

The Catastrophic Leave Program allows for the donation and receipt of vacation and sick leave credits between eligible employees. Donated leave may be used by an employee who has a catastrophic illness or injury and has exhausted all types of pay normally available to cover the required absence from work. Basic provisions of the program are described below.

DEFINITION OF CATASTROPHIC ILLNESS OR INJURY

A catastrophic illness or injury is one which has totally incapacitated the employee from work. The name of the program implies that the nature of the disability must be catastrophic. Generally speaking, if the medical substantiation indicates that the condition causes ***total incapacitation*** from work, the condition can be considered catastrophic.

Conditions which are short term in nature, such as colds, flu, minor injuries or normal pregnancies, are generally not deemed catastrophic. Chronic conditions such as cancer, AIDS and residual effects of a stroke may be considered catastrophic even if the condition results in only intermittent absences. For borderline cases, the program is somewhat self-policing in that employees can choose to donate or not when a solicitation notice goes out to the campus.

Catastrophic illness/injury also includes incapacitating conditions of immediate family members ("immediate" as defined in the respective collective bargaining agreement or CAP) when the employee must take an extended period of time off to care for the family member.

ELIGIBILITY TO DONATE

Any employee who accrues sick leave and/or vacation may donate leave credits to other employees on the same campus, regardless of bargaining unit representation.

ELIGIBILITY TO RECEIVE DONATIONS

Any employee who accrues vacation and/or sick leave may receive donations if he/she has a catastrophic illness or injury and has exhausted all sick leave, vacation, CTO and personal holiday available for use during the absence. (More information is included in "Family Care Catastrophic Leave" below.)

REQUEST TO PARTICIPATE

An employee, or employee's family member or representative may request the employee's participation, and provide written verification by the attending physician of the following:

- 1) Nature of the incapacitating illness or injury
- 2) Estimated duration of the illness or injury
- 3) Nature and expected duration of the care required of the employee (for family care catastrophic leave only)

The catastrophic leave donation drive may be conducted on an office-, department-, division- or campus-wide basis. A solicitation coordinator, normally the department timekeeper, will be designated to distribute donation forms and collect donations.

TYPES OF LEAVE TO DONATE

Sick leave and vacation credits may be donated. CTO may not be donated. For family care catastrophic leave, only vacation credits may be donated (academic employees who do not accrue vacation may still receive donated vacation leave for family care). Leave may be donated in increments of one hour or more per fiscal year. The leave will not be deemed donated until actually transferred by the campus record keeper to the record of the employee receiving the leave credits. Donations that are used are irrevocable. All eligible Cal Poly **state** employees may donate a maximum number of hours determined by bargaining unit as follows:

Sixteen (16) hours:

Unit 1 Physicians)

Forty (40) hours:

CSUEU (Units 2, 5, 7, & 9)

Unit 3 (Faculty)

Unit 4 (Academic Professionals)

Unit 6 (SETC/Trades)

Unit 8 (Public Safety)

Unit 11 (Teaching Associates)

E99 (Excluded)

C99 (Confidential)

M80 (Management Personnel)

M98 (Executive)

USE OF DONATED LEAVE

Catastrophic leave may be used to bring the employee up to full pay. In no case can the employee receive more than full pay because of leave donations. If the total donated time received is less than the amount required to cover the entire period, the employee may elect to distribute the leave over the period of disability so that the monthly income is substantially the same from month to month. The employee continues to accrue leave credits while on catastrophic leave, with accruals being immediately exhausted as they are earned before any donated leave is used.

The total donated leave credits shall normally not exceed three calendar months; however, an additional three months may be approved in exceptional cases. For employees whose appointments have not been renewed, donated time may not be used beyond an employee's appointment expiration date in effect at the beginning of the disability.

SUPPLEMENTATION OF NDI, IDL OR TD

The purpose of the catastrophic leave program is to supplement any disability benefits for which the employee is eligible.

Therefore, if the employee is eligible to receive other benefits such as Nonindustrial Disability Insurance (NDI), Industrial Disability Leave (IDL) or Temporary Disability (TD), catastrophic leave may be used to supplement these benefits. (Exception: Employees with intermittent absences for chronic conditions as described in this policy may use catastrophic leave without supplementation.) If the employee is ineligible for other benefits due to their employment status, catastrophic leave may be used without supplementation. Although the use of CTO and vacation credits is optional under NDI regulations, the employee must exhaust all available CTO and vacation in order to receive donated leave. Academic employees, who received full pay during the academic year, including pay from NDI benefits supplemented by donated leave, will receive full pay during the normal non-work periods (July and August).

FAMILY CARE CATASTROPHIC LEAVE

An employee (based on applicable bargaining contract) must exhaust all **sick leave allowed for family illness based on bargaining unit contract**, plus all other available leave (vacation, CTO, ADO, personal holiday, etc.) before receiving catastrophic leave. Generally, an employee can use only 5 days of sick leave for family illness each year, but this may be waived for some represented employees (see respective collective

bargaining agreement or CAM for limitations on sick leave use for family care).

In the case of catastrophic family illness or injury, there is no disability benefit available to the employee. Therefore, supplementation of other benefits is not required.

SERVICE CREDIT TOWARD RETIREMENT, SENIORITY POINTS AND MSA'S

An employee will earn service credit toward retirement, seniority points and merit salary adjustments while on catastrophic leave. If the donated leave is supplementing NDI benefits, the NDI portion will also accrue such service credit.

SERVICE CREDIT TOWARD PERMANENT STATUS

Donated leave is treated in the same manner as paid sick leave in determining service credit toward permanency. An Employee's probationary period is extended for periods of paid sick leave in excess of 30 days.)

ELIGIBILITY OF FERP PARTICIPANTS

FERP participants may donate credit at any time, even during their scheduled off-work periods if the faculty member is expected to return to work the following academic term. However, they may receive and use donations only during scheduled work

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