ARTICLE 37
CATASTROPHIC SICK LEAVE

A. Catastrophic Sick Leave Bank (CSLB) Creation and Administration:

1. The Association and the District agree to create a Catastrophic Sick Leave Bank effective September 1, 2005. The Catastrophic Sick Leave Bank shall be funded in accordance with the terms of section B below.

    a. The intent of the Catastrophic Sick Leave Bank is to provide additional coverage for bargaining unit members who have suffered a catastrophic illness or injury. Catastrophic illness or injury means an illness or injury that has sudden onset and that is expected to incapacitate the employee for an extended period of time. Non-emergency or elective surgeries, personal necessity leave, substance abuse rehabilitation and bereavement are not considered catastrophic. Documentation from a physician demonstrating that the request is catastrophic must be provided. Not all extended leaves of absence will meet this criteria.

2. Days in the Catastrophic Sick Leave Bank shall accumulate from year to year.

3. Days shall be contributed to the Bank and withdrawn from the Bank without regard to the daily rate of pay of the Catastrophic Sick Leave Bank participant.

4. The Catastrophic Sick Leave Bank Committee shall consist of two (2) representatives appointed by the president of the Association and two (2) members appointed by the Superintendent or designee. ~~be administered by a three (3) member Catastrophic Sick Leave Bank Committee appointed by the president of the Association.~~ This committee shall have the responsibility of maintaining the records of the Catastrophic Sick Leave Bank, receiving draw requests, verifying the validity of requests (as described above in 1a), approving or denying the requests, and communicating its decisions to the participants. The Catastrophic Sick Leave Bank Committee shall also have the responsibility of communicating its decisions to the District's Certificated Human Resources and/or Payroll departments.

5. The committee's authority shall be limited to administration, and the committee shall approve all properly submitted requests complying with the terms of this article. Draws may not be denied on the basis of the type of illness or disability except as noted in A.1.a. above.

6. When all the unit member's available fully paid leave time has been exhausted (i.e., regular sick leave, off, etc.), the unit member will be placed on excess sick leave, i.e. five (5) school months at 50% pay. Refer to California Ed Code 44983, for current legislation for exhausted sick leave and access to excess sick leave.

7. A unit member who has exhausted all available sick leave, including all accumulated sick leave, would enter into excess sick leave (50% pay) status for five school months, which is understood to represent one hundred (100) consecutive working days. On the twenty-first (21st) consecutive work day of excess sick leave at fifty percent pay (50%), a unit member with an approved Catastrophic Sick Leave request~~,~~ would receive compensation within the following parameters:

    a. Fifty percent (50%) pay for the remaining eighty (80) days through excess sick leave.

b. The supplemental fifty percent (50%) pay for the remaining eighty (80) days of excess sick days would be compensated through the Catastrophic Sick Leave Bank.
c. Any draw from the Catastrophic Sick Leave Bank that extends beyond the period covered by excess sick leave will continue at the fifty percent (50%) pay until fully expended.

8. A draw from the Catastrophic Sick Leave Bank may not be used for illness or disability which qualifies the participant for Worker's Compensation benefits.

9. A draw from the Catastrophic Sick Leave Bank may not be used for absence related to pregnancy.

10. Draws from the Catastrophic Sick Leave Bank pursuant to Section A.6 and A.7 listed above and shall be approved only for unit members who are active participants of the Catastrophic Sick Leave Bank and who submit an official request for draw(s) to the Catastrophic Sick Leave Bank Committee.

11. Once a unit member has been granted a draw from the Catastrophic Sick Leave Bank, they will not be eligible for another draw from the Catastrophic Sick Leave Bank until one (1) year has elapsed since the end of the previous draw.

12. By December 5 of each school year, the District's Business Services Department shall notify the committee of the following:
    a. The total number of days accumulated in the Bank on June 30 of the previous school year.
    b. The total number of days contributed by unit members for the current year.
    c. The names of participating unit members.

13. If the Catastrophic Sick Leave Bank is terminated for any reason, the days remaining in the Catastrophic Sick Leave Bank shall be forfeited to the District (E.C. 44043.5)

B. <u>Catastrophic Sick Leave Bank- Eligibility and Contributions:</u>

1. All Certificated employees (including Certificated management) who are:

    a. a temporary employee who has been working within VUSD consecutively for five or more years
    b. probationary or
    c. permanent and who are on active duty with the district are eligible to contribute to and draw on the Catastrophic Sick Leave Bank.
    d. Active unit members who want to enroll must complete the Catastrophic Sick Leave Enrollment form by September 30th to be eligible for participation for the remaining school year and all years after.
    e. New eligible unit members shall have 30 calendar days from the start of their employment to enroll.
    f. Members may withdraw at any time from the Catastrophic Sick Leave Bank by completing and submitting the Withdraw From Catastrophic Sick Leave Bank form.

2. Participation is voluntary, but requires contribution to the Catastrophic Sick Leave Bank. Only contributors will be permitted to draw from the Bank.

3. The annual rate of contribution by each participating unit member for each school year shall be one regular day of sick leave, which shall be deemed to equate to the legal minimum required by Education Code 44043.5 Section C.

    a. Additional days of contribution will be required of participants if the number of days in the Bank falls below 50. Catastrophic Sick Leave Bank participants who are drawing from the Bank at the time of assessment will not be required to contribute to remain eligible to draw from the Bank. If a Catastrophic Sick Leave Bank participant has no remaining sick leave at the time of the assessment, they need not contribute the additional days to remain a participant in the Catastrophic Sick Leave Bank

    b. If the number of days in the Bank at the beginning of a school year exceeds 1,000, no contribution shall be required of continuing unit members.

        i. Newly enrolled members shall have one day of their personal leave taken for the CSLB upon enrollment.
        ii. Members returning from a leave of absence shall have one day of their personal leave taken for the leave bank upon return, if a draw was made in their absence for which they did not contribute.

    c. If additional days above the first and second draw are required, both the Association and the District agree to come back and negotiate this item. At any time, either the Association or the District can reopen this section of the contract. If this section of the contract is reopened during regular negotiations, it shall not be counted as a reopener if there are a limited number of articles that can be reopened.

C. <u>Catastrophic Sick Leave Bank- Withdraw from the Bank:</u>

1. Catastrophic Sick Leave Bank participants may draw from the Bank for any reason that qualifies them for the use of sick leave as per this article. If a participant is incapacitated, the application may be submitted to the committee by an agent or member of the participant's family. Participants initially applying to draw from the Catastrophic Sick Leave Bank will be required to submit a doctor's statement indicating the nature of the illness or injury and the probable length of absence from work. Members of the committee shall keep information regarding the nature of the illness confidential.

2. A participant's draw from the Bank may not exceed the statutory maximum period of twelve (12) consecutive months.

3. Before applying for leave from the Bank, participants must use all available and accumulated sick leave time (excluding excess sick leave) available to them.

4. The administration of Catastrophic Sick Leave Bank unit member approval is the sole responsibility of VUEA, and the District shall not have any grievance filed against it with regards to this article.