interest in jointly supporting the positive morale and wellbeing of all Library employees; and

**WHEREAS**, the Library and the Union have identified the formal creation and implementation of a Donated Sick Leave Program as an urgent and continuing need to support the positive morale and well-being of all Library employees;

**THEREFORE**, the Union and the Library further agree as follows:



## **Introduction**

The Union and Library specifically acknowledge that the purpose and spirit underlying this Donated Sick Leave Program is a good faith desire to provide Library employees with donated paid sick leave in the event an eligible employee experiences a severe and/or catastrophic illness or injury.

## **Criteria for Recipient Eligibility**

1. All Library employees, both those who are represented by the Union and those who are not represented, who have more than one (1) year of continuous full-time service shall be eligible to participate in this Donated Sick Leave Program.
2. An employee's illness or injury must not be job-related and must require an absence of either: at least 30 continuous working days; or an absence of at least 210 hours for 35-hour-per-week employees over a three month period; or an absence of at least 240 hours for 40-hour-per-week employees over a three month period.
3. The Library's President & Chief Executive Officer (or any individual serving in an interim capacity in this role) will determine whether a request submitted by an employee to receive donated sick leave will be approved, based solely upon the nature and severity of the illness or injury.
4. Upon the Library's written request, an employee requesting donated sick leave shall be required to submit reasonable and verifiable medical documentation specifically describing and substantiating the nature and severity of the illness or injury, and the Library specifically reserves the right and discretion to withhold a decision on any such request until the requesting employee has complied with the Library's request to provide such supporting medical documentation.
5. An employee requesting donated sick leave under this Program must agree to execute any and all applicable authorization forms for the release of medical records as may be reasonably necessary to provide the Library with requested medical documentation.
6. A full-time employee with at least ten (10) years of continuous credited service must apply for, and, if approved, utilize, a sick leave grant under Section 3.5 of the "Leave Regulations for Employees who are Under the Career and Salary Plan," as amended, before receiving any donated sick leave under this Program.
7. All pre-existing accrued annual leave, accrued sick leave, compensatory time balances (if applicable), and leave advancements and any other sick leave grants



must be exhausted prior to an employee's use of any donated sick leave under this Program.

8. Donated sick leave may not be used to supplement income benefits under any City or Union short term or long term disability plan and/or program. If an employee has already received income benefits under any City or Union short term or long term disability plan/program, the employee may be required to reimburse the plan(s)/program(s) in accordance with the specific laws, rules and/or regulations applicable to any such short term and/or long term disability plans/programs.
9. Donated sick leave that is granted to an employee under this Program will be made retroactive to the employee's first day of absence without pay (first day of leave without pay).
10. An employee who receives and utilizes this Program's donated sick leave will be deemed to be in active pay status as though she/he was using her/his own sick leave. Accordingly, the employee will accrue annual leave and sick leave, but it will not be credited until the employee returns back to work and back to her/his applicable active full-time employment from the covered absence.

#### Criteria for Donor Eligibility

1. Any Library employee who has accrued sick leave or annual leave shall be eligible to donate either type of leave under this Program. In order to donate sick leave, an employee must maintain a sick leave balance of at least twenty-four (24) days.
2. Each day of sick leave donated under this Program will be converted to .50 days (a 1:0.50 ratio) in accordance with the number of hours the donating employee regularly works in a normally scheduled day (7) hours or (8) hours per workday. Each day of annual leave donated under this program will be disbursed on a straight 1:1 ratio; corresponding to the number of hours the donating employee regularly works in a normally scheduled work day, (7) hours or eight (8) hours per workday.
3. An employee who wishes to donate any sick leave and/or annual leave can either donate to another *specifically designated* Library employee, or to the Library's Donated Leave Bank.

#### Donated Leave Bank

1. Sick leave is added to the bank either directly from the donor or from any sick leave not used by employees receiving sick leave.



2. If an employee participating in this program did not receive leave from donors or has exhausted all leave donated to him/her, he/she is eligible to receive leave from the Donated Leave Bank.
3. The Library will have the sole authority and discretion to distribute Donated Leave Bank leave in accordance with the terms and conditions of this Side Letter Agreement, herein.

### Program Requirements

1. Protection of privacy:
  - a. A prospective recipient's consent should be obtained before efforts are made to secure donations of leave. Every reasonable effort will be made to maintain confidentiality of employee medical information.
  - b. Identity of donors and donor applicants is kept confidential to the reasonable extent possible and should not be released to the recipient. The Union and the Library agree that neither party can have much if any reasonable control or responsibility over the conduct of third parties, such as, for example, donating employees who might choose to disclose their donation(s) and/or their intended beneficiary to others; and in such cases this conduct cannot serve as reasonable grounds for conflict *between* the Union and the Library.
2. An eligible employee who is granted donated leave under this Program must first utilize and exhaust any donated sick leave and/or any donated annual leave which Library employees have specifically donated and designated for this specific individual recipient, if any such specified donations have occurred. If the number of donated leave days designated by donating employees for a specific recipient is more than the number of days actually used by the recipient employee, the unused days will be forfeited if not used by the recipient employee after one (1) year elapses from the date of the recipient employee's return to work. In such a case, any unused and forfeited donated leave will revert into the Library's Donated Leave Bank for use by other employees when needed. In the event of a medically documented recurrence of the original illness or injury during this one-year period, the recipient employee will be permitted, upon the approval of the Library's President & Chief Executive Officer or her/his designee, to utilize the unused balance of this designated donated leave provided that all other leave balances have been exhausted.



3. Any employee utilizing approved donated leave under this Program can receive and utilize *up to a maximum of 180 days of paid leave* in any consecutive one-year period.
4. All donated leave is irrevocable once a donating employee submits a signed Donation Form to the Library's Human Resources Department.
5. Each day of donated sick leave will be debited from the donor's accrued sick leave balance as one (1) full work day; and each day of donated sick leave will be credited *to a recipient employee or to the Donated Leave Bank* as 0.50 work days (a 1:0.50 ratio).
6. Each day of annual leave donated will be debited from the donor's accrued annual leave balance as one (1) full day, and will be credited *to a recipient employee or to the Donated Leave Bank* as one (1) full work day (a 1:1 ratio).
7. The Union agrees that the Library shall retain the sole ability and discretion to create, adopt and utilize any applicable application forms and any other supporting documents as is reasonably necessary to implement and administer this Program, and to amend any such forms over time as the Library determines is reasonably necessary to ensure the effective continuation and administration of this Program.
8. In light of the acknowledged collaborative goals and supportive intent of this Program, as cited herein above, the Union and the Library specifically agree to immediately cooperate with one another in good faith to amend this Agreement in the event that the Library should ever receive any complaint, actual or threatened legal action, audit, or any other such similar official action or objection from any City, State or Federal governmental agency or entity contesting the Library's right or ability to lawfully administer this Program; with the goal that any resulting amendments shall be intended to bring this Program into compliance with any applicable City, State and/or federal law, rule or regulation then at issue. Additionally, the Union specifically agrees that in the event that the Library should ever receive any such complaint, actual or threatened legal action, audit, finding on any audit report or any other such similar official action or objection from any City, State or Federal governmental entity or agency contesting the Library's right or ability to lawfully administer this Program, the Library shall have the sole right, ability and discretion to immediately discontinue this Program, with or without notice, if the Library determines at its sole discretion that this Program cannot reasonably be amended or otherwise modified to accommodate the objection(s) at issue and/or to bring the Library into compliance with the applicable City, State



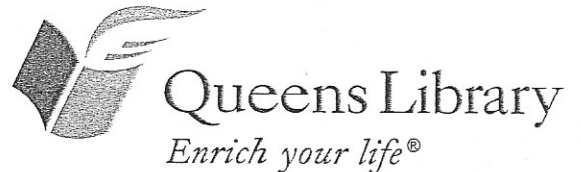
and/or federal law, rule or regulation at issue, and the Union specifically agrees that it shall be strictly and expressly prohibited from contesting and/or litigating any such decision by the Library to terminate this Program and this Agreement either under the Collective Bargaining Agreement or in any other administrative or legal proceeding.

#### **Procedures for Donating Dedicated Sick Leave**

1. Any employee who wishes to voluntarily donate any sick leave or any annual leave under this Program must complete and submit an *Application to Donate Leave* under the Library's Donated Sick Leave Program.
  - a. This application must be signed and dated by the donating employee, and submitted in person to the Library's Human Resources Department.
  - b. The Library specifically reserves the right to request reasonable information to confirm the donating employee's identity, employment status, and to verify their accrued sick leave and/or annual leave balances as is reasonably necessary to administer this Program.
  - c. The Union and the Library specifically acknowledge and agree that any employee's decision to donate leave under this Program shall be, and must be purely voluntary; and no employee shall be required to donate any leave unless she/he wishes to do so without any duress, coercion or fear of retaliation of any kind due to her/his decision not to make any such donation(s) under this Program.
2. Upon receipt of an application to donate leave, the Library's Human Resources Department must review the application, determine the accuracy of the statements in accordance with the employee's leave records. The application must be returned to the applicant with the disposition within ten (10) working days of the receipt.
3. If the employee is deemed eligible to donate leave, Human Resources shall make the appropriate adjustments in time and leave records and shall notify the donor of the number of days debited from the account.

#### **Procedures for Requesting Donated Leave**

1. Any employee who wishes to request consideration to receive donated leave under this Program must complete and submit an *Application to Receive Donated Sick Leave* under the Library's Donated Sick Leave Program. This application must be



signed and dated by the requesting employee and submitted to the Human Resources Department, along with any supporting medical documentation as may be required by the Library pursuant to this Agreement, herein. The application will include a release by the intended recipient permitting the Library's Health and Safety Department representative to seek clarification or additional information from the employee's physician concerning the medical documentation submitted by the intended recipient.

2. The Library's Human Resources Department and the Health & Safety Department shall jointly determine if the application has been properly completed and if appropriate acceptable medical documentation has been submitted.
3. Once such a determination has been made, and once the Human Resources Department and the Health & Safety Department have determined that acceptable medical documentation has been provided, the Application will be immediately forwarded to the Library's Office of the President & Chief Executive Officer for her/his determination with respect to such application; with such determination to be provided to the requesting employee, in writing, within no later than ten (10) business days from the date the Application has been forwarded to the Library's President & Chief Executive Officer.

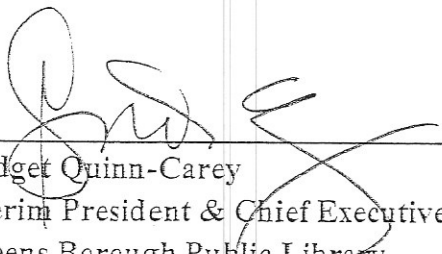
#### **Audit**

1. The Library shall provide the Donated Leave Bank's balance as of June 30<sup>th</sup> of each year by October 20<sup>th</sup> of the next year. The Parties agree that if the Library determines that it will not be able to reasonably meet its October 20<sup>th</sup> deadline in any given year, it shall advise the Union in writing within ten (10) days prior to that deadline in order to request a thirty (30) day extension.
2. The Library and the Union will meet on/by May 15<sup>th</sup> each year to examine the balance of the Donated Leave Bank, provided that the Library shall have the sole right and discretion to determine if the Library needs to reduce the balance of the Donated Leave Bank in order to ensure the responsible administration of this Program into the next fiscal year.
3. The Library shall have the ability, right and discretion under the Program to also temporarily suspend donations if the Library determines that the Donated Leave Bank has reached a level where it has a reasonable amount of donated leave, and where the Library does not appear to have many employees currently utilizing/needing the benefit. In connection with any such suspension, the Library

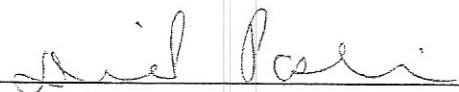
All of the aforementioned terms and conditions are effective immediately upon the execution of this Side Letter Agreement by all parties, and shall be specifically incorporated into any renewal, extension or renegotiation of the Collective Bargaining Agreement when the parties next resume a collective bargaining process.

If the foregoing meets your understanding, please signify your full agreement and concurrence by signing all of the enclosed originals of this letter, and returning the same to us.


Sincerely,

By:   
Bridget Quinn-Carey  
Interim President & Chief Executive Officer  
Queens Borough Public Library

Date: 5/29/15

By:   
David Paskin, Associate Director  
Research and Negotiations  
District Council 37  
AFSCME, AFL-CIO

Date: 5/28/15

By:   
John Hyslop, President  
Queens Library Guild  
Local 1321, District Council 37  
AFSCME, AFL-CIO

Date: 5/29/15





## QUEENS LIBRARY'S DONATED SICK LEAVE PROGRAM

### APPLICATION TO DONATE LEAVE

If you wish to donate any of your accrued Annual Leave and/or Sick Leave (in 1 hour increments) to assist other employees experiencing a severe and/or catastrophic illness or injury, please provide us with the following information:

I, \_\_\_\_\_, voluntarily donate and authorize the  
(print name)

Library's Human Resources Department to make a deduction of \_\_\_\_\_ hour(s)  
of **Annual Leave / Sick Leave** time from my leave bank.  
(please circle one)

I wish to donate my accrued Leave to the following: (please check one)

Employee's Name: \_\_\_\_\_  
(First Name) (Last Name)

The Library's Donated Leave Bank

\_\_\_\_\_  
(Employee's Signature)

\_\_\_\_\_  
(Date)

\*\*The Human Resources Department *will adjust* your timesheet to reflect your donation. Please return your completed form to the Human Resources Department in person.

**FOR HR USE ONLY:**

Confirm donor is a full-time employee:  \_\_\_\_\_  
(initials)

Confirm AL/SL hours available for donation:  \_\_\_\_\_  
(initials)

Confirm SL balance of 24 days after donation:  \_\_\_\_\_  
(initials)

Confirm AL/SL hours have been deducted from Timesheet:  \_\_\_\_\_  
(initials)



## QUEENS LIBRARY'S DONATED SICK LEAVE PROGRAM

### APPLICATION TO RECEIVE DONATED SICK LEAVE

I, \_\_\_\_\_, request donated sick leave time to be  
(print name)

added to my leave bank because I am experiencing a severe and/or catastrophic illness or injury.

I understand that by requesting this donated time I agree to the following:

- 1) My illness or injury must not be job-related and must require an absence of either: at least 30 continuous working days; or an absence of at least 210 hours for 35-hour-per-week employees over a three month period; or an absence of at least 240 hours for 40-hour-per-week employees over a three month period.
- 2) The Library's President & Chief Executive Officer (or any individual serving in an interim capacity in this role) will determine if my request will be approved, based solely upon the nature and severity of the illness or injury.
- 3) Upon the Library's written request, I will be required to submit reasonable and verifiable medical documentation specifically describing the nature and severity of the illness or injury.
- 4) An employee requesting donated sick leave under this Program must agree to execute any and all applicable authorization forms for the release of medical records as may be reasonably necessary to provide the Library with requested medical documentation.
- 5) If I am a full-time employee with at least ten (10) years of continuous credited service then I must apply for, and, if approved, utilize, a sick leave grant under Section 3.5 of the "Leave Regulations for Employees who are Under the Career and Salary Plan," as amended, before receiving any donated sick leave under this Program.



## QUEENS LIBRARY'S DONATED SICK LEAVE PROGRAM

### APPLICATION TO RECEIVE DONATED SICK LEAVE

6) All pre-existing accrued annual leave, accrued sick leave, compensatory time balances (if applicable), and leave advancements and any other sick leave grants must be exhausted prior to any use of any donated sick leave under this Program.

\_\_\_\_\_  
(Employee's Signature)

\_\_\_\_\_  
(Date)

Please return your completed form to the Human Resources Department in person or via fax at (718) 658-2919.

Library Approvals

Human Resources     Approved     Not Approved \_\_\_\_\_ Date \_\_\_\_\_

Health & Safety     Approved     Not Approved \_\_\_\_\_ Date \_\_\_\_\_

Interim  
CEO     Approved     Not Approved \_\_\_\_\_ Date \_\_\_\_\_

FOR HR USE ONLY:	
Confirm donor is a full-time employee with at least 1 year of continuous full-time service:	<input type="checkbox"/> _____ (initials)
Confirm that all pre-existing leave balances and grants have been exhausted:	<input type="checkbox"/> _____ (initials)