Administrative Policies and Procedures Manual - Policy 3430: Catastrophic Leave Program

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Authorized by RPM 6.3 ("Privileges and Benefits")
Process Owner: Vice President for Human Resources

1. General

The Catastrophic Leave Program provides University’s catastrophic leave program allows salary and benefits continuation for eligible staff employees who are experiencing a catastrophic condition and have exhausted all paid leave due to their own serious illness or injury, or due to sick and annual leave. The catastrophic condition may be for the need to care for an immediate family member who has experienced a catastrophic illness or injury. It is defined below. The program is a-funded through voluntary program that allows employees to donate a portion of their annual leave into a bank that is available to assist employees who are eligible under the program—donations of annual leave.

The University has contracted with a Third Party Administrator (TPA) to provide an independent medical review of employee requests for catastrophic leave. The TPA will review the employee’s application and health care provider statement in conjunction with the provisions of this policy.

2. Eligibility
Any regular full-time or part-time staff employees who work twenty (20) hours or more per week (.50 FTE or greater) are eligible to elect to participate in the Program after completing the program if they:

- Have completed a full year of continuous employment. In order to receive leave under this policy, at the employee's University;
- Have an illness or injury that meets the definition of "a catastrophic" as outlined in Section 3. herein. The employee must also have;
- Have made a donation of annual leave, as detailed in Section 4. below for the fiscal year during which his or her request occurs, must have;
- Have exhausted his or her own sick and annual leave, and must be facing unpaid time of three (3) or more workdays due to the illness or injury. Other exclusions as noted in Section 3.2. herein apply;

3. Catastrophic Illness and/or Injury

- A catastrophic illness or injury is unrelated to Workers' Compensation benefits; and
- Have no written record of disciplinary action for misuse of leave within the past twelve (12) months.

An immediate family member means an employee's:

- Spouse or domestic partner;
- Children (natural, step, adopted, and foster);
- Parents; or
- Grandchildren or siblings, but only if the employee is the primary custodian and caregiver.

Only one University employee may use catastrophic leave at a time to provide care to the same immediate family member.

3. Catastrophic Condition

“Catastrophic condition” is defined as a serious, life-threatening illness or injury that is considered life-threatening or with the threat of serious residual disability which results in the employee's inability to work a period of incapacity, whether continuous or intermittent.

3.1. Examples of Catastrophic Illness or Injury

Examples of a catastrophic illness or injury include, but are not limited to a:
- Serious, debilitating illness, impairment, or physical/mental condition that involves continuing treatment in connection with an overnight stay in a hospital, hospice, or residential medical facility.

- High intensity/high frequency of treatment encounters necessary for a chronic or long-term condition that is so serious that, if not treated, would likely result in an extended period of incapacity or death.

- Chronic or long-term condition requiring high-intensity or high-frequency treatment; or

- Terminal illness.

Interruptions due to a catastrophic condition are allowed in four (4) or eight (8) hour increments, such as in connection with chemotherapy, dialysis, or care for an immediate family member.

The University retains supervisor will determine basic non-medical eligibility for the right to program. The TPA will determine whether the illness medical condition is "serious"/catastrophic based on the information it receives from the medical employee’s health care provider.

### 3.2. Exclusions

Paid-The following exclusions apply; however, complications related to these exclusions may qualify as a catastrophic condition. A list of examples that constitute exclusions is shown below for guidance only, and is not considered an all-inclusive list.

- Elective surgery
- Pregnancy
- Tubal ligation/vasectomy
- Hysterectomies not related to cancer treatments
- Cosmetic surgery
- Knee and hip replacement
- Shoulder/rotator cuff tear surgery
- Carpal tunnel/hand/finger surgery
- Ankle and foot surgery
- Organ donation
- Bariatric surgery
- Sprains/strains (wrist, hand, knee, ankle, back)

### 4. Donations to the Catastrophic Leave Program

- The catastrophic leave program is funded by donations from participating employees’ annual and sick leave banks.
Elective surgery does not qualify as a catastrophic illness or injury. If complications arise resulting in a serious health condition, the situation may qualify as a catastrophic illness or injury.

Most leave associated with pregnancy is not covered by Catastrophic Leave. If complications arise resulting in a serious health condition for the mother or child, the situation may qualify as a catastrophic illness or injury.

Requests for Catastrophic Leave less than three (3) workdays in duration are excluded.

Tuition Remission requests will not be approved while the employee is receiving catastrophic leave.

This Program does not cover time off due to a job-incurred injury covered by Workers’ Compensation benefits.

An employee must not have a written record of disciplinary action for leave abuse or misuse of leave within the past twelve (12) months.

3.3. Immediate Family

Immediate family includes the employee’s

- spouse or domestic partner
- children (natural, step, adopted, and foster children)
- parents
- or, if the employee is the primary custodian and caregiver, grandchildren or siblings

Only one (1) University employee from a family may use Catastrophic Leave at a time to take care of a family member and that employee must be solely responsible for the physical care of the family member. The employee may only be eligible for Catastrophic leave for a family member if the family member meets the requirements of catastrophic leave under Section 3. herein. The same exclusions under Section 3.2. apply.

4. Enrollment in the Catastrophic Leave Program

The Catastrophic Leave Program is funded through donations taken from each participating employee’s annual leave account. Each fiscal year, the University may withhold annual leave in an amount up to one-fifth (1/5th) of the employee’s weekly work hours. For example, this would amount to eight (8) hours for a full-time employee working forty hours (40) per week. Donations are made to the common catastrophic leave bank annually in an amount and on the date specified by the Division of Human Resources and become available for distribution at the beginning of the next fiscal year.

Prior to fiscal year-end, the Division of Human Resources will notify all regular staff employees working a .5 FTE or greater that donations will be taken automatically unless the employee notifies the Division of Human Resources that he or she does not wish to donate. If an employee opt-out process, then the employee is not eligible for catastrophic leave for the upcoming fiscal year.
4.1 Donation of Additional Hours

An employee who wishes to donate more than the automatic may authorize the donation by emailing the Division of Human Resources at HRPR@unm.edu during the donation period as discussed in Section 4. above.

5. Process for

The catastrophic leave plan year is July 1st through June 30th. Employees can participate if they have donated to the program and meet the eligibility requirements noted in Section 2, above.

Employees with less than one year of service can donate to the program, but are ineligible to apply for program benefits until they have completed one year of employment.

5. Requesting Catastrophic Leave

To request benefits, an employee (or any individual acting in the interest of the employee’s behalf) must complete and submit an Application for Catastrophic Leave Program and Health Care Provider Statement for an initial application and for recertification to the employee’s immediate supervisor. The University reserves the right to request continual updates, second opinions, and other medical information as needed. The application includes a release for Employee and Occupational Health Services (EOHS) to speak with the physician if it is determined that additional information or a second opinion is needed. The immediate supervisor must verify that the employee does not have a written record of disciplinary action for leave misuse or abuse. After verification, the department manager reviews the application for other meets the non-medical criteria listed on the application form. If the application meets the required criteria, the application and health care provider statement is forwarded to EOHS for verification that the medical issues qualify as catastrophic. This may require EOHS to contact the employee and/or physician for additional information. If the application is approved by EOHS, it is forwarded to an HR for processing Consultant.

5.1 Appeals

If an employee wishes to contest a denial based on previous misuse or abuse of leave, he or she may appeal to the next level manager. If the employee wishes to contest a denial based on the medical review, he or she may appeal by providing a letter to EOHS requesting an appeal and attaching any pertinent documentation. All decisions by the next level manager and/or EOHS are final.

5.2 Leave Hours Requested

The employee or representative should The HR Consultant will create a case and upload the employee’s application and health care provider statement to the TPA website. The application includes a release for the TPA to speak with the employee’s health care provider, if additional information is needed.
The application must include an estimate of the number of hours of catastrophic leave needed based on the physician's certification, health care provider's statement, generally not to exceed one (1) month (173.33 three (3) months (520 hours for full-time employees). Requests from part-time employees will be pro-rated based on the employee's regularly scheduled hours. UNM reserves the right to FTE. The TPA may grant a lesser number of hours than initially requested, depending on the situation. Applications for recertification may be made for further additional leave up to the maximum defined in Section 5.2.1. herein. The University reserves the right to request periodic updates or other medical information as needed. Employees with a terminal disease may be approved for up to the maximum leave coverage without having to recertify.

5.2.1. Maximum Leave Coverage for an Employee

Total requests from the bank shall not exceed 1040 hours, prorated based upon the number of hours the employee works. When the employee reaches the maximum allotment of catastrophic leave, the catastrophic leave terminates (see Section 5.3. below for additional information). If the maximum leave has been exhausted and the employee is not released by his or her health care provider to return to work, the employee should contact his or her manager to discuss the possibility of medical leave without pay as provided for in UAP 3420 ("Leave Without Pay").

The employee's Maximum continuous catastrophic leave will be 1040 hours, prorated based on the employee’s FTE. Catastrophic leave will terminate when the maximum hours are reached (see Section 7).

Maximum intermittent catastrophic leave will be 520 hours, prorated based on the employee’s FTE. In no case will the combined use of continuous and intermittent catastrophic leave exceed 1040 hours.

Employees who have exhausted the maximum allowable catastrophic leave will accrue up to 173 hours an additional 173 hours toward their bank of available catastrophic leave, per year since of active service after exhaustion of the leave. The accrual of additional hours will commence with the date the employee last exhausted the maximum allowable catastrophic leave not to exceed 1040 hours. These amounts are, The amount of additional accrual is prorated based upon FTE, and is separate from the employee's schedule. The employee’s annual and sick leave banks. The employee is only eligible for this additional catastrophic leave time if he or she continues making contributions to the Catastrophic Leave Program, the employee’s donations to the catastrophic leave program continue on an annual basis.

5.2.2. Maximum Payment of Leave Coverage

The pay for a Family Member

Total requests for hours withdrawn from the bank for catastrophic leave to care for a family member shall not exceed 1040 hours, prorated bank will be based upon the employee’s
6. Appeals

The initial determination on whether a condition qualifies as catastrophic, as defined in this policy, is made by the TPA’s health care professionals.

6.1. Denial Based on Medical Review

Employees may request an appeal of the TPA’s health care provider decision. Employees shall submit notification requesting an appeal along with additional medical information, if applicable. All documents shall be submitted to HR. HR will submit the request for appeal and the employee’s medical information through the TPA’s website. The TPA will assign a different health care professional from its roster to review the initial health care provider statement and any subsequent medical information.

6.2. Denial Based on Documented Abuse of Sick Leave

An employee may submit a written request for appeal to the next level supervisor.

6.3. Appeal to the Vice President for Human Resources

Any denial for reasons outlined in Sections 6.1 and 6.2 may be appealed to the Vice President for Human Resources.

Any written request for an appeal to the Vice President for Human Resources must be submitted within fifteen (15) calendar days of the denial and include all documentation supporting the request.

The decision of the Vice President for Human Resources may be appealed under Regents’ Policy Section 1.5.

7. Termination of Leave

Catastrophic leave terminates when the:

- employee is separated from the University;
- Condition no longer qualifies as catastrophic illness (see Section 3); or injury no longer requires absence from work;

- health care provider releases the employee to return to work, or

- maximum catastrophic leave benefit has been exhausted. (see Section 5.1).
5.4. Family and Medical Leave

Any and all employees should contact their immediate supervisors to discuss the possibility of medical leave without pay; see UAP 3420 ("Leave Without Pay") and UAP 3440 ("Family and Medical Leave").

7.1. Return to Work

Employees on continuous or intermittent catastrophic leave for incapacity illness/injury must be cleared by their health care provider to return to work, with or without restrictions, and must provide substantiating documentation to UNM Employee Occupational Health Services (EOHS). If returning with limitations, the employee should request accommodation and must be able to perform the essential functions of the position, in accordance with UAP 3110 ("Reasonable Accommodation for Employees with Disabilities."). Employees returning to work must contact EOHS to schedule a return to work appointment.

8. Family and Medical Leave

All leave received by an employee under this policy are considered as Family and Medical Leave (FML) and will count towards the employee's Family Medical Leave (FML) entitlement. If Catastrophic Leave is denied, it is possible that the employee may still be eligible for unpaid time under Family and Medical Leave. Refer to UAP 3440 ("Family and Medical Leave"). An employee enrolled in the short-term or long-term disability programs should contact the Division of Human Resources for more information on the use of such plans.

6. Payment

The hours withdrawn from the Catastrophic Leave Bank will be based on the employee's regular rate of pay. Existing payroll deductions including benefit premiums will continue to occur.

7. Administration

Catastrophic leave payments will be charged to the University Catastrophic Leave Bank account and will include an amount sufficient to cover the University's share of the employee's health benefit premiums and other benefits. Departments will incur any charges. The employee receiving the donated leave will remain on "regular" status during this period.

8. Unused Balance in the Catastrophic Leave Bank
If there are any unused and undistributed hours donated to the Catastrophic Leave Bank, the hours in the bank will remain in the bank and will roll over at the end of each fiscal year. Hours will not be returned to donating employees.

9.10. Confidentiality

All information received on Catastrophic Leave Program Applications, Health Care Provider Statements, and any additional related information is confidential. The sole use of such information is for determining eligibility for the program.

11.10. Return Exceptions

Exceptions to Work

Employees who return to work must be approved in writing by their physician and must meet with EOHS and bring the physician’s documentation in order to obtain a release to return to work. EOHS will determine if the person is medically able to return to work.

11. Applications, Forms & Information

12. References

Applications, forms, and additional information can be found on HR’s website.

UAP 3420 (“Leave Without Pay”)

UAP 3440 (“Family and Medical Leave”)