

EAST CENTRAL INDEPENDENT SCHOOL DISTRICT

***CATASTROPHIC SICK LEAVE BANK REGULATIONS
(CSLB)***

Revised
June 2021

**EAST CENTRAL INDEPENDENT SCHOOL DISTRICT
CATASTROPHIC SICK LEAVE BANK/POOL REGULATIONS**

SECTION I: PURPOSE AND DEFINITION

A. Purpose

The purpose of the Catastrophic Sick Leave Bank (CSLB) is to provide additional sick leave days to members of the CSLB in the event of an unexpected extended catastrophic illness, or injury. Days may be requested from the CSLB only after the member has exhausted all accumulated and anticipated state/local sick leave days and compensatory time. Employees that receive vacation days must also exhaust all those days.

B. Definition of Sick Leave Days for Members

A. DEFINITIONS. As used in this Policy:

1. "Catastrophic illness or injury" means a severe unexpected condition or combination of conditions affecting the mental or physical health of an employee or **(under the pool)** the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and (that requires the employee to exhaust earned leave;
2. **Characteristics of this severe condition or combination of conditions may include the need to be hospitalized, result in loss of daily life functions, and/or result in permanent disability or death if left untreated;**
3. "Employee" means a regular employee of the East Central ISD who is employed and is eligible to receive state personal leave and/or district sick leave;
4. "Immediate Family" per East Central ISD Board Policy DEC Local means for the purposes of state sick leave earned before May 30, 1995, and local sick leave, the term "immediate family" shall include:
 - A. Spouse.
 - B. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
 - C. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
 - D. Sibling, stepsibling, sibling-in-law.
 - E. Grandparent and grandchild.
 - F. Any person who may be residing in the employee's household at the time of illness or death.

5. "Licensed practitioner" means a person who is licensed to practice in one of the health professions set forth in Article 3.70-2 of the Texas Insurance Code;
6. "Pool administrator" means the person appointed by the superintendent to administer the sick leave pool at East Central ISD;
7. "Bank administrator" means the person appointed by the superintendent to administer the sick leave bank at East Central ISD;
8. "Sick leave pool" or "pool" means the accumulated sick leave contributed by employees for utilization in accordance with this policy.

SECTION II: MEMBERSHIP

A. Eligibility

All personnel of the East Central Independent School District who are TRS eligible shall be eligible for membership.

B. Procedures for Joining the Catastrophic Sick Leave Bank

1. Enrollment in the CSLB shall occur annually, during the open enrollment period.
2. Any employee who is eligible to join the CSLB may do so by contributing three (3) days of earned or advanced state or local sick leave.
3. All employees who join the CSLB within the enrollment period are eligible for membership effective on the first day of the month following open enrollment.
4. Employees who are hired after the open enrollment period closes are not eligible for membership until the next open enrollment period.
5. Employees desiring to join the CSLB shall complete the membership application form and submit it to the Benefits Department. Membership for employees with three (3) days of earned or advanced leave shall be approved.

SECTION III: REGULATIONS CONCERNING CONTRIBUTION OF DAYS

- A. To become a member of the CSLB, an employee must contribute three (3) days from his/her earned or advanced state or local sick leave for the current school year.
- B. These days will be subtracted from the member's sick leave record.
- C. The three contributed days become the property of the East Central Independent School District

Catastrophic Sick Leave Bank. All contributions will remain in force and cannot be returned even upon cancellation of the membership.

- D. For CSLB purposes, the school year will be from October 1 through September 30. If a member uses three or more days from the CSLB during this period, he/she will be required to contribute an additional three days the following school year (October through September) in order to have continuing membership in the CSLB. If the member uses fewer than three days, he/she will contribute the number of days actually used.
- E. Each year if the CSLB falls below one times (1x) the number of members, existing members must contribute one day for the current school year. Newly enrolled participants who join in September will contribute a maximum of three days for the current school term and would be excluded from contributing an additional day that school year.
- F. If a member decides to cancel his/her membership in the CSLB, the three days contributed for membership remain the property of the CSLB. If, at a later date, this individual wishes to rejoin the CSLB, he or she may do so during the enrollment period by again contributing three days.
- G. Personnel who terminate their employment with the district forfeit membership in the CSLB at the effective date of termination. If the employee wishes to regain membership in the CSLB upon his/her return to the district, three days must again be contributed.
- H. Personnel on approved leave of absence will retain membership in the CSLB and will not be required to contribute additional days.

SECTION IV: REGULATIONS CONCERNING GRANTING OF SICK LEAVE DAYS FROM THE CSLB

- A. Granting days from the Catastrophic Sick Leave Bank
 - 1. Conditions known to exist by the employee that have been diagnosed or treated in the 12 month period prior to enrollment in the Catastrophic Sick Leave Bank will not be covered under provisions of the Catastrophic Sick Leave Bank.
 - 2. Sick leave days from the CSLB will be granted only after the member has exhausted all earned or advanced state/local sick leave days and compensatory time. Employees that receive vacation days must also exhaust all those days.
 - 3. Days from the CSLB shall be granted only for catastrophic illness, injury, surgery or other serious temporary disability which necessitates an absence from work for five (5) consecutive days or longer. After this initial five (5) consecutive day period intermittent days may qualify if all other

provisions of this policy are met. Normal pregnancies with no complications and routine surgeries with no complications are not, in general, considered to be catastrophic illnesses. Complications arising from childbirth or routine surgery may be considered by the CSLB committee on an individual basis.

4. Catastrophic Sick Leave Bank days shall be granted only for absences for working days and will not be granted for holidays, vacation days or other such days for which the member is not paid.
 5. The maximum number of CSLB days that may be granted to an employee during the year (October 1 through September 30) will be forty-five (45) days.
 6. If a member who has received less than 45 days from the Catastrophic Sick Leave Bank returns to work and then is ill again with the same or a different illness, he/she may apply to the CSLB for additional days needed; the total not to exceed forty-five (45) days per year. Each separate illness applied for must meet the initial criteria of just cause.
 7. A member shall only be reimbursed for the amount actually docked from their paycheck. Reimbursement will be made only in the member's regular payroll check after the approval of requested days. Payment from CSLB will be considered TRS eligible compensation.
 8. All unused sick leave days in the CSLB at the end of the school year (September 30) shall be carried over to the next school year (October 1 through September 30).
 9. Leave from the CSLB may not be used for permanent disabilities that would prevent the employee from returning to work.
 10. A contributor will lose the right to utilize the benefits of the bank by:
 - a. Termination of employment in the East Central Independent School District.
 - b. Cancellation of participation by the member on the proper form at any time.
 - c. Employment elsewhere during the period for which the member received sick leave from the CSLB.
 - d. Any abuse or misuse of the regulations of the CSLB.
- B. Employees receiving disability benefits under the District's Workers' Compensation program *or through a district disability policy* will have those benefits coordinated with any benefits awarded under the CSLB/*CSLP* program so that they will receive no more than 100% compensation.

SECTION V: PROCEDURES FOR APPLYING FOR SICK LEAVE DAYS

- A. Any CSLB member believing they have a CLSB claim for days must submit a request for days from the CSLB.
- B. A member who requests days from the CSLB must submit to the Superintendent's Designee or the Employee Benefits Office, no later than thirty (30) work days after submitting an application for days from the CSLB, forms containing the following information:
 - 1. A statement signed by the member attesting to the fact that the condition which necessitated the request for days from the CSLB was unknown to the employee at the time he/she became a member of the Bank.
 - 2. Completion of the attending physician's statement which includes:
 - a. Identification of the nature of the illness and/or extent of injury.
 - b. Date of initial onset of this particular condition.
 - c. Anticipated date eligible to return to work on a full-time basis.
 - d. Statement from the physician that the condition is not a pre-existing condition.
 - 3. Dates of absences from work for the illness or injury.
 - 4. Anticipated days, if any, for follow-up examinations.
- C. Forms for the above purposes have been prepared and are available from the district Employee Benefits Department or district website.
- D. If a member is critically ill and unable to file an application for sick leave days from the CSLB, the school principal, immediate supervisor, may provide the application form at the request of the member or someone in the member's family.

SECTION VI: CATASTROPHIC SICK LEAVE BANK GOVERNING COMMITTEE

- A. Name
 - 1. The governing committee, which will approve or deny all requests for CSLB days, shall be called the East Central Independent School District Catastrophic Sick Leave Bank Governing Committee.
- B. Composition of Membership of Governing Committee

1. Members of the CSLB who have been employed by the school district for at least one year, at the time of election, may serve on the Governing Committee.
2. Membership of the Governing Committee shall be composed of:
 - a. Voting Members, elected by the members of the CSLB
 - (1) One (1) representative from each campus who is a teacher, librarian, counselor, nurse or facilitator.
 - (2) One (1) representative from support paraprofessional personnel
 - (3) One (1) representative from the instructional paraprofessional personnel
 - (4) One (1) representative from auxiliary personnel
 - (5) One (1) representative from administrative personnel
 - b. Non-Voting Members
 - (1) The Superintendent's designee shall serve as Executive Officer.
 - (2) The Governing Committee may designate the Coordinator of Health Services as a non-voting member.
3. Term of Office
 - a. A member of the Governing Committee shall, following the first year of the Governing Committee's operation, serve for two years beginning October 1 and ending September 30. A member, if re-elected, may serve a maximum of two (2) consecutive terms. To set the staggered term structure in place, Governing Committee members initially will draw lot to determine whether a full term (October 1, 1993-September 30, 1995) is served or an abbreviated term (October 1, 1993-September 30, 1994) is followed.
 - b. Following this initial election, the five (5) Governing Committee members positions who drew abbreviated terms (October 1, 1993 - September 30, 1994) will always expire in odd number years (e.g. 1993, 1995 etc.)
 - c. The remaining six (6) Governing Committee Members' terms will expire on even numbered years (e.g. 1994, 1996, etc.)
4. Election Procedure
 - a. Elections will be held annually during the month of September. Only members of the CSLB are eligible to vote. The first year CSLB elections will be held the first Tuesday in November.

- b. Voting will be by ballot. Ballots will be distributed either through e-mail or the school mail and returned the same way. Ballots will be received and counted by the Employee Benefits Department. The election results will be determined by a plurality. The Governing Committee of the Catastrophic Sick Leave Bank will canvass election at a meeting called by the Executive Officer.
- c. Librarians, teachers, counselors, nurses, facilitators who are members of the CSLB will be eligible to vote and/or be elected as representatives per their home school assignment.
- d. Administrative personnel such as coordinators, supervisors, directors, principals, vice principals, etc., will be eligible to vote and/or be elected in the administrative group.

C. Duties and Responsibilities of the Board of Directors

- 1. At the first meeting of the year for the newly elected Governing Committee members, the committee shall select from its group a vice chairperson and secretary.
- 2. All applications for CSLB days shall be reviewed individually by the Governing Committee in a called meeting.
- 3. A member may be requested to appear before the Governing Committee to substantiate his/her case.
- 4. The Governing Committee shall determine the number of days approved (up to forty-five [45] days) and reserves the right to approve, deny, or modify the days requested.
- 5. A member may appeal the decision of the Governing Committee by writing a letter to the Executive Officer and/or request to appear in person before the Governing Committee.
- 6. The decision after appeal to the Catastrophic Sick Leave Bank Governing Committee will be appealable through the district's grievance procedure DGBA (Local).
- 7. Vacancies on the Governing Committee that may arise during the school year will be filled by appointment by the Governing Committee. The selection will be made from the group which was represented by the member who resigned. The appointee will serve through the remainder of the original member's term if there is less than one year remaining. In the event one year or more remains, the position will be then refilled for the balance of the original unexpired term by regular election procedure during the balloting period. Members appointed or elected to an unexpired term are eligible to serve for a maximum of two (2) consecutive full terms.
- 8. The Superintendent's designee shall serve as the Executive Officer of the Governing Committee and process all approved sick leave days for members to the Payroll Department.
- 9. The Governing Committee may consult with the district's medical advisor as needed for making decisions concerning approval, denial, or modification of the days requested by a participating employee.

SECTION VII: QUESTIONS NOT ANSWERED IN CSLB POLICY

Any question concerning membership, regulations, or application for sick leave days that may arise after adoption of this plan and not specifically covered herein shall be submitted to the Governing Committee of the CSLB, who will make a final decision.

SECTION VIII: EVALUATION AND ASSESSMENT

In the first year of the CSLB a minimum of one-hundred (100) eligible employees must join to make the CSLB solvent. In the event fewer than one-hundred employees join the CSLB by October 31, 1993, the CSLB will dissolve and any enrollment applications shall be returned.

In the second and all subsequent years of the bank a review of the program will be made by the Catastrophic Sick Leave Bank Governing Committee. The CSLB Governing Committee has the power to raise or lower maintenance requirements of the CSLB based upon its review. Notification of the changes will be made to the membership prior to September 1 of the year the change would be effective.

SECTION IX: SICK LEAVE POOL

B. PURPOSE. The voluntary sick leave pool alleviates hardship caused to any continuing employee of the district who is unable to work as a result of catastrophic illness or injury to themselves (if a member of the Catastrophic Sick Leave Bank) or qualified family member and has exhausted all available leave. An employee may participate in the pool until he or she has used up to 45 days from the pool.

C. DEFINITIONS. As used in this Policy:

1. "Catastrophic illness or injury" means a severe condition or combination of conditions affecting the mental or physical health of an employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that requires the employee to exhaust earned and advanced leave and to lose compensation from the District;
2. "Employee" means a regular employee of the East Central ISD who is employed to work who is eligible to receive state personal leave and/or district sick leave;
3. "Immediate Family" per East Central ISD Board Policy DEC Local means for the purposes of state sick leave earned before May 30, 1995, and local sick leave, the term "immediate family" shall include:
 - A. Spouse.
 - B. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
 - C. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
 - D. Sibling, stepsibling, sibling-in-law.
 - E. Grandparent and grandchild.

F. Any person who may be residing in the employee's household at the time of illness or death.

4. "Licensed practitioner" means a person who is licensed to practice in one of the health professions set forth in Article 3.70-2 of the Texas Insurance Code;
5. "Pool administrator" means the person appointed by the superintendent to administer the sick leave pool at East Central ISD;
6. "Sick leave pool" or "pool" means the accumulated sick leave contributed by employees for utilization in accordance with this policy.
7. Payment of days from the Pool shall be considered eligible TRS compensation.

D. POOL ADMINISTRATION. This policy shall be administered at East Central ISD by the pool administrator designated by the superintendent.

1. The pool administrator shall adopt forms and regulations appropriate for the administration of this policy.
2. The decision of the sick leave pool committee regarding contributions to and withdrawals from the pool may be appealed under East Central ISD Board Policy DGBA (Local).

E. ELIGIBILITY

1. Any eligible employee must be a member of the CSLB to be eligible for participation in the Sick Leave Pool.
2. Sick leave days from the CSLP will be granted only after the member has exhausted all earned and advanced state/local sick leave days and compensatory time. Employees that receive vacation days must also exhaust all those days. Employees will also have to exhaust all CSLB days, if applying for self.
3. Days from the CSLB shall be granted only for catastrophic illness, injury, surgery or other serious temporary disability which necessitates an absence from work for five (5) consecutive days or longer. After this initial five (5) consecutive day period intermittent days may qualify if all other provisions of this policy are met.
4. Leave from the CSLB may not be used for permanent disabilities that would prevent the employee from returning to work. This would not apply to family members that qualify under the Sick Leave Pool.

F. SICK LEAVE POOL. The sick leave pool shall consist of the sick leave voluntarily contributed to the pool by East Central ISD employees.

1. An employee who desires to contribute sick leave to the pool must submit an application to the pool administrator.
2. District employees are permitted to contribute from one to three local sick leave days or state personal days per person. No employee may contribute more than ten days to the pool per year. These contributions must be in units of eight (8) hours.

3. Upon approval of an application, the pool administrator shall credit the sick leave pool with the sick leave contributed by an employee and shall direct the Payroll Department to deduct a corresponding amount from that employee's earned sick leave.
 4. This pool shall be established at the time of request for assistance.
 5. All contributions to the sick leave pools shall be voluntary and confidential contributions.
 6. Employees receiving disability benefits under the District's Workers' Compensation program ***or through a district disability policy*** will have those benefits coordinated with any benefits awarded under the CSLB/***CSLP*** program so that they will receive no more than 100% compensation.
- G. **SICK LEAVE POOL GOVERNING COMMITTEE**. The Sick Leave Pool Governing Committee shall consist of the Catastrophic Sick Leave Bank Governing Committee.
- H. **WITHDRAWAL OF SICK LEAVE FROM THE POOL**. Applications to withdraw sick leave from the pool must be submitted on the form prescribed by the pool administrator. An application must be filed with the pool administrator and must be accompanied by a statement from the licensed practitioner who treated the illness or injury that resulted in the exhaustion of the earned and anticipated sick leave of the employee making the application. The pool administrator will consider applications in the order in which they are received and will submit the request to a Catastrophic Sick Leave Bank Governing Committee who will approve or deny an application.
1. An employee is eligible to withdraw sick leave from the pool if the committee finds that the employee has exhausted all earned and advanced sick leave because of a catastrophic illness or injury.
 2. In determining the amount of sick leave to be assigned to an eligible employee from the pool, the committee shall take into consideration the information contained in the employee's application and the amount of sick leave available in the pool. Upon approval of an employee's application, the pool administrator shall notify the Payroll Office of the amount of sick leave to be assigned to the employee.
- I. **DISSOLUTION OF POOL**. The sick leave pool ceases to exist when the employee returns to work or when each voluntary donation reaches the maximum contribution and the sick leave pool is exhausted. Unused sick leave pool days shall revert to the donors and shall be divided proportionately among donors according to the amount contributed. Reimbursed days shall be divided in increments of no less than one-half days. No general pool shall remain in existence.