

MEMORANDUM OF UNDERSTANDING
ASSOCIATION OF SONOMA COUNTY EDUCATORS
AND
SONOMA COUNTY OFFICE OF EDUCATION
Catastrophic Leave Bank

This Agreement was made and entered into this day, August 22, 2023, by and between the Association of Sonoma County Office Educators (ASCOE) and Sonoma County Office of Education (SCOE), which will be known as the "Parties".

1. Continuation of program

- The Association and the County Office agree to continuation of the Catastrophic Leave Bank program with the conditions described in this section.
- For the purposes of this section, a "day" shall be any day a unit member is expected to be on duty as determined by the terms of this Agreement.
- Days in the Catastrophic Leave Bank shall accumulate from year to year.
- Days shall be contributed to the Bank and withdrawn from the Bank without regard to the daily rate of pay of the Catastrophic Leave Bank participant.
- Requests for the Catastrophic Leave Bank shall be reviewed by the ASCOE executive committee, who advises the ASCOE President; the ASCOE President makes the final decision.
- The Human Resources department staff will track the hours and record absences for the Catastrophic Leave Bank.

2. Eligibility and Contributions

- All unit members on active duty with the County Office are eligible to contribute to the Catastrophic Leave Bank.
- Participation is voluntary, but requires contribution to the Bank. Only contributors will be permitted to withdraw from the Bank.
- Employees joining the Catastrophic Leave Bank for the first time must initially contribute 2 days to join.

- If an employee who is hired after the contribution window does not join within the first 30 days of employment/eligibility, they will not be able to join the program until the following school year.
- Cancellation occurs automatically whenever a unit member fails to make their annual contribution or assessment. Cancellation, in the proper written (email) form, may be effected at any time and the unit member shall not be eligible to draw from the Bank as of the effective date of the cancellation. Sick leave previously authorized for contribution to the bank shall not be returned if the unit member effects cancellation.
- To contribute, members must make contributions between July 1 and October 1 of each school year. After October 1 Unit Members will not be able to join and will have to wait until the next school year to join during the open enrollment period of July1-October 1. Unit members returning from extended leave which included the enrollment period and new hires will be permitted to contribute within 30- calendar days of beginning or restarting work. Catastrophic Leave Bank contribution and request forms will be on the SCOE website.
- The annual rate of contribution by each participating unit member for each school year shall be at least one (1) day of sick leave that shall be deemed to equate to the legal minimum required by Education Code Section 44043.5.

3. Withdrawal from the Bank

- Catastrophic Leave Bank participants, whose sick leave is exhausted, may withdraw from the Bank for catastrophic illness or injury. Catastrophic illness or injury shall be defined as any illness or injury that incapacitates a unit member for over (10) consecutive duty days, or a member of the unit member's family; (family member is defined as outlined in the collective bargaining agreement), which requires the unit member to take time off work to care for a family member, for over ten (10) consecutive duty days. If a reoccurrence or a second illness or injury incapacitates a unit member or member of the unit member's family within 12 months, it shall be deemed catastrophic after five (5) consecutive days.
- The ASCOE Executive Committee will examine written requests that may allow a member to draw additional days on a case by case basis.
- Unit members who have exhausted sick leave, but still have differential leave available are eligible for a withdrawal from the Catastrophic Leave Bank. The unit members Catastrophic Leave and Sub Differential Leave will run concurrently.

- If a unit member is incapacitated, applications may be submitted to the Committee by the participant's agent or member of the unit member's family.
- Withdrawals from the Catastrophic Leave Bank shall be granted in units of no more than 30 duty days. Unit members may submit requests for extensions of withdrawals as their prior grants expire. A unit member's withdrawal from the bank may not exceed the statutory maximum period of twelve (12) consecutive months.
- Unit members applying to withdraw or extend their withdrawal from the Catastrophic 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. A unit member's withdrawal may not exceed the statutory maximum period of twelve (12) consecutive months.
- If the Catastrophic Leave Bank does not have sufficient days to fund a withdrawal request, the Committee is under no obligation to provide days and the County Office is under no obligation to pay the participant any funds whatsoever. If the Committee denies a request for withdrawal, or an extension of withdrawal, because of insufficient days to fund the request, the Committee shall notify the unit member, in writing, of the reason for the denial.
- If the Association determines that there are sufficient days in the Bank, membership can be extended by one year without additional contribution. The minimum number of days to be considered sufficient is 300 days.
- Catastrophic Leave Bank unit member participants who are denied a withdrawal or whose withdrawal is not renewed or terminated may, within 30 days of denial, appeal, in writing, to the Executive Board of the Association. The Executive Board of the Association shall hold a hearing within 15 days. The Executive Board shall issue a confidential written decision within fifteen (15) duty days of the hearing and provide notification to Human Resources. If the unit member's incapacitation does not allow participation in this appeal process, the unit member's agent or member of the family may process the appeal.

4. Administration of the Bank

- Human Resources will be responsible for maintaining the contributions and leave balances. The tracking and bank balance record will be shared for viewing with the Executive Committee.

(ASCOE 23-24 MOU #1 Catastrophic Leave Bank)

- The Executive Committee's authority shall be limited to approval or denial of employee's requests to access the Leave Bank. The committee shall approve all properly submitted requests complying with the terms of this Article. Withdrawals may not be denied on the basis of the type of illness or disability.
- Applications shall be reviewed and decisions of the Executive Committee will be reported to the applicant and the Human Resources department, in writing, within ten (10) duty days of receipt of the application.
- The committee shall keep all records confidential and shall not disclose the nature of the illness except as is necessary to process the request for withdrawal and defend against any appeals of denials.

By October 15 of each school year, the County Office shall notify the Executive Committee of the following:

- The total number of accumulated days in the Bank on June 30th of the previous school year.
- The number of days contributed by unit members for the current year.
- The names of participating unit members.
- The total number of days available in the Bank.

A view-only shared document will be established to keep track of the days/hours in the Catastrophic Leave Bank. This document will contain the following:

- The names of any additional unit members who have joined
- The names of any unit members who have canceled participation
- The total number of days in the Bank at the beginning of the previous month.
- The total number of days added to the Bank by new participants.
- The total number of days remaining in the Bank on the last day of the month.

At any time, the Executive Committee can ask for additional days to be donated if the bank falls below 100 days.

Any dispute between the committee and the County Office as to the accounting of Catastrophic Leave Bank days shall be immediately addressed and settled.

If the Catastrophic Leave Bank is terminated for any reason, the days remaining in the Catastrophic Leave Bank shall be returned to the then current members of the Bank proportionately. That is, the remaining days will be divided by the number of active participants and distributed equally to each participant.

The Parties further agree that this language will be integrated into the current contract by the 2024-2025 school year and the Leaves Article XIV will be noted as "updated".

Dated: 8/31/2023

For ASCOE Membership:

Catherine E Gascon
Catherine E Gascon (Aug 31, 2023 12:20 PDT)

Cathy Gascon
ASCOE President

Dated: 8/31/23

For SCOE:

Jason Lea
Jason Lea
Assistant Superintendent, Human Resources