

## Catastrophic Leave Bank Policy

### 1. Eligibility and Limitations

- i. Catastrophic injury or illness is defined as a life threatening condition or combination of conditions affecting the mental or physical health of the employee or immediate family member or household. The catastrophic illness or injury must require the services of a physician.
- ii. Immediate family or household is defined as, husband, wife, domestic partner, mother, father, brother, sister, children, step-children, or any relative or person living in the employee's household for whom the employee has custodial responsibility or where such person is financially and emotionally dependent on the employee and where the presence of the employee is needed.
- iii. The Catastrophic Leave Bank is available to those employees who have completely exhausted all accumulated leave time (accrued sick leave and accrued leave) and who are not otherwise receiving any related compensable benefits such as disability, workers' compensation, or unemployment.
- iv. Eligibility for participation in the Bank begins upon the employee's original donation of at least 2 days, as defined by the employee's work day, of accumulated leave time to the bank. New full-time employees with a minimum of six (6) months of service and a minimum of five (5) days of accumulated leave time on the books can enroll voluntarily in the Catastrophic Leave Bank after their employment of 6 months. Except for new employees who sign up immediately after their probation period, there will be a 60 day waiting period for delayed entry into the Catastrophic Leave Bank program. Eligibility will continue, provided the employee donates at least one day of accumulated leave time each subsequent fiscal year; however, additional accumulated sick leave or accrued leave days may be donated up to a maximum of five days per fiscal year. To enroll, an employee must complete an application, and submit it to the Principal or the Principal's designee(s).
- v. Donated accumulated leave time contributed to the pool becomes the property of Mark Armijo Academy and may not be withdrawn, targeted for specific individuals, returned to an employee upon separation, retirement, or become part of the employee's estate upon his/her death.
- vi. Use of benefits from the Catastrophic Leave Bank is considered under the provisions of the Family and Medical Leave Act (FMLA), and any use is calculated in the twelve weeks of leave provided under the Act.

### 2. Donations

- i. Any employee who wishes to transfer a portion of his/her accumulated leave time must sign a statement indicating the number of days to be transferred. Employees will be given an opportunity to donate accumulated leave time to

the Bank annually. Donation forms shall be approved by the Principal or the Principal's designee.

- ii. The minimum amount of accumulated leave time an employee may contribute is 1 day (as defined by the employee's work schedule). The donating employee must retain a minimum of five (5) accumulated leave days in their personal account at the time of the donation process.

### 3. Withdrawals

- i. An employee or his/her designee must request leave from the Bank by completing an application and submitting it to the Principal or the Principal's designee(s). An employee may apply for leave from the Bank but cannot receive more than 25 donated sick leave days from the Bank in a twelve month period.
- ii. All requests must be accompanied by a physician's statement which includes the beginning date of the condition, and a description of the illness or injury. All requests must indicate the number of leave days requested and information supporting the request.
- iii. The Principal or the Principal's designee will render a decision to the employee within ten (10) business days after receipt of the request.
- iv. The amount, if any, of leave granted for each request will be determined by the Principal or the Principal's designee(s), but cannot exceed one-third of the balance in the Bank or a maximum of 25 working days, whichever is less. Any unused sick leave granted in such instances returns to the pool.

### 4, Appeal Process

- i. Reasons for denial - An employee requesting use of the Catastrophic Leave Bank may have his or her leave usage audited. The audit may cover the two years preceding the employee's request. Patterns of absence indicating abuse will be reviewed, noted, and considered. Patterns of abuse are most often indicated by frequency, duration and time of absences.
- ii. In the event that an employee is denied entry into the Bank or is denied benefits from the Bank, the employee may appeal the decision to the Governing Council. Formal written letters of appeal should be submitted directly to the President of the Governing Council. A formal response to such an appeal shall be issued by the Governing Council within ten (10) business days following the Governing Council meeting at which the appeal was heard.