



# **ADMINISTRATIVE**

# **PROCEDURE**

**3950**

**DESERT COMMUNITY COLLEGE DISTRICT**

## **Catastrophic Leave Program**

The District has established a Catastrophic Leave Program (CLP) for regular full-time faculty, non-tenure track after four years of service, part-time faculty, permanent classified and confidential staff, and permanent management employees of the District to annually donate eligible leave credits for use when an employee, or a member of his or her immediate family, suffers from a catastrophic illness or injury. Short term employees (i.e. temporary, interim or substitutes) and student workers are not eligible to participate.

Employees on probation and tenure track employees are not eligible to participate until they reach permanent status. Employees on probation and tenure-track may appeal to the Catastrophic Leave Committee (CLC) to use the CLP. The CLC will consider appeals focused on tenure track and probationary employees provided that the employee meets all other requirements of the CLP.

Part time faculty become eligible after completion of seven (7) semesters of employment (summer and intersession excluded) within nine consecutive semesters and of the seven (7) semesters, at least four were for a load of at least 40% (6 SIUs). Part-time faculty may use donated leave credits for an absence in a term in which they are currently assigned; donated leave may not be used for tentative or future assignments.

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

- a. "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
- b. "Eligible leave credits" means vacation leave and sick leave accrued to the donating employee.
- c. "Immediate family member" means the employee's spouse, registered domestic partner, parent, stepparent, parent in-law, child, stepchild as defined under the Family and Medical Leave Act or the California Family Rights Act.

- d. Catastrophic Leave Program (CLP) is the District's Catastrophic Leave Program for all employees.
  - e. The Catastrophic Leave Bank (CLB) is the bank used to donate and deduct CLB requests.
  - f. The Catastrophic Leave Committee (CLC) is the group designated to evaluate employee requests to utilize the catastrophic leave bank. The CLC will be made up of two (2) representatives from each of the following constituency groups: management, classified, full-time faculty, adjunct faculty; one (1) confidential representative; and one (1) alternate for each of the members of the CLC in cases where a CLC member cannot be reached in a timely fashion or if there is a conflict of interest. Faculty representatives will be selected by the respective bargaining unit (CODFA, CODAA), classified representatives will be selected by the respective bargaining unit (CSEA), and management and confidential representatives will be selected by Executive Cabinet.
    - i. The CLC may meet in person, virtually, or via telephone or electronically.
- B. Catastrophic Leave Withdrawal Requesting Requirements:
- a. The requesting employee or their designee must submit a sick leave withdrawal request form. Employee or designee requesting leave donations must submit a CLP form and may attach a cover letter describing their request if they choose to, however the letter alone will not suffice. In situations where the employee is unable to apply, a designee may request donated leave. CLP Forms are available from the Office of Human Resources and District website.
  - b. The requesting employee or designee must submit medical certification from the employee's health care provider or certification from the health care provider of the employee's immediate family member who has a serious health condition to the Office of Human Resources. The Office of Human Resources may require additional medical verification from a physician selected by the District at the District's expense.
  - c. The requesting employee must have exhausted all eligible earned leave.
  - d. The requesting employee must have met the minimum contributions to the CLB to participate in the CLP.
  - e. Initial required minimum contributions are sixteen (16) hours for classified, confidential, full-time faculty, adjunct faculty, or management employee.
  - f. After an employee has donated the minimum contributions to the catastrophic leave bank, they are eligible to withdraw from the bank as long as the employee donates at least eight (8) hours each fiscal year.
  - g. After initial enrollment, the District will deduct one (1) day or eight (8) hours each fiscal year unless the employee elects to discontinue participation by completing and submitting the discontinue participation form by July 30 of each year. If the employee discontinues participation, the employee will not be eligible to withdraw from the CLB until the employee re-enrolls. In order to re-enroll, the

employee must donate least one (1) day or eight (8) hours during the open enrollment period and each fiscal year thereafter.

C. Donating Employee Requirements:

- a. Must donate the minimum initial donation and renewal as required.
- b. Employees are not permitted to donate earned unused sick leave at the time of separation, except employees retiring from the District.
- c. All donations are strictly voluntary and leave donations are irrevocable.
- d. Any unused donated leave will remain indefinitely in the District's CLB for use by other catastrophically ill/injured employees who request and are approved to use leave from this bank.

D. Catastrophic Leave Bank Provisions: In addition to the conditions specified above, the following items apply specifically to Catastrophic Leave Bank requests:

- a. Use of donated leave credits shall not exceed a maximum period of six (6) consecutive months and shall be used on a month-to-month basis, or increments thereof, as needed. Part-time faculty may use donated leave credits for an absence in a term in which they are currently assigned; donated leave may not be used for tentative or future assignments.
- b. An employee or designee can request a maximum of eight weeks to be withdrawn from the catastrophic leave bank, with verification from a medical certification. After the eight (8) weeks is exhausted, the employee or designee may request an additional eight (8) weeks with verification from a medical certification. The maximum requested amount of CLB deduction shall not exceed sixteen (16) weeks per fiscal year.
- c. Catastrophic Leave donated as Sick Leave can be used concurrently with Extended Illness Leave to provide income equal to the members regular pay.
- d. In the event that CLB benefits do not cover the period of estimated incapacity/absence, the catastrophic leave bank beneficiary may use donated time in partial day increments to remain in at least 50% paid status to maintain District paid health and welfare benefits. Regardless how donated time is used, benefits from the plan may not exceed six (6) consecutive months.
- e. An employee who receives paid leave pursuant to this procedure shall use any eligible earned leave credits accrued on a monthly basis prior to receiving such leave.
- f. During the annual open enrollment period, the District will request donations to replenish the CLB. If the CLB is less than 160 hours, the District will request donations outside of the open enrollment period.
- g. Unused donated leave and/or leave specifically donated to the CLB remains irrevocably in the CLB until used for catastrophic leave purposes. If the employee separates, the employee's donation to the CLB remains in the CLB, and is not eligible for payout or transfer.

- h. Requests for leave are subject to CLB availability. If two or more employees are requesting leave simultaneously, they will share the available leave equally. The District is not responsible for honoring CLB requests if the CLB leave is not available or if the CLC determines the request does not meet the CLB requirements.
- i. It is the responsibility of the employee or authorized person making the request to the CLC to submit sufficient information or explanations for catastrophic leave bank use consideration. Insufficient information may be grounds for denial of the request by the Office of Human Resources or the CLC.
- j. Requests for use of the CLB shall be submitted directly to the Office of Human Resources. The Office of Human Resources shall evaluate the information submitted and shall make the initial determination for the employee is eligible to withdraw from the catastrophic leave bank, and shall submit the request to the CLC for review.
- k. All decisions made by the CLC must be by majority. No employee can withdraw from the catastrophic leave bank until the CLC approves the request. Employees shall be notified in writing of all decisions.
- l. The committee representatives shall review the CLB request, but shall not be told the name of the person making the request. All reasonable efforts will be made to ensure the privacy of the employee making the leave request. The CLC shall make a final determination to grant the applicant's leave request.
- m. The Payroll Office will administer the transfer and verification of leave balances in the CLB. The Payroll Office will provide a CLB summary of hours to the CLC or union leadership when requested.

Reference: Education Code 87045

Administrator: VP, Human Resources

College Planning Council Review/Approval 1<sup>st</sup> Reading: 121021

College Planning Council Review/Approval 2<sup>nd</sup> Reading: 021122

Board Meeting/Information Item: March 18, 2022

Next Review: March 2027