

**SIDE LETTER OF AGREEMENT
CATASTROPHIC LEAVE BANK
Between
the Evergreen School District
&
the Evergreen Teachers Association**

Upon the effective date of this Agreement, a voluntary Catastrophic Leave Bank (CLB) shall be established for ETA members covered by this Agreement who:

- a. Have a catastrophic illness or injury; or
- b. Have a catastrophic illness or injury in their immediate family requiring their presence.
- c. Have exhausted their own accumulated sick leave.
- d. Have agreed to donate to the CLB

At the beginning of the upcoming school year, each ETA member covered by this Agreement may contribute one day of his/her annual allotment of sick leave in order to fund the Bank. Any grants of sick leave by the Committee during a member's first year of participation shall not exceed twenty (20) days.

ETA members who decide to participate in the Bank shall notify Human Resources no later than Sept. 29, 2017. Such notification shall be in writing. Those choosing not to do so will not be eligible to apply for a grant of sick leave from the CLB.

The process will repeat in the subsequent year. Members must contribute for two (2) consecutive years to be vested in the bank. Once vested, members will not be asked to contribute any additional days unless the total number in the bank drops below one hundred (100).

For the subsequent years, the enrollment period ends on the last workday of September. Newly hired certificated employees will have to wait until the following September to notify Human Resources they wish to join the Bank.

A CLB Committee will be established consisting of five (5) ETA members designated by the Association. The Committee is responsible for its own internal organization and for establishing application procedures. The decisions of the Committee are final and binding. Such decisions are not subject to the grievance procedure.

Unused days in the Catastrophic Leave Bank shall be carried over into the Bank that is established for the next academic year.

For the Association:

For the District:

Brian Wheatley – ETA President
May __, 2017

Kathy Gomez – ESD Superintendent
May __, 2017

Catastrophic Leave Bank

8.12.1 Definitions

8.12.1.1 The Association and the District have established a Catastrophic Leave Bank (CLB), the purpose of which is to provide qualifying unit members with additional sick days that have been donated by other unit members. In order to be eligible for a withdrawal from the CLB, the illness or injury must meet the definition of “catastrophic,” and the unit member must have exhausted all accrued sick leave.

8.12.1.2 A catastrophic illness or injury, as defined in this Agreement, is one that is expected to incapacitate the unit member, spouse, domestic partner, or dependent for 20 or more consecutive duty days, and requires the unit member to take time off from work. Taking such time off creates a financial hardship for the unit member because he or she has exhausted all of his or her sick leave and other paid time off. (Education Code Section 44043.5)

8.12.1.3 A withdrawal from the CLB shall be limited to 40 days per unit member in any school year after the initial inception in 2017-18.

8.12.1.4 Withdrawals shall be granted in increments of no more than 20 days. Unit members may submit a request for one extension not to exceed a total withdrawal of 40 days.

8.12.1.5 The number of days that may be withdrawn by all participants in any school year shall be limited to 240 days.

8.12.1.6 If a unit member requires additional leave beyond that which can be withdrawn from the CLB, the unit member shall be placed on differential pay, i.e., the unit member shall be paid the difference between his or her salary and the salary paid a substitute. The total number of days that the unit member can remain on differential pay is limited to five months or 100 days.

8.12.1.7 The order in which these leave days are used shall be as follows:

- All accumulated sick leave;
- Catastrophic leave;
- Differential pay (up to five months).

The accumulated sick leave and the five-month period shall run consecutively. (Education Code Section 44977)

8.12.2 Administration

The CLB shall be administered by a committee comprised of five members appointed by ETA. The CLB Committee shall receive withdrawal requests, verify the validity of requests, approve or deny the request, and communicate its decisions, in writing, to the unit member and the District.

8.12.3 Eligibility And Contributions

- 8.12.3.1 All ETA members on active duty with the District are eligible to contribute to the CLB. Contributions shall be in day increments. Such days shall be deducted from the unit member's sick leave. All transfers of sick leave days are irrevocable.
- 8.12.3.2 Participation is voluntary, but requires contribution to the CLB. Only contributors will be permitted to withdraw from the CLB.
- 8.12.3.3 The contribution, on the appropriate form, shall be authorized by the unit member, who shall acknowledge that the donation of sick leave is irrevocable and binding.
- 8.12.3.4 Leave from the CLB may not be used for illness or injury that qualifies the unit member for workers' compensation benefits.
- 8.12.3.5 When the Committee may reasonably presume that the unit member may be eligible for STRS disability retirement, the Committee shall request that the unit member apply for such disability retirement. If denied benefits by STRS, the unit member may then apply for a withdrawal from the CLB. The unit member must furnish proof that STRS denied benefits.
- 8.12.3.6 Unit members applying for a withdrawal from the CLB will be required to submit a doctor's statement indicating the nature of the illness or injury and the probable length of absence from work. In addition, the unit member may be required to sign a form authorizing the release of the necessary medical information to the District and the CLB Committee. The District and the members of the CLB Committee shall keep information regarding the nature of the illness confidential.
- 8.12.3.7 To be considered eligible for a withdrawal, the unit member must have exhausted all accrued sick leave.
- 8.12.3.8 If the CLB Committee denies a request for a withdrawal because there are not enough days in the Leave Bank, the Committee shall notify the unit member, in writing, of the reason for the denial.
- 8.12.3.9 No grievance may be filed against the District if a unit member's request for a withdrawal is denied. No action may be taken against the Association if a unit member's request for a withdrawal is denied.

8.12.4 Open Enrollment

- 8.12.4.1 New hires, unit members not previously enrolled, and unit members returning from leave will be permitted to contribute to the CLB the following September. The Association shall be responsible for enrolling all unit members wishing to contribute to the CLB.

8.12.4.2 The Association shall submit copies of enrollment forms to the District, which shall keep a record of all participants. Unit members who do not join the CLB during the open enrollment period shall not be eligible to withdraw from the CLB during that school year and must wait until the following year.

8.12.5 Required Contributions

8.12.5.1 Each ETA member must contribute for two (2) consecutive years to be vested in the CLB. Once vested, s/he is eligible for up to sixty (60) days in total for the same catastrophic illness or injury. For the first year before becoming vested, s/he is only eligible for up to twenty (20) days in total.

8.12.5.2 No additional days must be donated unless the total number of days in the CLB falls below 100. At such time, all participants shall be asked to contribute an additional sick day the following year. Unit members who decide to continue to participate in the Bank shall notify Human Resources no later than the last workday of September.

8.12.5.3 If a previously eligible member does not wish to donate the additional day, he/she shall become ineligible for the CLB. Previous donations shall not be returned.

8.12.5.4 Any ETA member who has not previously donated a day to the CLB may choose to do so at the beginning of the following school year.

8.12.6 District Responsibility

8.12.6.1 By the last workday of October, February, and June (and as needed), the District shall provide the CLB Committee with the following information:

- The total number of days available in the CLB,
- The names of participating members, with the number of days donated and/or used, and
- The date of any withdrawals, with the total number of days withdrawn