

POLICIES PERTAINING TO OUR EMPLOYEES

CATASTROPHIC LEAVE POLICY

Purpose:

The Triumph Public High Schools' Leave Policy allows charter and non-charter employee's time off (PTO) to be used if the employee or an immediate family member has suffered a catastrophic illness or injury after the employee has exhausted all other paid leave.

The schools shall ensure that all employees eligible for participation in the sick leave pool program are treated consistently and equitably according to established procedures and without consideration of employee classification or any other legally permissible reason.

Definitions:

Catastrophic Illness or Injury: A severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that required the services of a licensed practitioner and necessitates an absence from work for five (5) consecutive days or more.

Immediate Family Members: Those individuals related by kinship, adoption, or marriage or Texas Department of Protective and Regulatory Services-certified foster children. Immediate family includes only individuals who are living in the same household as the employee or, if not in the same household, are totally dependent on the employee for personal care or services on a continuing basis.

Licensed Practitioner: A practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his or her license.

Qualifying for Catastrophic Leave Bank Days:

1. Subject to the eligibility requirements, an employee, after receiving approval from the Human Resources department, may receive up to **90** additional leave days when all other leave is exhausted. Catastrophic leave is granted in a minimum of 1-day increments.
2. An eligible employee (or immediate family member if the employee is incapacitated) seeking to receive Catastrophic Leave days must be received in the Human Resources department no later than 30 days from the date the employee returns to work. Applications for Catastrophic leave must include the reason for the request and the estimated amount of leave time needed.
3. If requested to withdraw time because of a catastrophic illness or injury, the employee will also be required to furnish an Application for Catastrophic Leave Days and the TPHS Catastrophic Leave Physician's Statement completed by the licensed practitioner treating the employee or the family member listing the general nature of the illness or injury, prognosis and expected recovery date. Medical information will be maintained in confidence in accordance with applicable law.

4. Intermittent leave may be granted for medically necessary periodic treatment of catastrophic illness if certified by a physician. Intermittent leave forms are required for these circumstances.
5. The Catastrophic Leave Days may be used by members whose immediate family has suffered a catastrophic illness or injury.
6. Catastrophic Leave Days may be granted for absences for working days only and will not be granted for holidays, vacation days, or other such days for which the member is not paid. Catastrophic leave will not cover any time for which short-term or long-term disability benefits are received.
7. Catastrophic Leave Days are granted only for catastrophic illness or injury that necessitated or will necessitate an absence from work of longer than five (5) consecutive days, based on the Catastrophic Leave definitions (see below).

Eligibility & Exclusions:

1. All regular charter and non-charter employees are eligible to participate in the employee sick leave pool. A regular (eligible) employee is one who works at least **30 to 40 hours** per week during the academic year, and who has been employed by the organization for at least ____ consecutive years. **[Board of Directors to determine number of years employee would have been employed.]**
2. Exclusions include normal elective or routine surgery; outpatient procedures (anything considered outpatient as defined by hospital verification is excluded, including observation status); mental disability that is not considered a serious mental illness” as defined by Texas laws; worker’s compensations income eligibility; and part-time absences or modified duty. Pregnancy will not be treated as a catastrophic illness except when severe illness and prolonged complications arise with respect to either the mother or the child.
3. The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the sick leave pool or previously donated to the pool.

Contribution of Time:

1. To contribute sick leave time to the pool, a charter or non-charter employee must submit a form to Human Resources in accordance with prescribed procedures. Sick leave pool forms may be obtained from the Human resources office.
2. An employee may not donate sick leave time for use by a specific individual.
3. An eligible employee may transfer to the pool one day or more of the employee’s accrued sick leave. Contributions will be in one-day increments. A retiring employee may designate the number of his/her accrued sick leave hours to be donated on retirement to the sick leave pool.
4. The Pool Administrator will credit the sick leave oil with the amount of time contributed by that employee and will deduct or direct the deduction of a corresponding amount of time from the employee’s sick leave accrual as if the employee had used the time for permissible purposes.

5. School leaders may offer to terminating employees the opportunity to donate accrued sick leave time to the sick leave pool.
6. All contributions will be voluntary.
7. If, however, the leave is coming from the non-charter programs, that amount of money for the leave being taken would also come from the non-charter program through a cost allocation or other budget transfer.

Equal Treatment:

1. An employee absent on sick leave through the sick leave pool will be treated for all purposes as if the employee were absent on earned sick leave.
2. All eligible employees will have equal access to the pool. Decisions to allocate pool resources to eligible employees will be equitable, consistent, and without regard to employee classification or any other legally impermissible reason.

Denial of Catastrophic Leave Requests:

Possible reasons to be denied a request for Catastrophic leave include, but are not limited to:

- The employee does not meet leave criteria;
- The employee appears to have managed leave ineffectively (has used leave as accrued without medical certification);
- The employee's request is unwarranted by circumstances;
- A lack of proper medical documentation; or
- Employee who has been reprimanded in writing or on performance plan at any time during the prior 12 months preceding request.

Abuse of Catastrophic Leave:

1. Abuse of leave from the Catastrophic Leave policy includes, but is not limited to, the following:
 - Misrepresentations
 - A fraudulent medical certification
 - Working elsewhere while on leave
 - Violation of general leave policies
2. Employees who abuse the catastrophic leave benefits are subject to discipline that may include, but is not limited to:
 - Repayment of leave days
 - Denial of pay increase
 - Suspension
 - Demotion
 - Termination

General Rules:

1. Triumph Public High Schools may, at any time, discontinue, revise, suspend or amend the Catastrophic leave Policy.
2. The granting of sick leave from the pool cannot alter or otherwise change the terms and expected duration of appointment of the employee or other conditions and rules related to employment.

Date Adopted: May 16, 2015