

# Tentative Agreement

## CATASTROPHIC LEAVE DONATIONS

**PURPOSE** - The purpose of seeking catastrophic leave donations is to provide qualified employees with continued income when absence due to a catastrophic illness or injury continues beyond all sick leave, vacation, compensatory time and all other paid leaves available to the employee, excluding substitute differential pay. Donated hours shall commence after the exhaustion of fully paid sick leave, vacation, compensatory time and all other paid leaves available to the employee and prior to substitute differential leave.

**CATASTROPHIC ILLNESS OR INJURY** - "Catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family (parent, child, spouse or domestic partner) which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off. (Educ. Code 44043.5(a)(1).)

**CATASTROPHIC LEAVE DONATION REQUEST** - Any qualified permanent employee who exhausts all sick leave or other paid time off and who is or will be absent for the same catastrophic illness or injury may make a written request for donation from unit members of accrued paid sick leave in order to continue to receive income from the District.

**ELIGIBILITY CRITERIA** – A recipient of catastrophic leave donations must meet all of the following criteria:

Hold Permanent status with the District;

Exhaust all paid leaves (vacation, compensatory time off, sick and all other paid leaves);

The employee or his/her parent, child, spouse or domestic partner has suffered a catastrophic illness or injury.

**REQUEST AND VERIFICATION PROCESS** – An employee shall submit a written request to receive donations of accrued sick leave under this program. The request shall be submitted to CSEA

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Catastrophic Leave Committee (herein referred to as Committee) contained in an Appendix J approved form. If the employee is incapacitated, this form may be completed by an immediate family member or other authorized person acting at the request of the employee. If the employee is in a coma, CSEA may act on employee's behalf to make the request to authorize a family member or other person to act for the employee. A licensed physician must provide written verification of the catastrophic illness or injury, a prognosis, and the probable length of absence from work. Members of the committee shall keep information regarding the nature of the illness or injury confidential.

**LENGTH OF LEAVE DONATION** - The request for donation shall be for no more than 30 work days. An employee may make up to two additional requests in 30 work day increments, which shall not exceed a total of 90 work days within a 12-month period.

The Committee shall be responsible for notifying all unit members of donated sick leave hours needed for the ill employee. Unit members may then donate full hourly increments. The donating employee must have not less than ten (10) days earned sick leave before any donation will be accepted. The donations are non-revocable.

#### **COMMITTEE OBLIGATIONS**

CSEA will appoint a three (3) member Catastrophic Leave Committee to administer the sick leave donations. CSEA will notify the District in January who are the committee members.

The Committee shall notify its bargaining unit members when donated sick leave hours are needed. Donating employees shall submit the number of hours they are donating to the committee on the Appendix J Form 2.

The Committee will remit copies of the form(s) to the District's Classified Personnel Manager.

#### **DISTRICT OBLIGATIONS**

The District will deduct the submitted amount of sick leave hours from the donating employee and apply the hours to the sick leave of the requesting employee.

The Classified Personnel Manager or designee may request and shall be entitled to review all information obtained by the Committee related to a request for catastrophic leave or the renewal thereof. Such information shall be kept confidential.

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Hours granted shall commence after the exhaustion of fully paid sick leave, vacation, compensatory time and all other paid leaves available to the employee and prior to substitute differential leave.

The member will continue to receive District fringe benefits while receiving donated hours.

Employees who are receiving full salary from donated sick leave shall continue to earn the vacation and sick leave to which they normally are entitled. Earned leave from the employee's account shall be exhausted as it is earned. After exhaustion of such leave, the employee shall return to the use of donated leave.

#### EXCLUSIONS

Members receiving workers compensation benefits for industrial illness/injury shall not be entitled to use sick leave donations until such time as the workers compensation benefit is exhausted.

Members who are injured or become ill while on an unpaid leave of absence are not entitled to the sick leave donations until such time as they have scheduled to return from the leave and have exhausted their accumulated sick leave and all other paid time off.

**EXHAUSTION OF ALL LEAVE DONATED FOR THE EMPLOYEE'S USE** – If as a result of the original request, enough leave was not donated to cover the employee's absences, a new request form may be submitted by the employee following the same guidelines as the original request.

**CONCLUSION OF DONATED SICK LEAVE** – The use of donated leave shall cease when any of the following occur:

Return to work;

Separation from employment with the District for any reason;

Death of the employee;

A maximum of 90 work days within a twelve (12) month period.

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CONTINUED LEAVE – If after the exhaustion of all sick leave or other paid time off and substitute differential leave, the employee still is unable to return to work, she or he may request a leave of absence in accordance with the CSEA contract.

UNUSED SICK HOURS – If an affected employee returns to work prior to the exhaustion of the donated sick leave hours, the remaining hours shall be carried over for the next eligible employee as determined by the Committee.

#### HOLD HARMLESS

Upon application for the leave donation the member must sign the hold harmless agreement contained in Appendix J of the Agreement.

Approval or denial of requests is at the discretion of the Committee and not subject to the Grievance Article of the Agreement, provided that applicants may appeal the decision of the Committee to the Executive Board whose decision will be final.

Patricia Harcón

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