

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
SCP-2005**

SUBJECT: Catastrophic Leave

REFERENCE: West Virginia Code, §18B-9-10
West Virginia Council for Community and Technical College Education (Community and Technical College System Council), and West Virginia Higher Education Policy Commission (HEPC), Title 135, Procedural Rule, Series 38, *Employee Leave*

ORIGINATION: February 15, 2005

EFFECTIVE: April 19, 2005

REVIEWED: February 2008

SECTION 1. PURPOSE

- 1.1 Southern West Virginia Community and Technical College complies with the State Catastrophic Leave Act outlined in WV Code §18B-9-10. This act allows for the establishment of a procedure for direct transfer of sick or annual leave to an employee who has requested and been approved to receive leave donations due to a catastrophic illness or injury. The purpose of this policy is to provide catastrophic leave to eligible employees of Southern West Virginia Community and Technical College.

SECTION 2. SCOPE AND APPLICABILITY

- 2.1 This policy shall apply to all full time classified, non-classified employees, and faculty who are eligible to accrue sick and annual leave.

SECTION 3. DEFINITIONS

- 3.1 Catastrophic Illness or Injury - An illness or injury that is expected to incapacitate the employee and create a financial hardship because the employee has exhausted all sick and annual leave and other paid time off. Catastrophic illness or injury also includes an incapacitated immediate family member if this results in the employee being required to take time off from work to care for the family member and the employee has exhausted all leave and other paid time off.
- 3.2 Immediate Family Member - An employee's father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, step children, or others considered to be members of the household and living under the same roof.
- 3.3 Leave Donor - A Southern West Virginia Community and Technical College employee who is actively employed at Southern and who is donating his or her own accumulated sick or annual leave days to another Southern employee.

SECTION 4. POLICY

- 4.1 It shall be the policy of the Board of Governors to allow eligible employees of Southern West Virginia Community and Technical College who are facing qualifying medical situations and have exhausted their leave accruals to maintain their income for a limited period of time by requesting and, upon approval, receiving catastrophic leave donations from co-workers.

SECTION 5. BACKGROUND OR EXCLUSIONS

- 5.1 Faculty employees with less than a 12-month appointment are not eligible to receive catastrophic leave.

SECTION 6. GENERAL PROVISIONS

- 6.1 The catastrophic leave direct transfer program provides for sick and annual leave to be donated on an individual basis at the request of the employee upon appropriate medical verification that the individual is unable to work due to the catastrophic illness or injury as determined by the president or her/his designee.
- 6.2 An employee receiving the transfer of leave shall have any time which is donated credited to such employee's leave record in one-day increments and reflected as a day-for-day addition to the leave balance of the receiving employee. The leave record of the donating employee shall have the donated leave reflected as a day-for-day reduction of the leave balance.
- 6.3 The president or her/his designee may approve catastrophic leave for periods of less than twelve (12) months in duration pending re-evaluation of the medical condition by the treating licensed physician. However, use of any donated leave may not exceed a maximum of twelve (12) continuous calendar months for any one catastrophic illness or injury.
- 6.4 A recipient's approved catastrophic leave shall run concurrently with other leaves of absence as appropriate including, but not limited to, any leave taken under the provisions of the Family Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA). No provision in this policy shall supersede the requirements of the FMLA or the ADA.
- 6.5 The total amount of leave received by transfer may not exceed an amount sufficient to ensure the continuance of regular compensation and shall not be used to extend insurance coverage pursuant to Section 13, Article 16, Chapter 5 of the West Virginia Code, which relates to insurance coverage for state employees.
- 6.6 The employee receiving donations of leave shall use any leave personally accrued on a monthly basis prior to receiving additional donated leave.
- 6.7 Catastrophic leave payments to an employee will be terminated upon approval of other wage replacement or annuity benefits, whether the premiums were paid by the employee or the employer (i.e., long or short term disability payment, Social Security Disability payments, etc.). Thus, an employee may not receive catastrophic leave payments in addition to other benefits which provide monetary payments to the employee.
- 6.8 Employees are not required to donate leave to another employee. Any leave donated, but not used, shall be returned to the donor employee.
- 6.9 Direct transfer of leave may be inter-institutional. The president or her/his designee shall notify in writing other institutional presidents requesting that the institution consider the transfer of leave by either the direct transfer method or from the institution's leave bank. Upon approval of the receiving president, transfer leave will be made through the Human Resources Department.

SECTION 7. RESPONSIBILITIES AND PROCEDURES

- 7.1 Primary Responsibility - The Office of Human Resources shall have primary responsibility for the implementation and oversight of the provisions of this policy. Employees and supervisors are responsible as follows:
- 7.1.1 Employees: Employees considering donating leave days should understand that she/he is relinquishing rights to use such leave for personal reasons or at retirement – i.e., for extension of insurance coverages, or service “credits”. The employee receiving donated leave should make every effort to return to work at the earliest date possible. Employees are responsible to report any changes affecting her/his leave status during the approved period of catastrophic leave.
 - 7.1.2 Supervisors: Supervisors are responsible for compliance with all sections of this policy. Supervisors who have an employee in her/his department facing a qualifying medical situation are to inform the Benefits Services Office of Human Resources as soon as it is suspected that the employee’s situation may cause him/her to exhaust accrued leave.
- 7.2 Procedures for Requesting Catastrophic Leave - An employee who is facing a qualifying medical situation and is close to exhausting her/his accrued leave balances must contact the Benefit Services Office of Human Resources.
- 7.2.1 Application for Catastrophic Leave - Employees requesting catastrophic leave must make application for a Medical Leave of Absence by completing the “*Request for Medical Leave of Absence*” form (SCP-2484.A) and having the treating physician complete the “*Treating Licensed Physician Statement / Medical Leave Verification*” form (SCP-2484.B). In addition the employee must complete the “*Catastrophic Leave Employee Request Form*” (SCP-2005.A). The employee must submit the three documents to the Benefit Services Office of Human Resources. Upon verification and approval of the application, Human Resources will announce to all employees that donations of catastrophic leave are being accepted for the qualifying employee. A copy of the “*Catastrophic Leave Employee Donation Form*” (SCP-2005.B) will accompany the announcement. No medical or confidential information regarding the qualifying employee will be included in the announcement.
 - 7.2.2 Donation of Leave - Employees who desire to donate leave to an approved individual may do so by completing the “*Catastrophic Leave Employee Donation Form*” (SCP-2005.B) and submitting the form to the Human Resources Department.

SECTION 8. CANCELLATION

- 8.1 No preceding policy is canceled by this new policy. This policy shall be reviewed on a three-year cycle by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended.

SECTION 9. REVIEW STATEMENT

- 9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended or repealed.

SECTION 10. SIGNATURES

Board of Governors Chair **Date**

President **Date**

Attachments: SCP 2005.A, Catastrophic Leave Request Form
 SCP 2005.B, Catastrophic Leave Donation Form

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Revision Notes: January/February 2008 — Revisions reflect no substantial changes in procedure or documentation requirements. Policy was reformatted.