

	LOS ANGELES COMMUNITY COLLEGES HUMAN RESOURCES GUIDE	HR W-301
		CATASTROPHIC LEAVE DONATION
ISSUE DATE: September 22, 2016	SERVICE: <input checked="" type="checkbox"/> ACADEMIC <input checked="" type="checkbox"/> CLASSIFIED <input type="checkbox"/> UNCLASSIFIED	
REPLACES: <u>HR Guide</u> W-301 dated March 10, 2009	CHANGES: Minor contractual changes to Table W-301 A	

I. POLICY

It is the policy of the District to allow eligible employees the opportunity to donate accrued illness leave to the benefit of another District employee suffering from a catastrophic illness or non-work-related injury as allowed by California Statute.

II. DEFINITION:

- **Catastrophic Illness or Injury** is a serious, debilitating illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family which requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all eligible leave pursuant to the provisions of the applicable collective bargaining agreement (EC 87045). Chronic conditions associated with the debilitating illness or injury that results in intermittent absences from work may be considered catastrophic, i.e., cancer, AIDS, residual effects of a stroke, etc. Short-term conditions such as colds, flu, measles, and/or common illnesses or injuries are not deemed catastrophic.
- **Donation** is the permanent transfer of an authorized amount of illness or leave quota from one eligible employee to another eligible employee.
- **Employee** means, for purposes of this program, an Academic or Classified employee of the District who accrues illness and/or vacation hours (credits).
- **Eligible Leave Credits** means illness leave and/or vacation leave accrued to the donating employee.

III. REQUIREMENTS

- Authority:** [California Education Code §87045](#) permits the transfer of eligible leave credits within specified parameters when a community college District has established a catastrophic illness leave donation program.
- Guidelines:** The following provisions apply to the District's Catastrophic Leave Program:

1. Participation

- All employee participation in the Catastrophic Leave Donation Program is on a strictly voluntary basis.

- b. No employee shall be coerced, threatened, intimidated, or financially induced into donating paid leave time to this program.
 - c. Regular employees can only donate and receive donations within a designated employee unit. At this time, the following employee units are designated for participation in the District's Catastrophic Leave Donation Program:
 - AFT Faculty Guild
 - AFT Staff Guild
 - Academic Supervisors
 - Classified Supervisors
 - d. The donor may remain anonymous unless the donor decides otherwise. Persons involved in the administration of this program are responsible for guarding the privacy of the participants.
 - e. All donations must be directed to a specific employee; they will not be banked.
2. **Recipient-Employee Eligibility and Responsibilities:** To be eligible to receive leave donated under this program, an employee must meet the following conditions:
- a. Suffer from, or have a family member suffer from, a catastrophic illness as defined above or a non-work related injury which has resulted in the exhaustion of the employee's leave pursuant to the provisions of the applicable collective bargaining agreement and which extends for at least five (5) days after the exhaustion of such leave.
 - b. Provide competent medical verification of the illness or non-work related injury satisfactory to the District.
3. **Donor-Employee Eligibility and Responsibilities:** To be eligible to donate leave under this program, an employee must meet the following conditions:
- a. The employee must have accrued the designated leave balances shown in Table W-301A, Catastrophic Leave Program Donor-Employee Leave Balance Requirements and Donations Limits, below.

TABLE W-301A CATASTROPHIC LEAVE PROGRAM DONOR-EMPLOYEE LEAVE BALANCE REQUIREMENTS AND DONATION LIMITS					
EMPLOYEE UNIT	CONTRACT SECTION	ILLNESS LIMITS		VACATION LIMITS	
		MINIMUM BALANCE	DONATION	MINIMUM BALANCE	DONATION
AFT Faculty Guild	Article 25, Section E.13	100 Days	1-5 Days		
AFT Staff Guild ¹	Article 19, Section H.9	60 Days	No Limit ²	10 Days	No Limit ²
Academic Supervisors	Article 12, Section E.				Up to 40 Hours
Classified Supervisors	Article 8, Section S.	10 days	1-5 Days	10 Days	1-5 Days

¹ For purposes of this program, a day equals eight hours.
² There is no longer a limit as long as the minimum balance is maintained.

- b. The donor employee must donate illness leave in one-day increments. Vacation may be donated in eight-hour increments which will be converted to one day of illness leave for

each eight hours.

- c. The donor-employee must complete the Illness Leave Donation form ([HR W-301](#)) and submit the form directly to Human Resources who will forward to Payroll Services, District Office.

4. Catastrophic Leave Time

- a. The donor-employee submits a Catastrophic Leave donation form to Human Resources, District Office. Human Resources, District Office verifies the employee is eligible to participate in the leave donation program and forwards the form to Payroll Services, District Office for processing.
- b. Catastrophic leave shall be granted only after verification of eligibility, need, and availability of donated leave.
- c. The recipient-employee must be on formal illness leave status.
- d. The employee receiving donated vacation days may not accumulate more than sixty (60) days, at which point, accumulation ceases until all paid days are again exhausted.
- e. No catastrophic leave will be granted for loss time beyond one calendar year from the start of the most recent confinement for a catastrophic illness or injury.
- f. An employee who is receiving catastrophic illness leave donated by other employees shall be allowed to accrue vacation and illness leave while in that status. All accrued leave shall first be used prior to the use of the donated leave time.
- g. Unless noted otherwise, the cost of providing catastrophic leave time is the responsibility of the recipient's assigned location, i.e., employee salary, substitute, etc.
- h. The Catastrophic Illness Leave Donation program is not subject to any grievance, administrative review or arbitration procedure as applicable to either donor or recipient employee

5. Transfer of Eligible Leave

- a. Donations are transferred each payroll period, in the amounts not to exceed the receiving employee's catastrophic leave absence hours in that payroll period.
- b. Leave is not deemed donated until actually transferred by Payroll Services, District Office. Once processed and transferred, donations are irrevocable.
- c. Donations are not tax deductible for the donating employee. Donated leave time is subject to the recipient's normal payroll deductions and are subject to all taxes as required by law.
- d. There is no attempt to evaluate an hour donated or received on the basis of pay rate of either the donor or recipient. In effect, transfers occur on a day-for-day basis regardless of differing pay scales.
- e. Once executed, all donations of eligible leave time are irrevocably debited from the donating employee's quota balance to the recipient employee's quota balance.

- f. Donations are processed in the order received. The donor is notified when the transfer occurs; and at that time, the illness leave or vacation quota balance is changed to reflect the transfer.
- g. Catastrophic leave donations cannot be used retroactively for a previous unpaid absence. In order to ensure proper administrative application of the catastrophic leave program, Payroll Services, may, in some instance, need to complete the actual transfer retroactively.

6. Relationship of Catastrophic Illness Leave to Other Leaves of Absence

- a. **Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA):** Any and all leave credits received by an employee under this policy are considered as FMLA and/or CFRA and counts toward the employee's FMLA and/or CFRA entitlement.
 - b. **Worker's Compensation Benefits:** The Catastrophic Illness Leave Donation Program does not cover time off due to a job-related injury covered by workers' compensation benefits.
- C. **Service Credits:** The recipient-employee earns service credit toward retirement, seniority points, and merit adjustments while on catastrophic leave in the same manner as paid illness time. Donated leave is treated in the same manner as paid illness leave in determining service credit toward permanency in a job. Donated leave credits may not be used to receive service credit following a service or disability retirement.
- D. **Retirement Contributions:** Donated leave is treated in the same manner as any paid status in that the District contributes for both employees. Catastrophic leave time may not be used to extend a date of retirement.
- E. **Program Responsibilities:** Administration of this program is coordinated by the Human Resources Division and Payroll Services at the District Office. Table W-301B, Catastrophic Leave Program Administration Responsibilities, lists each area's overall responsibility.

TABLE W-301B CATASTROPHIC LEAVE PROGRAM ADMINISTRATION RESPONSIBILITIES	
AREA	RESPONSIBILITY
Human Resources	<ul style="list-style-type: none"> • Verifies employee eligibility for leave of absence status • Verifies overall eligibility for participating in program • Notifies employee and Payroll Services of leave status
Payroll Services	<ul style="list-style-type: none"> • Verifying donor eligible leave credits • Processing donation transfers between employees • Notifying employees donation was transferred and amount of days transferred

IV. ADDITIONAL SOURCES

CALIFORNIA EDUCATIONAL CODE

87045 Catastrophic Leaves, Leave Credits; Donation to Other Employees

LACCD BOARD RULES

Chapter X, Human Resources

[Article II Health Examinations](#)

[Article X Vacations and Absences](#)

[Article XVI District Life Insurance Program](#)

LACCD HUMAN RESOURCE GUIDE

[HR P-400 Leave of Absence](#)

PERSONNEL COMMISSION RULES

[617 Health Examinations](#)

[803 Leave of Absence](#)

[804 Leaves Resulting from Industrial Accident or Industrial Illness](#)

[808 Illness Leave](#)

LACCD COLLECTIVE BARGAINING AGREEMENTS

[AFT Faculty Guild Local 1521: Article 26. Leaves](#)

[AFT Staff Guild Local 1521A: Article 19, Leaves and Absences](#)

[Administrators Local 911: Article 12. Vacation](#)

[S.E.I.U. Local 721: Article 8, Leaves and Absences](#)