



## UWM CATASTROPHIC LEAVE PROGRAM

No.: \_\_\_\_\_

Date: \_\_\_\_\_

**Authority:** Wisconsin Statutes

§36.115 <https://docs.legis.wisconsin.gov/statutes/statutes/36/115>

Board of Regents Resolution 8227

(10/06/2000) <http://web.uwsa.edu/assets/sites/ohrwd/docs/policies/rr/Resolution%208227.pdf>

University Personnel Guideline #9: Unclassified Staff Paid Vacation, Holiday, and Catastrophic Leave, <https://www.wisconsin.edu/ohrwd/download/upg/UPG09.pdf>

Wisconsin Statutes §230.35 (2r) State office hours; standard workweek; leaves of absence; holidays. <http://docs.legis.wisconsin.gov/statutes/statutes/230/II/35/2r/a>

Wisconsin Administrative Code §ER 18.15 Catastrophic

Leave, [http://docs.legis.wisconsin.gov/code/admin\\_code/er/18/15](http://docs.legis.wisconsin.gov/code/admin_code/er/18/15)

University of Wisconsin System UPS Operational Policy: Catastrophic Leave BN

5 [https://www.wisconsin.edu/personnelsystems/download/development\\_documents/ops/bn/UPS%20OP%20BN%205%20Catastrophic%20Leave.pdf](https://www.wisconsin.edu/personnelsystems/download/development_documents/ops/bn/UPS%20OP%20BN%205%20Catastrophic%20Leave.pdf)

Wisconsin Human Resources Handbook Chapter 660, Catastrophic Leave

Program, <http://oser.state.wi.us/docview.asp?docid=5373>

Initiator: Robin Van Harpen, Vice Chancellor, Finance & Administrative Affairs

**Responsible Party:** Department of Human Resources; Mark Mielenz, Department of Human Resources; Shannon E Bradbury, Department of Human Resources

**Purpose:** To establish a Catastrophic Leave Program for UWM employees, which allows employees to donate paid leave credits (other than sick or compensatory hours) to employees

with a catastrophic need at UWM or another UW institution. Leave donated for the purpose of a catastrophic illness or other medical need shall in no way assume the rights, character or benefits of sick leave.

**Policy Background:** Catastrophic leave provisions for Classified State of Wisconsin employees were created by the Wisconsin Legislature in 1997 and for Unclassified employees by the Board of Regents Resolution in 2000.

Wis. Stat. § 36.115(2) requires the Board of Regents to develop personnel systems that are separate and distinct from the personnel system under Wis. Stats. Chapter 230. Effective July 1, 2015 the Catastrophic Leave provisions of Wis. Stat §230. 35, ER 18.15 of the Wisconsin Administrative Code and the procedures established by the Office of State Employment Relations are no longer applicable to current UW System University Staff Employees. Therefore this policy and these procedures provide the framework for catastrophic leave donation and application for all University employees that hold positions with an expectation of continued employment at UWM.

## Definitions

*Catastrophic Need* means a significant financial hardship that is due to an illness, medical condition, or injury that incapacitates or is expected to incapacitate an employee or an employee's family member that requires the employee to take unpaid time off from work for an extended period of time.

*Donor* means any person meeting the eligibility requirements under the terms of this policy as set forth below.

*Family member* includes all of the following:

- Employee's legal spouse
- Employee's domestic partner as defined in Operational Policy BN 13: Domestic Partnership ([link](#))
- Children of employee or employee's spouse or domestic partner (biological, adopted, step or foster child or legal ward)
- Grandchildren of the employee or employee's spouse or domestic partner
- Parents of employee or employee's spouse or domestic partner (biological, adopted, step or foster parent or legal guardian of employee)
- Grandparents of employee or employee's spouse or domestic partner
- Brothers and sisters and the spouse or domestic partner of the brothers and sisters of the employee or the employee's spouse or domestic partner
- Aunts and uncles of the employee or the employee's spouse or domestic partner.
- Sons-in-law or daughters-in-law of the employee or the employee's spouse or domestic partner

- Other relatives of the employee or the employee's spouse or domestic partner who reside in the same household of the employee.

*Leave credits* means vacation, vacation carryover, personal holiday, accrued legal holiday/floating legal holiday and leave in a paid leave bank (ALRA/sabbatical). *Leave credits* does not include sick leave or compensatory time off credits.

*Recipient* means any person meeting the eligibility requirements under the terms of this policy as set forth below.

## **POLICY**

The Catastrophic Leave Program allows employees to donate earned paid leave credits, other than sick leave or compensatory time, to employees at UWM or to employees at a different UW institution who have a catastrophic need. Great care should be taken to protect the confidentiality and the medical status of the recipient and of the recipient's family.

### **DETERMINING RECIPIENT ELIGIBILITY**

Eligible Recipient Criteria. To be an eligible recipient an employee must satisfy *all* of the following conditions:

- a) Be an active UWM employee who earns sick leave; and
- b) Be in a University Staff, Faculty, Academic Staff or Limited Appointment. Employees in Student Hourly, Student/Graduate Assistant, Employee-in-training, or University Staff temporary appointments are not eligible to participate; and
- c) Be on an approved and unpaid leave of absence due to a catastrophic need of the employee or a family member. The unpaid leave may be taken in non-continuous increments of not less than an hour; and
- d) Submit an *Employee Request for Catastrophic Leave* (UWS-420) form to the Department of Human Resources which will determine recipient eligibility; and
- e) Have used all available sick leave credits earned under Wis. Stat. §36.30; and
- f) Have an accrued leave balance of no more than 16 hours of combined earned vacation, vacation carryover, personal holiday and banked vacation (sabbatical/ALRA); and
- g) Not be receiving other salary replacement income. Salary replacement income may include, but is not limited to:

- Replacement income from other employment
- Income Continuation Insurance
- Worker's Compensation
- Hazardous duty benefits under Operational Policy GEN 12: Hazardous Employment Benefits
- Unemployment Insurance
- Social Security
- Private insurance

h) Be approved as an eligible recipient by the Chancellor's Designee.

Required Recipient Forms. A potential recipient must complete an *Employee Request for Catastrophic Leave* (UWS 420) form.

The Chancellor's Designee will determine recipient eligibility consistent with this policy. The Chancellor's Designee will complete an *Employer Approval of Catastrophic Leave* (UWS 421) form.

#### DETERMINING DONOR ELIGIBILITY

Eligible Donor Criteria. To be an eligible donor an employee must:

- a) Complete a *Catastrophic Leave Donor Authorization* (UWS 422) form; and
- b) Be an actively employed in a University Staff, Faculty, Academic Staff or Limited Appointment and have accrued leave credits available for donation.

#### LEAVE CREDIT DONATION

UWM will maintain documentation to support leave use and adjustments made to leave balances.

Donated leave credits will be deducted from the donor's official leave accounting balance when donated. It will not be returned, but there is no limit on the number of accrued hours a donor may donate. A donor may donate as often as desired.

Donated leave credits are not subject to carry over. They must be donated before the leave expiration date.

Eligible recipients may receive any type of eligible leave donation; e.g. a donor may have donated personal holiday, and it may be used by a faculty member that does not otherwise earn personal holiday.

Leave credits shall be donated in whole-hour increments and will be used in increments not less than a whole hour, up to the percentage of the employee's position.

A donor may also donate leave credits to any eligible recipient at another UW institution. That donation will be administered according to the policies of the receiving institution.

## LEAVE CREDIT USAGE

Donated leave credits will be given to the recipient only after a catastrophic leave has been approved and notice received by the Department of Human Resources.

There is no limit to the number of donated leave credits a recipient may receive subject to the following:

- a) A recipient may only use the value of donated hours consistent with his or her regularly scheduled hours of work at the time the unpaid leave began. "Regularly scheduled hours" does not include overtime hours or time worked in excess the appointment percentage. The exception is if the recipient was working a reduced schedule because of the catastrophic need, he or she may use the donated leave credits up to the regular appointment hours or regular appointment percentage.
- b) Donated leave credits may be used retroactively. If the recipient leaves the position and is no longer eligible, the donated leave credits may be used up to the date of the ineligibility or termination.
- c) Donated leave credits will be used on a first-in/first-out basis, as determined by the date of receipt of the *Catastrophic Leave Donor Authorization* (UWS 422) in the Department of Human Resources.
- d) Leave credits earned while using donated leave credits will be used prior to the donated leave credits.
- e) If a Legal Holiday falls within a pay period where a recipient is using paid leave credits, the employee is eligible for legal holiday pay according to Personal Holiday and Legal Holiday Administration, BN  
[2 https://www.wisconsin.edu/personnelsystems/download/development\\_documents/ops/bn/UPS%20OP%20BN%202%20Personal%20Holiday%20and%20Legal%20Holiday%20Administration.pdf](https://www.wisconsin.edu/personnelsystems/download/development_documents/ops/bn/UPS%20OP%20BN%202%20Personal%20Holiday%20and%20Legal%20Holiday%20Administration.pdf).
- f) Leave donated under the Catastrophic Leave Program may be used to meet Income Continuation Insurance (ICI) elimination period. Once the ICI elimination period is met and the recipient is eligible to receive ICI benefits, no more donated leave may be used. At no time may payments received under the Catastrophic Leave Program and the ICI program (or any other state-sponsored income replacement program) be collected simultaneously.

- g) Donated leave credits will not be reflected on the recipient's official leave accounting balance until the pay period in which the credits are actually used by the recipient.
- h) Donated leave credits will no longer continue to be transferred to the recipient once the recipient is no longer covered by the catastrophic leave provisions.

When a recipient is using donated leave credits to remain on payroll, benefit deductions should continue to be deducted from pay. **Donated leave credits cannot be used intermittently to extend the employer's contribution towards benefits.**

Decisions relative to the Catastrophic Leave Program are not grievable. Shared governance bodies may establish separate appeals procedures.

### **Contact Information**

For information about the operation of this policy, contact the Personnel Representative for your respective School, College, Division or Department, or the Department of Human Resources.