

**AP 7345 CATASTROPHIC LEAVE PROGRAM FOR
UNREPRESENTED EMPLOYEES**

Reference:

Education Code Section 87045

NOTE: This procedure is optional depending on whether or not the Board has adopted a policy allowing for catastrophic leave. Catastrophic leave procedures are a mandatory subject of bargaining for employees that are represented by an exclusive representative. Procedures for other employees are at District discretion. The following are minimum requirements excerpted from statute.

The District has established a catastrophic leave program to permit unrepresented employees of the District to donate eligible leave credits to an employee when that employee or a member of his/her family suffers from a catastrophic illness or injury.

Definitions

For the purposes of this procedure, the following terms are defined as follows:

- a. "Catastrophic illness" or "injury" means an illness or injury, impairment, or other physical or mental condition of a nature necessitating a continuous absence from work of more than ten days that involves inpatient or outpatient care in a hospital or residential health care facility, and continuing treatment or continuing supervision by a health care provider. The District has the right to require additional certification by a physician chosen by, and paid for, by the District. that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family requiring 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/she has exhausted all of his/her sick leave and other paid time off.
- b. "Eligible leave credits" means vacation leave and sick leave accrued to the donating employee.

Terms and Restrictions

Eligible Leave credits may be donated to an employee for a catastrophic illness or injury if all of the following requirements are met:

- a. The employee who is, or whose family member is, suffering from a catastrophic illness or injury requests that eligible leave credits be donated and provides verification of catastrophic injury or illness, and
- b. Human Resources verifies that the employee is unable to work due to the employee's or his/her family member's catastrophic illness or injury, and
- c. The employee has exhausted all accrued paid leave credits and either not be eligible for long term disability or be eligible for such benefits but have not started to receive them. If the transfer of eligible leave credits is approved, any employee may, upon written notice, donate eligible leave credits at a minimum of eight hours, and in hour increments thereafter.

No recipient may receive more than thirty (30) days of donated sick leave per academic year except an individual certified to have a terminal illness, who may receive up to one hundred (100) days) per academic year.

Donors may not donate more than two days of sick leave in any fiscal year. Donated leave must be in one-day increments, no less than eight (8) hours. Donors must retain a minimum of forty (40) days of accumulated leave on account with the District.

Process for Requesting Donations

- a. The applicant for donated sick leave shall fill out an application for Donated Sick Leave, stating the nature of the serious health condition, the number of days estimated that the illness will last, or how many days the illness did last, and the number of days the applicant currently has on account with the District. This application shall be provided to applicants by the Chief Human Resources Officer.
- b. The application must be signed by the applicant and the applicant's physician(s), and sent to the Chief Human Resources Officer who may demand an additional medical statement after absence.
- c. As soon as the Chief Human Resources Officer has reviewed the application, the applicant shall be so informed and solicitation of donations may then be made by the individual or his/her representatives on his/her behalf. The Chief Human Resources Officer must be notified that solicitation of donations has commenced. (The solicitation period shall be limited to a period not to exceed one month.)
- d. The recipient is responsible for payment of any state and federal taxes on the donated time. Such taxes shall be withheld at the normal rate for the recipient.

Process for Making Donations

- a. Donations for sick leave shall be authorized by a signed pledge form. Pledge forms shall be filed with the Chief Human Resources Officer. This pledge form shall provide legal waiver and spousal consent, where necessary.

- b. In the event that several employees sign pledge forms to donate, the sick leave shall be allocated to the recipient in the order the signed pledge forms are received by the Chief Human Resources Officer.
- c. Sick leave shall not be transferred from a donor's account until it is used by the recipient for the serious illness or medical condition detailed on the Application for Donated Sick Leave. Once transferred, the transfer is irrevocable. In the event that the recipient does not use all pledged sick leave, any unused pledge forms shall be returned and no sick leave deductions made from pledgers' sick leave accounts.
- d. The Office of Human Resources shall keep the identities of any of those pledging sick leave confidential.

~~The maximum amount of time for which donated leave credits may be used shall not exceed use for a maximum period of 12 consecutive months. For serious health conditions, unrepresented employees with an accrued minimum of 40 sick days may allocate one or two days a fiscal year to an individual. This donation may not be deducted until it is used by the recipient. A recipient may not receive more than 30 days of donated leave per academic year. For terminally ill conditions, unrepresented employees with an accrued minimum of 40 sick days may allocate one or two days a fiscal year to an individual. This donation will not be deducted until it is used by the recipient. A recipient may not receive more than 100 days of donated leave per academic year. It should be noted that any use of sick days may impact retirement.~~

~~Verification of catastrophic injury or illness shall be required.~~

~~All transfers of eligible leave credit shall be irrevocable.~~

An employee who receives paid leave pursuant to this procedure shall use any leave credits that he/she continues to accrue on a monthly basis prior to receiving such leave.

Information on catastrophic leave for represented employees can be found in the respective employee collective bargaining agreement.

NOTE: The **red ink** signifies language that is **suggested as good practice** by the Policy and Procedure Service and its legal counsel. The language in **green ink** was added on September 24, 2013 during the review with Kit, David, Lydia and on March 28, 2014 with Wyman, David, and Kit. The language in **brown ink** was added with Wyman, David, and Kit on June 30, 2014. The language in **purple ink** was deleted by David on December 17, 2014. Changes in **blue ink** were made by David on December 19, 2014. Reviewed by Deborah on January 29, 2015.

Date Approved:

(This is a new procedure recommended by the Policy and Procedure Service)

Legal Citation for AP 7345

Education Code Section 87045

87045. (a) The governing board of a community college district may establish a catastrophic leave program to permit employees of that district to donate eligible leave credits to an employee when that employee or a member of his or her family suffers from a catastrophic illness or injury.

For the purposes of this section, the following terms are defined as follows:

(1) "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 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.

(2) "Eligible leave credits" means vacation leave and sick leave accrued to the donating employee.

(b) Eligible leave credits may be donated to an employee for a catastrophic illness or injury if all of the following requirements are met:

(1) The employee who is, or whose family member is, suffering from a catastrophic illness or injury requests that eligible leave credits be donated and provides verification of catastrophic injury or illness as required by the governing board of the community college district in which he or she is employed.

(2) The governing board of the community college district determines that the employee is unable to work due to the employee's or his or her family member's catastrophic illness or injury.

(3) The employee has exhausted all accrued paid leave credits.

(c) If the transfer of eligible leave credits is approved by the governing board of the community college district, any employee may, upon written notice to the governing board, donate eligible leave credits at a minimum of eight hours, and in hour increments thereafter.

(d) The governing board of a community college district that provides a catastrophic leave program pursuant to this section shall adopt rules and regulations for the administration of this section, including, but not limited to, the following:

(1) The maximum amount of time for which donated leave credits may be used, but not to exceed use for a maximum period of 12 consecutive months.

(2) The verification of catastrophic injury or illness required pursuant to paragraph (1) of subdivision (b).

(3) Making all transfers of eligible leave credit irrevocable.

(e) An employee who receives paid leave pursuant to this section shall use any leave credits that he or she continues to accrue on a monthly basis prior to receiving paid leave pursuant to this section.

(f) Notwithstanding the provisions of this section, the governing board of a community college district and an exclusive bargaining representative of employees in that district may agree to include in any collective bargaining agreement a provision setting forth requirements for a catastrophic leave program.