

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

**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 Catastrophic Leave Bank to which eligible unit members may donate earned and unused sick leave. 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.

The Catastrophic Leave Drive conducted during the 2024-25 school year shall going forward be considered a "Primary Catastrophic Leave Drive." PFT unit members who donate a minimum of one day of sick leave during each Primary Catastrophic Leave Drive will be considered members of the Catastrophic Leave Bank for a period of three years. For example, those who donated in the fall 2024 drive shall remain members of the Bank for the 2024-25, 2025-26, and 2026-27 school years. Primary Catastrophic Leave Drives will occur every third year (fall 2024, fall 2027, fall 2030, etc.).

During years in which there is not a Primary Catastrophic Leave Drive, unit members may wish to donate and join the Catastrophic Leave Bank. To give this opportunity to as many unit members as possible, a Secondary Catastrophic Leave Drive will occur during years in which there is not a Primary Catastrophic Leave Drive. PFT unit members who donate a minimum of one day of sick leave during a Secondary Catastrophic Leave Drive will be considered members of the Catastrophic Leave Bank for the remaining years of the current three-year Primary Drive Cycle. For example, those who donate in the fall 2025 Secondary Catastrophic Leave Drive, can apply to access the Bank for the 2025-26 and 2026-27 school years. Those who donate in the fall 2026 Secondary Catastrophic Leave Drive, can apply to access the Bank for the 2026-27 school year only.

Donations shall be irrevocable. A donation to the Catastrophic Leave Bank shall be a general donation and shall not be donated to a specific employee for his or her exclusive use.

### **Eligibility**

Temporary, probationary, and permanent unit members are eligible to participate. When a drive occurs, the unit member must have at least one (1) earned day of sick leave available by October 1 of the current school year to be eligible to donate. Upon retirement or separation from the District, a unit member may donate sick days to the Catastrophic Leave Bank if desired. Any such donations are permanent and will not be included when the unit member's sick leave balance is reported to STRS.

### **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 a 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 during the next Primary Catastrophic Leave Drive. Primary Catastrophic Leave Drives shall occur every third year (fall 2024, fall 2027, fall 2030, etc.). This auto donation of one day occurs for all eligible unit members who have donated and joined the Bank in a past drive, regardless of whether the unit member joined during a Primary Catastrophic Leave Drive or a Secondary Catastrophic Leave Drive.

Members of the Catastrophic Leave Bank who wish to opt out of membership in the Catastrophic Leave Bank can do so during a Primary Catastrophic Leave Drive. It is the responsibility of the unit member to actively opt out during a Primary Catastrophic Leave Drive to avoid donating a sick day. 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 (unless they subsequently join the Bank again, by voluntarily donating a day during a Secondary Catastrophic Leave drive).

NOTE: Auto-donation avoids the possibility of forgetting to manually join during each Primary Catastrophic Leave Drive. Forgetting to donate would nullify a unit member's ability to access the Bank in the event of a catastrophic illness. The ability to opt out preserves the rights of unit members who do not wish to donate a sick day and who do want to withdraw from the bank.

### **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 current three-year cycle and implement a drive with a one, two, or three-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 Catastrophic Leave Bank.
2. To make any additionally necessary governing decisions relative to the operation of the 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.

### **Annual Rollover of Days in Catastrophic Leave Bank**

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

### **Qualifications of Recipient**

1. Any 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 Leave Bank. Members must wait 30 calendar days after their initial donation to access catastrophic leave.
2. To be eligible for use of Catastrophic Leave 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 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 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 Catastrophic Leave Bank days shall receive those days in the form of their regular salary. Use of catastrophic leave will not result in differential pay during the employee's absence.

### **Procedure**

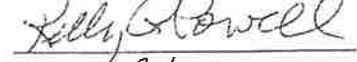
1. The Governing Committee shall develop the process by which donations shall be solicited and submitted. All donations must be received by the last working day of the Catastrophic Leave Drive.
2. All requests for Catastrophic Leave Bank Days shall be presented in writing to Personnel Support Services (PSS), 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.
4. The Governing Committee's decision to deny a unit member's request to utilize the Catastrophic Leave Bank is final and not subject to the grievance procedure.

This agreement expires on June 30, 2027, unless renewed by mutual agreement of the parties.

For PUSD

  
Date 9/14/2025

For PFT

  
Date 9/16/2025