

VENTURA COUNTY OFFICE OF EDUCATION

ADMINISTRATIVE

REGULATION NO. 4161.9 and 4261.9

ADOPTED: 02/14/96

CLASSIFICATION: Personnel

REVISED:

SUBJECT: Catastrophic Leave

Employees may donate eligible accrued leave benefits to an individual employee when that employee or a member of employee immediate family suffers from a catastrophic illness or injury. This policy does not allow donation of accrued leave benefits to a “pool.”

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, including any temporary disability benefits, if applicable.
2. Eligible accrued leave benefits means sick leave accrued to the donating employee. (“Sub difference” and “other entitlement” sick leave are not accrued paid leave benefits and are not eligible for donation.)

ELIGIBILITY CRITERIA

Eligible accrued leave benefits may be donated to an employee if all the following requirements are met:

1. The employee submits a request to the appropriate personnel administrator that eligible leave credits be donated and provides verification of the catastrophic injury or illness. The employee’s next of kin or department head may make this request on behalf of a employee that is unable to make such a request due to the catastrophic illness or injury. The request shall include a summary statement of the employee’s or family member’s situation, that may be published to request donations in the event the request is approved;
2. A catastrophic leave committee consisting of one (1) FEDERATION appointed member, one (1) Classified Employee, and one (1) management personnel administrator, unanimously determines that the employee is unable to work due to the employee’s or family member’s catastrophic illness or injury, that the condition will necessitate the employee’s extended absence from work, and that the extended absence from work will create a financial hardship;

3. The employee has exhausted all available paid leave benefits, including any temporary disability benefits, if applicable.

When a employee's family member is suffering from a catastrophic illness or injury that requires the employee to take time off work to care for the family member, the employee shall request a waiver of the limitation on use of sick leave to care for the family member. (Use of sick leave for family member is usually limited to available personal necessity leave.)

CATASTROPHIC LEAVE COMMITTEE

The Catastrophic Leave Committee will review requests for donation of eligible leave benefits for a employee's catastrophic illness or injury.

1. The committee may request a variety of information to verify the catastrophic injury or illness of the employee or employee's family member, including but not limited to:

Diagnosis and/or prognosis from the employee's or family member's treating physician.

Estimated length of time the employee will be unable to work due to employee or family member's catastrophic illness or injury.

If family member, justification of why the employee is the only person available to care for the family member.

If other resources are available to relieve the hardship.

Possibility of employee's eligibility for disability retirement benefits if employee's disability is likely to be permanent.

Availability of other disability benefits that may be available for catastrophic injury or illness for an employee's family member.

2. If the catastrophic leave committee determines the employee is unable to work due to the employee's catastrophic illness/injury, and all eligibility criteria are met, the request to receive donated eligible leave credit will be approved. Otherwise, the committee will indicate the basis of denial of the request.

If the committee determines that the employee is unable to work due to employee family member's catastrophic injury or illness and the situation would entitle the employee to receive eligible donated leave credits if all available accrued leave were exhausted, the waiver will be approved. ("Sub-difference" and "other entitlement" sick leave are not accrued paid leave benefits and are not available

for family illness leave.) Upon exhaustion of accrued leave, if the catastrophic situation has not been resolved, the personnel administrator will review the situation. Employee may be request an update on the family member's prognosis or condition. If the circumstances are not substantially changed since the committee approval and the employee's absence is expected to continue for an extended period of time, the employee will be eligible to receive donated accrued leave benefits. If the circumstances have substantially changed, the personnel administrator may request that the catastrophic leave committee review the new circumstances and determine if the employee continues to be eligible to receive donated eligible leave credits.

3. The personnel administrator on the committee will notify the employee of the determination of the committee and notify employees of the request for donation of eligible leave credits, if approved. The notice shall include a donation form, which may be completed and signed, authorizing the transfer of eligible leave credits to the employee.
4. Upon approval, the personnel administrator on the committee shall cause to be issued by VCOE a Call for Sick Leave Notice. The notice shall contain only a request for sick leave donations. A donation form shall be attached to the Notice.

DONATION OF ELIGIBLE LEAVE BENEFITS

1. Eight hours is the minimum any employee may donate and in hour increments thereafter.
2. A minimum of 15 days accrued sick leave must be maintained in the donor's available sick leave balance after the donation.
3. Transfer of leave credits will be honored only upon written authorization of the donor. The written authorization shall acknowledge that the donor understands the transfer authorization is irrevocable and that, **if the donor was a member of PERS or STRS prior to July 1, 1980**, the leave credits will not be available for certification to the retirement system and will therefore result in a reduction of the retirement service credit that would otherwise have been available at the time of retirement.
4. The leave credits donated will be converted to a dollar value, based on the donor's regular salary rate at the time of the donation. The dollar value will then be converted to hours or days of sick leave for the employee, based on the current salary rate of the employee.

USE OF DONATED LEAVE BENEFITS

1. The maximum amount of time that donated leave credits may be used is 6 consecutive months. The employee's status during the period of time donated leave credits are being used will be the same as if the donated leave credits were not available, i.e., the employee may request a leave of absence or, if the leave is not requested or not approved, the employee will be placed on a 39 month rehire list. Options on health and dental insurance continuance will be the same as if the donated leave credits were not available, i.e., to the leave of absence or 39 month rehire list status of the individual.
2. Continuation of salary from donated leave credits will not entitle the employee to additional vacation or sick leave accrual, holiday pay, "other entitlement" or "sub difference" pay. Once paid leave benefits have been exhausted, the employee must physically return to work with the appropriate doctor's release authorizing the resumption of essential regular job duties and meet any other eligibility requirements for further compensation from paid leave benefits.
3. The employee shall not accrue seniority credit for the period of time paid from donated leave credits.
4. The personnel administrator may request periodic updates on the employee's or family member's status to verify continued eligibility for donated eligible leave benefits.