

## Catastrophic Leave

### 1043.1 PURPOSE AND SCOPE

The catastrophic leave policy of the District is designed to assist employees who have exhausted paid time credits due to a serious or catastrophic illness, or injury of the employee or his/her immediate family. This policy allows other employees to make grants of time, thus partially ameliorating the financial impact of the illness, injury, or condition.

### 1043.2 DEFINITIONS

#### Eligible Employee:

To be eligible to receive donated catastrophic leave, the employee must meet all of the following criteria:

- Be an active full-time employee.
- Have exhausted all leave balances (sick leave, holiday time and vacation) and applied for leave without pay due to the catastrophic illness or injury of the employee or the employee's immediate family member.
- Have provided the required documentation to verify a catastrophic illness or injury of the employee, or the employee's immediate family member.
- Have the leave of absence approved by the Fire District.

#### Immediate Family Members:

Immediate family members include employee's spouse, registered domestic partner, children, step children, foster children, or parents. For purposes of this section, the definitions contained in Labor Code section 233 for "child" and "parent" shall apply.

#### Catastrophic Injury or Illness:

To be eligible under this program, the employee must: be unable to work due to serious illness or injury for more than 30 days within a twelve month period; or be in his or her first twelve months of employment.

### 1043.3 TIME DONATED

- (a) Donated leave will be calculated on a dollar for dollar basis. The value of the donated time will be calculated at the donating employee's regular rate of pay, then converted to hours of sick leave at the recipient's regular rate of pay to the nearest hour to determine the number of hours of sick leave available to the recipient.
- (b) Names of participant and amounts of leave donated will be maintained as strictly confidential. Requests to donate leave shall be pending until approved by Administration.

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- (c) Donating employees must donate a minimum of eight (8) hours of vacation, ~~or holiday or sick~~ time. ~~Sick leave may not be donated.~~
- (d) Time donated will be converted based on 56 hour or 40 hour work week.
- ~~(e) Once donated, leave will not be returned, except as specifically set forth in this policy.~~
- ~~(f) The District Chief, or his or her designee, may approve the transfer of vacation, holiday, sick time and/or shift trades to another employee.~~
- ~~(g) The District Chief will ensure that the donating employee retains enough hours in his or her accruals as to avoid any significant hardship.~~
- ~~(e)(h) The District Chief's approval shall not be unreasonably withheld.~~

### 1043.4 USE OF CATASTROPHIC LEAVE

- (a) The recipient employee's use of donated leave must not cause the employee to receive compensation in excess of his or her gross regular pay.
- (b) The recipient employee may simultaneously receive compensation, workers' compensation, long-term disability, state disability, Social Security, or other income replacement sources so long as money received does not exceed 100% of gross regular pay when combined with the donated leave pay. If a qualifying injury/illness is later found to be qualified industrial injury/illness, the recipient employee will be required to pay all money received under this program which would result in pay in excess of 100% of gross regular pay for the period in question. Any such excess will then be reimbursed as leave to the employees who originally donated the leave. The recipient employee may be required to sign an agreement prior to receipt of any funds under this program consenting to repayment pursuant to this policy, or consenting to a lien upon any Workers Compensation award as a condition of receipt of these funds.
- (c) While the recipient employee must have exhausted all available leave time prior to using donated leave time, the approval to receive donated leave time may be made and provisionally approved, subject to the anticipated exhaustion of leave.
- (d) Signed medical verification from a treating physician, including work-related prognosis, must be provided by the recipient employee to the Fire District. The recipient employee may be required to authorize the release of medical records to, and submit to an examination by, a physician selected by the Fire District for a second opinion to verify that the qualifying illness or injury is "catastrophic" as defined in this policy. The determination by the Fire District as to whether or not an illness or injury is catastrophic will be final and binding and not subject to grievance procedures. The Fire District may require periodic medical verification of the employee's catastrophic illness or injury to determine continued eligibility for this program.
- (e) All information regarding the recipient's participation in the program will remain confidential to the extent allowed by law.
- (f) A recipient employee is eligible to receive a maximum of 1,000 hours of donated leave time for the employee's catastrophic illness or injury incident, and a maximum of 480 hours for an employee's immediate family member's catastrophic illness or injury incident; however, the initial receipt of leave time is limited to 100 hours. Once the

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recipient's sick leave balance drops to 50 hours then an additional donated leave can be added to the recipient's account up to the 100-hour limit.

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- (g) Unused sick leave hours remaining in the recipient's leave bank when the recipient employee returns to work with the Fire District will be retained by the recipient and will follow normal sick leave balance provisions of the applicable MOU and/or personnel rules.
- (h) If, however, the recipient employee separates from employment as a result of the illness or injury for which the donation was received instead of returning to work, any sick leave balance remaining will not be reportable to PERS under the sick leave credit program and will not be payable to the employee or the employee's estate. Such remaining sick leave balance will be transferred back on a pro-rata basis to the employee(s) who donated the leave as the original type of donated leave (i.e. vacation, compensatory time).

**1043.5 SALARY AND BENEFITS**

- (a) The employee will continue collecting a salary while receiving donated time.
- (b) The Fire District will continue paying the employees benefits while receiving donated time.
- (c) When or if donations are no longer available, the employee will revert to leave without pay status and benefits will end on the last day of the month following the last pay period using donated time.

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