

Employees are permitted to irrevocably donate accrued sick leave credits for an employee who experiences a catastrophic personal illness. Donations made under the Catastrophic Leave Program shall be strictly voluntary.

Legal Reference:

Education Code 44043.5 - Catastrophic Leave

Board of Trustees

September 19, 1996

Revised: February 11, 1999

Revised: October 7, 1999

Revised: October 24, 2002

Revised: June 17, 2004

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Rules and Regulations:**1.0 Definitions:**

- 1.1 Catastrophic Illness means an illness that is expected to incapacitate the employee for an extended period of time involving or resulting in substantial, often ruinous, medical expense and 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 with the exception of extended illness leave.
- 1.2 Eligible leave credits mean sick leave days accrued to the donating employee.
- 1.3 The Sick Leave Bank represents donated eligible leave credits.
- 1.4 The Open Enrollment Period is established as the month of September each year.
- 1.5 The Sick Leave Bank Committee shall oversee the operation of the Sick Leave Bank. The Committee shall consist of one voting member from each of the following groups: Anaheim Personnel and Guidance Association (APGA); California School Employees Association (CSEA); American Federation of State, County and Municipal Employees (AFSCME); Anaheim Leadership Team Association (ALTA); Mid Managers Association (MMA). There will be two voting members from the Anaheim Secondary Teachers Association (ASTA). Also included will be one voting representative from the District Administration designated by the Superintendent.

2.0 General Provisions:

The Board adopts the following rules and regulations for the administration of this policy, including, but not limited to the following:

- 2.1 Participation in the Catastrophic Leave Program shall be voluntary, but permitted for all permanent employees who are eligible for extended sick leave benefits.
- 2.2 To establish enrollment, a permanent employee must initially donate one sick leave day. Employees must then donate one sick leave day per year during the Open Enrollment Period to maintain eligibility.

- 2.3 From implementation of this program, through June 30, 1999, any permanent employee who is absent due to a catastrophic illness and has exhausted all eligible leave credits, may participate in the Catastrophic Leave Program without a donation.
- 2.4 This program will not be operational until the total sick days donated reaches 100.
- 2.5 The Sick Leave Bank is available to all participating permanent employees for use during their work year. (12 month employees may apply to use the Sick Leave Bank year round. All other employees are eligible according to their regular work year.)
- 2.6 Employees, who elect not to enroll in the Catastrophic Leave Program upon first becoming eligible, have a waiting period of sixty (60) duty days after they enroll before becoming eligible to withdraw from the Bank.
- 2.7 The Sick Leave Bank cannot be used concurrently with the extended illness leave benefit. Leave shall be taken in the following order: (1) sick leave and/or vacation leave, (2) catastrophic leave, (3) extended illness leave.
- 2.8 The maximum amount of time for which donated sick leave credits may be used is 25 days for any one catastrophic illness. The lifetime benefits from this policy may not exceed a total of 50 whole days.
- 2.9 This Catastrophic Leave Program may not be used if the employee applies for or has purchased any other benefit or disability insurance program or income protection program either public or private unless the total benefit is less than 100% of the employee's basic salary. Employees having any additional income benefit must apply for that benefit before they are considered eligible for the Catastrophic Leave Program.
- 2.10 The receipt of a donated sick leave credit through the Catastrophic Leave Program as defined herein, when combined with other district income, or income protection plan, shall not provide the recipient with a greater monthly District income/fringe benefit contribution than he/she received immediately prior to the receipt of catastrophic sick leave.
- 2.11 An employee who receives donated sick leave credits shall use any leave credits, including vacation, that he or she continues to accrue on a monthly basis prior to receiving/using additional donated sick leave credits from the Sick Leave Bank.

- 2.12 Requests for Sick Leave Bank credits may be made in increments between one (1) through 25 whole days.
 - 2.13 If more than one applicant is being considered at the same time and there are not enough days in the Bank to fill each request, the available days will be divided equally or proportionately, as is consistent with the requests, between and among the applicants. In this instance, additional donations of eligible leave credits may be accepted.
 - 2.14 Any fraudulent or inappropriate use of donated days will result in the return of all donated days to the Bank. The employee will be held responsible for returning any resulting overpayment of wages.
 - 2.15 Any unused donation will be returned to the Bank.
 - 2.16 The employee must waive any and all claims against the Board, District, and its officers and employees, arising from the administration of the Sick Leave Bank Program.
 - 2.17 The Sick Leave Bank Committee will issue a report to all employees of the status of the Bank each semester.
- 3.0 Donating to Bank:
- 3.1 Any permanent employee on paid duty status shall be eligible to participate with a minimum annual deposit of one (1) sick leave day.
 - 3.2 All transfers of eligible leave credits are irrevocable.
 - 3.3 Employees may donate up to three (3) full days of eligible leave credits per school year. Employees must have at least eight (8) days of accrued sick leave remaining after donating to the Sick Leave Bank. Any request for an exception to this provision must be submitted in writing and approved by the Sick Leave Bank Committee.
 - 3.4 Donations to the Bank are general donations and cannot be donated to a specific employee.
 - 3.5 When and if the donated sick leave credits reach a total of 2,000 actual days, the committee may suspend donations for one (1) year for all current members. New members, however, must donate.

4.0 Withdrawing From Bank:

Eligible leave credits may be requested, in writing, from the Sick Leave Bank for a Catastrophic illness if all of the following requirements are met:

- 4.1 The employee must be a member of the Sick Leave Bank before requesting sick leave credits.
- 4.2 The employee who is suffering from a catastrophic illness provides verification of catastrophic illness as required by the Board.
- 4.3 The verification of catastrophic illness must come in the form of a written medical statement from the attending physician indicating the incapacitating nature and probable duration of the illness.
- 4.4 The Board may require verification of the need for sick leave days beyond the evidence of a doctor's certification, and shall have the authority to accept evidence from other sources.
- 4.5 The Board determines that the employee is unable to work due to the employee's catastrophic illness.
- 4.6 The employee has exhausted all accrued paid leave credits with the exception of extended illness leave.
- 4.7 At the start of the Sick Leave Bank withdrawal, voluntary deductions from the employee's paycheck will be discontinued (except for AUHSD computer loan payments and health and life insurance payments).

5.0 Direct Donation:

- 5.1 Notwithstanding any other provision, an Enrolled Member may donate eligible leave credit directly to another Enrolled Member at any time during the year when, but only when, (1) the Sick Leave Bank does not have enough donated eligible leave credits to fill an Enrolled Member's request, or (2) an Enrolled Member has reached the maximum amount of time for which donated eligible leave credits from the Sick Leave Bank may be used.
- 5.2 In the event that an Enrolled Member has reached the maximum amount of time for which donated eligible leave credits from the Sick Leave Bank may be used, the Enrolled Member may receive a maximum of 25 directly donated eligible leave credits per incident from another Enrolled Member for a lifetime maximum of 50 directly donated eligible leave credits.

Not Covered: Conditions or illnesses resulting from commission of a felony, elective cosmetic surgery, or stress. Also not included are illnesses which may be covered under the Workers' Compensation Program.

Board of Trustees

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