

CERRITOS COLLEGE

Regular Meeting of the Board of Trustees

Meeting Date: November 16, 2016

Agenda Item No. 7

FROM:

Dr. Jose Fierro
President/Superintendent

SUBJECT: First Reading: Proposed Board Policy and Administrative Procedure 7345
– Catastrophic Illness Leave Program

ACTION

It is recommended that the Board of Trustees review and discuss Proposed Board Policy and Administrative Procedure 7345 – Catastrophic Illness Leave Program during this first reading.

FISCAL IMPACT

No general funds will be used.

REPORT SUMMARY

Proposed Board Policy and Administrative Procedure 7345 – Catastrophic Illness Leave Program was developed by Human Resources to update current Cerritos CCD Policy 7039 titled Catastrophic Illness/Injury Leave Donation Plan adopted on July 9, 1998. The policy and procedure permit regular, full-time District employees who have completed the probationary period to donate a maximum of one day of their own accumulated sick leave balance, per academic year, to another District employee who has been diagnosed with a catastrophic illness.

The College Coordinating Committee reviewed and discussed the draft policy and procedure at its September 26 and October 24 meetings to afford all constituent groups an opportunity for input.

NOTICING REQUIREMENTS

None is required beyond posting of this item on the agenda.

ATTACHMENT(S)

Proposed Board Policy 7345 – Catastrophic Illness Leave Program

Proposed Administrative Procedure 7345 – Catastrophic Illness Leave Program

Human Resources

1 BP 7345 CATASTROPHIC ILLNESS LEAVE PROGRAM

2 References:

3 Education Code Section 87045

4 The Board authorizes implementation of a Catastrophic Illness Leave Program to permit
5 regular, full-time District employees who have completed the probationary period to
6 donate a maximum of one day of their own accumulated sick leave balance, per academic
7 year, to another District employee who has been diagnosed with a catastrophic illness.

8 For the purpose of this Program, “catastrophic illness” is defined as a medically-
9 diagnosed condition, as determined by a licensed medical practitioner, that is expected
10 to incapacitate the employee for an extended period of time (at least 30 calendar days)
11 and prevent the employee from performing his/her duties. Pursuant to Education Code
12 87045, an employee must exhaust all accrued paid leave credits in order to be eligible for
13 catastrophic illness leave. Accumulated and donated sick leave, extended sick leave,
14 and long-term disability benefits are used concurrently with employee leave entitlements
15 under the Family and Medical Leave and California Family Rights Acts. Donations of sick
16 leave through this Program can be accepted from all regular District employee groups.

17 The President/Superintendent shall establish administrative procedures to administer the
18 program that comply with the requirements established by the Education Code. The
19 administrative procedures shall ensure that the program is administered in a
20 nondiscriminatory way.

21 Office of Primary Responsibility: Vice President, Human Resources

Date Adopted:

Human Resources

1 AP 7345 CATASTROPHIC ILLNESS LEAVE PROGRAM

2 Reference:

3 Education Code Section 87045

4 Catastrophic Illness Leave Program Procedures

5 Regular, full-time District employees who have completed the probationary period may
6 participate in the Catastrophic Illness Leave Program by donating a maximum of one day
7 of their own accumulated sick leave balance, per academic year, to another District
8 employee who has been diagnosed with a catastrophic illness. For the purpose of this
9 Program, catastrophic illness is defined as a medically-diagnosed condition, as
10 determined by a licensed medical practitioner, that is expected to incapacitate the
11 employee for an extended period of time (at least 30 calendar days) and prevent the
12 employee from performing his/her duties.

13 Pursuant to Education Code 87045, an employee must exhaust all accrued paid leave
14 credits in order to be eligible for catastrophic illness leave. Accumulated and donated
15 sick leave, extended sick leave, and long-term disability benefits are used concurrently
16 with employee leave entitlements under the Family and Medical Leave and California
17 Family Rights Acts. Donations of sick leave through this Program can be accepted from
18 all regular District employee groups.

19 PART A: PROCEDURES FOR RECIPIENTS

20 Step 1: District permanent full-time employees who have been medically diagnosed with
21 a catastrophic illness and would like to participate in this Program should contact the
22 Office of Human Resource Services to obtain information pertaining to medical absence
23 reporting, required documentation, procedures for use of regular and extended sick leave,
24 and other related matters.

25 Step 2: The potential recipient must complete the required form titled, "Catastrophic
26 Illness Leave Request Form" in order to request participation in this Program. The request
27 form and information packet may be sent electronically. These materials will also
28 available on the Human Resources Web Page, and/or can be requested from the Office
29 of Human Resource Services.

30 Step 3: Once completed and signed, the Request Form is to be submitted to the Office
31 of Human Resources. The completed form must be accompanied by written medical

32 verification from the treating physician that documents the catastrophic nature of the
33 employee's illness and the estimated period of absence due to the illness.

34 The completed request form and written medical verification will be reviewed by a
35 designated Human Resources staff member to determine eligibility for participation in the
36 Program. The requester will then be notified of his/her eligibility for Program participation.
37 An employee may request Catastrophic Illness Leave donations once per academic year.

38 If it is determined that the illness does not qualify for participation in this Program, Human
39 Resources staff will advise the requester about use of accumulated sick leave, extended
40 sick leave, leaves of absence, and other applicable District benefits.

41 **Step 4:** The Office of Human Resource Services is responsible for notifying the District
42 "community" about the "open period" for sick leave donations and the opportunity to
43 donate sick leave to the approved requester. If the requester employee wishes to remain
44 anonymous in announcing the request for sick leave donations, the Office of Human
45 Resources will notify the District "community" that an employee who qualifies for sick
46 leave donations is requesting sick leave donations. The open period for accepting sick
47 leave donations from District employees will be ten (10) working days. The start and end
48 dates for the open period will be determined by Human Resources and clearly stated as
49 part of the District wide notification process.

50 **Step 5:** Recipients may accept a maximum of one hundred (100) four-hour days of
51 donated sick leave per academic year.

52 **Step 6:** All donated sick leave that is not exhausted on or before June 30 will automatically
53 be carried over into the new academic year, and will become part of the recipient's new
54 academic year sick leave beginning balance.

55 **PART B: PROCEDURES FOR DONORS**

56 **Step 1:** Once notice of the donation "open period" has been made by the Office of Human
57 Resources, potential donors should request the packet of information and forms through
58 the District Website under Human Resources **OR** call Human Resources directly to obtain
59 a copy of the Program Procedures and the required "Catastrophic Illness Leave Donation
60 Form." District employees must donate **a minimum of eight hours** of sick leave during
61 the specified "donation period." A **maximum of eight (8) hours** of sick leave may be
62 donated to a single recipient during an academic year. Donors may, however, donate to
63 several different employees during the same academic year, a maximum of one day
64 (eight hours) per year to each person.

65 **Step 2:** Once the Donation Form is completed, signed, and submitted to the Office of
66 Human Resources, each donor's own sick leave balance will be reviewed. In order to
67 donate sick leave in this Program, District employees must have an accumulated sick
68 leave balance of twenty-three (23) days at 8 hours/day of their own work days, so that
69 they can retain at least twenty-two (22) days of sick leave after the donation is made.

70 **Step 3:** Sick leave donations will be accepted in the order received in the Office of Human
71 Resources. Donations that are received AFTER the maximum of 100 four-hour days have
72 been received for the recipient, **AND/OR** those donations that are received after the close
73 of the open period, will be returned to the donors.

74 For details concerning District leave policies, please contact staff in the Office of Human
75 Resource Services.

76 ♦ **From current Cerritos CCD Policy 7039 titled Catastrophic Illness/Injury
77 Leave Donation Plan**

78 (Reference: Education Code Section 87045)
79 (Approved by Board of Trustees July 9, 1998)

80 7039.1 The purpose of this plan is to permit eligible participating employees with a
81 catastrophic illness or injury to solicit donations of vacation and/or sick leave from fellow
82 employees.

83 The intent is to ensure that catastrophically ill or injured employees continue in paid status
84 for the primary purpose of maintaining medical benefits during their recovery period. The
85 secondary purpose is to enable the employees to remain in paid status.

86 7039.2 Donee Requirements

- 87 1) Must exhaust all available accrued leave.
- 88 2) An employee need only contribute a minimum of eight (8) hours to the LEAVE
89 BANK to become a participating employee. Thereafter, an employee with verified
90 catastrophic illness/injury may receive LEAVE BANK benefits.
- 91 3) Must be incapacitated/absent for an extended period of time.
 - 92 a. The incapacity/absence must take place on regularly assigned time. In the
93 case of faculty, summer session and overload assignment shall not be
94 considered regularly assigned time. In the case of 10 or 11-month classified
95 employees, only assigned time will be considered.
 - 96 b. The incapacity/absence must be estimated by a physician to exceed one
97 month of regularly assigned time.
- 98 4) In the event that LEAVE BANK benefits will not cover the period of estimated
99 incapacity/absence, the LEAVE BANK beneficiary may use donated time in partial
100 day increments to remain in at least 50% paid status to maintain District paid
101 health and welfare benefits. No matter how donated time is used, benefits from
102 the plan may not exceed 12 months.
- 103 5) Must submit medical verification. The District may require additional medical
104 verification from a physician selected by the District at District expense.
- 105 6) Must submit letter or form requesting LEAVE BANK benefits. An authorized person
106 other than the donee may request donated leave.
- 107 7) Must use all donated leave within a twelve (12) consecutive month period following
108 the donation. Leave time will be returned to the LEAVE BANK if the employee

- 109 returns to work and has a reoccurrence of the same or related catastrophic illness
110 or injury, after using any accrued vacation or sick leave, previously donated leave
111 days may be used if the time remains available.
- 112 8) If no reoccurrence of the catastrophic illness or injury occurs within one (1) year of
113 the date returned to work, the unused donated leave will revert to the District's
114 LEAVE BANK.
- 115 9) Pledged donated leaves can be used only for the specified catastrophic illness or
116 injury. A different catastrophic illness or injury must be handled as a separate or
117 second incident.
- 118 10) As required in Education Code Section 87045, the District determines that the
119 employee is unable to work due to the employee's catastrophic illness or injury.
- 120 11) Any employee who has suffered a catastrophic illness or injury and who has been
121 absent for at least 30 continuous calendar days prior to the initiation of this plan
122 (June 18, 1998), may be considered by the C.I.I. Committee for eligibility without
123 meeting the requirements of Sections I.2 and II.1 of this plan.
- 124 12) EXCLUSIONS: Stress-related illness; elective surgery; normal pregnancy;
125 worker's compensation claims; disabilities resulting from alcoholism or drug
126 addiction unless the drugs are being administered by a physician; intentionally self-
127 inflicted injuries; or illnesses such as colds, flu, allergies, headaches, etc.

128 **7039.3 Donating Employee Requirements**

- 129 1) Must donate a minimum of eight (8) hours initially, and in one-hour increments
130 thereafter. May donate a maximum of forty (40) hours at any one call AND MUST
131 retain no less than two hundred forty (240) hours of eligible leave on record. Faculty
132 members may not donate summer session or overload sick leave. Classified
133 members may not donate compensatory time.
- 134 2) If eligible for vacation time, employee may donate accumulated vacation time with
135 no restrictions.
- 136 3) **LEAVE DONATIONS ARE IRREVOCABLE! ONCE YOU DONATE, IT'S GONE
137 FOREVER.**
- 138 4) Any unused donated leave will revert to the District's LEAVE BANK for use by
139 other catastrophically ill/injured employees who request and are approved to use
140 leave from this bank.
- 141 5) Donated sick leave or vacation leave is charged on an hour-for-hour basis of the
142 classification and/or salary of either the donee or the donor.

143 **7039.4 Leave Bank Provisions**

144 In addition to the conditions specified above, the following items apply specifically to
145 LEAVE BANK requests:

- 146 1) The District will annually, or as needed, promote a call for donations for the LEAVE
147 BANK.
- 148 2) Unused donated leave reverting to the LEAVE BANK and/or leave specifically
149 donated to the LEAVE BANK makes up the LEAVE BANK.
- 150 3) Requests for leave are subject to LEAVE BANK availability. The District is not
151 responsible for filling requests for the LEAVE BANK if leave is not available.

- 152 4) It is the responsibility of the employee or authorized person making the request to
153 submit sufficient information or explanations to the C.I.I. Committee for approval.
154 Insufficient information on a request will be grounds for denial.
- 155 5) Requests for use of the LEAVE BANK are to be directly submitted to the Director
156 of Personnel Services. The Director of Personnel Services will review and verify
157 the request and certify the eligibility of the employee. The Director of Personnel
158 Services will provide the C.I.I. Committee with appropriate information. The
159 Committee will review the leave request but will not be told the name of the person
160 making the request. Confidentiality will be upheld, and all efforts will be made to
161 ensure the privacy of the employee making the leave request. The C.I.I.
162 Committee will determine the result for leave requests.
- 163 6) The Payroll Department, Business Services, will administer the transfer of leave
164 and verification of balances in the LEAVE BANK.

165 Office of Primary Responsibility: Vice President, Human Resources

NOTE: The language in strikethrough is current Cerritos CCD Policy 7039 titled Catastrophic Illness/Injury Leave Donation Plan adopted on 7/9/98.

Date Approved:

DRAFT