

# CATASTROPHIC LEAVE BANK

## LOCKHART INDEPENDENT SCHOOL DISTRICT

### **I. Purpose**

Lockhart ISD has instituted the Catastrophic Leave Bank (CLB) to help alleviate the hardship caused to an employee and the employee's family in the event that a catastrophic illness or injury forces the employee to exhaust all available leave time and then lose compensation. The program is designed to help relieve employee anxiety about the possibility of experiencing a sudden loss of income, while being confronted by severe illness or injury.

### **II. Who is Eligible**

- A. All employees eligible for TRS membership shall be eligible for membership in the Lockhart ISD Catastrophic Leave Bank (CLB).
- B. Membership in the CLB shall be completely voluntary.

### **III. How to Join**

- A. Number of days required
  - 1. Membership requires a donation of one (1) local leave day per year.
  - 2. Professional contracted personnel who join the bank within the enrollment period shall be eligible for membership beginning with the first official day of work. Non-contractual personnel shall be eligible for membership after earning the donated day, or 30 calendar days of employment.
- B. Enrollment Period
  - 1. The open enrollment period for annual enrollment shall be the first 15 calendar days of each school year
  - 2. For employees hired after that date and for employees who are on approved leave during the enrollment period, the enrollment period shall be the first 10 days from the first official day of work and the first day the employees resume duties, respectively.
  - 3. Employees who do not join the CLB during the applicable enrollment period are ineligible to join until the next open enrollment period.
- C. Paperwork
  - 1. Eligible employees interested in joining the CLB must complete the Enrollment/Cancellation Form and submit it to the Personnel Department by the end of the applicable enrollment period.
  - 2. Once eligibility is verified, the employee shall receive confirmation of membership.
- D. Deduction of Days
  - 1. The days contributed to become a member of the CLB shall be deducted from the member's local annual leave entitlement balance.
  - 2. After joining, membership in the CLB carries forward from one year to the next without the employee needing to submit a new application. The Personnel Department will automatically deduct the day required for continued membership during the open enrollment period, unless and until the member chooses to cancel membership. Employees will receive a reminder of this automatic deduction.
- E. Managing the CLB Balance
  - 1. Days donated to the CLB are available for use by any member. Members may not stipulate who is to receive their contribution.
  - 2. Days remaining in the CLB at the end of the year will not be carried over to the following year.

3. In the event the available days in the CLB fall to a critically low number, the CLB administrator shall have the authority to request a voluntary donation of one to three days. If a current member does not donate additional item, the member's ability to use the CLB will not be affected.
4. All days donated to the CLB will remain in the bank and cannot be returned upon cancellation of membership.

#### **IV. Which Illness and Injuries are Eligible**

- A. Leave days from the CLB are available only in the event of catastrophic illness or injury. Pregnancy and routine illnesses, elective surgeries and injuries in general are not covered by the CLB.
- B. Treatment of the catastrophic injury or illness must be under the supervision of a licensed physician or doctor of osteopathy who certifies the level of disability vs. Total disability, which includes the physician's recommended period of convalescence and/or rehabilitation.
- C. Medical personnel may determine if an illness/injury qualifies as catastrophic.
- D. An employee who has a pre-existing condition for which treatment has been received within 90 days of joining the bank shall not be allowed to use days for the condition until 90 days membership in the bank. Treatment shall mean any period of hospitalization, doctor's treatment, surgery, diagnosed procedure, or prescription.

#### **V. Whose Illness or Injury Qualifies**

Days may be requested from the CLB for a catastrophic illness or injury of:

- A. The member.
- B. Certain persons in relationship to the member:
  1. Spouse
  2. Son, step-son, daughter, step-daughter
  3. Child for whom the member is legal guardian.
  4. Parents, siblings if the member is the primary caregiver, and can be evidenced by any or all of the following: live with the primary caregiver, power of attorney, power of medical attorney, or a note from the patient's doctor.

#### **VI. How to Request CLB Leave Days**

- A. Required paperwork
  1. Members must meet all criteria set out below.
  2. Request for use of the CLB shall be made on the Request for Catastrophic Leave Form, available from the Human Resources Department. The completed form must be submitted to the CLB administrator, the Assistant Superintendent of Human Resources.
  3. Before the member's request CLB days can be considered, the patient's physician must complete an official Attending Physician's Statement confirming the cause of the illness or injury and submit it to the LISD Human Resources Department. If the employee is the person with the injury/illness, the Attending Physician's Statement must also certify the existence of a disability to perform assigned duties and the anticipated date the member will be able to return to work. **The form must be personally signed by the physician. The CLB will not honor any physician's statement unless it is on the official from provided by the CLB.**
  4. Each separate application for a grant form the CLB, including applications for renewals, must include a new Attending Physician's Statement.

B. Miscellaneous

1. Leave days from the CLB will be available for use only after the member has exhausted all accumulated state and local leave days and any accumulated compensatory time. Members who receive vacation days must also exhaust all those days.
2. CLB days should be requested in advance when it can be anticipated that CLB days will be needed. This will help avoid temporary loss of wages. A Request for Catastrophic Leave can be submitted as early as ten days in advance of the exhaustion of all accrued paid entitlement (state and local leave, compensatory, vacation, as applicable).
3. A CLB member may also request CLB days on a reimbursement basis. All requests for reimbursement shall be made no later than 30 days after a member returns to work.
4. In case an illness or injury prevents the member from personally applying for CLB days, the application may be submitted by the member's authorized agent or member of the family on member's behalf.
5. Days shall be granted for conditions that necessitate an absence from work for fifteen consecutive days or longer. (see page 3, section VII-C)
6. The CLB Committee may refuse to consider a request for catastrophic leave that does not conform to the requirements.

**VII. How CLB Days will be granted**

A. Review Procedures

1. Requests will be considered by the CLB Committee on a first-come, first-serve basis.
2. A member's Request for Catastrophic Leave shall be reviewed by the CLB Committee.
3. The CLB Committee may require a second medical review at the expense of the member. This second physician will be chosen by the District. This second physician's report shall be sent directly to the CLB Committee before it may be acted upon.
4. The CLB Committee shall normally have 10 working days from the date a request containing all required information is received, to approve all or part of a request or deny the request, and to notify the member.

B. Limitations

1. CLB days shall be granted only for absences from working days and will not be granted for holidays, vacation days, or other such days for which the member is not paid.
2. **If the member has a disability plan, the number of catastrophic leave days granted and the resulting payment will be coordinated with that benefit.**
3. When a disability is eligible for Worker's Compensation, the amount of leave granted and the resulting payment shall be offset with that benefit.
4. In no case will granting of leave from the CLB cause a member to receive more than his/her expected salary.
5. While being paid from the CLB, members cannot earn credit toward the 85 days needed for a year of experience or the 90 days for Teacher Retirement.

C. 1. Amount of Leave

The amount of leave granted for each catastrophic illness or injury will be determined by the CLB Committee. Leave shall be granted in no more than 15 day increments; initial request must be 15 consecutive days minimum required, (this could be made up of accrued paid leave or vacation days) renewable up to 3 times. After the initial request, intermittent leave request is allowable. The cumulative amount of leave granted to any one member in any one school year will not exceed 60 days or 1/3 the balance in the CLB, whichever is less. Also, the number of days granted in any one school year may not cause the member to exceed the remaining number of duty days for which the CLB member is scheduled to work in the school year, according to the District calendar for his/her position. A "day"

granted to a member shall be equivalent to the number of hours in that member's typical day. CLB leave for dependents shall not exceed 30 days per year.

2. If Member meets CLB criteria they may add up to 5 days of Bereavement leave.
- D. Unused Leave Days  
If a CLB member does not use all of the days granted from the CLB, the unused days will be returned to the bank.
- E. Payment for CLB days
  1. CLB days transferred to an employee's leave balance will be used and recorded in the same manner as the standard hours accrued monthly by the member, and a member absent on CLB leave will be treated for all purposes as if absent on accrued leave.
  2. If approval is granted prior to the payroll cutoff date, payment for CLB days will be on the current payroll check. Otherwise, the District will include the payment in the next regular payroll check.
  3. The cost of a substitute will not be charged against days used from the CLB pool.
  4. CLB pool members are eligible for CLB pool days before use of extended leave.

### **VIII. Appealing a CLB Decision**

- A. The member may appeal the decision of the CLB Committee within 10 days of receipt of notification of the decision. The member need only write a letter to the Superintendent specifying the basis of the appeal.
- B. The appeal, all original documentation and any subsequent medical information or supporting documentation supplied by the member shall be forwarded to the Superintendent through the Human Resources Department.
- C. The Superintendent shall review the CLB Committee's decision. In some cases, a second medical review may also take place.
- D. The decision rendered by the Superintendent will be noted on the appeal form and forwarded through the CLB Committee to the member. Normally the decision will be reached and communicated within 10 working days.  
Members may appeal the decision of the Superintendent through the District's Complaint Procedure – DGBA (Local) up to Level III – LISD Board of Trustees.

### **IX. Canceling/Losing Membership**

A member will lose the right to utilize the benefits of the CLB only by:

- A. Termination or suspension of employment in the District
- B. Change of position that results in loss of TRS eligibility. If a member's change in position occurs after the member has contributed the required day for a given year, the member remains eligible to use the CLB. However, the amount of leave that may be granted to such a member will be computed using the member's current typical day.
- C. Being on approved leave other than disability leave
- D. A history of abuse or misuse of the CLB privileges
- E. Cancellation of participation by the member at any time. To cancel membership the employee must complete the appropriate section of the Enrollment/Cancellation Forms, available in the Personnel Office and submit during open enrollment, which is the first 15 calendar days of each school year.