

## CATASTROPHIC LEAVE POLICY

### GENERAL

1.1 Scope: Policy to provide catastrophic leave to West Virginia University (WVU) classified, non-classified and faculty [including faculty equivalent or academic professional (FEAP)] employees.

1.2 Authority: W. Va. Code ♦ 18B-1-6 and 18B-9-10; HEPC Series 9 and 38; WVU BOG Policy # 2, ♦ 3.2.

1.3 Effective Date: March 8, 2003

1.4 Repeal of Previous Policy: Revises and replaces WVU-HR-5, enacted October 2, 2000, Revises and replaces WVU-HR-5, enacted September 10, 1998.

### DEFINITIONS

For purposes of this policy:

2.1 "Employee" is a regular classified, non-classified or faculty [including faculty equivalent or academic professional (FEAP)] employee of West Virginia University, including its regional campuses, who accrues sick and annual leave and is eligible to participate in WVU ♦ s catastrophic leave program.

2.2 "Catastrophic illness or injury" is an illness or injury which is expected to incapacitate the employee and which creates a financial hardship because the employee has exhausted all sick and annual leave and other paid time off. Catastrophic illness or injury shall also include an incapacitated immediate family member if this results in the employee being required to take time off from work for an extended period of time to care for the family member and the employee has exhausted all sick and annual leave and other paid time off.

2.3 "Immediate family" is an employee ♦ s father, mother, son, daughter, brother, sister, husband or wife, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, stepchildren, or others considered to be members of the household and living under the same roof.

2.4 "Donor" is a WVU employee as defined in Section 2.1 who is actively employed at WVU and who is donating his or her own accumulated sick or annual leave days to another WVU employee or to the WVU Catastrophic Leave Bank.

## **POLICY**

### **WVU Catastrophic Leave Bank**

3.1 The WVU Catastrophic Leave Bank shall consist of a list of active donors whose names shall appear in chronological order of approved donations made to the bank. The list shall reflect the total unused commitment of each donor expressed as the number of days of sick leave or annual leave. This list shall be maintained by the Medical Management Unit in the Department of Human Resources.

3.2 Starting at the top of the list, and in continuous rotation, one day of credit shall be taken from each active donor to satisfy the monthly needs of approved recipients not receiving recipient-specified donations. Donors contributing both sick and annual leave through the bank shall have annual leave used first.

3.3 When a donor's leave contribution is exhausted, that employee's name is removed from the donor list. When a donor resigns or is dismissed, any unused sick and annual leave commitment is removed from the list after the donor's last day at work.

### **Donation of Leave**

4.1 Donors may contribute accumulated sick or annual leave either to the WVU Catastrophic Leave Bank or directly to specific individuals who have been approved for catastrophic leave. Although no employee shall be compelled to donate, once accumulated leave has been donated it cannot be withdrawn by the donating employee.

4.2 Donors who contribute leave must have and maintain a minimum accumulation of 22 days of combined sick or annual leave.

4.3 Donors must complete and submit a Catastrophic Leave Donor Application form to the Medical Management Unit in the Department of Human Resources, P.O. Box 6640, Morgantown, WV 26506. Forms shall be provided upon request. Employees may only make leave donations in one-day (7.5 hours) increments.

### **Use of Catastrophic Leave**

5.1 Any employee who has a catastrophic illness or injury may be eligible for catastrophic leave. An employee who has exhausted all earned leave accruals (sick, annual, compensatory/substitute time off) may apply to receive paid leave donations through the catastrophic leave program.

5.2 Use of catastrophic leave may not exceed twelve continuous calendar months for any one catastrophic illness or injury. Further, a recipient's approved catastrophic leave shall run concurrently with other leaves of absence as appropriate including, but not limited to, any leave taken under the provisions of the Family Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA). No provision in this policy shall supersede the requirements of the FMLA or the ADA.

5.3 The donor and the recipient must each be actively accumulating leave at the time of the transfer.

5.4 A recipient using specific donations of leave shall have such donated leave credited to his or her account in one-day increments and reflected as a day-for-day addition to the leave balance of the receiving employee. The Human Resources Department will maintain a record of the dates of receipt and approval. Transfers of leave time, on a day-for-day basis, will be made in the order donations are received, and for the time period approved for the recipient.

5.5 If recipient-specific donations are not available for an approved recipient, time committed to the central WVU Catastrophic Leave Bank shall be utilized.

5.6 Consistent with West Virginia Board of Trustees 128 CSR 35, the maximum length of time an employee shall remain on the University's payroll for a single confinement for any illness or injury is 260 work days (one calendar year).

### **Receipt of Catastrophic Leave**

6.1 Employees who have exhausted all their accumulated sick, annual and other paid leave are eligible to petition for catastrophic leave subject to the following:

(a) No catastrophic leave will be granted for loss time beyond one calendar year from the start of the most recent confinement for a catastrophic illness or injury. At that time, employee's employment with WVU will be terminated.

(b) Catastrophic leave availability and dispersal from the leave bank will be determined on a first-come, first-served basis.

6.2 To receive catastrophic leave, an eligible employee must submit both a Catastrophic Leave Recipient Application form and a Medical Leave Verification/Medical Assessment Form properly completed by the licensed treating physician to the Medical Management Unit in the Department of Human Resources P.O. Box 6640, Morgantown, WV 26506. Forms shall be provided upon request. The medical verification must be complete and indicate the nature of the catastrophic illness or injury, the expected duration of the incapacity, and any patient limitations.

6.3 Catastrophic leave shall be granted only after verification of eligibility, need and availability of donated leave.

6.4 Catastrophic leave applicants shall be informed in writing of their approval or denial for participation in the program by the Department of Human Resources.

6.5 Upon notification, employees approved for catastrophic leave participation will be permitted to receive leave donations, and be given the option of requesting leave donations through the Mountaineer Spirit publication.

### **Family Medical Leave Act and Americans with Disabilities Act**

7.1 Leave granted under the FMLA and any leave necessary as an ADA accommodation will run concurrently with the one year maximum time an employee is allowed to remain on the payroll unless otherwise required by law. It is recognized that certain employees may be eligible for up to a four-month unpaid period of ADA monitoring.

## **ADMINISTRATION AND RECORD KEEPING**

### **General**

8.1 When a transfer of leave occurs, written confirmation of the leave donation will be provided to the donor and the business office responsible for tracking the donor's accumulated leave. Written confirmation will be issued by the Department of Human Resources. Transfers may be made retroactively in instances where necessary to ensure proper administrative application of the Catastrophic Leave program. The recipient and appropriate business office responsible for processing shall be verbally notified of any required action.

### **Catastrophic Leave Committee**

9.1 A Catastrophic Leave Committee, consisting of Human Resources Representatives, the President of Staff Council, and a University Physician or other medical expert, will hear all petitions and make the final decision regarding the awarding of catastrophic leave. All work of the committee is confidential and will be handled on a need to know basis.

9.2 If a member or members of the Catastrophic Leave Committee believe the application of the policy is unfairly affecting an employee or the institution, such member or members may consult with the Vice President for Administration and Finance regarding the situation.

### **Funding for Employee Salary Continuation**

10.1 Except as otherwise noted herein, the costs of providing catastrophic leave shall be the responsibility of recipient's employing unit.

10.2 If the employing unit does not have the funds necessary to cover the costs of the catastrophic leave available in its budget, the Dean or Director of that unit shall immediately notify the Vice President for Administration and Finance. In the case of a regional campus, the appropriate financial officer of that campus shall be notified.

**RESPONSIBILITY**

11.1 The Assistant Vice President for Human Resources for West Virginia University will oversee and coordinate the Catastrophic Leave program through the Medical Management or other appropriate Unit of the Department of Human Resources. Employee questions regarding this policy may be directed generally to the Medical Management Unit (293-5700 ext. 8) or the Employee Relations Unit (293-5700 ext. 5).

Approved: Scott C. Kelley

10/30/03

Vice President

Date