



University of Nevada, Reno

**Catastrophic Leave
Policy and General
Procedures**

Revised: January, 2013

University of Nevada, Reno

Catastrophic Leave – Policy and General Procedures

Catastrophic Leave Definitions NRS 284.362:

1. As used in NRS 284.362 to 284.3629, inclusive:
 - (a) “Catastrophe” means:
 - (1) The employee is unable to perform the duties of his position because of a serious illness or accident which is life threatening *or* which will require a lengthy convalescence;
 - (2) There is a serious illness or accident which is life threatening *or* which will require a lengthy convalescence in the employee’s immediate family; or
 - (3) There is a death in the employee’s immediate family.
 - (b) “Committee” means the Committee on Catastrophic Leave created pursuant to NRS 284.3627.
2. The Commission shall adopt regulations further defining “catastrophe” to ensure that the term is limited to *serious calamities*.

Eligibility: A classified employee may request catastrophic leave regardless of the employee’s length of service or whether or not he/she is a permanent employee. If the employee is *approved* for catastrophic leave the following will apply:

- An employee making a request for catastrophic leave ***must***:
 - a) ***Apply for*** Family Medical Leave (FMLA)
Or
 - b) ***Be on*** approved Family Medical Leave (FMLA)
Or
 - c) ***Have been*** on approved Family Medical Leave (FMLA)
- An employee ***must*** exhaust all accrued annual leave, sick leave, and compensatory time before he/she can use catastrophic leave. ***Sick and annual leave does not accrue while an employee is on catastrophic leave*** (NAC 284.5385 (1) & 284.544 (1)).

The **maximum number of hours** of catastrophic leave that an employee can receive from the University of Nevada, Reno ***catastrophic leave pool is 240 hours per “Catastrophe,”*** subject to availability.

- The employee may receive leave donations from a specific classified and/or unclassified employee (NRS 284.140) of the State of Nevada employed in other departments or other state agencies and/or from the general campus catastrophic leave pool, up to a maximum of 1,040 hours in a calendar year (NRS 284.3622). The maximum of 1040 catastrophic leave hours in a calendar year is a combination of the hours available to the employee from the catastrophic leave pool (240 per catastrophe) and individual donations. Academic faculty, administrative faculty and postdoctoral scholars are ***not*** eligible to donate leave.
- **Approval for catastrophic** leave is dependent on catastrophic leave donations being available, either through the University of Nevada, Reno catastrophic ***leave pool*** or **individual donations (subject to the maximums** outlined above). ***Once an employee has*** exhausted the available catastrophic leave pool hours and individual donations received on their behalf, the affected employee will no longer be eligible for approval under this program.

- The appointing authority and UNR Human Resources Benefits department determines approval of an employee request for catastrophic leave. Intermittent leave will not be considered unless there is an immediate risk of death at the time Catastrophic Leave is requested.

An employee "aggrieved" by any decision of an appointing authority made pursuant to NRS 284.362 to 284.3626, may appeal the decision by filing a written notice of *Formal Appeal to Committee on Catastrophic Leave* form (PAY-23B) with the Committee on Catastrophic Leave within 10 days after the date of the decision.

A. Employee Request Process

To request catastrophic leave, an employee must complete a *Request To Receive Catastrophic Leave Donations* form. Catastrophic leave may be requested for the following conditions:

1. The employee is unable to perform the duties of his/her position because of a serious illness or accident which is life threatening or which will require a lengthy convalescence.
 - "Lengthy convalescence" is defined as a period of disability, which an attending physician expects to exceed 10 consecutive weeks.
 - "Life threatening" is defined as a condition, which is diagnosed by a physician as creating a substantial risk of death (NRS 284.575).
2. An immediate family member, as defined in NAC 284.562, who is suffering from a serious illness or accident which is life threatening or which will require a lengthy convalescence and the employee's attendance is required.
3. If there is a death in the employee's immediate family, as defined in NAC 284.562. The use of accrued sick leave or catastrophic leave is limited to five working days for each death unless the appointing authority approves additional time required for traveling related to the funeral arrangements.

If an employee agrees by signing an *Authorization to Release Employee Name for Catastrophic Leave* form (CAT-3) that his/her name is to be publicized, the UNR Human Resources Benefits department will solicit donations from the University, as appropriate, after approval for receipt of catastrophic leave is granted. The employee may prefer to solicit his/her own donations. Donations from classified and/or unclassified employees (NRS 284.140) of the State of Nevada employed in other departments or other state agencies will be accepted. Academic faculty, administrative faculty and postdoctoral scholars are not eligible to donate leave.

B. Approval Process

Step 1: Employee Responsibility - An employee *must* submit the following completed forms to the department leave record keeper:

- *Request to Use Catastrophic Leave* form (CAT-1)
- And*
- *Physician's Certification for Catastrophic Leave Request* form (PAY-23C)
- And*
- *Authorization to Release Employee Name for Catastrophic Leave* form (CAT-3)

Step 2: Leave Record Keeper - The department leave record keeper confirms the date that all accrued leave will be exhausted and notes it on the *Request to Use Catastrophic Leave* form. The department leave keeper then forwards the *Request to Use Catastrophic Leave* form and the *Physician's Certification for Catastrophic Leave Request* form along with the *Authorization to Release Employee Name for Catastrophic Leave* form to the employee's supervisor and the appointing authority for signature.

Step 3: Supervisor/Appointing Authority - The appointing authority has the prerogative to *not* approve a request based upon the availability of funds on grant accounts or the

employee's past leave history (UNR Administrative Manual Section 2304). If the appointing authority determines the employee is eligible to receive catastrophic leave (NRS 284.3623), the employee **continues to be paid from the same account source** (i.e. state funds, grant funds or soft money funds) **for the duration of the approved catastrophic leave**. The employee's compensation will continue to be charged to the **same** account number(s) that they were paid from prior to catastrophic leave.

The appointing authority forwards the signed (approved or not approved) *Request to Use Catastrophic Leave* form and the *Physician's Certification for Catastrophic Leave Request* form along with the *Authorization to Release Employee Name for Catastrophic Leave* form to the UNR Human Resources Benefits department.

Step 4: Catastrophic Leave Record Keeper - UNR Human Resources Benefits department evaluates the *Physician's Certification for Catastrophic Leave Request* form to determine if it meets the required catastrophic definitions (NRS 284.575 and NAC 284.575) and reviews the approved *Request to Use Catastrophic Leave* form for completeness. An appointing authority **may** require the employee to provide a second or third medical opinion if requested (NAC 284.566).

The UNR Human Resources Benefits department sends a notification to the employee informing him/her of the approval or denial and a copy is sent to the employee's appointing authority.

C. **Receipt of Leave**

Catastrophic leave will be approved in maximum increments of 6 weeks per request. An employee whose has a continuing medical condition at the end of the approval period will be required to submit a new *Request To Receive Catastrophic Leave Donations* form and an updated *Physician's Certification for Catastrophic Leave Request* form . The appointing authority **may** also request recertification at appropriate intervals during the course of the leave. An appointing authority **may** require the employee to provide a second or third medical opinion if requested (NAC 284.566).

Catastrophic leave received by an employee from an individual donation is granted **before** consideration is given to granting leave from the limited number of hours available in the campus catastrophic leave pool. Catastrophic leave received by an employee from an **individual donation** may be paid to the employee retroactively to the date the physician certifies the employee's need to be absent from work due to the serious illness; as long as the employee had not received any other form of compensation for being in a paid status for that time. Catastrophic leave received by an employee from the campus pool **cannot** be paid retroactively.

Catastrophic leave hours must not be granted to an employee after the need to take leave for a catastrophe ceases to exist or after the employee resigns or after his/her employment with the University is terminated.

Approval of a Request for **Catastrophic** Leave is subject to the availability of UNR Catastrophic Leave Pool hours and/or individual donations. A request will not be approved if an employee has exhausted the catastrophic leave pool hours available to him/her, and does not have any individual donations available at the time the *Request To Receive Catastrophic Leave Donations* form is received in good order at the Human Resources department.

D. **Appeal Process (NRS 284.3629)**

An employee who is aggrieved by a decision of the UNR Human Resources Benefits department and/or the appointing authority may appeal the decision by filing a written notice of *Formal Appeal to Committee on Catastrophic Leave* form (PAY-23-B) with the Committee on

Catastrophic Leave within 10 calendar days after the date of the decision.

An employee who wishes to appeal a decision should complete a *Formal Appeal to the Committee on Catastrophic Leave* form (PAY-23B) and submit form to the Committee on Catastrophic Leave, c/o Nevada State Department of Personnel, 209 East Musser Street, Room 101, Carson City, NV 89701.

The Committee on Catastrophic Leave will schedule a hearing within 5 calendar days after receiving notice of an appeal and will notify the employee and the campus of the hearing date. The hearing itself will be held not later than 20 calendar days after the committee received notice of an appeal.

The employee may represent himself/herself at the hearing or may be represented by an attorney or other person of the employee's choosing. The University should also have a representative present at the scheduled hearing.

The Committee on Catastrophic Leave will render a decision within 10 calendar days of the hearing. The decision of the committee is final and is *not* subject to the grievance procedure or judicial review. The decision of the Committee on Catastrophic Leave may *only* approve the use of hours and will *not* guarantee the availability of funding sources or leave donations (individual or pool) to the employee.

E. Confidentiality (NAC 284.718)

Information regarding the medical condition of an employee or his/her family member must remain confidential. This includes discussing the information with only those who have a legitimate need to know, transmitting information in a confidential envelope, and maintaining medical information in a locked file separate from the employee's personnel jacket.

If an employee wishes the University to solicit donations on their behalf, they must authorize the University to release their name to the University community by signing the *Authorization to Release Employee Name for Catastrophic Leave* form. No medical information will be released in conjunction with donation solicitation. Likewise, an employee wishing to donate to a particular employee must complete this same form for their name to be released to the receiving employee.

F. Donations (NRS 284.3621)

Annual, sick leave or banked sick leave may be donated for catastrophic leave. Donations can be made up to a *maximum* of 120 hours of annual leave or sick leave each calendar year. Sick leave balance may not fall below 240 hours as a result of such donation. There is no minimum balance requirement for annual leave donations. The minimum number of hours which may be transferred in any calendar year is 8 hours. The maximum number of hours that may be donated by a donor during a calendar year is 120 hours; this is inclusive of individual donations and donations to the campus pool.

Intended donations are documented on the *Request to Transfer Leave ("Catastrophic Leave")* form. The donor completes whether he wants his/her donation directed to a specific person or to the UNR campus pool and the type of leave he/she wishes to donate. The employee donating leave may authorize the transfer of excess hours to the general catastrophic leave pool rather than having the leave returned to their personal account.

G. Recordkeeping

Donations to a specific employee, documented on the *Request to Transfer Leave ("Catastrophic Leave")* form, must be date stamped as they are received and are used one at a time according to the date they were received. If an employee is authorized to receive leave from the UNR campus

catastrophic leave pool, that authorization and the number of hours will be documented on the *Request to Receive Catastrophic Leave Donation* form and must be signed by both the department supervisor and appointing authority or their designees.

Leave donated in excess of the amount approved for a particular employee must be returned to the individual who made the donation within 30 working days after the last day the catastrophic leave recipient was eligible to receive leave.

There is only **one** UNR catastrophic leave pool for the campus. No donations may be designated for transfer from the campus portion of the catastrophic leave pool to an employee unless the Department and the appointing authority or their designees have authorized the transfer, as evidenced by both of their signatures on the *Request to Receive Catastrophic Leave Donations* form. Unused leave from the UNR campus catastrophic leave pool must be returned to the pool.

H. Leave In Excess Of 240 Hours

The UNR Human Resources Benefits department monitors the hours an employee is on catastrophic leave. Time on catastrophic leave and leave without pay combined, in excess of 240 hours will affect the following:

- **Probationary Period** - Any leave without pay and catastrophic leave, combined, in excess of 240 hours will **not** be counted toward completion of probationary period (NAC 284.448).
- **Pay Progression Date** - An employee's pay progression date **must** also be adjusted for time on catastrophic leave and leave without pay combined, in excess of 240 hours. (NAC 284.182).
- **Longevity Pay** - An employee who is on leave without pay or catastrophic leave, or any combination of both, for the entire 6-month period of qualification is **not** entitled to longevity pay for that period (NAC 284.282).

I. LTD Coordination

The Benefits department informs employees on catastrophic leave, who are expected to be disabled for at least 6 months, of the state's long-term disability (LTD) plan and the process for submitting an application for benefits through the Public Employees' Benefits Program. An employee who has been disabled from work for 6 months or more may be eligible for benefits (up to 60% of his/her pay, adjusted for other income). An application for benefits may be submitted prior to the 6 month waiting period. LTD coverage is part of the employee's regular group health insurance plan benefit. If an employee has waived their health insurance there is no LTD insurance benefit available to the employee.

J. Worker's Compensation

An employee who is entitled to worker's compensation **and** catastrophic leave benefits may not receive more than 100% of his/her pay for the period he/she is on leave. An employee must repay the account for catastrophic leave when the **combined** benefit of catastrophic leave and worker's compensation exceeds his/her normal rate of pay (NAC 284.577).

References: NRS 284.362 – 284.3629
NAC 284.566 – 284.577
UNR Administrative Manual Section 2304

Forms: *Request to Use Catastrophic Leave* (CAT-1)
Request to Transfer Leave (CAT-2)
Authorization to Release Employee Name for Catastrophic Leave (CAT-3)
Physician's Certification for Catastrophic Leave Request (PAY-23C)
Formal Appeal to Committee on Catastrophic Leave (PAY-23-B)