

# Arkansas State University - Jonesboro

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**Effective Date: 01/01/92**

**Number: 07-09**

**Section: Human Resources**

**Subject: Catastrophic Leave Program**

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The Catastrophic Leave Bank Program is administered by the A-State Employee Benefits Committee which is comprised of the following:

- Six faculty (two retired) appointed by the Faculty Senate.
- Six staff (two classified, two non-classified, two retired (one classified and one non-classified) appointed by the Staff Senate.
- One representative appointed by the Chancellor.
- One representative from Human Resources.
- One representative appointed by the Vice Chancellor for Finance and Administration.

## **General Information**

ARK. Code Annotated 21-4-214 and 6-63-602 allows Arkansas State University to establish a Catastrophic Leave Bank Program.

Act 169 of 1991 allows Arkansas State University to establish a Catastrophic Leave Bank Program for its classified employees. Arkansas State University established a program and implemented it on January 1, 1992.

Act 441 of 1993 allows Arkansas State University to expand its current program to include non-faculty, non-classified employees.

Act 1176 of 1999 amended the Catastrophic Leave Bank Program to include medical conditions of certain family members of the employee.

The current catastrophic leave bank is administered by the Employee Benefits Committee working in concert with the Department of Human Resources.

This policy establishes a Catastrophic Leave Bank Program for Arkansas State University-Jonesboro to be administered by the Human Resources Department as authorized by Arkansas Code Annotated 21-4-214 and 6-63-602.

## Definition of Terms

**Catastrophic Illness:** A medical condition of an employee, employee's spouse, employee's parent, or employee's child who may be claimed as a dependent as certified by a physician (or other individual as provided in ARK. Code Annotated 21-4-201 et seq.) that requires an employee's absence from duty for a prolonged period of time and which results in a substantial loss of income to the employee because of the exhaustion of all earned sick, annual, holiday, and compensatory leave time.

**Catastrophic Leave:** Paid leave which is transferred to a leave recipient from the University's catastrophic leave bank. Catastrophic leave may be granted only in 8-hour increments. While a leave recipient is on catastrophic leave, he or she will receive normal benefits such as university contributions to insurance and retirement.

**Catastrophic Leave Bank:** A pool of accrued annual and sick leave voluntarily donated by employees, which may be approved by the University for use by other employees.

**Catastrophic Leave Bank Program:** A program approved by the Department of Finance and Administration and operated by the Department of Human Resources in concert with the Employee Benefits Committee to provide for the orderly authorization and administration of catastrophic leave.

**Catastrophic Leave Committee:** The University Employee Benefits Committee comprised of thirteen members who represent a relative demographic cross section of the university's work force and who review applications from employees for catastrophic leave and make recommendations to the Chancellor relating to such leave.

**Dependent Child Certification:** Complete the "Dependent Child Certification Form", sign and attach to the catastrophic leave request. If the child was acquired after the most current income tax filing, provide other proof, i.e., birth certificate, adoption order, etc.

**Employee:** A person who is regularly appointed or employed in a position of service by the university who is compensated on a full-time basis. A person who works less than full-time (forty hours per week) is excluded from this definition and is not eligible to participate as a donor or recipient in the Catastrophic Leave Bank Program.

**Leave Donor:** An employee whose voluntary written request to donate accrued annual or sick leave to the employing institution's catastrophic leave bank has been approved by that institution. No employee shall be allowed to be a leave donor if such donation will reduce that employee's accrued sick and annual leave to less than 80 hours. (Exception: an employee who is terminating employment may donate all accrued leave time and is not required to maintain the 80 hour leave balance.) Accrued leave may be donated in no less than eight (8) hour increments.

**Leave Recipient:** A current employee for whom the institution head has approved an application to receive catastrophic leave from the institution's catastrophic leave bank.

**Medical Condition:** A personal emergency limited to catastrophic and debilitating medical situations, severely complicated disabilities and/or severe accident cases which cause the employee to be incapacitated, require a prolonged period of recuperation and require the employee's absence from duty as documented by a physician (or other individual as provided in "A.C.A. 21-4-201 et seq.") Routine disabilities or disabilities resulting from elective surgery do not qualify for catastrophic leave.

**Prolonged Period of Time:** A continuous period of time whereby a medical condition prevents the employee from performing the employee's duties. A prolonged period of time is interpreted to be a minimum of thirty (30) working days.

**Substantial Loss of Income:** A continuous period of time where the employee will not have otherwise been compensated by the employing institution due to a medical condition and the exhaustion of all earned sick, annual, holiday, and compensatory leave, and such medical condition is not covered and compensated by Worker's Compensation.

## II. **Catastrophic Leave Policy**

The Arkansas State University Catastrophic Leave Policy Committee, which is the Employee Benefits Committee, is comprised of the following employees.

- Six faculty (two retired) appointed by the Faculty Senate.
- Six staff (two classified, two non-classified, two retired (one classified and one non-classified) appointed by the Staff Senate.
- One representative appointed by the Chancellor.
- One representative from Human Resources.
- One representative appointed by the Vice Chancellor for Finance and Administration.

The committee shall meet as needed to review all catastrophic leave requests. The Department of Human Resources staff will be responsible for submitting to the committee only those requests that meet minimum qualifications. The committee shall utilize the following guidelines to review catastrophic leave requests:

- a. No employee shall be eligible for approved catastrophic leave in excess of six continuous months unless it can be demonstrated that the employee has been denied disability retirement or Social Security benefits.
- b. No employee shall be approved for catastrophic leave 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 incapacitated from performing the employee's duties due to a catastrophic illness. Information relative to the employee's assigned duties, such as functional job descriptions, should be made available to the physician.

- c. In no case shall catastrophic leave be granted beyond the date the physician certifies that the employee is able to return to work.
- d. No employee shall be approved for catastrophic leave unless that employee is, or is reasonably expected to be, on leave-without-pay status as a result of the catastrophic illness.
- e. Catastrophic leave, which would result in a negative balance in the agency's catastrophic leave bank, shall not be approved.
- f. Determinations by the Employee Benefits Committee shall be reviewed by the University Chancellor or his/her designee.
- g. The decision of the Chancellor or his/her designee shall be final and binding. Nothing shall prevent the Chancellor or designee from taking into account the impact on the University's operation in granting or denying catastrophic leave or in modifying previously approved catastrophic leave, if in the judgment of the Chancellor such approved leave would seriously impact the university's operation.
- h. Applications for catastrophic leave shall be reviewed on a first filed, first considered basis.

### **III. Record Keeping**

The records for the catastrophic leave program will be maintained in the Department of Human Resources. Records will reflect the amount of leave donated, rate of pay and dollar value, amount of catastrophic leave awarded, including name of the recipient, position number, and rate of pay.

#### **Implementation**

A series of meetings will be conducted across campus to explain A-State's Catastrophic Leave Bank Program. The meetings will be conducted by the Department of Human Resources Staff. After an eligibility list is established, each employee will receive a Catastrophic Leave Bank Donation Card. Employees wishing to participate will be required to fill out the card, sign, and return to the Department of Human Resources. The card will designate the minimum and maximum contribution. A program will be written that will maintain the Catastrophic Leave Bank records. The records will reflect the amount of leave donated, rate of pay and dollar value.

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

It is the policy of Arkansas State University not to intimidate, threaten, or coerce any employee for the purpose of interfering with any employee's decision to donate, receive, or use annual or sick leave.

## V. General Policies

- A. Accrued annual leave and/or sick leave may be donated to the Catastrophic Leave Bank.
- B. Catastrophic Leave with pay may be granted to an employee when such employee is unable to perform his or her duties due to a catastrophic illness.
- C. Eligibility Qualification
  1. The employee has been employed by Arkansas State University for more than two years.
  2. The employee at the onset of the illness or injury had to his or her credit at least eighty (80) hours of combined sick leave and annual leave and has exhausted all such leave. The "80 hour requirement" may be waived for an eligible employee if an "extraordinary circumstance" is declared by the Chancellor due to the applicant providing documentation that one of the following conditions has occurred:
    - The employee applying for catastrophic leave had, during the previous two (2) year period, another medically documented, catastrophic illness, as defined by this policy, which was not compensated under an approved Catastrophic Leave Bank Program and caused the exhaustion of all annual and/or sick leave, or
    - The employee applying for catastrophic leave had, during the previous two (2) year period, exhausted his or her sick and annual leave as a direct result of supplementing workers' compensation benefits, which were received due to an on the job injury or illness with the State of Arkansas.
  3. An acceptable medical certificate from a physician supporting the continued absence is on file.
  4. The employee has not been disciplined for any leave abuse during the past two years.
- D. Any employee on catastrophic leave will continue to accrue leave in accordance with existing state leave policies and will receive normal benefits such as A-State contributions to insurance and retirement. Employees on catastrophic leave will also continue to draw their normal rate of pay. However, the award of the next merit salary increase will be delayed beyond the anniversary date for the same number of work days that the employee was on leave without pay and catastrophic leave. Any leave earned while an employee is on catastrophic leave must as a condition of voluntary participation in the program, be assigned to the catastrophic leave bank, and any restrictions concerning the maintenance of minimum leave balances shall not apply to such assignment.

- E. Any unused catastrophic leave will be returned to the program in the event the employee is terminated, retires, or returns to work prior to the expiration of the previously approved catastrophic leave period. An employee may be dismissed if such employee fails to report to work promptly at the expiration of the period of approved catastrophic leave. Nothing, however, shall prevent A-State from accepting satisfactory reasons provided by the employee, in advance of the date the employee is schedule to return to work, and from granting leave without pay status to an employee prior to and after the expiration of such catastrophic leave if in the view of the Chancellor or his/her designee such action is warranted.
- F. Catastrophic leave may be granted only in eight (8) hour increments. Unused hours of awarded catastrophic leave will be returned to A-State's catastrophic leave bank.
- G. Accrued leave may only be donated to the Catastrophic Leave Program in eight (8) hour increments. There is no limitation on the number of leave hours that an employee may donate, with the exception that no employee shall be allowed to donate leave to A-State's program if such donation will reduce that employee's combined accrued sick leave and annual leave balance to less than 80 hours.
- H. The A-State Catastrophic Leave Bank Program creates no expectation or promise of continued employment with the university, and is intended simply to assist eligible employees during medical emergencies.
- I. If the illness or injury is that of an employee and is covered by workers' compensation, the compensation based on catastrophic leave when combined with the weekly workers' compensation benefit received by the employee shall not exceed the compensation being received by the employee at the onset of the illness or injury.

Revised May 1, 2015