

**BLUEFIELD STATE COLLEGE
BOARD OF GOVERNORS
POLICY NO. 35**

TITLE: CATASTROPHIC LEAVE

SECTION 1. GENERAL

- 1.1 Scope: Rule regarding catastrophic leave for classified employees.
- 1.2 Authority: West Virginia Code §18B-9-10.
- 1.3 Filing Date: January 19, 2006
- 1.4 Effective Date: March 17, 2006

SECTION 2. DEFINITIONS

- 2.1 Eligible Employee – Any employee who accrues annual and sick leave as per the Higher Education Policy Commission Series 8.
- 2.2 Leave – Accrued Sick and/or Annual Leave.
- 2.3 “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.
- 2.4 “Immediate family” is an employee’s father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, sister-in-law, brother-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.

SECTION 3. POLICY

- 3.1 Donors may contribute accumulated sick or annual leave 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 Although no employee shall be compelled to donate, once accumulated leave has been donated it cannot be withdrawn by the donating employee.
- 3.2 Donors who contribute leave must have and maintain a minimum accumulation of 22 days of combined sick and annual leave and the President of the institution or senior administrator will approve the transfer of leave.
- 3.3 Donors must complete and submit a Catastrophic Leave Donor Application form to the Department of Human Resources. Forms will be provided upon request. Employees may only make leave donations in one-day (7.5 hours) increments.

- 3.4 Any employee who has catastrophic illness or injury may be eligible for catastrophic leave. An employee who has exhausted all annual leave accruals may apply to receive paid leave donations through the catastrophic leave program.
- 3.5 Use of catastrophic leave may not exceed twelve continuous calendar months of any one catastrophic illness or injury. Further, a recipient's approved catastrophic leave shall run concurrently with all other leaves of absence as appropriate including, but not limited to, any leave taken under provision of the Family Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA). No provisions of this policy shall supersede the requirements of the FMLA or ADA.
- 3.6 The donor and the recipient must each be actively accumulating leave at the time of the transfer.
- 3.7 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-to-day addition to the leave balance of the receiving employee. Human Resources will maintain a record of the dates of receipt and approval. Transfers of leave time, on a day-to-day basis, will be made in the order donations are received, and for the time period approved for the recipient.
- 3.8 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 Human Resources. Forms will 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.
- 3.9 Catastrophic leave shall be granted only after verification of eligibility, need and availability of donated leave.
- 3.10 Catastrophic leave applicants shall be informed in writing of their approval or denial for participation in the program by Human Resources.
- 3.11 Upon notification, employees approved for catastrophic leave participation will be permitted to receive donations, and be given the option of requesting leave donations through an all users email.
- 3.12 Leave granted under FMLA and any leave necessary as an ADA accommodation will run concurrently with 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.
- 3.13 The Director of Human Resources will oversee and coordinate the Catastrophic Leave program.
- 3.14 Transfer of sick leave may be inter-institutional in accordance with policies of the appropriate governing board. Each institution and the Central Office shall be responsible for the administration of the sick leave transfers of its classified employees.