CDU Policy I.E. 00691 Catastrophic Leave

ISSUING OFFICER: Chief Human Resources Officer

RESPONSIBLE OFFICE: Department of Human Resources

EFFECTIVE DATE: January 1, 2014

REVISED DATE:

SUPERSEDES:

POLICY I.E. 00691 Catastrophic Leave

REFERENCES AND RELATED POLICIES

CDU – APM I.E. 00680 Leaves of Absences
CDU – APM I.E. 00710 Vacation Leave

A. CATASTROPHIC LEAVE
The Catastrophic Leave Program provides salary and benefits continuation for eligible employees who have exhausted all paid leave due to their own serious illness or injury, or due to the need to care for an immediate family member who has experienced a catastrophic illness or injury. Catastrophic Leave may also be used when employees are unable to report to work due to a natural disaster or emergency. It is a voluntary program that allows employees to donate a portion of their vacation leave into a bank that is available to assist employees who are eligible under the program.

B. DEFINITIONS

1. Catastrophic Illness or Injury: an acute or prolonged non-industrial illness or injury which is physically debilitating or life threatening and requires the employee's continued absence from work when the employee has exhausted all paid leave.

2. Catastrophic Casualty Loss: a situation in which employees are unable to report to work due to a natural disaster or emergency such as earthquake, wildfire or flood.

3. Family Members: Except for purposes of Family and Medical Leave, an employee’s spouse, domestic partner, children (including children of the employee’s domestic partner), parents, siblings, grandparents, and grandchildren, step-relatives, in-laws, and individuals residing in the employee’s household.
Immediate family includes the employee's spouse or domestic partner, and children (natural, step, adopted, and foster children), or if the employee is the primary custodian and caregiver of grandchildren or siblings.

Only one (1) CDU employee from a family may use Catastrophic Leave at a time to take care of an eligible family member and that employee must be solely responsible for the physical care of the family member.

4. Paid Leave: includes sick leave, vacation, and personal leave. For purposes of this Catastrophic Leave Program, only vacation leave may be donated.

5. Recipient: the employee who is eligible to accrue and use vacation, has exhausted all paid leave accruals, and is in need of temporarily extending his/her salary and benefits.

6. Donor: the employee who is donating vacation leave to an employee or to the Catastrophic Leave Bank.

C. ELIGIBILITY
All CDU employees who are eligible to accrue and use vacation time are eligible to participate in the Catastrophic Leave Program. The Recipient and Donor may be from the same department or from different departments; or, employees may contribute and receive hours from the Catastrophic Leave Bank maintained by the Departments of Human Resources and Payroll.

A CDU employee is eligible to receive Catastrophic Leave if they:

1. Are a Regular or Conditional employee who has completed the probationary period and is eligible to accrue and use vacation;

2. Have exhausted all paid leave (vacation, sick, personal leave), or will do so before the return to work date;

3. Have submitted all required leave of absence paperwork in relation to the catastrophic illness, injury or casualty loss;

4. Are not presently receiving University disability benefits or Worker’s Compensation payments. An employee who has applied to receive Workers’ Compensation benefits is not eligible to apply for Catastrophic Leave. However, that employee may apply if his/her claim is denied.

In order to receive leave under this policy, the employee's illness, injury, or casualty loss must meet the definition of "catastrophic" as outlined above. The employee must have exhausted his or her own sick and annual leave, and must be facing unpaid time of three (3) or more workdays due to the illness or injury. Other exclusions as noted below apply.
D. CATASTROPHIC ILLNESS AND/OR INJURY

1. Examples of Catastrophic Illness or Injury

Examples of a catastrophic illness or injury include, but are not limited to:

- Serious, debilitating illness, impairment, or physical/mental condition that involves treatment in connection with an overnight stay in a hospital, hospice, or residential medical facility.

- High intensity/high frequency of treatment encounters necessary for a chronic or long-term condition that is so serious that, if not treated, would likely result in an extended period of incapacity or death.

- Terminal illness.

The University retains the right to determine whether the illness is "serious" based on the information it receives from the medical provider.

2. Exclusions

- Paid Catastrophic Leave is not applicable unless the employee has exhausted his/her annual and sick, vacation, and personal leave banks.

- Elective surgery does not qualify as a catastrophic illness or injury. If complications arise resulting in a serious health condition, the situation may qualify as a catastrophic illness or injury.

- Most leave associated with pregnancy is not covered by Catastrophic Leave. If complications arise resulting in a serious health condition for the mother or child, the situation may qualify as a catastrophic illness or injury.

- Requests for Catastrophic Leave less than three (3) workdays in duration are excluded.

- This Program does not cover time off due to a job-related injury or illness covered by Workers Compensation benefits.

- An employee must not have a written record of disciplinary action for leave abuse or misuse of leave within the past twelve (12) months.

E. PARTICIPATION IN THE CATASTROPHIC LEAVE PROGRAM

The Catastrophic Leave Program is funded through donations from each participating employee’s vacation leave accruals. Eligible employee donors may contribute vacation time in hourly units, with a minimum donation of eight (8) hours. The annual maximum donation is 50 percent of the donor’s annual leave accrual entitlement or 50 percent of the donor’s vacation balance at the time of transfer, whichever is less.
a. Donations cannot be made in advance of accrual.
b. Donations are not tax deductible.
c. Only vacation time may be donated.
d. Vacation time that is donated is irrevocable.
e. Anonymity of donation is greatly appreciated.

PROCEDURE I.E. 00691 Catastrophic Leave

1. Process for Donating Hours
   An employee who wishes to donate may authorize the donation by completing the Catastrophic Leave Donation Form the following donation periods:
   • 1st of the month
   • 16th of the month

   The form should be submitted to the Department of Human Resources or Payroll.

2. Process for Requesting Catastrophic Leave
   To request benefits, an employee or any individual acting in the interest of the employee must complete and submit an Application for Catastrophic Leave Program and Health Care Provider Statement for an initial application, and the Application for Continuation of Catastrophic Leave and Health Care Provider Recertification Statement for recertification to the Department of Human Resources.

   The University reserves the right to request continual updates, second opinions, and other medical information as needed. The application includes a release for the Department of Human Resources to speak with the physician if it is determined that additional information or a second opinion is needed.

3. Leave Hours Requested
   The employee or representative should include on the application an estimate of the number of hours of catastrophic leave needed based on the physician's certification, not to exceed 6 work weeks or 240 hours for full-time employees (part-time requests will be pro-rated based on the employee's regularly scheduled hours).

4. Maximum Leave Coverage for an Employee
   Total requests from the bank shall not exceed one (1) request in a calendar year. When the employee reaches the maximum allotment of catastrophic leave, the catastrophic leave terminates (see Section Termination of Leave below for additional information). If the maximum leave has been exhausted and the employee is not released by his or her health care provider to return to work, the employee should contact the Department of Human Resources for further information.
5. Termination of Leave

Catastrophic leave terminates when the:

- Employee is separated from the University,
- Catastrophic illness or injury no longer requires absence from work,
- Health care provider releases the employee to return to work, or
- Maximum catastrophic leave benefit has been exhausted.

6. Family and Medical Leave

Any and all leave received by an FML-eligible employee under this policy is considered as Family and Medical Leave (FML) and will count towards the employee's FML entitlement. If Catastrophic Leave is denied, it is possible that the employee may still be eligible for unpaid time under Family and Medical Leave. Refer to the Family Medical Leave and California Family Rights Act of the Leaves of Absence Policy.

7. Payment of Leave

The hours withdrawn from the Catastrophic Leave Bank will be based on the employee's regular rate of pay. Existing payroll deductions including benefit premiums will continue to occur.

8. Administration

Catastrophic leave payments will be charged to the University’s Catastrophic Leave Bank account and will include an amount sufficient to cover the University's share of the employee's health benefit premiums and other benefits. Departments will not incur any charges. The employee receiving the donated leave will remain on "regular" or "conditional" status during this period.

9. Unused Balance in the Catastrophic Leave Bank

Unused and undistributed hours donated to the Catastrophic Leave Bank will roll over at the end of each fiscal year. Hours will not be returned to donating employees.

10. Confidentiality

All information received on Catastrophic Leave Program Applications, Health Care Provider Statements, and any additional information is confidential. Its use is for determining eligibility for the program.

11. Return to Work

Employees who return to work must be cleared by their physician and must meet with the Human Resources Manager and bring the physician's documentation in order to obtain a release to return to work. The Department of Human Resources will determine if the person has fulfilled all requirements to be able to return to work.
12. Effect on Benefits

Depending on an employee’s eligibility, medical, dental, and vision insurance may be continued during the Catastrophic Leave.

During the duration of the leave, the availability of insurance benefits, the opportunity for reinstatement, and other privileges associated with this leave are limited to the requirements of state and federal law. No express or implied contractual rights should be inferred from this policy.

An employee may not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, another employee for the purpose of interfering with that employee, with respect to donating, receiving or using annual vacation, sick, or personal leave accruals. Any report of such described instances shall be reported in writing to the Department of Human Resources. All written reports of such described instances shall be investigated thoroughly and appropriate disciplinary action may be taken for any substantiated violations.

Applicability: All Staff and Faculty Members