

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE POWAY UNIFIED SCHOOL DISTRICT AND THE POWAY FEDERATION OF TEACHERS**  
**DONATION OF SICK LEAVE FOR CATASTROPHIC ILLNESS**

**Definition**

"Catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate an employee for an extended period of time, or that incapacitates a member of the employee's family which incapacity 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 of his or her sick leave and other paid time off.

The District shall establish a ~~C~~atastrophic illness ~~sick L~~ea~~v~~e ~~B~~ank to which eligible unit members may donate earned and unused sick leave. ~~This donation shall be irrevocable. PFT unit members with permanent status who donate a minimum of one day of sick leave during each Catastrophic Leave Drive will be considered members of the Catastrophic Leave Bank for a period of three years. Catastrophic leave can only be granted to members who have joined the Catastrophic Leave Bank by donating at least one day of sick leave during an advertised Catastrophic Leave Drive.~~

~~A Catastrophic Leave Drive will occur in fall 2021 and every third year thereafter (fall 2024, fall 2027, etc.). Unit members wishing to join the Catastrophic Leave Bank can only do so during each drive period. Donations can occur outside of an leave drive period, but these donations shall not constitute membership in the Bank. Donations shall be irrevocable. and shall be accomplished by the unit member completing a written form entitled "Catastrophic Illness Sick Leave Bank Donation Form." — The form shall clearly state that the sick leave days being donated are irrevocably given to the catastrophic illness leave bank, and cannot be rescinded for any reason whatsoever.~~

A donation to the ~~C~~atastrophic illness ~~L~~ea~~v~~e ~~B~~ank shall be a general donation and shall not be donated to a specific employee for his or her exclusive use.

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**Auto-renewal & Ability to Opt-out**

Once a unit member has joined the Catastrophic Leave Bank by donating at least one day of sick leave during the Catastrophic Leave Drive, the unit member shall remain a member of the Catastrophic Leave Bank, with one day being automatically deducted from the member's sick leave and donated to the Catastrophic Leave Bank every third year. A

unit member may not donate more than twenty-five percent (25%) of their accumulated sick leave in any one school year. Therefore, when a drive occurs, the unit member must have at least four (4) days of sick leave available at the conclusion of the preceding school year to be eligible to donate.

Members wishing to opt out of a three-year cycle can do so during the Catastrophic Leave Drive. Unit members who opt out of a cycle will not have a sick day automatically donated to the Bank and will not be eligible to be a recipient of catastrophic leave during that three-year cycle.

Unit members who donated to the Catastrophic Leave Bank during the period of May 24, 2021 - June 14, 2021, will be included as Catastrophic Leave Bank members during the first three-year cycle and need not donate a day during the Fall 2021 Catastrophic Leave Drive.

#### Potential Modifications to the Three-Year Cycle

If a three-year cycle ends and the available hours in the Bank remain high, the Governing Committee may waive the auto-donation of current members for the next three-year cycle. A drive would still be conducted and unit members wishing to join the Bank would have the opportunity to donate. As an emergency measure, if the Catastrophic Leave Bank drops below 100 days, the Governing Committee may shorten the three-year cycle, and implement a drive with a one or two-year cycle. In the case of a shortened cycle, current members of the Bank who do not choose to opt out during the Catastrophic Leave Drive will automatically donate one day of sick leave and remain in the Catastrophic Leave Bank for the newly declared cycle.

#### **Governing Committee**

The Governing Committee shall be composed of five members:

1. Three teachers (tenured)
2. Two administrators

The duties of the Governing Committee shall include the following:

1. To approve requests for withdrawal from the ~~sick leave bank~~ **Catastrophic Leave Bank**;
2. To make any additionally necessary governing decisions relative to the operation of the ~~sick bank~~ **Catastrophic Leave Bank**.

Governing decisions will be made by consensus, where possible. Where a consensus decision cannot be reached, the governing decisions will be made on the basis of four votes or more.

#### **Qualifications to Make Donations**

A unit member must meet the following qualifications in order to make an irrevocable donation to the Catastrophic illness Leave Bank.

1. The unit member must be a permanent certificated employee of the District.
2. The unit member must have an accumulated sick leave balance of at least ~~ten~~ **four (4)** ~~(10)~~-days at the conclusion of the **preceding** school year ~~immediately preceding~~.

### **Amount of Donation**

~~An eligible unit member must donate a minimum of one (1) day of sick leave to the bank. A unit member may not donate more than twenty-five percent (25%) of their accumulated sick leave in any one school year.~~

### **Maximum Number **Annual Rollover** of Days in Sick **Catastrophic** Leave Bank**

~~The maximum number of days which may be accumulated in the sick leave bank is 500 days.~~

~~Any days remaining in the sick leave bank~~ **Catastrophic Leave Bank** ~~at the end of the school year will be credited to the sick leave bank~~ **Catastrophic Leave Bank** ~~for the next school year.~~

### **Qualifications of Recipient**

1. Any permanent unit member ~~who has donated at least one day of sick leave to the Catastrophic Leave Bank during the most current drive cycle and who meets the definition of catastrophic illness or injury is eligible to apply for use of sick leave days in the~~ **Catastrophic illness Leave Bank**. ~~A unit member who was not a member of the Catastrophic Leave Bank during the previous cycle must wait 30 days after their donation to the Catastrophic Leave Bank to be eligible to access catastrophic leave. This waiting period is waived~~ ~~does not apply during the 2021-22 school year.~~ ~~Donations must be submitted using the "Catastrophic Illness Sick Leave Bank Donation Form." This form must be submitted during an advertised Catastrophic Leave Drive.~~
2. To be eligible for use of ~~sick leave~~ **Catastrophic Leave Bank** ~~bank days,~~ the unit member must have exhausted accrued paid leave.
3. A unit member must use all paid leave credits that he or she continues to accrue on a yearly basis before receiving sick leave days which have been donated to the ~~Catastrophic illness Leave Bank~~.

4. The maximum number of days to be utilized by one unit member for a single catastrophic illness shall not exceed 50 days or 50% of the total available leave bank, whichever is less.
5. Any unit member requesting use of sick leave days in the ~~Catastrophic illness Leave Bank~~ must provide the Governing Committee with written verification of the catastrophic illness. Such verification must be prepared in writing by a licensed physician of the State of California. The Governing Committee may require the unit member who is incapacitated to undergo an examination by a physician selected from a list supplied by the District, at the District's expense, to verify the injury or illness, the degree of disability, and the anticipated length of disability.

Recipients of sick ~~Catastrophic Leave Bank~~ days shall receive those days in the form of their regular salary. ~~Use of catastrophic leave will not be reduced by the amount paid to a substitute employee to fill the position during the employee's absence. That amount will be unencumbered by the amount paid a substitute employee to fill the position during their absence.~~

### Procedure

1. ~~Annual solicitation by PFT contributions for the catastrophic illness leave bank shall be solicited by the PFT during the months of September, October, and November each school year. The Governing Committee shall develop the process by which donations shall be solicited and submitted. All forms which are to be used by PFT for purposes of solicitation. All donations forms must be received by the Payroll Office of the District no later than the last working day in December of the Catastrophic Leave Drive. each school year. In the event of a situation that requires immediate additional donations, this timeline may be waived by the Governing Committee.~~
2. All requests for ~~Catastrophic Leave Bank Days~~ use of accumulated sick leave hours in the catastrophic illness bank shall be presented in writing to ~~PSS~~ the District, which shall forward that request to the Governing Committee. The District shall provide the unit member with a copy of this contract provision. It shall be the responsibility of the unit member to satisfy all conditions of eligibility.
3. PFT shall hold the Governing Committee harmless and indemnify the Governing Committee from any and all claims, attorneys' fees, judgments, costs or settlements arising from the administration of this section.

The Governing Committee's decision to deny a unit member's request for donated catastrophic illness leave is final and not subject to the grievance procedure.

This agreement expires on June 30, 2024, unless renewed by mutual agreement of the parties.

For PUSD

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Date \_\_\_\_\_

For PFT

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Date \_\_\_\_\_