

ARTICLE XVIII
CATASTROPHIC LEAVE BANK
(Revised 2010 – 2011)

1. **Authorization**

1.1. Section 44043.5 of California Education Code authorizes the governing boards of school districts to establish a catastrophic leave program to permit employees of that district to donate eligible leave credits (as defined) to an employee when that employee or member of his or her family suffers from a catastrophic illness or injury (as defined) if prescribed conditions are met. The Catastrophic Leave Bank shall be administered by the Catastrophic Leave Bank Committee (CLB Committee), as selected by TCEA.

2. **Definitions**

2.1. A “catastrophic illness” or “catastrophic injury” is defined as an unwelcomed event that incapacitates the employee or a member of the employee’s family for a period of time.

2.1.1. This event would require the employee to take time off work after the employee has exhausted all of his or her sick leave.

2.1.1.1. Maternity and/or childcare leaves are not considered catastrophic unless they fall into the above category.

2.2. The term “eligible leave credits” is defined as sick leave days accrued to, or donated by, a participating member. The terms “leave credits,” “credits,” “sick days,” and “days” are equivocal when discussing time off for an employee.

2.3. The terms “donation,” “deposit,” and “contribution” are interchangeable for the purposes of the Catastrophic Leave procedure.

3. **Donations to the Bank**: Donation to the Catastrophic Leave Bank program is voluntary for any regular certificated employees of TCUSD on active duty status. Eligible leave credits may be donated to the Catastrophic Leave Bank within the following conditions and restrictions:

3.1. All donating members of the catastrophic leave program as of January 1, 2011 are grandfathered in as paid-in-full participants, but must abide by all new rules and regulations herein.

3.2. To contribute to the Catastrophic Leave Bank program, new members must use the CLB Application and Donation Form (Appendix I) and donate from their allotted/accrued sick leave days at least one day per year for two consecutive years, or at least two days in one year.

3.3. Donors may contribute as many days as they wish at any time during the academic years, or at least two days in one year.

3.4. Participants in the Catastrophic Leave program are eligible to apply for catastrophic leave after a thirty (30) day vesting period from their initial deposit. Any particular instance that challenges the vesting period will be evaluated by the CLB Committee.

- 3.5. Donors shall give written notice using the CLB Application and Donation Form (Appendix I) to the Personnel office with his or her intent to contribute day(s) to the CLB.
 - 3.5.1. A copy of the CLB Member/Donor and Donation Form (Appendix I) shall state clearly the number in the donor's Personnel File.
 - 3.5.2. The CLB Member/Donor and Donation Form (Appendix I) shall state clearly the number of days and the manner in which they would like them donated. The date of the CLB Member/Donor and Donation Form (Appendix I) shall become the date of effective transfer of leave credits (sick days).
- 3.6. Any contribution of days from donors who have fewer than six (6) accrued sick leave days must be formally approved by the CLB Committee.
- 3.7. A deposit of leave credits to the Catastrophic Leave Bank shall be a general donation and usable by any qualifying participant in the program; leave credits cannot be donated to a specific individual or circumstance.
- 3.8. All donations to the Catastrophic Leave Bank from anyone are irrevocable: The donor waives any right to those days that he or she has donated after the vesting period.
- 3.9. The Catastrophic Leave Bank will accumulate days year to year. The CLB shall maintain a minimum of 300 days in the bank.
 - 3.9.1. Should the number of days in the Catastrophic Leave Bank fall below 300, all active participants who wish to maintain membership must donate at least one day per fiscal year until the bank is replenished to the minimum amount.
 - 3.9.2. Should a participant fail or choose not to maintain membership, he or she will be given written notice by the District Office and the CLB committee of their standing and their options. (See CLB Delinquency/Replenishment/Notification form I-3).
4. **Withdrawals from the Bank**: A Catastrophic Leave Bank participant may request to draw upon the leave credit (banked days) under the following conditions:
 - 4.1. The employee or his or her family member is suffering from a catastrophic illness or injury as defined in this article (Section 2).
 - 4.2. The request for CLB withdrawal must be made in writing to the personnel office using the CLB Request Form at which time the personnel office will contact TCEA's executive board. (See CLB Request/Withdrawal form – appendix I-3).
 - 4.2.1. The written request must include
 - 4.2.1.1. verification of catastrophic illness or injury by an appropriate authority and
 - 4.2.1.2. the specific number of days being requested from the CLB.
 - 4.3. The personnel office shall report to TCEA the individual's remaining sick leave days, if any.
 - 4.4. The CLB Committee will convene to evaluate the request with due diligence.

- 4.5. If catastrophic leave is approved, coverage by the Catastrophic Leave Bank will be granted in units of no more than ten (10) duty days per request. Participants may request extensions or additional grants as their prior grants expire. The maximum withdrawal of leave credits (days) for any requests in a given fiscal year shall not exceed sixty (60) working days.
- 4.6. All transactions, activity and circumstances surrounding participants using the Catastrophic Leave Bank shall be held confidential by the CLB Committee, TCEA, and the District.
- 4.7. Requestors who have exhausted sick leave, but who still have differential leave available, are eligible for a withdrawal from the CLB. Upon approval by the CLB Committee, the District shall pay the requestor full pay, and the CLB shall be charged a half day while the requestor is debited a day of authorized differential pay as by Ed Code (#45180).
- 4.8. Any days granted by the CLB Committee that go unused by the employee shall be returned to the Catastrophic Leave Bank.
- 4.9. Eligible credits (days) shall be donated and withdrawn from the Bank without regard to the daily rate of pay of any participant. Requestors using days from the Bank shall receive pay for that day at the same rate he or she would have received had the requestor worked that day.

5. **Catastrophic Leave Bank Committee**

- 5.1. The Catastrophic Leave Bank Committee shall consist of the Assistant Superintendent of Personnel who serves as the non-voting facilitator and three (3) voting members appointed by the executive board of TCEA.
- 5.2. In the event that a CLB Committee has not been formed, or if the committee members are not able to fulfill their duties, the duties of the CLB committee are to be upheld by the TCEA executive board.
- 5.3. The CLB Committee shall have the responsibility for approving or denying a request, in part or whole, and communicating their decision in writing to the requestor and the personnel office within ten (10) working days of the CLB Committee's receipt of the request.
- 5.4. In reviewing requests, the CLB Committee shall consider the number of days requested, the number of individuals requesting withdrawals, and the status of the credits in the bank.
- 5.5. An employee who has had a request denied may amend and resubmit the request one time, with or without the assistance of a building representative. All decisions of the CLB Committee are final and shall not be subject to further appeal.
- 5.6. All records and information obtained by the CLB Committee and/or TCEA that relate to an individual employee's health, finance, family, or employment status shall be confidential, and may not be discussed or divulged by a CLB Committee member outside of formal meetings.

- 5.7. If the Catastrophic Leave Bank does not have sufficient credits to meet a withdrawal request, the CLB Committee is under no obligation to provide credits or leave days and the District is under no obligation to pay the requestor any funds whatsoever.
- 5.8. If the Catastrophic Leave Bank is terminated for any reason, the days remaining in the Catastrophic Leave Bank, if any, shall be returned to the active participants in proportion to their deposits.

6. **District Responsibilities**

- 6.1. The District shall provide a current accounting of the active duty participants, past donors and all account activity twice a year, to be given to the TCEA executive board or the CLB Committee every December and May.
- 6.2. The District shall have the responsibility of receiving withdrawal requests and verifying the status of the requestors' sick leave, and communicating that information to the TCEA executive board or the CLB Committee.
- 6.3. Upon receipt of (CLB Request Withdrawal Form I), the District shall effectuate the transfer of credits from the donors to the Bank. The District shall send written confirmation to the donors and the CLB Committee that the transfer has taken place. The confirmation shall include the number of leave days remaining to the donor.
- 6.4. Upon receipt of written instructions from the CLB Committee, the District shall