

University of Arkansas at Pine Bluff

Faculty/Staff Handbook

Policy: **CATASTROPHIC LEAVE**

Policy #: **9.12**

This policy and the accompanying procedures establish a Catastrophic Leave Bank Program for the exclusive use of the appointed, regular, full-time, non-faculty employees of the University of Arkansas at Pine Bluff (UAPB).

Eligibility Requirements for Catastrophic Leave

The applicant must be a regular, non-faculty, benefits-eligible, full-time, employee of UAPB. A person who works less than full time (forty hours per week) is excluded from this definition and, as such, is ineligible to participate as a donor or recipient in the UAPB Catastrophic Leave Bank Program.

- a. The employee, if covered by the "Uniform Attendance and Leave Policy Act" (Ark. Code Ann. § 21-4-201 et seq.), must have been employed by the State of Arkansas for more than two consecutive years in a regular, full-time position. Non-classified employees of UAPB must have been employed by the state more than two consecutive years.
- b. Subject to Ark. Code Ann. §§21-4-214, 21-4-203, 6-63-601, and 6-63-602 (as amended by Act 194 of 2003), employees 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 80 hours of combined sick and annual leave. If a recurrence of the same illness necessitates a subsequent catastrophic leave request, the eligibility requirement that the employee have 80 hours of combined sick and annual leave at the onset of the illness will not be required on the illness recurrence date. The requirement of 80 hours combined leave at the onset of the illness/injury and exhaustion of all such leave does not apply to non-classified employees. As authorized by Act 194 of 2003, the "80-hour requirement" may be waived for an otherwise eligible employee if an "extraordinary circumstance" is declared by the Chancellor of UAPB upon the applicant providing documentation that one of the following conditions has occurred:
 - c. The employee applying for catastrophic leave bank program benefits had, during the previous two year period, another, medically documented, catastrophic illness, as defined by this policy, which was not compensated under the Catastrophic Leave Bank Program and caused the exhaustion of all annual and/or sick leave, or
 - d. The employee applying for Catastrophic Leave Bank Program benefits had, during the previous two 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 UAPB.
- e. 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'

- f. compensation benefit received by the employee shall not exceed the compensation being received by the employee at the onset of the illness or injury.
- g. The employee has not been disciplined for leave abuse during the past two years.
- h. No employee shall be eligible for approved catastrophic leave in excess of six months (1,040 hours) unless it can be ascertained that the employee has been denied disability retirement or Social Security benefits. However, the employee has the option of reapplying for additional leave at the conclusion of the catastrophic leave period.
- i. 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.
- j. In no case shall the employee be granted catastrophic leave beyond the date certified by a physician as the date when the employee is able to return to work because the health of either the employee or the qualifying family member has sufficiently improved.
- k. No employee shall be approved for catastrophic leave unless that 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 about the employee's assigned duties shall be made available to the physician and to the Catastrophic Leave Committee.

For purposes of this program, the following definitions apply:

Catastrophic illness means a medical condition of an employee or spouse or parent of the employee or of a child of the employee, which may be claimed as a dependent under the Arkansas Income Tax Act of 1929, as certified by a physician that requires an employee's absence from duty for a prolonged 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.

Catastrophic Leave Bank means a pool of accrued annual and sick leave voluntarily donated by employees which may be approved for use by employees who meet catastrophic illness/injury eligibility requirements.

Catastrophic Leave Bank Program means a program approved by the Director of the Department of Finance and Administration and established, maintained, and administered by UAPB to provide for the orderly authorization and administration of catastrophic leave.

Medical condition means a personal emergency limited to catastrophic and debilitating medical situations, severely complicated disabilities and/or severe accidents of the employee or a qualifying family member which cause the employee to be unable to perform their job, require a prolonged period of recuperation and/or 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. Disabilities resulting from elective surgery do not qualify for catastrophic 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.

Prolonged period of time means a continuous period of time (minimum of 30 working days) whereby a medical condition prevents the employee from performing the employee's duties.

Qualifying family member means spouse or parent of the employee or of a child of the employee which may be claimed as a dependent under the Arkansas Income Tax Act of 1929.

Substantial loss of income means a continuous period of time where the employee will not be compensated by the employing state agency/institution due to a medical condition after the exhaustion of all earned sick, annual, holiday and compensatory leave.

Donations of Leave to the Catastrophic Leave Bank

- a. Human Resources Department shall review leave donated by the employees of UAPB to ensure that the following criteria are met:
 - b. Accrued leave may only be donated to the Catastrophic Leave Bank in one hour increments.
No employee of UAPB shall be allowed to donate leave to the Catastrophic Leave Bank if such donation will reduce that employee's accrued sick and annual leave balance to less than 80 hours. This restriction does not apply to employees who are terminating their employment.
 - c. Annual and/or sick leave which has been donated to the Catastrophic Leave Bank may not be restored to the employee who donated the leave time.
 - d. Approved donations of leave shall be transmitted to the Catastrophic Leave Bank by submitting an approved donor form.

Catastrophic Leave Bank Program Administration

The Catastrophic Leave Bank Program shall be administered by the Catastrophic Leave Committee for the eligible employees of UAPB. The Committee shall be comprised of at least five members representing a cross section of UAPB and selected by the Chancellor.

Responsibility: The Committee shall review all catastrophic leave requests, ensure that all eligibility requirements are met, and make recommendations to the Chancellor. Also, the Committee shall make determinations of continuing eligibility.

Catastrophic Leave Bank Administration

The Catastrophic Leave Bank will be administered in accordance with the following guidelines:

- a. Applications for catastrophic leave shall be reviewed on a first filed, first reviewed basis.
- b. Approval does not guarantee that a catastrophic leave applicant will receive leave should there be a zero balance in the Catastrophic Leave Bank.
- c. Members of the Committee will review applications from employees for catastrophic leave and make recommendations to the Chancellor.

- d. The Chancellor's decision is final and binding on all parties.
- e. Only eligible employees may participate in the Catastrophic Leave Bank Program.
- f. Catastrophic leave may be granted in one hour increments only.
- g. Catastrophic leave shall not be awarded retroactively.
- h. Catastrophic leave that would result in a negative balance in the Catastrophic Leave Bank shall not be approved.
- i. Employees on catastrophic leave will continue to accrue leave in accordance with existing state leave policies and will receive the normal state benefits, such as contributions to insurance and retirement. Employees on catastrophic leave will also continue to receive their normal rate of pay.
- j. In the event that an employee on catastrophic leave is terminated, retires, dies or returns to work prior to expiration of previously approved catastrophic leave time, all unused catastrophic leave shall be returned to the Catastrophic Leave Bank.
- k. Leave earned while an employee is on catastrophic leave shall, 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. If an employee is on catastrophic leave for even one day in an accrual period, all leave earned during that period shall be returned to the Catastrophic Leave Bank.
- l. An employee may be dismissed if such employee fails to report to work promptly at the expiration of the period of approved/granted catastrophic leave. Nothing, however, shall prevent the institution from accepting satisfactory reasons provided by the employee, in advance of the date the employee is scheduled to return to work, and from granting leave without pay status to an employee prior to or after the expiration of such catastrophic leave if in the view of the Chancellor, and subject to the approval of the System President, such action is warranted. Supervisors should not take disciplinary action for such leave until the application has been formally approved or denied.
- m. Alleged or suspected abuse of the Catastrophic Leave Bank Program shall be investigated, and on a finding of wrongdoing, an employee shall repay all of the leave hours awarded from the Catastrophic Leave Bank and shall be subject to such other disciplinary action as is determined by the Chancellor.

Record Keeping

The catastrophic leave record keeping procedure will track the following:

The amount of leave donated by each employee, the rate of pay and dollar value of

- a. such donated leave at the time of donation;
- b. The amount of catastrophic leave awarded, including the name of the recipient, position number, rate of pay and SSN; and
- c. Any other such data as required by the Director of the Department of Finance and Administration.

Prohibition of Coercion

An employee may not 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 with respect to donating, receiving or using annual or sick leave. Any report of such described instances shall be reported in writing to the Chancellor. All written reports of such described instances shall be investigated thoroughly and appropriate disciplinary action may be taken for any substantiated violation.

Resource(s): Acts 91 and 169 of 1991, amended by Act 1176 of 1999 and Act 194 of 2003;
Arkansas Code Ann. § 21-4-203, 21-4-214, 6-63-601, 6-63-602

Approved by:

Approval date:

Custodian: Human Resources