



**Maypearl Independent School District  
CATASTROPHIC SICK LEAVE BANK**

Membership in the catastrophic leave bank shall be available on a voluntary basis for all employees who are eligible for membership in the Texas Teacher Retirement System. Eligible employees must have completed 12 months of service for the employer and have worked 1,250 hours within the 12 months prior to the day leave is requested. The purpose of the sick leave bank is to provide additional paid sick leave days to members of the bank, in the event of catastrophic illness or injury, which renders the member unable to perform the duties of his or her position and causes a substantial loss of income. Catastrophic illness benefits shall be used only for the catastrophic illness or disability of the employee or catastrophic illness or disability of his/her immediate family. Pregnancy-related disability is not considered catastrophic.

Catastrophic illness/accident is defined as that of a serious nature, not a passing disorder or temporary ailment, requiring treatment by a physician and hospital admittance. Although some degree of permanency is usually involved, the disease need not necessarily be incurable or permanent. To qualify for the benefits of the program, a catastrophic illness or injury shall result in the employee's temporary or permanent incapacity to perform his or her job function for an extended period of time. Catastrophic illness is life threatening and requires major medical treatment such as surgery, chemotherapy, radiation and the like.

**Catastrophic Leave Bank:**

The catastrophic leave bank shall be established through the District's initial contribution of 50 days and the voluntary contributions of District employees. An eligible employee may join during the enrollment period beginning September 1 and ending September 30<sup>th</sup> of each year. The employee remains a member of the catastrophic leave bank with an annual contribution until one of the following occurs:

1. *Termination of employment with the District*
2. *Suspension without pay (during a period of suspension).*
3. *The member's voluntary cancellation of membership in the bank, as of the effective date of the cancellation.*
4. *The member's written authorization to discontinue annual contribution of sick leave day(s), as of the date the contribution becomes due.*
5. *Any abuse or misuse of the rules of the bank.*

Days donated to the catastrophic leave bank are available for use by any member for a qualifying condition. Leave shall be granted only after a member has exhausted all accumulated state and local leave and any accumulated compensatory time and vacation days, as applicable.

Leave shall be granted in no more than 30-day increments, renewable one time. The cumulative amount of leave granted to any one employee in any one school year shall not exceed 60 days or one-third of the balance in the catastrophic leave bank, whichever is less. A "day" granted to an employee shall be equivalent to the number of hours in that employee's typical workday. In no case shall the granting of leave from the bank cause a bank member to receive more than the amount typically received by the member or the school year. If a bank member does not use all the days granted from the bank, the unused sick leave bank days shall be returned to the bank.

In case a member's incapacity is such that he or she cannot personally apply for the use of bank days, an authorized agent or family member on the member's behalf may submit application to the CSLB committee.

### **Membership or Full-Time Employees**

The sick leave bank shall be established by donating one local sick leave days per enrolled employee at the beginning of the school year. You must have donated days to the CSLB in order to receive days from the bank.

### **Governing Committee**

The governing committee for the sick leave bank shall be called the CSLB committee. The committee shall consist of the building level principal, a teacher representative from each campus and the business manager. The CSLB committee shall be responsible for receiving requests, verifying the validity of requests, recommending approval or denial of requests, and communicating decisions to the member and the business office. The committee must maintain a high level of privacy to comply with HIPPA regulations. Information included in the request for days must be considered confidential. The committee shall meet as the need arises.

### **Rules and procedures**

Each separate request to receive days from the bank must include a physician's new statement explaining the nature of the illness or accident. The request shall include authorization by the employee to release medical reports to the District CSLB committee. The CSLB committee shall review and forward to the District business office the decision on all requests to draw on the bank within 5 working days after such request.

All requests to draw upon the bank shall be made in writing and submitted to the CSLB committee within 15 calendar days of the first date bank usage is requested.

All requests to draw upon the bank must be accompanied by the employee's physician's statement confirming the cause of illness or confinement and certifying the existence of an inability to perform assigned duties. The physician shall personally sign the form.

Leave cannot be intermittently. When the employee returns to work, any unused days are returned to the bank for use by other employees.

An employee is only eligible to request leave from the bank once a school year and only once for the same illness/accident.

The requestor must also request Family Medical Leave Act leave and all policy and procedures applicable to FMLA will apply. See DEC Legal.

**MAINTENANCE OF HEALTH BENEFITS** During any period that an eligible employee takes FMLA leave, the District shall maintain coverage under any "group health plan" for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in active duty with the District. *29 U.S.C. 2614(c)(1)*

**FAILURE TO  
RETURN FROM  
LEAVE**

The District may recover its share of health care premiums paid during a period of FMLA leave if an employee fails to return to work after his or her FMLA leave entitlement has been exhausted or expires, unless one of the following conditions exists:

1. The continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under FMLA; or
2. Other circumstances beyond the employee's control.

When an employee fails to return to work, except for the reasons stated above, health premiums paid by the District during a period of FMLA leave are a debt owed the District by the nonreturning employee, and may be recovered by the District through deduction of any sums due the employee or through legal action.

All decisions of the CSLB committee may be appealed according to the procedures at DGBA(LOCAL), beginning at Level Two.

**LEVEL TWO** If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level One.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. At the conference, the Superintendent or designee shall consider only the issues and documents presented at Level One and identified in the Level Two appeal notice. The Superintendent or designee shall have ten days following the conference to provide the employee a written response.