

## **AP 7345 Catastrophic Leave**

### **Reference:**

Education Code Section 87045

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The Board has established a catastrophic leave program to allow administrators, full-time faculty and permanent classified employees to donate their accrued, unused sick leave to the Catastrophic Leave Bank for catastrophically ill or injured administrators, full-time faculty and permanent classified employees who are eligible, and who have completely exhausted other paid leave benefits. The program is voluntary. The AFT collective bargaining agreement addresses the procedures used for part-time faculty.

### **Definition:**

Illness or injury that is expected to incapacitate the administrator, full-time faculty or permanent classified employee for an extended period of time, or that incapacitates a member of the employee's family which requires the employee to take time off from work for an extended period of time to care for a family member (spouse, child, parent, whether or not they live with the employee or another family member living in the same household as the employee), and taking extended time off work creates a financial hardship for the employee because he or she has used all of his or her sick leave and other paid time off.

### **Criteria for Approval:**

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- a. A catastrophic illness or injury is one which totally incapacitates the employee from work or totally incapacitates an employee's spouse, child, parent, whether or not they live with the employee or another family member living in the same household as the employee.
- b. Catastrophic illness or injury may include, but is not limited to, heart attack, stroke, kidney failure, cancer, incapacitating disease (e.g. AIDS), major surgery and/or treatment for life threatening illness or hospitalization as a result of a severe automobile or other accident.
- c. Any mental stress related to illness, normal pregnancy, and normal illness such as colds, flu, allergies, etc. shall be excluded.
- d. If the employee is unable to return to work due to his/her own illness, the employee is not eligible for catastrophic leave until an application is made for disability or service retirement.

### Eligibility to Receive Catastrophic Leave:

- a. All administrators, full-time faculty and permanent classified staff are eligible employees. Temporary employees are not eligible to participate either as a donor or recipient.
- b. Exhaustion of all available paid leaves. Any leave accrued while on catastrophic leave shall be used before donated leave.
- c. Catastrophic leave will run concurrently with FMLA/CFRA/PDL Leave.
- d. Employee is not eligible for workers' compensation or long-term disability benefits.
- e. Employee on catastrophic leave is not eligible to receive other district paid holidays.

### Requesting Catastrophic Leave

- a. The employee must complete a Catastrophic Leave Request Form, attach medical verification from a licensed physician which defines the catastrophic illness or injury (including the estimated date of return), and submit all documentation to the Benefits Coordinator in the Human Resources Office.
- b. The employee is entitled to receive all hours donated at the time of solicitation providing the donated leave does not exceed the actual time needed or six (6) months. An employee is eligible to receive no more than twelve (12) months of paid leave to include all paid leaves.
- c. If the catastrophic leave is for the employee, he/she will use all paid leaves accrued on a monthly basis while on paid leave as a result of a catastrophic leave.

### Catastrophic Leave Donation Eligibility

- a. A donation is granted and accepted on the basis of time for time, not to include a dollar value. (All time donated shall be credited on a day for day or hour for hour basis regardless of pay differentials between donating employee and recipient).
- b. Employees may donate accrued sick leave.
- c. Donation must be a minimum of one (1) day (eight hours) initially, and in one day (eight hour) increments thereafter.
- d. The donating employee must, after donation, retain a minimum of a two-year's worth of accrued, unused sick leave from prior accumulations.
- e. The donating employee shall execute and file with the Human Resources Office a form authorizing and irrevocably assigning the donated leave to the Catastrophic Leave Bank.

- f. Leave donated and not used by the requesting employee will be banked for future employees.
- g. Terminating employees may donate to the Catastrophic Leave Bank.

#### Catastrophic Leave Procedure

- a. The Human Resources Office will verify the information submitted on the Request for Catastrophic Leave form.
- b. The catastrophic leave request will be reviewed by the Chief Human Resources Officer to determine if the criteria have been met.

#### Annual Solicitation

Eligible employees may contribute during the open enrollment period which will be the month of October (October 1 through the last working day of the month).

#### Special Solicitation:

- a. If there is an insufficient leave balance in the Catastrophic Leave Bank, following the approval of a catastrophic leave request, the Human Resources Office will send a memo to all administrators, full-time faculty and permanent classified staff employees requesting donations.
- b. The request for donations will not include the recipient's name and must be kept confidential unless permission is given by the employee. Other information related to the request will be kept confidential.

#### Termination of Catastrophic Leave:

- a. Donated leave has been exhausted.
- b. Employee has been in paid catastrophic leave status for six (6) months.
- c. Resignation.
- d. Service or disability retirement of the employee.
- e. Death of the ill or injured person.
- f. Notification by the employee that the bank utilization is no longer needed.

Policy approved by the Board: 3-22-17