

UCOP Human Resources Procedures Supplement C – UCOP CATASTROPHIC LEAVE SHARING PROGRAM

I. POLICY REFERENCES Absence from Work Policy

II. INTRODUCTION

The University of California Office of the President (UCOP) Catastrophic Leave Sharing Program permits temporary salary and benefit continuation for a staff employee who accrues vacation and who has exhausted all paid leave credits as a result of a catastrophic illness or injury of an employee or family member, death of a family member, casualty loss suffered due to terrorist attack, fire or natural disaster. The Program allows employees to donate vacation leave to co-workers who do not have sufficient accumulated leave to cover a verifiable, major crisis and to provide salary continuation during the waiting period for University and employee paid disability benefits. While the Program establishes a mechanism for leave transfers, participation is entirely voluntary. Donations are anonymous. Management will not identify the donor, however, the donor may choose to self-identify. The Program is open to all departments within the Office of the President.

III. DEFINITIONS

A. Catastrophic Illness or Injury

A catastrophic illness or injury is defined as a serious debilitating illness, injury, impairment, or physical or mental condition of the employee or the employee's family or household member which creates a financial hardship because the employee has exhausted all available leave credits and is not, or not yet, eligible for temporary disability benefits, requires an absence from work for a minimum of five business days, and that involves the following:

1. A period of illness or injury or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility; or
2. A period of illness or injury requiring absence of more than five business days from work, and that also involves continuing treatment by (or under the supervision of) a licensed health care provider; or
3. A period of illness or injury (or treatment) due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.); or
4. A period of illness or injury that is long-term due to a condition for which treatment may be ineffective (e.g., stroke, terminal disease, etc.); or
5. An absence to receive multiple treatments (including any period of recovery there from) either for restorative surgery after an accident or other injury, or for a chronic condition, i.e., cancer or kidney disease.

B. Catastrophic Event

A catastrophic event is defined as follows:

1. The death of a family or household member; or
2. A catastrophic casualty loss suffered due to a terrorist attack, fire, or natural disaster.

C. **Family or Household Member**

An employee's spouse, domestic partner, children (including children of the employee's domestic partner), parents, siblings, grandparents, and grandchildren. Step-relatives, in-laws, and relatives by adoption are included on the same basis as the above-listed blood relatives. If an employee was raised by persons other than his/her biological parents, these individuals also are included in this category. Likewise, if an employee is raising a child who is not his/her biological child, that child is included in this category.

D. **Paid Leave Credits**

For the purposes of this Catastrophic Sharing Leave Program, only vacation leave credits may be donated.

E. **Recipient**

An employee who is eligible to accrue and use vacation, has exhausted all paid leave credits, and who has been identified as eligible to receive a catastrophic leave donation.

F. **Donor**

An employee who is eligible to accrue and use vacation may donate vacation time to a specific recipient or to the Catastrophic Leave Bank ("Bank").

IV. **RECIPIENT AND DONOR ELIGIBILITY AND QUALIFICATIONS**

All UCOP staff employees who are eligible to accrue and use vacation time are eligible to participate in the UCOP Catastrophic Leave Sharing Program. Exclusively represented employees who meet the criteria may participate in the Program to the extent provided in the applicable collective bargaining agreements. The Program is non-grievable, and is not subject to any arbitration or complaint resolution policy applicable to any employee.

A. **The Donor** (donating employee) must:

- Be an employee of a UCOP department;
- Be in a position that accrues vacation leave; and,
- Has accrued sufficient vacation leave to cover the amount of the donation to be made (leave may not be donated prior to accrual)

Each donation by an eligible donor must be a minimum of eight (8) hours. Any additional donated hours must be in whole hour increments. The maximum that may be donated is 50% of the donor's vacation balance or eighty (80) hours in a calendar year, whichever is less. Donations may be made to individual employees or to the Bank. Participation in the Catastrophic Leave Sharing Program is strictly voluntary.

B. **The Recipient** (receiving employee) must:

- Be an employee of a UCOP department;
- Be in a position that accrues vacation leave;
- Have exhausted all paid leave credits;
- Have a verified catastrophic illness, injury or event; and
- Submit a written request to receive donations to UCOP Local Human Resources;

Donations may be credited (in whole hours) incrementally to the receiving employee to a maximum of 160 hours in a rolling twelve-month period from either donations or from the Bank, if available. The maximum number of donated hours that can be credited to the receiving employee for Bereavement leave is

governed by the University Absence from Work Policy or applicable labor contract. An employee receiving University-paid disability or employee paid disability benefits is not eligible to receive donations. Donated time may be applied to the receiving employee's employee-paid disability waiting period up to the maximum of 160 hours. Participation in the Catastrophic Leave Sharing Program is strictly voluntary.

V. PROCESS FOR REQUESTING AND VERIFYING A CATASTROPHIC LEAVE

A. Requesting Donations

The potential recipient initiates the process by submitting a Catastrophic Leave Sharing Program Recipient Request Form (Appendix A) to UCOP Local Human Resources to participate in the program. The Recipient Request Form may be completed by a family member or individual residing in the household if the employee is incapacitated.

B. Verifying a Request

UCOP Local Human Resources will verify that a qualifying catastrophic leave exists (e.g. serious health condition, death of family member or catastrophic event) and obtain appropriate documentation. UCOP Local Human Resources will coordinate with Business Resource Center (BRC) Payroll to verify that the intended recipient has exhausted, or will exhaust, all paid leave and determine the number of hours necessary for the remainder of the approved catastrophic leave. This includes determining the effective date of employee's University and employee-paid disability plans. Donations for a recipient will not exceed the maximum of 160 hours within a rolling twelve-month period.

C. Notifying Department of a Verified Request

Once UCOP Local Human Resources verifies eligibility and the hours needed, the manager or supervisor will be notified. The manager or supervisor is then able to solicit donations.

D. Tax Implications

The recipient has sole responsibility for assessing the potential impact on taxes and benefits. The UCOP Benefit Services office is available to answer questions regarding potential benefit implications. The donor may have tax consequences for donations related to a catastrophic casualty loss.

VI. METHOD FOR SOLICITATING AND DONATING VACATION HOURS

A. Soliciting Hours

The manager or supervisor will be notified by UCOP Local Human Resources of a recipient's request and eligibility to participate in the program. Once notified, the manager/supervisor may begin the process to solicit donations and may do so by circulating the Request for Donations letter (Appendix B) along with donor forms. The recipient may only be identified in the letter if they indicate it is appropriate to do so in their request. The manager or supervisor should forward all donation forms to UCOP Local Human Resources who will ensure the donor is qualified to donate in accordance with Section IV of this procedure.

B. Designated and Undesignated Donations

The maximum that may be donated is 50% of the donor's vacation balance or eighty (80) hours in a calendar year, whichever is less. In the event an employee does not receive sufficient donations, hours may be credited from the Bank, if available.

1. Designated Donation

An employee may donate time to an individual employee who is eligible to receive catastrophic leave hours by completing a donation form (Appendix C) and submitting it to the Manager or Supervisor (or designee). The Manager or Supervisor should forward all documentation to UCOP Local Human Resources. UCOP Local Human Resources will coordinate with BRC Payroll to process adjustments to leave balances of the donor and the recipient. Donations for a designated recipient are irrevocable once the donor signs the form authorizing a deduction from his or her vacation leave balance. If the designated recipient becomes ineligible to receive the donation, those excess hours will be donated to the Bank.

2. Undesignated Donation (Leave Bank)

An employee may donate vacation leave hours to the central UCOP Catastrophic Leave Bank maintained by UCLA's Payroll Services by completing a donation form (Appendix C) and submitting it to UCOP Local Human Resources. UCOP Local Human Resources will coordinate with BRC Payroll to reduce the employee's vacation leave balance and notify UCLA Payroll Services to add the hours to the Bank. Donations to the Bank are irrevocable once a donor signs the form authorizing a deduction from his or her vacation leave balance.

3. Credit of Vacation Hours

When approving the crediting of vacation hours to the recipient's vacation leave balance, UCOP Local Human Resources shall ensure that only the number of hours needed are credited. BRC Payroll will transfer donated hours by using the Description of Service (DOS) code VLC so that the department is not charged for leave assessment by the financial leave system.

VII. EFFECT ON FAMILY AND MEDICAL LEAVE and CALIFORNIA FAMILY RIGHTS

Participation in the Catastrophic Leave Program does not affect a recipient employee's right to Family and Medical Leave (FMLA) and/or leave under the California Family Rights Act (CFRA). Time paid through this program will be charged as FMLA or CFRA to the recipient employee as long as the employee meets the eligibility requirements (i.e., having worked at least 1,250 hours during the last twelve (12) months), and the leave has been designated as FMLA or CFRA.

UCOP CATASTROPHIC LEAVE SHARING PROGRAM
Description Summary

Implementation Date	November 2000, Revised January 2012
Definitions	1) Illness or Injury: a non-industrial illness or injury which is defined as a serious health condition of the employee or the employee's family member, which creates a financial hardship because the employee has exhausted all available leave credits and is not, or not yet, eligible for temporary disability benefits. 2) The death of a family or household member. 3) A catastrophic casualty loss suffered due to a terrorist attack, fire or natural disaster.
Eligibility	All UCOP employees who accrue and who are eligible to use accrued vacation. The donating and receiving employees may be from the same or different departments. Employees may also contribute and/or receive hours from the central Catastrophic Leave Bank maintained by UCLA's Payroll Office.
Eligible Leave Credits	Accrued vacation time only. Sick leave and Compensatory Time Off credits may NOT be transferred.
Minimum Donations	Each donation must be a minimum of eight (8) hours with any additional hours for that donation in whole hour increments.
Maximum Donations	The maximum that may be donated is 50% of an employee's vacation balance or eighty (80) hours of accrued vacation leave in a calendar year, whichever is less.
Maximum Receipt of Donations	An employee may receive a maximum of 160 hours vacation in a rolling twelve-month period.
Pay Level of Donating or Receiving Employees	Contributions may be made to employees at a higher or lower pay level because donations are transferred on an hour-for-hour basis (not on a dollar-for-dollar basis).
UCOP Local Human Resources	UCOP Local Human Resources is responsible for: Determining if the applicant is eligible to participate in the program with appropriate medical certification, proof of death or catastrophic loss; Verifying that all paid leave has been exhausted; Determining if donor is eligible to participate in the program and, Submitting appropriate documentation upon request to support applications made to the central Catastrophic Leave Bank;
Manager or Supervisor's (or designee's) Responsibilities	The Manager or Supervisor is responsible for: Soliciting donations to the Catastrophic Leave Program; and, Providing documentation to UCOP Local Human Resources.
Employee's Responsibilities	The employee is responsible for: Obtaining the appropriate medical verification of illness or injury; Completing the Recipient Application Request Form with the necessary documentation, such as medical verification attached; and, Assuring that all credits requested are used within the period specified on the request form. NOTE: The Recipient Application Request form may be completed by a family member or individual residing in the household if the employee is incapacitated.
BRC Payroll's Responsibilities	BRC Payroll is responsible for: Coordinating with UCOP Local Human Resources to verify exhaustion of recipients' paid leave credits; Coordinating with UCOP Local Human Resources to verify vacation hours of the donor; and, Transferring vacation hours between the recipient, the donor and/or the bank.