



ASUN Operating Procedure - 5004

Operating Procedure Synopsis

Title: Catastrophic Leave Program

Approval Date/Revision Date(s):

Review Date(s): 3/2018, 11/2019, 7/2021

Executive Cabinet Liaison: Vice Chancellor for Finance and Administration

Responsible Manager: Director of Human Resources

A. Purpose and Scope

Arkansas State University-Newport has established a Catastrophic Leave Program for its full-time employees so that pay may be granted to an employee when the employee is unable to perform his or her duties due to a catastrophic illness. This operating procedure applies to all regular, full-time employees of the university. The operating procedure is based upon and intended to comply with the following:

- 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 and act 441 of 1993 allows Arkansas State University-Newport to establish a Catastrophic Leave Program for its full-time employees so that pay may be granted to an employee when the employee is unable to perform his or her duties due to a catastrophic illness.
 - Act 1176 of 1999 amended the Catastrophic Leave Program to include medical conditions of certain family members of the employee. In addition, catastrophic leave can now be combined with workers' compensation to bring an injured employee to full salary while recovering.
-

B. Definitions

Catastrophic Leave Bank: A pool of accrued annual and sick leave voluntarily donated by Arkansas State University-Newport employees that may be approved for use by employees who meet catastrophic illness/injury eligibility requirements.

Catastrophic Illness: A medical condition of an employee, spouse, parent of the employee, or 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.

Prolonged Period of Time: 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: Emergencies limited to catastrophic and debilitating medical situations, severely complicated disabilities and/or severe accidents of the employee or a qualifying family member

*All ASUN students, faculty, staff and administrators are expected to adhere to operating procedures.

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. Disabilities resulting from elective surgery do not qualify for catastrophic 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.

Substantial Loss of Income: 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.

C. Procedures

I. Eligibility requirements for Catastrophic Leave:

The applicant must be a regular, full-time employee of the university. 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 catastrophic leave program.

- a. The employee must be a current regular full-time employee with a minimum of two (2) years of full-time continuous service in a regular full-time position or
 - i. The employee's combined years of employment with the state and with a public school district or other state-supported institution of higher learning totals more than two (2) years;
 - ii. The lapse in the employee's employment between the state Arkansas State University and another eligible entity (state agency, public school district, or other state-supported institution of higher learning) is less than six (6) months.
- b. 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.
- c. The employee has not been disciplined for leave abuse during the past two (2) years.
- d. No employee shall be eligible for approved catastrophic leave in excess of six (6) months (1,040 hours).
- e. 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.
- f. 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. If the employee does not earn annual leave the employee must have at the onset of the illness or injury, had to his or her credit at least eighty (80) hours of sick leave.
- g. 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.

- h. No employee shall be approved for catastrophic leave unless that employee has provided an acceptable medical certificate from a physician (or other individual as provided by a.c.a. 21-4-201 et seq. and 6-63-602) 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.

III. DONATIONS OF LEAVE TO THE ASU CATASTROPHIC LEAVE BANK:

The Chancellor or his/her designee shall screen leave donated by the employees of the university to ensure that the following criteria are met:

- a. Accrued leave may only be donated to the Arkansas State University-Newport Leave Bank in one (1) hour increments.
- b. Annual or sick leave, which has been donated to the catastrophic leave bank, may not be restored to the employee who donated leave time.
- c. Approved donations of leave shall be transmitted to the catastrophic leave bank by submitting an approved donor form.

IV. . ARKANSAS STATE UNIVERSITY CATASTROPHIC LEAVE COMMITTEE:

Membership: Arkansas State University-Newport campus catastrophic leave committee shall be comprised of at least five (5) employees appointed by the Chancellor. The chairperson is appointed by the Chancellor. The committee shall be comprised of members representing various departments within the university.

Responsibility: The purpose of each committee will be to review all catastrophic leave requests, ensure that all eligibility requirements are met, and make recommendations to the Chancellor. The committee shall make determinations of continuing eligibility.

V. CATASTROPHIC LEAVE BANK ADMINISTRATION:

The Arkansas State University Campus Leave Banks will be administered in accordance with the following guidelines:

- a. 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 campus catastrophic leave bank.
- b. Members of the campus committee will review applications from employees of each campus and make recommendations to their chancellor.
- c. The Chancellor shall review determinations by the catastrophic leave committee.
- d. The Chancellor cannot grant catastrophic leave exceeding that approved by the catastrophic leave Committee; however, appeals may be made or the employee may reapply for additional hours.
- e. The Chancellor's decision is final and binding on all parties.
- f. Only eligible employees of Arkansas State University-Newport may participate in the Catastrophic Leave Program.

- g. Catastrophic leave may be granted or donated in one-hour increments only.
- h. Catastrophic leave that would result in a negative balance in the campus 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 university benefits, such as Arkansas State University-Newport contributions to insurance and retirement programs. Employees on catastrophic leave will also continue to receive their normal rate of pay. Catastrophic leave will not change an employee's increase eligibility date; however, the award of the next merit salary increase may be delayed beyond the anniversary date for the same number of work days that the employee was on leave without pay and/or catastrophic leave.
- j. In the event that an employee on catastrophic leave is terminated or returns to work prior to the expiration of previously approved catastrophic leave time, all unused catastrophic leave shall be returned to the university 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. 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 Arkansas State University-Newport Catastrophic Leave Bank. Exceptions may be made for employees awarded intermittent leave.
- 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 Arkansas State University-Newport from accepting satisfactory reasons provided by the employee in advance of the date the employee is scheduled to return to work and/or from granting leave if in the view of the chancellor 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 Arkansas State University-Newport Catastrophic Leave Program shall be investigated, and on a finding of wrongdoing, an employee shall repay all of the leave hours awarded from the university's catastrophic leave bank and shall be subject to such other disciplinary action as is determined by the Chancellor.

VI. RECORD KEEPING:

Arkansas State University-Newport will track the following for their catastrophic leave program:

- a. The amount of leave donated by each employee, the rate of pay, and dollar value of each donated leave at the time of donation;
- b. The amount of catastrophic leave awarded, including the name of the recipient, rate of pay, and
- c. Any other such data as required by the Chancellor, Catastrophic Leave Committee, the Department of Human Resources, or the President of the Arkansas State University System.

VII. PROHIBITION OF COERCION:

An employee may not directly or indirectly 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

D. Related Information

[Catastrophic Leave Request Application](#)

[Catastrophic Leave Donation Form](#)