

## **Belmont University Staff Catastrophic Leave Donation Policy**

### **PURPOSE:**

The purpose of a catastrophic leave donation policy is to aid Belmont University staff employees who are experiencing serious medical hardship or catastrophic illnesses and have exhausted all paid leave by giving them temporary salary and benefit continuation. The policy allows employees to donate vacation leave to a “bank” to be used by co-workers who meet the eligibility requirements. Eligibility is only awarded to those employees who have exhausted all forms of paid leave (i.e. vacation, floating holidays, sick days) and meet the definition of having a “serious medical hardship or catastrophic illness or injury”.

### **DEFINITIONS:**

Serious medical hardship or catastrophic illnesses or injury includes conditions which severely impact the health of the employee and requires absence from work. These conditions must also meet the eligibility for the Family and Medical Leave Act. Some examples would include:

- Cancer
- Major surgery
- AIDS
- A serious accident
- Heart attack
- Other serious or life threatening illnesses
- Hospice care

Recipient is an employee who is eligible to accrue and use vacation and has exhausted all paid leave and has met the definition of a “serious medical hardship or catastrophic illness or injury”.

Donor is an employee who is eligible to receive vacation and who gives a limited number of vacation days to the Catastrophic Leave Bank.

Nonqualifying medical conditions include normal pregnancy, illnesses or injuries covered by an employer paid long-term disability policy, Worker’s Compensation or injuries incurred in the course of committing a felony. The donated leave must be used for the serious illness or injury of the employee and may not be used for an employee’s spouse, child or other family member or for the employee’s estate.

### **FMLA**

The employee with the serious medical hardship or catastrophic illness or injury must also meet all of the eligibility definitions of the Family Medical Leave Act (FMLA). Any donated time the recipient uses from the catastrophic leave bank will count as FMLA leave time unless the FMLA time has expired and the employee has previously met all of the eligibility requirements (i.e. having worked at least 1,250 hours during the last twelve months).

## ELIGIBILITY:

Eligibility criteria for **receiving donated leave** includes:

1. Must have completed one (1) year of continuous service to the University.
2. Must be suffering from a catastrophic illness or injury which necessitates the employees prolonged absence from work and for which the employee has no available paid leave left. Employee must meet all requirements of the FMLA.
3. Employees are ineligible to use this policy if they are receiving or have applied for Worker's Compensation Benefits. Employees are ineligible to receive vacation donations once they are receiving payments through Belmont's long term disability policy.
4. Must be in a regular staff position that accrues vacation and sick leave. Employees must be paid from regular Belmont University funds. Temporary and employees paid from non-Belmont funds would not be eligible.
5. The requesting employee fills out a written request form and sends it to the Office of Human Resources.
6. To become eligible to receive donated leave from the leave bank, an employee must have donated at least a full day of leave into the bank.
7. The maximum number of days that an employee may receive from the bank is 20 working days. The amount of pay received will be based on the receiving employee's current hourly base rate.
8. All monies received will incur appropriate taxes and other required deductions.
9. If more than one staff employee is eligible to receive from the bank, a pro-rata amount will be given out to each.

Eligibility criteria for **donating leave time** include:

1. The leave donor may not revoke the leave donation once the donation is made in writing. The leave donor fills out and submits a leave donation form to the Office of Human Resources. Leave donation is anonymous to the recipient.
2. The donor must be in a position that accrues vacation and may only donate actual vacation time already accrued and not prior to accrual.
3. The maximum that may be donated is the lesser of 50% of the donor's vacation balance in a calendar year or no more than 10 days in whole day increments. The actual time donated will be calculated in hours to accommodate the various

departments at the University – i.e. some staff work 7.5 hour days and others work 8.0 hour days.

4. Donations (and benefits) can only be used for future catastrophic needs and not to pay someone retroactively.
5. Donors must reflect the withdrawal of their vacation to the catastrophic leave bank on their annual attendance form.

#### ADMINISTRATIVE PROCESS:

The identity of the donors and recipients will be kept confidential except as required to administer the policy and for any required legal action. The Office of Human Resources may contact the donating employee's manager to verify that the employee has sufficient days to donate. The following departments will manage the Catastrophic Leave Program:

- The Office of Human Resources will manage the leave bank and communicate to payroll the number of hours to be paid to the employee. If no days are available in the bank, no funds will be available to be paid.
- Donors and recipients must fill out all required forms for approval.
- Blank copies of the donation and recipient forms will be stored in the HR office and will be made available on the Office of Human Resources website. Completed donation leave forms will be stored in the Office of Human Resources for at least three years.
- Payroll Services will administer the donated time and pay the recipient based on the current payroll schedule – i.e. monthly employees will see the donation on their next monthly paycheck and biweekly employees will see any donations on their biweekly paychecks depending on when the forms are approved and sent to Payroll.
- Employee Staff Affairs Council will participate only for any appeals process.
- The University can amend or stop the program at any time.
- The University will follow all HIPAA laws and regulations at all times.

#### APPEAL PROCEDURES:

In the event an employee applying for sick leave from the “bank” is denied benefits, he/she may appeal the decision to the Staff Affairs Council. Staff Affairs can only review decisions made related to recipient eligibility.