

CHAPTER 13
TRANSFER OF LEAVE CREDITS
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CHAPTER 13

TRANSFER OF LEAVE CREDITS

1. CATASTROPHIC LEAVE.

a. General.

(1) The Catastrophic Leave Program allows eligible employees to receive donations of annual leave, vacation, compensating time off (CTO), personal leave, and/or holiday credits from other eligible employees. The donated leave credits are converted to catastrophic leave and may then be used by the receiving employee.

(2) Provided the criteria for eligibility is met, California Code of Regulations (CCR), Title 2, Sections 599.925 and 599.925.1, and bargaining unit (BU) agreements allow the use of catastrophic leave for illness or injury of an employee or qualifying family member, or for an employee significantly impacted by a natural disaster. (Refer to paragraph 1.c.[1].)

(3) Use of catastrophic leave may be coordinated with State Disability Insurance (SDI), Nonindustrial Disability Insurance (NDI), Industrial Disability Leave (IDL), Temporary Disability Leave (TDL), or Labor Code (LC) 4800.5 Time. (Refer to paragraphs 1.f., 1.g., and 1.h.)

b. Definitions.

(1) Catastrophic Illness or Injury. Catastrophic illness or injury is defined by CCR, Title 2, Sections 599.925 and 599.925.1, and applicable collective BU agreements. A catastrophic illness or injury is defined as a severe illness or injury which is expected to incapacitate the employee or qualifying family member and which creates a financial hardship because all of the employee's leave credits have been exhausted.

(2) Family Member.

(a) Excluded Employee. A family member is defined as mother, father, husband, wife, son, daughter, brother, sister, domestic partner (registered with the Secretary of State), or any person residing in the immediate household of the employee at the time of the catastrophic illness or injury.

(b) Represented Employee. Refer to the employee's BU agreement.

(3) Donor. A donor is an employee who contributes a portion of available leave credits, excluding sick leave, to an employee who has been authorized use of catastrophic leave donations.

(4) Eligible Leave Credits.

(a) Excluded Employee. Eligible leave credits include annual leave, vacation, CTO, personal leave, and/or holiday credits. They do not include sick leave.

(b) Represented Employee. Refer to the employee's BU agreement.

c. Request for Catastrophic Leave Credits-All Employees.

(1) Criteria for Eligibility. Eligible leave credits may be donated when the following conditions are met:

(a) Illness or Injury.

1 Upon written request claiming catastrophic illness or injury from the employee, the employee's family member, or another employee designated by the requesting employee;

2 Upon determination by the commander the employee is unable to work due to the employee's or family member's catastrophic illness or injury; and

3 The employee has exhausted all paid leave credits.

(b) Natural Disaster. Refer to CCR, Title 2, Section 599.925.1, and BU agreements.

1 An employee is significantly impacted by a natural disaster provided the employee faces financial hardship due to the effect of the natural disaster on the employee's principal residence;

2 The employee resides in one of the counties where a state of emergency exists as declared by the Governor; and

3 The employee has exhausted all eligible leave credits (does not include sick leave).

(2) Request Process. A written request must be submitted to the employee's commander or designee for approval. The written request should contain the following information:

- (a) Name.
- (b) Classification.
- (c) Departmental identification number.
- (d) Date of birth.
- (e) Department.
- (f) Collective bargaining identification.
- (g) Work location.
- (h) Appropriate physician's verification of the employee's or family member's illness or injury which created the catastrophic hardship.
- (i) Dates and number of days expected to be off work after exhaustion of leave credits.
- (j) The employee should review the CHP 369, Authorization to Release Medical Information for Public Disclosure, as it relates to the illness/injury request for catastrophic leave being submitted and complete a new form, if necessary. The CHP 369 is filed in the employee's field personnel folder.

1 Normally, information released includes the employee's name, work location, dates expected to be off work, reason for absence (not a diagnosis), and date leave credits will be exhausted.

2 The employee should be advised that if a CHP 369 is not on file authorizing the release of information, the command cannot advertise for donations or release information relating to the employee's catastrophic illness/injury. The employee can still receive catastrophic leave donations; however, the employee will have to independently solicit donations outside the normal departmental process.

(3) Request Approval. The commander will evaluate the catastrophic criteria and, provided the employee meets this criteria, will approve the request. The commander will ensure the employee has the appropriate verification of illness (physician or licensed practitioner statement), and that a CHP 369 is on file

before releasing any medical information. The following steps may then be taken:

(a) Commanders will notify employees in their immediate command of the need for donations.

(b) If enough leave credits are not donated from the immediate command, the commander will authorize a Communications Network (Comm-Net) message or e-mail for Divisionwide distribution.

(c) If the Divisionwide distribution does not produce enough donated leave credits, the commander will request approval, through the chain of command, from the appropriate Commissioner to send a statewide Comm-Net message.

(4) The request, Comm-Net message, and/or e-mail message, if applicable, will be maintained in the employee's field medical personnel folder.

(5) A copy of the request, Comm-Net message, and/or e-mail message, if applicable, will be sent to Human Resources Section (HRS), Personnel Files Services, to be maintained electronically in the employee's medical file.

d. Donation of Catastrophic Leave Credits.

(1) Excluded Employee.

(a) An excluded employee may donate eligible leave credits at a minimum of 1-hour increments.

(b) Donated leave credits will be reflected as an hour-for-hour deduction from the leave balance of the donating employee.

(c) When transferring eligible leave credits, the recipient's personnel office will ensure that only credits that are needed are transferred.

(d) An excluded employee may donate eligible leave credits to either excluded or represented employees.

(e) Transfer of eligible leave credits may be interdepartmental in accordance with the policy of the California Highway Patrol (CHP) and the receiving department.

(f) The donating employee must maintain a minimum balance of 80 hours of paid leave time to be eligible to donate.

(2) Represented Employee. Refer to the employee's BU agreement.

(3) Process for Donating Catastrophic Leave Credits-All Employees.

(a) The donating employee must maintain a minimum of 80 hours of paid leave time to be eligible to donate.

(b) A CHP employee/donor who donates leave credits to another employee under catastrophic leave must complete Part A of a CHP 12, Transfer of Leave Credits Authorization, and check the box at the top of the CHP 12 titled "Catastrophic Time Bank." The donor must ensure all information is complete and accurate.

(c) The donor shall forward the CHP 12 to HRS.

(d) The information in Part B of the CHP 12 will be completed by HRS. After completion, the form will be forwarded to the recipient's personnel office (either CHP or another state agency, depending on where the recipient is employed).

(e) The recipient's personnel office will fill out Part C of the CHP 12 and distribute the copies as indicated on the form. If the "Confidential" box is checked in Part A, the recipient will not be informed of the donor's identity.

(f) When the recipient's personnel office returns a copy of the CHP 12, HRS will notify the donor's commander. This will allow the attendance clerk to adjust the donor's leave credits appropriately.

e. Receipt of Donated Catastrophic Leave Credits.

(1) Excluded Employee.

(a) To receive donated leave credits, an excluded employee must meet the criteria for eligibility. (Refer to paragraph 1.c.[1].)

(b) An employee that is designated managerial or supervisory, as defined in Government Code Sections 3513(e) and 3513(g), respectively, may receive donated eligible leave credits from a represented employee.

(c) Catastrophic leave will be credited to the employee's account in 1-hour increments and will be reflected as an hour-for-hour addition to the vacation/annual leave balance of the receiving employee.

(d) Use of catastrophic leave may not exceed a maximum of 12 continuous months for any 1 catastrophic illness or injury. For an

employee impacted by a natural disaster, use of catastrophic leave may not exceed 3 continuous months for any 1 occurrence; however, if approved by the appropriate Commissioner, use of catastrophic leave may be for 6 continuous months.

(e) The total amount of leave credits donated may not exceed an amount sufficient to ensure the continuance of regular compensation.

(f) An excluded employee who receives catastrophic leave shall use any leave credits accrued on a monthly basis prior to using catastrophic leave.

(2) Represented Employee. Refer to the employee's BU agreement.

(3) All Employees.

(a) Donated leave credits received for CHP employees will be processed by HRS, and HRS will advise the recipient's commander of the amount of catastrophic leave that should be added to the recipient's vacation/annual leave balance.

(b) If the appropriate Commissioner has approved the use of catastrophic leave beyond the maximum allowed, HRS should be notified by the command in writing. (Refer to paragraph 1.e.[1][d] or the employee's BU agreement.)

f. State Disability Insurance. Catastrophic leave may be used in conjunction with SDI. Excluded employees are not eligible for SDI. Represented employees should refer to the appropriate BU agreement to determine eligibility. The recipient shall meet all eligibility requirements for both programs.

(1) The employee must exhaust all available leave credits prior to the use of catastrophic leave.

(2) Employees who are in the SDI program may use catastrophic leave credits, up to a maximum of 40 hours per month, to supplement their SDI benefits. The leave credits combined with SDI cannot exceed the employee's monthly gross pay.

(3) If, at the exhaustion of SDI benefits, the employee still meets the eligibility requirements for catastrophic leave, the employee may continue to receive donated leave credits.

g. Nonindustrial Disability Insurance. Catastrophic leave may be used in conjunction with NDI. Excluded employees are eligible for NDI. Represented

employees should refer to the appropriate BU agreement to determine eligibility. The recipient shall meet all eligibility requirements for both programs.

- (1) The employee must exhaust all available leave credits prior to the use of catastrophic leave.
- (2) Employees who are in the annual leave NDI program may use catastrophic leave credits to supplement their NDI benefit to either 75 percent or 100 percent of their monthly gross pay.
- (3) Employees who are not in the annual leave NDI program may not use catastrophic leave to supplement NDI. However, these employees may interrupt their NDI payments to use catastrophic leave. If NDI payments are interrupted, all catastrophic leave, vacation, sick leave, and other leave credits accrued while using catastrophic leave must be exhausted prior to returning to NDI. A new NDI application is not necessary when returning to NDI status for the same injury or illness provided the employee did not return to work for 10 days or more. Catastrophic leave and NDI may not be combined on the same day.
- (4) If, at the exhaustion of NDI benefits, the employee still meets the eligibility requirements for catastrophic leave, the employee may continue to receive donated leave credits.

h. Industrial Disability Leave, Temporary Disability Leave, or Labor Code 4800.5 Time-All Employees.

- (1) An employee may receive catastrophic leave donations pending the approval and receipt of injury benefits (IDL, TDL, or LC 4800.5 Time). Once the injury is approved, the donated leave credits shall be returned to the donating employee.
 - (a) When donated leave credits are returned to the donor, they will be returned on a last received, first returned basis.
 - (b) If unused donated leave credits are returned to a donor who has separated from state service, the donor shall receive a lump-sum payment of the returned credits.
 - (c) When the return of donated leave credits results in the donating employee being over the maximum allowable vacation/annual leave accrual on January 1, the donating employee's command shall notify HRS. (Refer to Chapter 22, Vacation, Annual Leave, and Holiday-In-Lieu, of this manual.)

(2) An employee may receive catastrophic leave donations after a work-related injury is approved, but only when the employee will suffer a loss of salary. For example, employees who are receiving two-thirds IDL or TDL benefits may receive catastrophic leave donations in order to supplement their salary to receive a full pay warrant.

i. Unused Catastrophic Leave Donations-All Employees. Unused catastrophic leave shall be returned to the donor on a last received, first returned basis for the following reasons:

(1) The receiving employee returns to work.

(2) The specific need no longer exists.

(3) The catastrophic leave benefit has been exhausted. (Refer to paragraph 1.e.[1][d].)

(4) The receiving employee is placed on IDL, TDL, or LC 4800.5 Time benefits, and the recipient is receiving a full pay warrant due to a work-related injury or illness.

(5) The receiving employee separates from state service.

(6) Upon the death of the receiving employee, donated leave credits should not be accepted after the date of death, unless the donations are dated and signed on or before the date of death of the ill or injured employee. Any unused donated leave credits may become part of the recipient's estate and not returned to the donor.

2. TRANSFER OF LEAVE CREDITS FOR FAMILY MEMBERS.

a. The transfer of leave credits allows employees to receive or donate eligible leave credits between family members for serious health conditions or for parental or adoption leaves. Under this program, employees do not have to suffer a financial hardship to receive donated leave credits. Transfer of leave credits may be interdepartmental in accordance with the policies of the receiving department.

b. Eligible Leave Credits.

(1) Excluded Employee. Eligible leave credits include vacation, annual leave, CTO, personal leave, and/or holiday credits. They do not include sick leave, furlough hours, Professional Development Days, or Personal Leave 2012. The

donating employee must maintain a minimum balance of 80 hours of paid leave time.

(2) Represented Employee. Refer to the employee's BU agreement.

c. Family Members.

(1) Excluded Employee. Eligible leave credits may be transferred between family members to care for a child, parent, spouse, domestic partner (registered with the Secretary of State), brother, sister, or other person residing in the immediate household who has a serious health condition, for the employee's own serious health condition as defined by the Family Medical Leave Act, or for parental leave to care for a newborn or adopted child.

(2) Represented Employee. Refer to the employee's BU agreement.

d. Criteria for Eligibility-All Employees. Eligible leave credits may be donated when the following conditions are met:

(1) Upon written request from an employee to care for an eligible family member or for the employee's own serious health condition or parental leave;

(2) Upon determination by the commander, the employee is unable to work due to an authorized reason; and

(3) The employee has exhausted all paid leave credits.

e. Request Process-All Employees. A written request must be submitted to the employee's commander or designee for approval. The written request should contain the following information:

(1) Name.

(2) Classification.

(3) Departmental identification number.

(4) Work location.

(5) Appropriate physician's verification of the employee's or family member's illness or injury.

f. Request Approval-All Employees. The commander will evaluate the request and, provided the employee meets the criteria for transfer of leave credits, will

approve the request. The commander will assure the recipient has the appropriate verification of illness (physician or licensed practitioner statement).

g. Process for Donation of Leave Credits-All Employees.

- (1) A CHP employee who would like to donate leave credits to a family member must complete Part A of a CHP 12, and check the box at the top of the CHP 12 titled "Transfer for Family Member." The donor must ensure all information is complete and accurate.
- (2) Donations must be in 1-hour increments.
- (3) The donor shall forward the CHP 12 to HRS.
- (4) The information in Part B of the CHP 12 will be completed by HRS. After completion, the form will be forwarded to the recipient's personnel office (either CHP or another state agency, depending on where the recipient is employed).
- (5) The recipient's personnel office will fill out Part C of the CHP 12 and distribute the copies as indicated on the form.
- (6) When the recipient's personnel office returns a copy of the CHP 12, HRS will notify the donor's commander. This will allow the attendance clerk to adjust the donor's credits appropriately.

h. Receipt of Donated Leave Credits-All Employees.

- (1) To receive leave credits, the employee must meet the criteria for eligibility. (Refer to paragraph 2.d.)
- (2) When donations are used, they will be processed based on date and time received (first in, first used).
- (3) Donated credits will be credited to the employee's account in 1-hour increments and will be reflected as an hour-for-hour addition to the vacation/annual leave balance of the receiving employee.
- (4) Use of donated credits shall normally not exceed a maximum of 3 months. However, if approved by the receiving department, the total leave credits received may be up to 6 months.

i. State Disability Insurance. Transferred leave credits from family members may be used in conjunction with SDI. Excluded employees are not eligible for SDI.

Represented employees should refer to the appropriate BU agreement to determine eligibility. The recipient shall meet all eligibility requirements for both programs.

(1) The employee must exhaust all available leave credits prior to the use of transferred leave credits from family members.

(2) Employees who are in the SDI program may use transferred leave credits to supplement their SDI benefit up to a maximum of 40 hours per month. The leave credits with SDI benefits cannot exceed the employee's monthly gross pay.

(3) If, at the exhaustion of SDI benefits, the employee still meets the eligibility requirements for transferred leave credits from family members, the employee may continue to receive donated leave credits.

j. Nonindustrial Disability Insurance. Transferred leave credits from family members may be used in conjunction with NDI. Excluded employees are eligible for NDI. Represented employees should refer to the appropriate BU agreement to determine eligibility. The recipient shall meet all eligibility requirements for both programs.

(1) The employee must exhaust all available leave credits prior to the use of transferred leave credits from family members.

(2) Employees who are in the annual leave NDI program may use transferred leave credits to supplement their NDI benefit to either 75 percent or 100 percent of their monthly gross pay.

(3) Employees who are not in the annual leave NDI program may not use transferred leave credits to supplement their NDI. However, those employees may interrupt their NDI payment to use transferred leave credits. If NDI payments are interrupted, all donated family leave credits, vacation, sick leave, and other leave credits accrued while using family leave credits must be exhausted prior to returning to NDI. A new NDI application is not necessary when returning to NDI status for the same injury or illness provided the employee did not return to work for 10 days or more. Transferred leave credits from family members and NDI may not be combined on the same day.

(4) If, at the exhaustion of NDI benefits, the employee still meets the eligibility requirements for transferred leave credits from family members, the employee may continue to receive donated leave credits.

k. Industrial Disability Leave, Temporary Disability Leave, or Labor Code 4800.5 Time-All Employees.

(1) An employee may receive transferred leave credits from family members pending approval and receipt of injury benefits (IDL, TDL, or LC 4800.5 Time). Once the injury is approved, the donated leave credits shall be returned to the donating family member.

(a) When donated leave credits are returned to the donor, they will be returned on a last received, first returned basis.

(b) If unused donated leave credits are returned to a donor who has separated from state service, the donor shall receive a lump-sum payment of the returned credits.

(c) When the return of donated leave credits results in the donating employee being over the maximum allowable vacation/annual leave accrual on January 1, the donating employee's command shall notify HRS. (Refer to Chapter 22 of this manual.)

(2) An employee may receive transferred leave credits from family members after a work-related injury is approved, but only when the employee will suffer a loss of salary. For example, when an employee is receiving two-thirds IDL or TDL benefits, the employee may receive transferred leave credits from family members in order to supplement the employee's salary to receive a full pay warrant.

I. Unused Donated Leave Credits-All Employees. Unused donations shall be returned to the appropriate donor on a last received, first returned basis for the following reasons:

(1) The receiving employee returns to work.

(2) The specific need no longer exists.

(3) The transfer of leave benefit has been exhausted. (Refer to paragraph 2.h.[4].)

(4) The receiving employee is placed on IDL, TDL, or LC 4800.5 Time benefits, and the recipient is receiving a full pay warrant due to a work-related injury or illness.

(5) The receiving employee separates from state service.

(6) Upon the death of the receiving employee, donated leave credits should not be accepted after the date of death, unless the donations are dated and signed on or before the date of death of the ill or injured employee. Any

unused donated leave credits may become part of the recipient's estate and not returned to the donor.

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