

3430

CATASTROPHIC LEAVE PROGRAM

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1. General

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. It is a voluntary program that allows employees to donate a portion of their annual leave into a bank that is available to assist employees who are eligible under the program.

2. Eligibility

Any regular full-time or part-time employee who works twenty (20) hours or more per week (.50 FTE or greater) is eligible to participate in the Program after completing a full year of continuous employment. In order to receive leave under this policy, the employee's illness or injury must meet the definition of "catastrophic" as outlined in **Section 3.** herein. The employee must also have made a donation of annual leave, as detailed in **Section 4.** below for the fiscal year during which his or her request occurs, 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 in **Section 3.2.** herein apply.

3. Catastrophic Illness and/or Injury

A catastrophic illness and/or injury is an acute or prolonged illness or injury that is considered life-threatening or with the threat of serious residual disability which results in the employee's inability to work.

3.1. 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.

3.2. Exclusions

- Paid Catastrophic Leave is not applicable unless the employee has exhausted his/her annual and sick 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.
- Tuition Remission requests will not be approved while the employee is receiving catastrophic leave.
- This Program does not cover time off due to a job-incurred injury 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.

3.3. Immediate Family

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) University employee from a family may use Catastrophic Leave at a time to take care of a family member and that employee must be solely responsible for the physical care of the family member. The employee may only be eligible for Catastrophic leave for a family member if the family member meets the requirements of catastrophic leave under Section 3, herein. The same exclusions under Section 3.2, apply.

4. Enrollment in the Catastrophic Leave Program

The Catastrophic Leave Program is funded through donations taken from each participating employee's annual leave account. Each fiscal year, the University will withhold annual leave in an amount equal to one fifth (1/5th) of the employee's weekly work hours (eight hours for a full-time employee).

Donations are made to the common catastrophic leave bank each June and become available for distribution beginning on July 1. Prior to fiscal year end the Division of Human Resources will notify all staff employees that donations will be taken automatically unless the employee notifies the Division of Human Resources that he or she does not wish to donate. If an employee chooses not to donate, the employee is not eligible for catastrophic leave for the upcoming fiscal year.

4.1. Donation of Additional Hours

If an employee wishes to donate more than the automatic eight (8) hours, he or she may authorize the donation on the catastrophic leave notification form sent by HR prior to each fiscal year as discussed in Section 4, above.

5. Process for Requesting Catastrophic Leave

To request benefits, an employee or any individual acting in the interest of the employee must complete and submit a Catastrophic Leave Program Application (**Exhibit A.**) and the Catastrophic Leave Health Care Provider Statement (**Exhibit B.**) to the employee's immediate supervisor. The University reserves the right to request continual updates, second opinions, and other medical information as needed. The application includes a release for Employee and Occupational Health Services (EOHS) to speak with the physician if it is determined that additional information or a second opinion is needed.

The supervisor must verify that the employee does not have a written record of disciplinary action for leave misuse or abuse. After verification, the department manager reviews the application for other non-medical criteria. If the application meets the required criteria, it is forwarded to EOHS for verification that the medical issues qualify as catastrophic. This may require EOHS to contact the employee and/or physician for additional information. If the application is approved by EOHS, it is forwarded to HR for processing.

5.1. Appeals

If an employee wishes to contest a denial based on previous misuse or abuse of leave, he or she may appeal to the next level manager. If the employee wishes to contest a denial based on the medical review, he or she may appeal by providing a letter to EOHS requesting an appeal and attaching any pertinent documentation. All decisions by the next level manager and/or EOHS are final.

5.2. 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 one (1) month (173.33 hours for full-time employees--part-time requests will be pro-rated based on the employee's regularly scheduled hours). UNM reserves the right to grant a lesser number of hours than initially requested, depending on the situation. Applications may be made for further leave up to the maximum defined in **Section 5.2.1.** herein.

5.2.1. Maximum Leave Coverage for an Employee

Total requests from the bank shall not exceed 1040 hours, prorated based upon the number of hours the employee works. When the employee reaches the maximum allotment of catastrophic leave, the catastrophic leave terminates (see **Section 5.3.** 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 his or her manager to discuss the possibility of medical leave without pay as provided for in **Policy 3420, "Leave Without Pay, UBP.**

The employee will accrue up to 173 hours per year since the date the employee last exhausted the maximum allowable catastrophic leave not to exceed 1040 hours. These amounts are prorated based upon the employee's schedule. The employee is only eligible for this additional time if he or she continues making contributions to the Catastrophic Leave Program on an annual basis.

5.2.2. Maximum Leave Coverage for a Family Member

Total requests from the bank for leave to care for a family member shall not exceed 520 hours, prorated based upon the employee's schedule.

5.3. 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.

5.4. Family and Medical Leave

Any and all leave received by an 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 **"Family and Medical Leave," Policy 3440, UBP.**

6. 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.

7. Administration

Catastrophic leave payments will be charged to the University 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" status during this period.

8. Unused Balance in the Catastrophic Leave Bank

If there are unused and undistributed hours donated to the Catastrophic Leave Bank, the hours will remain in the bank and will roll over at the end of each fiscal year. Hours will not be returned to donating employees.

9. 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.

10. Return to Work

Employees who return to work must be cleared by their physician and must meet with EOHS and bring the physician's documentation in order to obtain a release to return to work. EOHS will determine if the person is medically able to return to work.

11. Attachments

Exhibit A. Catastrophic Leave Program Application

Exhibit B. Catastrophic Leave Program Health Care Provider Statement

Exhibit C. Catastrophic Leave Process Flowchart

Comments may be sent to UBPPM@UNM.edu
<http://www.unm.edu/~ubppm>

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