

Title 5, California Code of Regulations
Division 5 – Board of Trustees of the California State Universities
Chapter 1 – California State University
Subchapter 7 – Employees
Article 4.2 – Catastrophic Leave Donation Program

§ 42930. Purpose.

An employee who accrues vacation or sick leave credits may voluntarily donate either of those credits to another employee on the same campus, or, for employees in the Office of the Chancellor, to another employee in the Office of the Chancellor, for catastrophic leave for catastrophic illness or injury. An employee who accrues vacation or sick leave credits may voluntarily donate either of those credits to another employee within the California State University system to be used for catastrophic leave in the event of a natural disaster/state of emergency. To qualify for catastrophic leave for catastrophic illness or injury, the recipient employee shall have exhausted all accrued leave credits due to catastrophic illness or injury as defined in this Article. “Accrued leave credits” include credits for sick leave, vacation, personal holiday and compensating time off. To qualify for catastrophic leave for a natural disaster/state of emergency, the recipient employee whose principal residence has been affected by a declared natural disaster/state of emergency, as defined in Section 42931, shall have exhausted all accrued personal holiday credits and compensating time off, and have a balance of forty (40) hours or less in each accrued vacation credits and accrued sick leave credits.

The president of each campus, subject to the approval of the Chancellor, has the authority to make exceptions to the prescribed policy for the purpose of responding to other catastrophic occurrences of comparable impact and/or to expand the benefits of the prescribed policy when compelling and unusual circumstances exist.

Note: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

§ 42931. Definition of Catastrophic Illness or Injury and Catastrophic Leave for a Natural Disaster/State of Emergency.

A catastrophic illness or injury is one which has totally incapacitated the employee from work. Catastrophic illness or injury may also include an incapacitated member of the employee’s family, if this results in the employee’s being required to take time off for an extended period of time in order to care for the family member and the employee has exhausted all of accrued vacation credits and all accrued sick leave credits which may be used for family care. Only donated vacation credits may be used for such family care catastrophic leave.

Catastrophic leave for a natural disaster/state of emergency is leave for an employee whose principal residence is located in a county where a state of emergency has been declared by the Governor, is unable to work due to the effect of the natural disaster/state of emergency on the recipient employee’s principal residence, and who faces financial hardship because the employee has exhausted all accrued personal holiday credits and compensating time off, and has a balance of forty (40) hours or less in each accrued vacation credits and sick leave credits.

Note: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

§ 42932. Participation and Eligibility.

An employee, the employee's representative or the employee's family member shall request participation and provide appropriate verification of illness or injury as determined by the employee's appointing authority. The appointing authority shall determine eligibility to receive donations of vacation and sick leave credits based upon the definitions provided in this Article. An incapacitated employee may elect to defer a request to participate during a period of Industrial Disability Leave eligibility.

Note: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

§ 42933. Donation.

(a) Only vacation and sick leave credits may be donated in increments of one hour or more. For catastrophic illness or injury, employees may donate a maximum of forty (40) hours of accrued leave credits per fiscal calendar year in increments of one hour or more. For catastrophic leave for a natural disaster/state of emergency, there is no maximum limit that an employee can donate as long as the employee maintains a balance of forty (40) hours of vacation leave credits and forty (40) hours of sick leave credits per calendar year. Donations are irrevocable. Donated leave credits may be used to supplement Industrial Disability leave, Nonindustrial Disability Insurance or Temporary Disability payments upon the application for these benefit(s) by an eligible employee. The total amount of leave credits donated and used may not exceed an amount sufficient to ensure the continuance of the employee's regular monthly rate of compensation.

(b) The total donated leave credits an employee can receive shall normally not exceed an amount necessary to continue the employee for three calendar months calculated from the first day of catastrophic leave. The appointing authority may approve up to an additional three-month period in exceptional cases. The leave credits shall not be deemed donated until actually transferred by the appointing authority's recordkeeper to the record of the employee receiving leave credits. Such transfer shall be accomplished at the end of a pay period, and credits shall be transferred in the order of the dates actually pledged.

(c) For employees whose appointments have not been renewed, donated time may not be used beyond the employee's appointment expiration date in effect at the beginning of the disability for catastrophic leave for illness or injury or the date the employee begins catastrophic leave for a natural disaster/state of emergency.

(d) Unused donated leave credits may not be used to receive service credit following a service or disability retirement.

Note: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.