

Pulaski Technical College

Catastrophic Leave Bank Program Policy

I. PURPOSE:

This policy establishes a Catastrophic Leave Bank Program to be administered by Pulaski Technical College (PTC) as authorized by Arkansas Code Annotated §§[21-4-203](#), [21-4-214](#), [6-63-601](#) and [6-63-602](#) (as amended by [Act 194 of 2003](#)). The Catastrophic Leave Bank Program creates no expectation or promise of continued employment and is intended simply to assist eligible employees during medical emergencies.

II. ELIGIBILITY REQUIREMENTS FOR CATASTROPHIC LEAVE:

- a. The applicant must be a regular full-time staff or full-time faculty member of PTC participating in the Catastrophic Leave Bank. A person who works less than full time is excluded from this definition and, as such, is ineligible to participate as a donor or recipient in the Catastrophic Leave Bank Program. Requests for exceptions may be submitted to the committee for review.
- b. The employee must have been employed by Pulaski Technical College for at least two (2) years in a regular, full-time position.
- c. Subject to Arkansas Code Annotated [§21-4-214](#), employees must have exhausted all sick, annual, holiday and compensatory leave time, and, at the onset of the illness or injury, had to his or her credit at least eighty (80) hours of combined sick and annual leave. "Onset of Illness" means the initial beginning or start, as certified by a physician, of the medical condition which created the need for the catastrophic leave request. If a recurrence of the same illness necessitates a subsequent catastrophic leave request, the eligibility requirement 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. Effective February 21, 2003, as authorized by [Act 194 of 2003](#), the "80-hour requirement" may be waived for an otherwise eligible employee if an "extraordinary circumstance" is declared by the President of Pulaski Technical College due to the applicant providing documentation that one of the following conditions has occurred:
 - (1) The employee applying for catastrophic leave bank program benefits on or after February 21, 2003, had, during the previous two (2) year period, another, medically documented, catastrophic illness, as defined by this policy, which was not compensated under the State of Arkansas Catastrophic Leave Bank Program and caused the exhaustion of all annual and/or sick leave, or
 - (2) The employee applying for catastrophic leave bank program benefits on or after February 21, 2003, had, during the previous two (2) year period, exhausted his or her sick and annual leave as a direct result of supplementing workers' compensation benefits, which were received due to an on-the-job injury or illness with Pulaski Technical College.
- d. 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.
- e. The employee has not been disciplined for leave abuse during the past two (2) years.
- 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. Employees may not apply for Catastrophic Leave until they are current with Human Resources on the submission of all leave request paperwork and employee attendance reports.

k. For purposes of this program, the following definitions apply:

Catastrophic Leave Bank means a pool of accrued annual and/or sick leave voluntarily donated by employees which may be approved for use by employees who meet catastrophic illness/injury eligibility requirements.

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 requires 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 the exhaustion of all earned sick, annual, holiday and compensatory leave. A catastrophic illness or injury is defined as a serious illness, injury, impairment, or physical or mental condition that is present for a minimum of seven calendar days, and that involves:

1. A period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility; or
2. A period of incapacity requiring absence of more than seven calendar days from work, and that also involves continuing treatment by (or under the supervision of) a licensed health care provider; or
3. A period of incapacity (or for treatment) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
4. A period of incapacity that is long-term due to a condition for which treatment may be ineffective (e.g., stroke, terminal disease, etc.); or
5. An absence to receive multiple treatments (including any period of recovery from) for restorative surgery after an accident or other injury, or for a chronic condition (such as cancer or kidney disease).

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, require 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.

Dependent Child Certification: Complete the "Dependent Child Certification Form" sign and attach to the catastrophic leave request. If the child was acquired after the most current income tax filing, provide other proof, i.e., birth certificate, adoption order, etc.

Substantial Loss of Income means a continuous period of time where the employee will not be compensated by PTC due to a medical condition after the exhaustion of all earned sick, annual, holiday and compensatory leave.

III. DONATIONS OF LEAVE TO THE CATASTROPHIC LEAVE BANK:

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

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

IV. PTC CATASTROPHIC LEAVE COMMITTEE:

Membership: The PTC Catastrophic Leave Bank encompasses the faculty employees of Pulaski Technical College. The Committee shall be comprised of at least five (5) members representing a cross section of the College. The Committee shall elect a chairperson from the committee membership.

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 Human Resource Department. The Committee shall make determinations of continuing eligibility.

V. CATASTROPHIC LEAVE BANK ADMINISTRATION:

The PTC 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 Catastrophic Leave Bank.
- b. Members of the Committee will review applications from employees for catastrophic leave and make recommendations to the Human Resource Department.
- c. Determinations by the Catastrophic Leave committee shall be reviewed by the President.
- d. If the employee does not agree with the Catastrophic Leave Committee's final recommendations, he/she may appeal to the President.

- e. The President's decision is final and binding on all parties.
- f. Only eligible employees of Pulaski Technical College may participate in the Catastrophic Leave Bank Program.
- g. Catastrophic leave may be granted or donated in one-hour increments only.
- h. Catastrophic leave shall not be awarded retroactively.
- i. Catastrophic leave which would result in a negative balance in the Catastrophic Leave Bank shall not be approved.
- j. Employees on catastrophic leave will continue to accrue leave in accordance with existing policies and will receive the normal benefits, such as 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.
- k. 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 Catastrophic Leave Bank.
- l. Leave earned while an employee is on catastrophic leave shall, as a condition of voluntary participation in the program, be assigned to the 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 earned during that period shall be returned to the Catastrophic Leave Bank. Exceptions may be made for employees awarded intermittent leave.
- m. 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 Pulaski Technical College 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 the President such action is warranted.
- n. Alleged or suspected abuse of the Catastrophic Leave Bank Program shall be investigated, and on a finding of wrongdoing, an employee shall repay all of the leave hours awarded from the Catastrophic Leave Bank and shall be subject to such other disciplinary action as is determined by the President.
- o. In cases of intermittent Catastrophic Leave requests, the Catastrophic Leave Bank Committee reserves the right to request periodic medical certification updates from your medical care provider. This will allow the Catastrophic Leave Bank Committee to determine the total amount of leave needed by the recipient.

VI. RECORD KEEPING:

The 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 Human Resource Department.

VII. 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 President. All written reports of such described instances shall be investigated thoroughly and appropriate disciplinary action may be taken for any substantiated violation.