



BOERNE ISD CATASTROPHIC LEAVE PROGRAM

OVERVIEW

The Boerne ISD created the Catastrophic Leave Program in the fall of 2008 which remains effective for each school year thereafter as provided herein. The program is designed to aid employees who experience a catastrophic medical condition for themselves or for an immediate family member and who have insufficient leave to meet those circumstances.

The existence and operation of the leave program is subject to suspension or termination at any time if it is determined by the Superintendent that the financial condition of the District so dictates. The program may also be suspended or terminated by the Superintendent if it is determined that the program is not operating as originally intended or is being abused by one or more District employees. Any such termination or suspension shall not affect any employee that is already receiving donated leave at the time the termination or suspension takes effect. All pending applications that have not been approved at the time of the termination or suspension will be automatically rejected.

PROGRAM ELIGIBILITY

A Boerne ISD employee may apply to the Catastrophic Leave Program if he or she meets all of the following criteria:

1. Be a full or part-time employee. Part-time employees to be eligible must work a minimum of 20 hours/week. The leave program is not applicable to substitute or temporary employees.
2. Be in good standing with the District and/or the Texas Education Agency or any division thereof. Eligibility will be denied if there are any criminal matters existing or pending against the employee that are actionable under Board policy or state or federal law. The leave program will not apply to any employee that is on a District-imposed improvement or intervention growth plan or is subject to State or District disciplinary, suspension, non-renewal, or termination proceedings at the time the employee makes application to the leave program. The determination of such eligibility shall rest with the Boerne ISD Human Resources Department.
3. Has worked for the Boerne ISD for a minimum of 90 calendar days counting and including the first day of employment. A catastrophic medical condition that occurs during the first 90 calendar days of employment is not eligible for participation in the leave program.
4. Has exhausted or depleted all leave available to the employee including, but not limited to existing previous balance Local Sick leave, State leave, and vacation or non-duty days, if applicable.

5. The employee or the employee's immediate family member has a catastrophic illness, condition, or injury as those terms (immediate family member and medical condition) are defined below.

DEFINITIONS

1. A catastrophic illness, condition, or injury is defined as a life-threatening, acute, and non-work related medical condition that is diagnosed by a licensed medical physician as precluding the employee from working in any manner or in the case of an immediate family member, an acute or prolonged illness, condition or injury that is considered life-threatening and renders the family member so significantly disabled or in need of such care that it prohibits the employee from working. Catastrophic conditions are additionally elaborated upon as follows:
 - a. Life-threatening debilitating illnesses, impairments, or physical conditions that involve treatment in connection with a stay in a hospital, hospice, or other medical or residential facility.
 - b. Treatments necessary for a medical condition that is so life-threatening that, if not treated, would likely result in death.
 - c. Terminal illness.
 - d. Conditions that are determined to be short term or normal/natural experiences are not catastrophic. Such conditions include but are not limited to flu, childhood/adult diseases (measles, mumps, chicken pox, etc.), non-debilitating bone fractures, routine pregnancies/births, etc.
 - e. The life-threatening aspect of the medical condition must be validated as a real and substantial risk that is relative to the reasonably foreseeable future. Prolonged conditions that could contribute to death at the end of a normal life expectancy are not considered life-threatening for the purposes of this program. The risk of death is almost always present when surgical procedures are performed. That common risk alone is not sufficient to meet the life-threatening criteria.
 - f. The Boerne ISD reserves and retains the right to determine whether the illness or condition meets the foregoing definitions and criteria based on the information it receives from the applicant and his or her medical providers.
2. "Immediate family member" is defined as to include only the following: Spouse, natural child, adopted child, foster child, parent (but not parent-in-law), and stepchildren but only if such stepchild lives with the employee on a full-time basis (save and except court ordered or agreed temporary visitation with the other natural parent).
3. It is permissible for one employee spouse to donate leave to the other employee spouse.
4. A determination that the employee, approved for their own catastrophic illness, is eligible for light duty work will preclude the employee from applying to or continuing in the leave program.
5. A medical physician is defined as a physician licensed by the appropriate medical board or licensing division of any state in the United States. The term medical physician shall not include chiropractors, acupuncturists, or homeopathic practitioners. The final determination of who shall meet the definition of a medical physician shall rest with the Human Resources Department.

6. The Boerne ISD shall have the right to require the employee to submit to an independent medical examination at the time the employee makes application to the leave program or at any time the employee is an active participant in the leave program.
7. Existing or local carryover sick leave means local leave that is immediately and validly accessible by the employee. It does not include sick leave that is unearned.

APPLICATION AND DONATION PROCESS

The operation of the catastrophic leave program shall be governed by the following additional terms and conditions:

1. The program is not applicable to any employee who has sustained or suffered a work-related injury and is receiving worker’s compensation income benefits. Statutory compensation and benefits apply in that situation.
2. An employee may make application to and participate in the leave program only once during every 12 month period as calculated from the date of the employee’s last application to the program.
3. The maximum period of time that the employee can benefit from leave afforded by the District or by leave afforded by virtue of the catastrophic leave program is 180 calendar days from the date when the illness, medical condition, or injury occurred. It is therefore incumbent upon the employee to make application to the program as soon as it appears that the employee has a qualifying condition.
4. Employees may donate only *previous balance* local sick leave days and may do so only according to the following schedule:

Previous Balance Local Sick Days	Maximum Number
0 – 9	0
10-15	2
16 – 20	3
21 – 30	4

5. An employee may donate no more than 4 local leave days per school year – July 1 through June 30 – regardless of the number of potential donees.
6. The donation of leave is irrevocable and cannot be returned to the employee donor once the leave is transferred to the donee.
7. The donation of leave is personal to the donee and will not be accumulated for the benefit of other eligible employees. Any donated leave days not used for a particular donee shall be returned to the employee donor. The Human Resources Department will post the number of donated leave days for any particular donee so that donors know before making a donation of their local leave.
8. All leave will be donated anonymously. Therefore the names of donors will not be shared with the donee.
9. Notice of an employee’s application to the leave program will be distributed in a manner deemed by the Human Resource Department as being most effective. Among the methods to be considered will be district-wide e-mails and campus postings.

10. Any employee wishing to make application to the program must use the form titled “Catastrophic Leave Program Application Form”. The Human Resources Department may require additional supporting documentation and will so timely inform the employee. Such form, together with any necessary supporting documentation, must be submitted to the Human Resources Department promptly. The Human Resources Department has the right to deny or delay the consideration of the application until such time as the supporting documentation is submitted. Any employee wishing to make a donation must use the form titled “Catastrophic Leave Program Donation Form”. Such form must identify the name of the employee to receive the donation. All leave program forms are available through the Human Resources Department.
11. When the employee makes application to the program, he or she agrees to a disclosure of information about the illness, condition, or injury that is sufficient in detail to inform potential leave donors of the need for additional leave. To this end, the employee by virtue of signing and submitting their application releases and holds the Boerne ISD and its Board of Trustees, administrators, and employees harmless from any liability whatsoever as it relates in any manner to the publication of such information. The employee expressly waives any claim of confidentiality to such information whether such protection is afforded by the state or federal law. The Human Resources Department will seek the employee’s approval on any information that is published.
12. Donations of previous balance local leave may be made any time the donee is eligible to participate in this program. For example, a donor may donate when the donee first becomes eligible or at a later time when the donee is still eligible for leave under the program.
13. All decisions and determinations made with respect to the application of the catastrophic leave program shall rest with the Human Resources Department.
14. Direct solicitations of leave made by the donee to any potential donor are strongly discouraged. Inappropriate or unacceptable conduct or behavior by the donee can be reason for termination or exclusion from the leave program on a temporary or permanent basis.
15. The leave program shall apply only to paid work days.

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