PEARLAND INDEPENDENT SCHOOL DISTRICT
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Pearland, TX
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CATASTROPHIC LEAVE PROGRAM

OVERVIEW

The Pearland ISD created the Catastrophic Leave Program on April 9, 2013, and remains in effect for each school year thereafter as provided herein. The program is designed to aid employees who experience catastrophic medical conditions for themselves or for an immediate family member and who have insufficient leave to meet those circumstances extending beyond twenty (20) calendar days.

The creation of the Catastrophic Leave Program does not, in any way, create a right or an entitlement to leave days by an applicant (employee) from the District or its employees.

The number of days, if any, is solely dependent upon the goodwill of employee donees and will be limited to the number of days if any that are donated in accordance with the program process and procedures.

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 Pearland 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 twenty (20) hours/week. The leave program is not applicable to substitutes or temporary employees.

2. Be in good standing with the District. The leave program will not apply to any employee that 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 Pearland ISD Human Resource Services.

3. Has been an employee for a minimum of 90 calendar days. 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 all leave available to the employee including, but not limited to existing local sick leave, state leave, or vacation days, if applicable.

5. The catastrophic medical condition for an employee or an immediate family member extends over 20 calendar days. Employee or employee's family representative may request the District consider any extenuating circumstances if the catastrophic medical condition is for less than 20 calendar days.

6. 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 or injury [Insert: used FMLA definition] is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Complications resulting from pregnancy shall be treated the same as any other condition.

   Catastrophic conditions are additionally elaborated upon as follows:

   a. Serious debilitating illnesses, impairments, or physical/mental conditions that involve treatment in connection with a stay in a hospital, hospice, or other medical or residential facility. Conditions of mental illness can be considered when diagnosed by a licensed psychiatrist.

   b. High intensity/high frequency treatments necessary for a chronic or long-term condition that is so potentially life-threatening that, if not treated, would likely result in an extended period of incapacity or death.

   c. Terminal illness.

   d. Conditions that are determined to be short term or normal/natural experiences are not considered catastrophic under the program. 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 Pearland 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, 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,* parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee, sibling, stepsibling, and sibling-in-law, grandparent and grandchild and any person residing in the employee's household at the time of illness or death.

3. It is permissible for one employee spouse to donate leave to the other employee spouse.

4. A determination that the employee 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. PISD reserves and retains the right to make the final determination as to who shall meet the definition of a medical physician.

6. The Pearland 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.

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 workers' compensation, income and benefits.

2. The program is not applicable to any employee who is eligible for income replacement from long/short term disability insurance either through Pearland ISD or an independent carrier.

3. An employee may make an 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.

4. The maximum number of donated days a single employee may receive through this program is 90 days per 12-month period as described in number 3 immediately above.

5. The maximum period 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.

6. Employees may donate state or local leave days (leave days) only and may only donate if he/she has an excess of 10 leave days at the time of donation.

7. An employee may donate no more than 10 leave days per school year – July 1 through June 30 – regardless of the number of potential donees.

8. An employee may donate no more than 4 leave days per school year to a single donee.

9. An employee who has announced separation of employment (TRS retirement, leaving district) or resigned is ineligible to donate leave days.

10. The donation of leave is irrevocable and cannot be returned to the employee donor once the leave is transferred to the donee.

11. 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. Human Resource Services will post the number of donated leave days for any particular donee so that donors know before making a donation of their local leave.

12. All leave will be donated anonymously. Therefore, the names of donors will not be shared with the donee.

13. Notice of an employee's application to the leave program will be distributed in a manner deemed by Human Resource Services as being most effective. Among the methods to be considered will be district-wide e-mails, campus postings and the intranet.

14. Any employee wishing to make application to the program must use the form titled "Catastrophic Leave Program Application Form". Human Resource Services may require additional supporting documentation and will so timely inform the employee. Such form, together with any necessary supporting documentation, must be submitted to Human Resource Services promptly. Human Resource Services 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 Human Resource Services.

15. 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 Pearland 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. Human Resource Services will seek the employee's approval on any information that is published when feasible.

16. Donation of leave days 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.

17. All decisions and determinations made with respect to the application of the catastrophic leave program shall rest with Human Resource Services. Appeals or grievances concerning such decisions shall be governed by the then existing Board Policies.

18. 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.

19. The leave program shall apply only to paid workdays.