

ADMINISTRATIVE REGULATION 7345

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

HUMAN RESOURCES

CATASTROPHIC LEAVE PROGRAM

I. GENERAL

An employee who is, or whose family member is, suffering from a catastrophic illness or injury may request donations of accrued vacation or sick leave under the catastrophic leave program. An employee requesting catastrophic leave due to their own injury or illness must first exhaust all applicable and available accrued paid leave including any sick leave (at full pay), any available vacation leave, compensatory time-off, and any other accrued leave balances under applicable law. Participation in the catastrophic leave program is entirely voluntary. Requests for an exception to this Administrative Regulation should be submitted in writing to the Vice Chancellor of Human Resources or designee.

II. DEFINITIONS

- A. "Catastrophic illness" or "injury" means an acute or prolonged illness or injury that has been diagnosed by a physician licensed to practice within the scope of their license, as life-threatening or with the threat of serious residual disability, which results in the employee's inability to work 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 from work creates a financial hardship for the employee because they have exhausted all of their sick leave and other paid time off.
1. Examples of a catastrophic illness or injury include, but are not limited to, a serious, debilitating illness, impairment or physical/mental condition that involves treatment in connection with an overnight stay in a hospital, hospice, or residential medical facility; high intensity/high frequency of treatment encounters necessary for a chronic or long-term condition that is so serious that, if not treated, would likely result in an extended period of incapacity or death; or a terminal illness.
 2. Elective surgery does not qualify as a catastrophic illness or injury. If complications arise resulting in a serious health condition, catastrophic leave may apply.
 3. Pregnancy does not qualify as a catastrophic illness or injury. If complications arise resulting in a serious health condition, catastrophic leave may apply.

- B. "Eligible employees" means any faculty, classified professionals, and police officers covered under a District collective bargaining agreement, or management team member.
- C. "Family member" means a person that is either a child (biological, adopted, foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), parent (biological, adoptive, foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), spouse, registered domestic partner, grandparent, grandchild, or sibling.

III. CATASTROPHIC LEAVE PROCESS FOR RECIPIENTS

- A. An employee who is suffering from a catastrophic illness or injury must submit a written request to the ADA Compliance and Leave Administration Manager for Human Resources to receive the donations of eligible paid leave.
- B. Upon requesting donations under this program, the employee shall provide acceptable medical certification from a licensed physician of the employee or a member of the employee's family, specifically indicating the incapacitating nature and probable duration of the catastrophic illness or injury. In the case of a family member, the employee shall submit medical certification that the family member requires the employee's daily regular care.
- C. The Vice Chancellor of Human Resources or designee will review the written request and medical certification to ensure eligibility for catastrophic leave based on the guidelines in this regulation and after consultation with the appropriate collective bargaining unit president, as applicable.
- D. Upon verification, the ADA Compliance and Leave Administration Manager will distribute the initial call for donations to the employee's department or academic division and will track donor names, type of donations, date of donations, and amount of donated accrued leave. The call for donations may be extended college-wide or District-wide on an as needed basis upon approval by the Vice Chancellor of Human Resources or designee.

To safeguard privacy, neither the name of the employee requesting the catastrophic leave nor the diagnosis will be shared. However, an employee may sign a waiver of confidentiality if they desire that their name be shared with donor employees.

- E. The Vice Chancellor of Human Resources or designee will approve the transfer of donated accrued vacation and sick leave to the recipient employee should donations be made.
- F. Any employee who receives paid leave pursuant to this program shall use any paid time off that they continue to accrue on a monthly basis before receiving paid leave pursuant to the catastrophic leave program.
- G. Donations will be utilized in the order in which they are received.

- H. Each employee has a total cap of 320 hours, prorated for part time employees according to their current assigned FTE (Full-Time Equivalency), under the catastrophic leave program. Exceptions to this total cap may be granted by the Vice Chancellor of Human Resources or designee.

IV. NATURE OF DONATIONS

- A. Donations shall be provided in increments of up to ninety (90) days. The employee must submit updated medical certification of a catastrophic illness or injury for the employee or employee's family member at the end of the ninety (90) days timeframe in order to certify the continued need for catastrophic leave.
- B. Catastrophic Leave runs concurrently with all other applicable leaves as allowed by law.

V. CATASTROPHIC LEAVE PROCESS FOR DONORS

- A. Employees may donate sick leave and/or vacation time off to an employee who has been approved to receive donated leave under the catastrophic leave program when that employee or their family member suffers from a catastrophic illness or injury, the employee is unable to work, and the employee has exhausted all accrued paid leave.
- B. The ADA Compliance and Leave Administration Manager shall inform employees of the means by which donations may be made in response to the employee's request.
- C. Eligible paid leave must be donated at a minimum of one (1) day of sick leave for full-time faculty, eight (8) hours for full-time classified professionals, police officers and management team members and prorated for part-time faculty and classified professionals, based on their current assigned FTE (Full-Time Equivalency). All donations will be calculated based on the donating employee's classification (i.e., a donating faculty member's sick day equals 7.2 hours not 8 hours, while a donating classified professional's sick day equals 8 hours and prorated for part-time faculty and classified professionals, based on their current assigned FTE).
- D. Any employee wishing to donate accrued paid leave to a specific employee under this regulation must complete a District designated donation form designating the number and type of paid leave to be donated, acknowledge that their donation of leave is irrevocable once transferred and processed, and submit the form to the ADA Compliance and Leave Administration Manager.
- E. Employees donating paid leave have the option of donating leave anonymously, with their identity revealed only to the ADA Compliance and Leave Administration Manager, Payroll and Benefits Operations Supervisor, and Payroll and Benefits Manager.
- F. Donors must have accrued sufficient vacation or sick leave to cover the donation (leave may not be donated prior to accrual). To ensure that employees retain sufficient accrued sick leave to meet the needs that normally arise, full-time faculty

shall preserve their accrued sick leave at a minimum of twelve (12) days; part-time faculty a minimum of thirty-six (36) hours; and classified, management, and police officer donors shall preserve their accrued sick leave at a minimum of ninety-six (96) hours and accrued vacation leave at a minimum of forty (40) hours (prorated for part-time employees).

- G. Employees are advised to consider their own present and future needs when determining how many hours to donate.
- H. The donation and/or the receipt of the donation may have a tax and/or service credit implication, which the employee is responsible for determining.

VI. TERMINATION OF CATASTROPHIC LEAVE

- A. Catastrophic leave donation shall terminate to a recipient employee under the following circumstances:
 - 1. They terminate employment with the District;
 - 2. If 4 months have elapsed and there has been no additional utilization of the donations; or
 - 3. The need no longer exists based on a physician's recommendation.
- B. Should an employee who is the recipient of catastrophic leave donations be able to return to work, or is no longer employed by the District, prior to using all donated leave, any remaining donated leave will be returned to those employees whose donated leave has not yet been utilized by the recipient employee in the reverse order they have been received.

References:

California Labor Code Sections 233, 245.5, and 246.5
California Education Code Section 87045