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**OFFICE OF THE SUPERINTENDENT
OREGON TRAIL SCHOOL DISTRICT, 46
SANDY, OREGON 97055**

**ADMINISTRATIVE POLICY
08-07
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GUIDELINES FOR THE ADMINISTRATION OF CATASTROPHIC LEAVE

I. PURPOSE

To establish guidelines for the donation of leave to employees absent from work due to a catastrophic illness.

II. DEFINITIONS

- A. **Catastrophic Leave** - A leave which results from an employee suffering from a non-industrial catastrophic illness/injury or life threatening disease.
- Catastrophic illness/injury or life-threatening disease is defined as a physical illness or injury, as certified by a licensed physician, which possesses an imminent danger of death and has resulted/or will result in the inability of the employee to perform the essential functions of the job for more than 30 workdays on a consecutive or intermittent basis.
- B. **Catastrophic Leave Time Bank** - Time donated to a common pool for use by employees on designated (official) Catastrophic Leave.
- C. **Joint Catastrophic Leave Committee** - For the purposes of the Catastrophic Leave Program, the Joint Committee will be comprised of the following:
- One (1) representative from the East County Bargaining Council
 - One (1) representative from the Oregon School Employees Association
 - Two (2) representatives from District Management
- D. **Quorum** - For the purpose of the Catastrophic Leave Program, the number and distribution of committee members necessary to form a quorum is as follows:
- One (1) representative from the East County Bargaining Council
 - One (1) representative from the Oregon School Employees Association
 - One (1) representative from District Management

A single management representative may cast both management votes. A majority consists of three or more votes.

III. **PROCEDURES**

A. **Donation Rules:**

- (1) An employee may donate accrued trade time, allotted sick leave or compensatory time equal to the number of sick days s/he accrues each fiscal year. All donated time must be in the form of "whole hours." No other accrued leave time shall be permitted for donation.
- (2) Donations shall be made to the District Catastrophic Leave time bank.
- (3) No direct employee-to-employee donations of time shall be permitted.
- (4) The names of all employees making and receiving donations of time shall remain strictly confidential.
- (5) It is *not* necessary for an employee to donate to the Catastrophic Leave Program in order to receive benefits (time) derived from this program. It is only necessary that s/he apply and be deemed eligible to receive such benefits/donations.
- (6) All donations of time shall be made on a dollar-for-dollar basis, whereby a donor employee's time shall be converted into dollars based on the donor's rate of pay and then reconverted into hours based on the recipient employee's rate of pay.
- (7) All donations of time shall be final and irrevocable.
- (8) Contributions must be made within the pay period. Contributions made after the pay period will be applied to the leave bank during the next pay period immediately following the donation.

B. **Eligibility Criteria & Rules**

- (1) Any regular, non-probationary employee.
- (2) The employee must have exhausted all forms of paid leave before receiving donations of time.
- (3) All applicants for Catastrophic Leave must provide a signed waiver to authorize disclosure of pertinent medical information. Whenever a dispute arises over the validity of a claim, the Attending Physician's Statement form will be forwarded to a District designated physician for evaluation. In such an instance, the District's physician will make the final determination as to the validity of the claim.
- (4) Eligible recipients may draw up to a maximum of 480 hours from the leave donation time bank within any 24 month period. If an applicant has previously received fewer than 480 hours from the time bank, s/he is eligible to receive the

number of hours which, when added to those previously received, would equal 480 hours.

If an applicant has previously received 480 hours of donated time within a 24 month period, s/he is not considered an eligible recipient under this program.

Any hours received from the District for the expressed purpose of mitigating an employee's loss of wages due to a catastrophic illness, injury, disease, etc., as delineated in this policy, will be deducted from the number of hours the employee is eligible to receive under this particular program.

Example: An employee suffering from a Catastrophic illness as defined in this policy, who receives a hundred and twenty (120) hours of Paid Administrative Leave via the sole discretion of the Superintendent, will have his/her Catastrophic Leave allotment reduced by 120 hours if s/he is determined eligible to receive donated hours under this policy.

- (5) If an employee is on part-time status at the time of his/her request for catastrophic leave, that employee will only be eligible to receive benefits equal to the number of hours worked on his/her normal scheduled workday, multiplied by twelve (12) weeks.

Example: If an employee's normal work schedule is twenty (20) hours per week on the day s/he requests donated hours under the Catastrophic Leave Program, s/he will be eligible to receive two-hundred and forty (240) hours of paid leave under this program, or twenty (20) hours times twelve (12) weeks.

- (6) Eligible participants are designated as being on "paid status" and therefore continue to accrue vacation time, sick leave time, compensatory time, and administrative time while on this program.
- (7) Recipients drawing from the leave donation program may coordinate benefits with the State Disability Insurance program, but may not receive in excess of 100% of his/her standard salary/wages.
- (8) Employees already drawing from supplemental insurance, retirement disability, Worker's Compensation or other such *long-term* benefits are not eligible to receive benefits from this program.
- (9) When multiple employees are approved for benefits under this program and draw concurrently from the pool, no preference will be given to either employee and each will draw from the bank in accordance with his/her respective rate of pay and the date s/he was determined eligible to receive benefits.
- (10) At no time will there be a negative balance in the Catastrophic Leave Bank.
- a. No "negative draws" will be permitted. If the catastrophic leave bank reaches zero-balance before qualified recipients have exhausted the number of hours allotted them, they do not receive any further benefits until such time that the bank receives additional donations.

- (11) Only the Human Resources Department will have the authority to solicit donations for this program. This is necessary to protect the District from violations of Protected Health Information (PHI) as delineated in the Health Insurance Portability and Accountability Act (HIPAA).
- a. Members of the Catastrophic Leave Committee may request that the HR Department post a formal request for leave donations at any time.
- (12) No retroactive ‘catch-ups’ will be permitted under this program. If an eligible employee qualifies for Catastrophic Leave and, during the course of his/her usage the Catastrophic Leave bank is depleted, that employee will not be permitted to make up for the days in which s/he did not receive donated leave. Once the bank receives more donated time, the recipient employee will begin accruing those hours at the same rate s/he did previously, without regard for retroactivity.
- a. At no time will an employee receive more than his/her normal monthly pay as a result of time/money received from this program.
- (13) When two or more Catastrophic Leave recipients run concurrently, they will draw from the Catastrophic Leave Bank concurrently. That is, if two employees are approved to receive the maximum 480 hours and there is only the dollar amount equivalent to 600 hours remaining in the Catastrophic Leave Bank (based on the withdrawal rate of the respective employees), they will draw from the remaining leave bank on an hour-by-hour basis, until the bank is depleted or until such time that more hours (dollar equivalent) are donated to the bank.

Therefore, by granting an employee a lump sum of leave time, it does not imply that those hours (dollar equivalent) have been set aside at the outset, but rather that the employee is authorized the use of a finite number of Catastrophic Leave hours over a 24 month period, whenever such hours become available. The number of dollars remaining in the Catastrophic Leave Bank will be posted on the District web page once a month

IV ADMINISTRATION

A. **Applications & Forms**

1. Applications for Catastrophic Illness Leave (See Exhibit I) and *Donation Forms* (See Exhibit II) will be available to employees via the OTSD website or through the Human Resources Department.
2. An *Attending Physician's Statement* (See Exhibit III) form, which must be completed by the treating physician of the individual with a catastrophic illness, will be available in the Human Resources Department.
3. An *Authorization for Release of Medical Information* (See Exhibit IV) form, also available in the Human Resources Department, permits the employee's physician to complete the Attending Physician's Statement and release that information to the District. This form must be submitted with each application.
4. Human Resources will handle all initial processing of Applications for Catastrophic Leave and Attending Physician's Statements. The Joint Catastrophic Leave Committee will evaluate the Application and the Attending Physician's

Statement to determine eligibility. If a dispute arises over the validity of a claim, the Attending Physician's Statement, as referenced above, will be forwarded to the District's physician for review. The District's physician will then forward a recommendation as to the validity of the claim to the JCLC for final determination.

B. Joint Catastrophic Leave Committee

1. The Joint Catastrophic Leave Committee, by means of a simple majority vote (3), will determine eligibility/participation in the Catastrophic Leave Program.

A single member of District Management may cast both (2) District management votes.

2. Applications and accompanying physician's statements for eligible employees will remain anonymous when presented to the Joint Catastrophic Leave Committee for consideration.
3. Applications will be approved/disapproved based upon their individual merit.

C. Processing

1. All related deductions/additions of time with regard to Catastrophic Leave Donation forms and applications will be processed through the District's Payroll Department. The employee will be responsible for initiating this leave action with Human Resources by presenting them with the appropriate form.