

Policy on Catastrophic and Parental Leave

Policy #:	TBD
Responsible Executive:	VCFA
Responsible Office:	HR

1. Policy Purpose

The purpose of this policy and the accompanying procedure is to establish a Catastrophic Leave Bank Program for the exclusive use of full-time employees in a benefits-eligible position at the University of Arkansas-Fort Smith, as authorized by [A.C.A. § 21-4-214](#), which authorizes the creation of a Catastrophic Leave Bank Program, and [A.C.A. § 21-4-209](#), which authorizes catastrophic leave to be used for parental leave. Generally speaking, and as will be explained in more detail below, the receipt of catastrophic leave provides recipients with pay and standard benefits during leave that would otherwise be without pay and standard benefits.

2. Policy Statement

It shall be the policy of the University of Arkansas-Fort Smith to permit eligible, regular, full-time employees to voluntarily donate accrued annual and/or sick leave to the Catastrophic Leave Bank Program. It shall also be the policy of the University of Arkansas-Fort Smith to permit eligible, regular, full-time employees to voluntarily apply to receive leave from the Catastrophic Leave Bank Program. The Catastrophic Leave Bank Program is not intended to create any expectations or promises of continued employment with the University of Arkansas-Fort Smith and is merely a means of assisting eligible university employees through their own or a family member's medical emergencies, injuries and illness should they exhaust all earned sick, annual, holiday, and compensatory leave time. The Catastrophic Leave Bank Program will also be used by eligible employees for parental leave (maternity or paternity). Participation shall be voluntary and the administration of the Catastrophic Leave Bank Program shall be in accordance with [A.C.A. § 21-4-214](#).

3. Applicability

This policy applies to all university employees.

4. Definitions

Catastrophic Illness means a medical condition, as certified by a physician, of an employee or of the spouse or parent of the employee or of a child of the employee who may be claimed as a dependent under the [Income Tax Act of 1929, A.C.A. § 26-51-101 et seq.](#), which requires an employee's absence from duty for a prolonged period of time and which, except for the Catastrophic Leave Bank 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 (as defined in [A.C.A. § 6-63-601](#)).

Catastrophic Leave means leave granted to an employee as a result of a catastrophic illness, upon the employee's exhausting of all sick and annual leave. (as defined in [A.C.A. § 6-63-601](#))

Catastrophic Leave Bank means a pool of accrued annual and/or sick leave voluntarily donated by employees of the university in accordance with rules and regulations established in Act 169 of 1991 for use by other employees (as defined in [A.C.A. § 6-63-601](#)).

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Catastrophic Leave Bank Program means a program administered by the University of Arkansas-Fort Smith to provide for the orderly authorization and administration of catastrophic leave.

Elective Procedure means a procedure that can be scheduled at the convenience of the employee and is not medically necessary to occur in a specific timeframe.

Employee means a person who is employed in a 100% regularly appointed, benefits eligible position by the University of Arkansas-Fort Smith who is compensated on a full-time basis. A person who works less than full-time is excluded from this definition, and as such, is not eligible to participate as a donor or recipient in a Catastrophic Leave Bank Program. Full-time is based on a nine month or longer contract, or a forty (40) hour per week appointment.

Leave Donor means an employee whose voluntary written request to donate accrued annual or sick leave to the Catastrophic Leave Bank Program has been reviewed and approved by the Director of Human Resources (or designee). No employee shall be allowed to be a leave donor if such a donation will reduce that employee's combined accrued sick and annual leave to less than eighty (80) hours. (Exception: an employee who is separating from employment is not required to maintain the eighty [80] hour leave balance.) Accrued leave may be donated in no less than one (1) hour increments. All donated leave is transferred to the Bank, and donated leave may not be restored to the donor under any circumstances.

Leave Recipient means a current employee whose Catastrophic Leave Request has been approved by the Director of Human Resources (or designee).

Medical Condition means a personal emergency limited to catastrophic and debilitating medical situations, severely complicated disabilities and severe accident cases which cause the employee or eligible family members to be incapacitated, require a prolonged period of recuperation and require the employee's absence from duty as documented by a physician. Elective procedures do not qualify for catastrophic leave; however, complications related to an elective procedure may qualify for catastrophic leave.

Parental Leave (Maternity or Paternity) refers to leave drawn from the Catastrophic Leave Bank Program to provide care and facilitate bonding in connection with the birth of an employee's biological child or placement of an adoptive child in an employee's home. An eligible employee may receive up to four consecutive weeks of paid leave (160 hours) within the first twelve weeks after the birth of the employee's biological child or placement of an adoptive child in the employee's home. Parental Leave may be used on an intermittent basis if approved by the employee's supervisor and the Director of Human Resources (or designee). If two (2) employees are the parents of the child, the leave must be shared between the two (2) employees.

Prolonged Period of Time means a minimum of 20 working days (continuous or non-continuous) occurring within 90 calendar days of an employee's application for catastrophic leave, related to the medical condition for which the employee requests catastrophic leave.

5. Policy Procedure

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General Guidelines and Eligibility

1. Only current, regular, full-time, benefits-eligible employees of the University of Arkansas-Fort Smith shall be eligible to participate in the Catastrophic Leave Bank Program.
2. The employee must have been employed by the University of Arkansas-Fort Smith for at least one (1) year in a regular, full-time position immediately prior to submitting a request to receive leave from the Catastrophic Leave Bank Program.
3. No employee shall be approved for catastrophic leave unless that employee is, or is reasonably expected to be, on leave without pay status, except in the case of Parental Leave.
4. Except for Parental Leave purposes, an eligible employee must have exhausted all sick, annual, holiday, and compensatory leave time, and, at the onset of the illness or injury, had to their credit at least eighty (80) hours of available accrued leave. The eighty (80) hours of leave requirement may be waived only under the following conditions:
 - a. During the previous one-year period, the employee experienced another medically documented illness or injury that was not compensated under an approved Catastrophic Leave Bank Program but was documented under the Family and Medical Leave Act (FMLA) as a qualifying event and caused exhaustion of all available accrued leave to a level below 80 hours; or
 - b. The employee applying for catastrophic leave had, during the previous one-year period, exhausted their available accrued leave to a level below 80 hours as a direct result of supplementing workers' compensation benefits, which were received because of an on-the job illness or injury with the State of Arkansas.
5. The employee has not been disciplined for leave abuse during the past two (2) years.
6. No employee shall be eligible for approved catastrophic leave in excess of 480 hours in the 12-month period after the onset of the event unless it can be ascertained that the employee has been denied long-term disability or Social Security disability benefits. However, the employee has the option of reapplying for additional leave at the conclusion of the 12-month catastrophic leave period.
7. No employee shall be approved for catastrophic leave unless that employee has provided an acceptable medical certification from a physician supporting the continued absence and setting forth that the employee or eligible family member is and will continue to be incapacitated from performing the employee's duties due to a catastrophic illness. Information relative to the employee's assigned duties shall be made available to the physician. An employee may designate a family member or supervisor to help facilitate with paperwork and documents in extenuating circumstances.
8. In no case shall catastrophic leave be granted beyond the date certified by the physician as the date when the employee is able to return to work.
9. In the event that an employee on catastrophic leave is terminated, retires, passes away, or returns to work prior to expiration of previously approved catastrophic leave time, all unused catastrophic leave shall be returned to the Catastrophic Leave Bank Program.
10. In no case shall a catastrophic leave award be granted which would result in a negative balance in the university's Catastrophic Leave Bank Program.

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11. An employee may be terminated if they fail to report to work promptly at the expiration of the approved leave period. Employees on catastrophic leave will continue to draw their normal rate of pay.
12. Employees on catastrophic leave will continue to receive the normal institution benefits including contributions to insurance, retirement, etc. Leave earned while an employee is on catastrophic leave must, as a condition of voluntary participation in the program, be assigned to the Catastrophic Leave Bank Program, and any restrictions concerning the maintenance of minimum leave balances shall not apply to such assignment.
13. Applications for catastrophic leave shall be reviewed on a first filed, first reviewed basis. Submission of a completed application for catastrophic leave does not guarantee that leave will be granted.
14. Leave may be granted in increments of up to four-weeks (160 hours) with the ability for the employee to re-apply.
15. Decisions by the Director of Human Resources (or designee) regarding approval of catastrophic leave shall be made within two (2) weeks from receipt of the application packet.
16. If an employee is denied catastrophic leave by the Director of Human Resources (or designee), they may appeal the decision to the Vice Chancellor for Finance and Administration for further consideration. If the affected employee falls under the supervision of the Vice Chancellor of Finance and Administration, the appeal will be considered by the Vice Chancellor of Academic Affairs. In either case, the decision of the respective vice chancellor shall be final and binding.
17. Parental leave requests for an employee may be submitted via application. Leave can be taken after birth or adoption. Parental leave does not require the employee to have exhausted all other leave and will be granted in increments of up to four-weeks (160 hours).
18. An employee requesting parental leave must submit documentation of the birth or adoption. Initial documentation from an attending physician will be accepted for expecting mothers. A copy of a birth certificate or court document showing adoption or final adoption certificate must be provided as soon as available.
19. Approved catastrophic leave for parental leave purposes may be used during the twelve-week period beginning with the date of birth of the employee's biological child or the date the adoptive child is placed in the employee's home. Parental Leave may be used on an intermittent basis if approved by the employee's supervisor and the Director of Human Resources (or designee). If two (2) employees are the parents of the child, the leave must be shared between the two (2) employees.

To Donate Leave

Eligible employees may donate to the Catastrophic Leave Bank Program each year during the Open Enrollment period or upon separation of employment from the University of Arkansas-Fort Smith. To donate to the Catastrophic Leave Bank Program, complete the [Catastrophic Leave Bank Donation Form](#).

To Request Parental Leave

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In order to request parental leave, employees must contact the Office of Human Resources to review eligibility requirements and the application process. Applications for parental leave may be submitted to the Office of Human Resources prior to the birth or adoption of an employee's child but must be submitted within the first twelve (12) weeks of birth or adoption. As stated above, an employee must submit documentation of the birth or adoption before parental leave will be granted.

To Request Catastrophic Leave

In order to request catastrophic leave, employees must contact the Office of Human Resources to review eligibility requirements and the application process.

Expectations for Catastrophic Leave Recipients

As indicated above, catastrophic leave may be issued in increments of up to four-weeks (160 hours). The employee must contact the Office of Human Resources on or before the end of the four-week period if they would like to submit a new application for additional leave. Catastrophic leave will not be granted retroactively unless recommended by Director of Human Resources (or designee).

The employee must notify the Office of Human Resources when returning to work, as well as provide a [Return to Work Form](#) from a physician with any restrictions if applicable.

Donation to the Catastrophic Leave Bank

The Office of Human Resources shall screen leave donated by employees to ensure that the following criteria are met.

1. Donation period will occur annually during Open Enrollment unless the Chancellor declares an emergency sign-up period due to a low level of hours in the Catastrophic Leave Bank Program. Sick and/or annual leave may be donated to the Catastrophic Leave Bank Program in no less than one (1) hour increments up to a combined total of no more than one hundred (100) hours per year. The Office of Human Resources reserves the right to make exceptions on a case-by-case basis.
2. No employee shall be allowed to donate leave to the Catastrophic Leave Bank Program 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 their employment. When an employee terminates employment, up to a maximum of one hundred (100) hours of non-transferable unused leave will, unless otherwise requested in writing to the Office of Human Resources by the affected employee, be donated to the Catastrophic Leave Bank Program at the time of termination.
3. Annual and/or sick leave which has been donated to the Catastrophic Leave Bank Program may not be restored to the employee who donated the leave time.
4. Annual and/or sick leave donated to the Catastrophic Leave Bank Program by an employee cannot be designated to any one individual.

6. Enforcement

Prohibition of Concern

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No employee shall directly or indirectly intimidate, threaten, 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 accrued leave. Any report of such described instances shall be reported in writing to the Office of Human Resources. All written reports of such described instances shall be investigated thoroughly, and appropriate disciplinary action shall be taken for any substantiated violation.

Supplying False Information and/or Abuse of Catastrophic Leave

Any employee who should knowingly and/or purposefully provide false information in an attempt to gain approval of catastrophic leave time may be terminated or receive some other type of disciplinary action.

Any employee who knowingly abuses the use of approved catastrophic leave for the purpose of monetary gain, recreational pleasures, or any such actions that are deemed contrary to the basic intent of the Catastrophic Leave Bank Program may be terminated or receive some other type of disciplinary action.

7. Policy Management

Recordkeeping Requirements

In order to comply with rules and regulations established by the State of Arkansas, the University of Arkansas-Fort Smith Catastrophic Leave Bank Program will include a record keeping procedure which tracks:

- The hours donated by each employee, the rate of pay, and dollar value of such donated leave.
- The hours of catastrophic leave awarded, including the name of the recipient, position, and rate of pay.
- Any other such data as required by the Director of the Arkansas Department of Finance and Administration.
- These records should be retained by the University of Arkansas-Fort Smith subject to audit by the Department of Finance and Administration and the Division of Legislative Audit.

Funding Resources

Salary payments to the leave recipient will be paid from the recipient's departmental budget, the same as current sick and annual leave payments. Those departments needing assistance for funding a temporary employee to handle the workload of the employee on catastrophic leave will be handled on a case-by-case basis.

Responsibility for Implementation

The UAFS Office of Human Resources is responsible for implementation of this policy. Any questions or concerns regarding this policy should be addressed to the same.

8. Exclusions



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None

9. Effective Date

October 1, 2022

10. Adoption

This policy is approved by, Missie C Riley, UAFS Chancellor, and adopted on this 21 day of September, 2022.

11. Appendices, References, and Related Materials

- [Arkansas Code Annotated A.C.A. § 21-4-214](#)
- [Arkansas Code Annotated A.C.A. § 21-4-209](#)
- [Arkansas Code Annotated A.C.A. § 6-63-601](#)
- [Arkansas Code Annotated A.C.A. § 26-51-101](#)

12. Last Review Date

October 1, 2022

13. Revision History

