

Human Resources

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

References:

Education Code Section 87045

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..
- b. **"Eligible leave credits"** means sick leave accrued to the donating employee.

Terms and Restrictions

Leave may be donated to an employee for a catastrophic illness or injury if:

- a. The employee who 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 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.

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.

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 collective bargaining agreement.

Date Adopted: June 16, 2015

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