

# ARKANSAS SCHOOL FOR THE DEAF

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	ASD Catastrophic Leave Bank Policy	1004

## 1. PURPOSE

This policy established a Catastrophic Leave Bank Program to be administered by the Arkansas School for the Deaf (ASD) by Arkansas Code Annotated (A.C.A.) 21-4-214 and 6-63-602 et.seq. The ASD Catastrophic Leave Bank program creates no expectation or promise of continued employment with a participating employee, and is intended simply to assist eligible employees during medical emergencies.

## 2. CATASTROPHIC LEAVE BANK

A catastrophic leave bank is a pool of accrued annual and sick leave voluntarily donated by employees, which may be approved for use by other employees who meet qualifying catastrophic illness eligibility requirements.

## 3. ELIGIBILITY REQUIREMENTS FOR CATASTROPHIC LEAVE

- a. The applicant must be a regular, benefits-eligible, full-time, employee of ASD. 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 ASD Catastrophic Leave Bank Program.
- b. The employee must have been employed by the State of Arkansas for two (2) consecutive years in a regular, full-time position.
- c. Subject to A.C.A. Annotated 21-4-214 state agency employees must have exhausted all sick, annual, holiday and compensatory leave time, and, **at the onset of the illness or injury, “onset of illness” means the initial beginning or start, as certified by a physician; of the medical condition which created for the need for the catastrophic leave request, had to his or her credit at least eighty (80) hours of combined sick and annual leave, unless an exceptional circumstance waiver is granted by the agency director/superintendent due to an occurrence of one of the following conditions:**
  - (1) **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.**
  - (2) **If a recurrence of the same illness necessitates a subsequent catastrophic leave request, the eligibility that the employee have eighty (80) hours of combined sick and annual leave at the onset of the illness will not be required on the illness recurrence date.**

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- d. The employee has not been disciplined for leave abuse during the past two (2) years.
- e. The employee has not been compensated under the Catastrophic Leave Bank Policy within the previous two years from the date of application.
- f. No employee shall be eligible for approved catastrophic leave in excess of six (6) months (1,040 hours) unless it can be ascertained that the employee has been denied disability retirement or Social Security benefits. However, the employee has the option of reapplying for additional leave at the conclusion of the catastrophic leave period.
- g. 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.
- h. 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.
- i. 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.
- j. For purposes of this program, the following definitions apply:

**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 required 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 exhaustion of all earned sick, annual, holiday and compensatory leave.

**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, required 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.

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4. DONATION OF LEAVE TO THE ASD CATASTROPHIC LEAVE BANK

The Superintendent shall screen leave donated by the employees to ensure that the following criteria are met:

- a. Accrued leave may only be donated to the ASD Catastrophic Leave Bank in one (1) hour increments
- b. No employee shall be allowed to donate leave to the ASD Catastrophic Leave Bank if such donation will reduce that employee's accrued sick and annual leave balance to less than eighty (80) hours. This does not apply to employees who are terminating.
- c. Annual and/or sick leave, which has been donated, to the ASD Catastrophic Leave Bank may not be restored to the employee who donated the leave time.
- d. Approved donations of leave shall be transmitted to the ASD Catastrophic Leave Bank by submitting the approved donor form.

5. ASD CATASTROPHIC LEAVE COMMITTEE

**Membership:** The Catastrophic Leave Committee shall be comprised of not less than three members. Every effort will be made to ensure that committee members represent a cross-section of both management and employees. Committee members shall be appointed by the Superintendent and shall serve a length of time that is designated by the Superintendent. The Personnel Officer will act as Chairman/Secretary of the five member Catastrophic Leave Committee.

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

6. CATASTROPHIC LEAVE BANK ADMINISTRATION

The ASD Catastrophic Leave Bank 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 ASD Catastrophic Leave Bank.

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- b. Members of the Committee will review applications from employees for catastrophic leave and make recommendations to the Superintendent.
- c. Determinations by the ASD Catastrophic Leave Committee shall be reviewed by each Superintendent.
- d. The decision of the Superintendent shall be final and binding. **\*Nothing, however, shall prevent the Superintendent from taking into account the impact on the agency's operation in granting or denying Catastrophic Leave or in modifying previously approved Catastrophic Leave, if in the judgement of the Superintendent such approved leave would seriously impact the agency's operation.**
- e. Catastrophic leave may be granted or donated in one-hour increments only.
- f. Catastrophic leave shall not be awarded retroactively.
- g. Catastrophic leave that would result in a negative balance in the ASD Catastrophic Leave Bank shall not be approved.
- h. Employees on catastrophic leave will continue to accrue leave in accordance with existing state leave policies and will receive the normal state benefits, such as agency contributions to insurance and retirement. 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 will 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.
- i. In the event that an employee on catastrophic leave is terminated, retires, dies or returns to work prior to expiration of previously approved catastrophic leave time, all unused catastrophic leave shall be returned to the ASD Catastrophic Leave Bank.
- j. Leave earned while an employee is on catastrophic leave shall, as a condition of voluntary participation in the program, be assigned to the ASD Catastrophic Leave Bank, and any restrictions concerning the maintenance of minimum leave balances shall not apply to such assignment. If an employee is on catastrophic leave for even one day in an accrual period, all leave shall be returned to the ASD Catastrophic Leave Bank.
- k. 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 the agency from accepting satisfactory reasons provided by the employee, in advance of the date the employee is scheduled to return to work, and from granting leave without pay status to an employee prior to or after the expiration of such catastrophic leave if in the view of

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the Superintendent such action is warranted. Supervisors should not take disciplinary action for leave until the application has been formally approved or denied.

1. Alleged or suspected abuse of the ASD Catastrophic Leave Bank Program shall be investigated, and on a finding of wrongdoing, an employee shall repay all of the leave hours drawn from the ASD Catastrophic Leave Bank and shall be subject to such other disciplinary action as is determined by the Superintendent.

7. RECORD KEEPING

The ASD Catastrophic Leave record keeping procedure will track the following:

- a. The amount of leave donated by each employee, the rate of pay and dollar value of such donated leave at the time of donation.
- b. The amount of Catastrophic Leave awarded, including the name of the recipient, position number, rate of pay, and SSN; and
- c. Any other such data as required by the Director of the Department of Finance and Administration.

8. 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 director/head of the participating agency/institution. All written reports of such described instances shall be investigated thoroughly and appropriate disciplinary action may be taken for any substantiated violation.

9. IMPLEMENTATION AND MODIFICATION

The Personnel Office shall have primary responsibility for the implementation of this policy and shall propose and coordinate any modifications to this policy. Any questions regarding this ASD Policy #1004 should be addressed to

Arkansas School for the Deaf  
Personnel Office  
2606 West Markham  
Little Rock, AR 72205

Telephone: (501) 603-3528 (v/tty)

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APPROVED:

\_\_\_\_\_  
Superintendent, Arkansas School for the Deaf

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Chairman, Arkansas School for the Deaf Board of Trustees

\_\_\_\_\_  
Date

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**ARKANSAS SCHOOL FOR THE DEAF  
CATASTROPHIC LEAVE BANK PROGRAM**

**PROCEDURES**

1. APPLICATION FOR CATASTROPHIC LEAVE

- a. Requests for catastrophic leave may be initiated by employees or their designees by completing Part I of the Recipient Application Form. The applicant shall obtain the timekeeper's verification of actual or projected leave exhaustion dates (Part III of the Recipient Application Form), attach a Physician's Certification of the illness, a Liability Agreement and a Dependent Child Certificate, if applicable, shall also be attached and submit the application to his/her supervisor.
- b. The supervisor shall certify whether or not **formal written disciplinary action** has been taking during the past two (2) years and explain the **specific** circumstances which caused the employee to exhaust his/her leave (not simply "past illness), etc.). A brief listing of the employee's specific job duties may be required by the ASD Catastrophic Leave Committee. After signing the request, the supervisor will submit the application to the personnel representative.
- c. The personnel representative will verify that the employee is a full-time, regular position and is not receiving Worker's Compensation. The personnel representative will process the request with the employee's Latest Hire Date and Career Service Date.
- d. After signing the ASD Catastrophic Leave Bank Recipient Application Form, the personnel representative will date stamp the application, assign a case number, and present the request at the next regularly scheduled or special committee meeting.
- e. The Committee's recommendation will be forwarded to the Superintendent for approval and signature. The employee will receive written notification of the decision. The agency will retain three copies to be distributed to 1) the appropriate supervisor, 2) the appropriate timekeeper and 3) the agency catastrophic leave bank file.

2. DONATION OF CATASTROPHIC LEAVE:

- a. Employees may donate leave to the ASD Catastrophic Leave Bank by completing Part I of the ASD Catastrophic Leave Bank Program Donor Application Form, and submitting the form to the personnel officer for verification of leave balances.

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- b. The personnel officer will complete Part II of the form verifying the employee's leave balances, employee's employment status and rate of pay.
- c. The personnel officer will obtain the signature of the agency director approving the donation.
- d. Signed copies of the donor form will be retained in the agency's catastrophic leave bank file.

3. TRANSMISSION OF ACCRUED OR RETURNED LEAVE TO THE ASD CATASTROPHIC LEAVE BANK

- a. The Returned or Accrued Leave Transmittal Form is to be completed by the agency timekeepers who will retain the original for their file.
- b. Leave earned by employees on catastrophic leave will be transmitted to the ASD Catastrophic Leave Bank monthly using the Returned or Accrued Leave Transmittal Form.
- c. Any catastrophic leave which for any reason is not used by the employee to whom it was awarded shall be returned to the ASD Catastrophic Leave Bank using the same form and procedure noted above.
- d. Returned or accrued leave will be added to the Catastrophic Leave database by the personnel officer.
- e. Questions concerning catastrophic leave reports or Catastrophic Leave Bank status should be addressed to the ASD Catastrophic Leave chairperson.