

CATASTROPHIC LEAVE

I. PURPOSE:

This policy establishes a Catastrophic Leave Bank Program (CLBP) to be administered by UA Cossatot as authorized by Act 169 of 1991. The Catastrophic Leave Bank Program creates no expectation or promise of continued employment and is intended simply to assist eligible employees during medical emergencies.

II. ELIGIBILITY REQUIREMENTS FOR CATASTROPHIC LEAVE:

1. The applicant must be a regular, full-time, non-faculty employee, who has been employed full-time over two (2) years and who does not work less than forty (40) hours a week.
2. 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 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. 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 or his/her designee due to the applicant providing documentation.
3. The employee has not been disciplined for leave abuse during the past two (2) years.
4. No employee shall be eligible for approved catastrophic leave in excess of six (6) months (1,040 hours). If the employee has been denied disability retirement or Social Security benefits the employee has the option of reapplying for additional leave at the conclusion of the catastrophic leave period.
5. 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.
6. 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.
7. 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.

8. Catastrophic leave shall run concurrently with any leave used under the Family and Medical Leave Act.
9. For maternity purposes, an eligible employee may receive up to four (4) consecutive weeks of paid leave 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.

III. DEFINITION OF TERMS:

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

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 FOR MATERNITY PURPOSES means an eligible employee may receive up to four (4) consecutive weeks of paid leave 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.

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

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.

For maternity purposes, 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.

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.

SUBSTANTIAL LOSS OF INCOME means a continuous period of time where the employee will not be compensated by UA Cossatot due to a medical condition after the exhaustion of all earned sick, annual, holiday and compensatory leave.

IV. DONATIONS OF LEAVE TO THE CATASTROPHIC LEAVE BANK:

The Director of Human Resources shall screen leave donated by the employees to ensure that the following criteria are met:

1. Accrued leave may only be donated to the UA Cossatot Catastrophic Leave Bank in one (1) hour increments.
2. No employee of the college shall be allowed to donate leave to the UA Cossatot Catastrophic Leave Bank if such donation will reduce that employee's accrued sick and annual leave balance to less than eighty (80) hours. This restriction does not apply to employees who are terminating their employment.
3. Annual and/or sick leave which has been donated to the UA Cossatot Catastrophic Leave Bank may not be restored to the employee who donated the leave time.
4. Approved donations of leave shall be transmitted to the UA Cossatot Catastrophic Leave Bank by submitting an approved donor form.

V. UA COSSATOT CATASTROPHIC LEAVE COMMITTEE:

MEMBERSHIP: The UA Cossatot Catastrophic Leave Bank Committee shall be comprised of at least five (5) members representing a cross section of the College appointed by the Chancellor. The Director of Human Resources and Vice Chancellor of Business/Finance shall serve as standing members of the committee. The Director of Human Resources will serve as the chairperson of the committee.

RESPONSIBILITY: The purpose of the Committee will be to review all catastrophic leave requests, ensure that all eligibility requirements are met, and make determinations of continuing eligibility.

VI. CATASTROPHIC LEAVE BANK ADMINISTRATION:

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

1. Applications for catastrophic leave shall be reviewed on a first filed, first reviewed basis. Approval does not guarantee that a catastrophic leave applicant will receive leave should there be a zero balance in the Catastrophic Leave Bank.
2. Determinations by the Catastrophic Leave committee shall be reviewed by the Chancellor. The Chancellor's decision shall be final and binding.

3. Catastrophic leave may be granted or donated in one-hour increments only.
4. Catastrophic leave shall not be awarded retroactively.
5. Catastrophic leave which would result in a negative balance in the Catastrophic Leave Bank shall not be approved.

VIII. 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.

HLC Criterion: 2A

Policy History:

May 7, 2018
November 3, 2014
December 5, 2011
January 1, 2011
May 23, 2005
July 30, 2001

PROCEDURE: NONE