

# Division Catastrophic Leave Bank Program

## I. General Information

The Catastrophic Leave Bank Program assists eligible employees, after they have exhausted their earned sick leave, annual leave, holidays, and compensatory time, to manage medical emergencies, injuries and illnesses incurred by them or eligible family members. It may also be used by eligible employees for parental purposes. These guidelines set out who is eligible to contribute to the program, who is eligible to participate in the program, and under what terms participation may be accomplished. The following definitions are provided for reference purposes.

1. Catastrophic Leave for Illness or Injury means a medical condition of an employee, or a qualifying family member, i.e., spouse or parent of the employee, or a child of the employee claimed as a dependent under the Arkansas Income Tax Act of 1929, as certified by a physician which requires an employee's absence from duty for a prolonged period of time or intermittent period of time and which, except for the catastrophic leave program, would result in a substantial loss of income to the employee because of the exhaustion of all earned sick, annual, holiday, and compensatory leave time.
2. Catastrophic Leave for Parental Purposes means that an eligible employee may receive up to four (4) consecutive weeks of paid leave (160 hours) in a calendar year within the first twelve (12) weeks after the birth of the employee's biological child or placement of an adoptive child in the employee's home. If two employees are the parents of the child, the leave must be shared between the two employees.
3. Catastrophic Leave means paid leave which is transferred to a leave recipient from the U of A System Division of Agriculture Catastrophic Leave Bank. Catastrophic leave may be granted in one (1) hour increments. While a recipient is on catastrophic leave, he or she will continue to receive standard benefits, such as employer contributions to insurance and retirement.
4. Catastrophic Leave Bank (hereafter referred to as "the Bank") means a pool of accrued annual and sick leave voluntarily donated by employees which has been approved by the U of A System Division of Agriculture for use by other employees.
5. Catastrophic Leave Committee means a committee consisting of a relative demographic cross-section of the U of A System Division of Agriculture work force.
6. Employee means a person who is regularly appointed by the U of A System Division of Agriculture, compensated on a full-time basis, and eligible to participate in the University's fringe benefits program. A person who works less than full time (100%) is excluded from this definition and is not eligible to participate as a recipient in the Catastrophic Leave Bank Program.

7. Leave Donor means a part-time or full-time employee whose voluntary written request to donate accrued annual and/or sick leave to the Bank has been approved by the U of A System Division of Agriculture. No employee is allowed to be a leave donor if the donation will reduce that employee's combined accrued sick and annual leave balance to less than 80 hours. All donated leave becomes the property of the Bank, and donated leave may not be restored to the leave donor under any circumstances.
8. Leave Recipient means a current employee for whom the Catastrophic Leave Committee has approved an application to receive catastrophic leave from the Bank.
9. Medical Condition means a personal emergency limited to catastrophic and debilitating medical situations, severely complicated disabilities, and severe accidents of the employee or a qualifying family member which cause the employee to be unable to perform assigned job duties, which require a prolonged period of recuperation, and which require the employee's absence from duty as documented by a physician. Elective surgery and/or disabilities resulting from elective surgery do not qualify for catastrophic leave.
10. Parental Purposes means that the birth of the employee's biological child or placement of an adoptive child in the employee's home is the medical condition. Approved catastrophic leave will be granted for the birth of the employee's biological child effective the date of the birth or after and approved catastrophic leave will be granted for the placement of an adoptive child in the employee's home effective the date the child is placed in the home or after, but both within the first twelve (12) weeks after the birth or placement.
11. Prolonged Period of Time means a continuous period of at least twenty (20) working days whereby a medical condition prevents the employee from performing work duties. This requirement does not apply for parental purposes.
12. Intermittent catastrophic illness refers to catastrophic illness that has resulted in an "ongoing" condition for the employee or a qualifying family member that may require the use of leave at intermittent times due to the type of illness or injury. In intermittent catastrophic situations, an employee returning after a period of catastrophic leave might then be eligible for catastrophic leave on an intermittent basis for continuing treatment or transitioning back to work. The duration of all catastrophic leave (a block of catastrophic leave plus intermittent catastrophic leave) may not exceed six months, or 1040 hours, in a twenty-four (24) month period. This does not apply for parental purposes.
13. Substantial Loss of Income means a period of time during which the employee will not be compensated by the U of A System Division of Agriculture due to a medical condition of self or qualifying family member after the exhaustion of all the employee's earned sick, annual, holiday, and compensatory leave time. This requirement does not apply for parental purposes.

## II. Catastrophic Leave Guidelines

The committee will use the following guidelines to review catastrophic leave requests:

1. No employee will be eligible for approved catastrophic leave in excess of six continuous months, or 1040 hours, in a twenty-four (24) month period. This requirement does not apply for parental purposes.
2. To be eligible, an individual must have been employed by the U of A System in a full-time (100% appointed), benefits-eligible position for a minimum of one (1) year.
3. An eligible employee must not have been disciplined for any leave abuse during the previous one (1) year period from the date of application. This prohibition regarding disciplinary action for leave abuse does not apply for parental purposes.
4. An eligible employee must have exhausted all sick, annual, holiday and compensatory leave time, and, at the onset of the illness or injury, had to his or her credit at least eighty (80) hours of combined sick and annual leave. "Onset of Illness" means the initial beginning or start, as certified by a physician, of the medical condition which created the need for the catastrophic leave request. If a recurrence of the same illness necessitates a subsequent catastrophic leave request, the eligibility requirement that the employee have eighty (80) hours of combined sick and annual leave at the onset of the illness will not be required on the illness recurrence date. For parental purposes, the eighty (80) hours of combined sick and annual leave credit is not required at the time of application for catastrophic leave.

The eighty (80) hour leave requirement may be waived by the Director of Human Resources in conversation with the appropriate Sr. Associate Vice President for the following conditions:

- a. During the previous one-year period, the employee experienced another medically documented illness or injury that was not compensated under an approved Catastrophic Leave Bank Program but was documented under the Family and Medical Leave Act (FMLA) as a qualifying event and caused exhaustion of sick and annual leave to a level below 80 hours; or
  - b. The employee applying for catastrophic leave had, during the previous one-year period, exhausted his or her sick and annual leave to a level below 80 hours as a direct result of supplementing workers' compensation benefits, which were received because of an on-the-job illness or injury with the State of Arkansas.
5. If the illness or injury is that of the employee and is covered by worker's compensation, the total amount of the catastrophic leave compensation plus the weekly worker's compensation benefit received by the employee cannot exceed the compensation being received by the employee at the onset of the illness or injury.

6. No employee will be approved for catastrophic leave for illness or injury unless the employee has provided an acceptable medical certificate from a physician supporting the continued absence and setting forth that the employee is and will continue to be unable to perform the employee's duties due to a catastrophic illness of the employee or a qualifying family member. Information relative to the employee's assigned duties must be made available to the physician and to the Catastrophic Leave Committee. This requirement does not apply for parental purposes.

7. No employee will be approved for catastrophic leave for parental purposes unless the employee has provided acceptable verification documentation. Documentation for birth of the employee's biological child means a hospital birth certificate with the employee's and/or biological child's name; hospital discharge papers with the employee's and child's name; or the child's government-issued birth certificate. Documentation for placement of an adoptive child in the employee's home means a court document showing adoption placement with employee's name, child's name, and date of birth; or legal guardianship papers with the employee's name and the child's name.

8. If the employee is requesting catastrophic leave to provide care for a qualifying family member, a statement must be submitted from the physician and from the employee indicating why constant care is needed from the employee. An employee requesting catastrophic leave to provide care for a child must certify the child is his or her dependent.

9. In no case will the employee be granted catastrophic leave beyond the date certified by a physician.

10. Once approved, catastrophic leave will be counted toward the employee's rights to leave under the Family and Medical Leave Act of 1993 (FMLA), if eligible.

11. Catastrophic leave requests which would result in a negative balance in the Bank will not be approved.

12. The decisions of the Catastrophic Leave Committee or the Director of Human Resources are not subject to any grievance, arbitration, or litigation. The decision is final and cannot be appealed.

13. Applications for catastrophic leave will be reviewed on a first-filed, first-considered basis.

### **III. Catastrophic Leave Committee**

The nine (9) member advisory committee, plus four (4) alternate members, consists of employees selected by the Sr. Associate Vice Presidents for Agriculture-Extension and Research. The Sr. Associate Vice Presidents for Agriculture-Extension and Research

will select a chair from its membership. A Human Resources Office staff member will serve as an ex-officio, non-voting member and will assure that all basic eligibility requirements for catastrophic leave are met.

The Committee decisions require a minimum of at least nine voting members. No committee member will cast a vote if there is an obvious conflict of interest or if the request comes from that member's department.

The charge of the Committee will be to review Catastrophic Leave requests where basic eligibility requirements are met and make a recommendation to grant or deny the catastrophic leave request. The recommendation will be sent the Director of Human Resources who will make the final decision in conversation with the appropriate Sr. Associate Vice President. Decisions of the Catastrophic Leave Committee are not subject to grievance, arbitration or litigation. For parental purposes, only the Chair will review and approve the parental leave requests.

#### **IV. Prohibition of Coercion**

No employee may directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any such employee's decision to donate or receive catastrophic leave.

#### **V. General Rules of Operation**

1. Eligible employees on catastrophic leave for illness or injury/parental will continue to accrue leave in accordance with existing leave policies. Any leave earned while an employee is on catastrophic leave must, as a condition of voluntary participation in the program, be assigned to the Bank, and any restriction concerning the maintenance of minimum leave balances will not apply to such assignment. If an employee is on catastrophic leave for even one day or hour in an accrual period, all leave earned during that period shall be returned to the Bank.
2. Employees on catastrophic leave will receive normal benefits such as employer contributions to insurance and retirement. Employees on catastrophic leave will continue to receive their normal pay and the employee's merit increase eligibility date will not change.
3. Receipt of catastrophic leave shall be limited to the start of long term disability (LTD) payments, or a maximum of six (6) months.
4. Any unused catastrophic leave for medical or parental purposes will be returned to the Bank in the event the employee terminates employment, retires, or returns to work prior to the expiration of the previously approved catastrophic leave period. An employee may be dismissed if he or she fails to report to work promptly at the expiration of the approved catastrophic leave period. The

Catastrophic Leave Bank Program does not create any expectation or promise of continued employment.

5. Donations to the Catastrophic Leave Bank Program may be made throughout the year, upon resignation or upon retirement. No employee will be allowed to donate leave to the Catastrophic Leave Bank Program if such donation would reduce that employee's combined accrued sick and annual leave balance to less than 80 hours. Any accrued annual and/or sick leave donations must be made in one (1) hour increments. This does not apply to employees who are terminating their employment.
6. Catastrophic leave will not be awarded retroactively.

## **VI. Record Keeping Requirements**

The U of A System Division of Agriculture Catastrophic Leave Program must include a record keeping procedure which tracks: 1) the hours donated by each employee, the rate of pay and the dollar value of such donated leave at the time of donation; and 2) the hours of catastrophic leave awarded and those returned to the Bank, including the name of the recipient, position number and rate of pay.