



## NICHOLLS STATE UNIVERSITY

### Crisis Leave Pool

#### Policy and Procedure for Classified and Unclassified Employees Who Are Eligible to Earn Annual Leave

##### Authorization

The Crisis Leave Program is established and approved by the State Civil Service Commission, in accordance with Civil Service Rule 11.34, Crisis Leave Pool.

##### Purpose and Intent

This policy and procedure outlines the method for participating in the Crisis Leave Program for classified and unclassified employees who are eligible to earn annual leave. The Program's intent is to provide assistance to employees who, through no fault of their own, have insufficient appropriate accrued leave to cover the crisis leave period.

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#### CRISIS LEAVE POLICY

The Crisis Leave Program is a means of providing paid leave to an eligible employee who has experienced a catastrophic illness or injury to themselves or eligible family member. An employee using leave from a crisis leave pool shall receive leave in sufficient quantity to ensure his/her wage replacement is 75% of the pay he would receive in regularly scheduled work week. The Crisis Leave Pool consists of leave hours donated and used, and is based on the fiscal year, July 1<sup>st</sup> – June 30<sup>th</sup> of the following year.

##### **A. Definitions**

1. **Crisis Leave** – annual leave hours donated by classified and unclassified employees who are eligible to earn annual leave, into a crisis leave pool to be used by fellow employees who are suffering from their own **serious** illness or injury or having to provide care for an eligible family member that is suffering from their own catastrophic illness or injury, which will cause the employee to take leave without pay or terminate employment. Employees may make an irrevocable donation of accrued annual leave to the crisis leave pool.
2. **Crisis Leave Value** – annual leave granted as crisis leave shall not exceed 75% of the employee's pay received in a regular workweek.
3. **Serious Health Condition** (Family Medical Leave Act) – is an illness, impairment, physical or mental condition, or injury caused by a serious accident on or off the job that involves:
  - a) any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;

- b) any period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days, that also involves continuing treatment by (or under supervision of) a health care provider;
- c) continuing treatment by (or under supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.

Voluntary or cosmetic treatments (such as most treatment for orthodontia or acne) that are not medically necessary are **NOT** "serious health conditions", unless inpatient hospital care is required. Restorative dental surgery after an accident, or removal of cancerous growths are serious health conditions provided any of the other conditions above are met (a, b, or c). Treatment for allergies or stress, or for substance abuse, are serious health conditions if any of the other conditions are met above (a, b, or c). Prenatal care is included as a serious health condition. Routine preventive physical examinations are excluded.

4. **Licensed Medical Service Provider (LMSP)** - a practitioner, as defined in the Louisiana State Licensing Law, who is practicing within the scope of his or her license. This includes licensed physicians (doctor of medicine), doctor of osteopathy or licensed chiropractors, counselors, or therapists as recognized and licensed by the appropriate state boards or authorities.
5. **Eligible employee** – an employee of Nicholls State University who is eligible to earn annual leave in accordance with University policy and procedure. Classified employees must have attained permanent status to be eligible to donate or use leave from the leave pool. Unclassified employees must have at least one year (12 months) of service with the University to donate or use leave from the leave pool.
6. **Eligible family member** – In accordance with the Family Medical Leave Act, an employee's spouse, children (son or daughter), and parents are immediate family members. The term "parent" does not include a parent "in-law". The terms son or daughter do not include individuals age 18 or over unless they are "incapable of self-care" because of mental or physical disability that limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).

## **B. Crisis Leave for Employees**

1. Crisis Leave shall be applied for by the employee and may be taken only when recommended by the Review Committee and approved by the University President or his/her designee. The supervising LMSP must provide written documentation of the need for leave. The Review Committee may choose to require an opinion from another provider, especially for extended leaves.
2. To be eligible to participate in the Crisis Leave Program, an employee shall:

- a. be a full-time employee who is eligible to earn annual leave according to University leave policy and procedure,
  - b. have attained permanent status (classified employees), or one year of service (unclassified employees), to be eligible to donate or use leave from the leave pool,
  - c. have exhausted all appropriate accrued leave (annual or sick or compensatory) before requesting crisis leave from the pool,
  - d. have exhibited satisfactory attendance (with no history of leave abuse), and is not absent from work due to disciplinary reasons,
  - e. have a serious illness or injury that is not occupationally related (not eligible for coverage by workers' compensation) or was not attained in the commission of an assault or felony,
  - f. have an eligible family member suffering from a serious illness or injury,
  - g. provide the appropriate documentation from LMSP.
3. Leave donating participants shall retain three (3) days of accrued annual leave at all times for personal use. Employees shall not be permitted to donate to the Program if they have fewer than 3 days (24 hours) of annual leave. No employee who participates in the Program may contribute more than thirty (30) days (240 hours) of their accrued annual leave each fiscal year.
  4. Employees who use annual leave from the Crisis Leave Pool shall not be expected to pay it back. Donations to the pool are irrevocable.
  5. Donations to the Crisis Leave Pool come from a participating employee's "annual" leave only. Accrued "sick" and "compensatory" leave donations to the Crisis Leave Program are not permitted.
  6. Donations shall only be allowed to the Crisis Leave Program pool and not to an individual participating employee.
  7. Nicholls State University limits the number of days a participating employee or employees can draw from the Crisis Leave Pool to **30 days (240 hours) per fiscal year**, and is limited to **100 days (800 hours)** per employee for total participation in the Crisis Leave Program.
  8. Days/hours shall be transferred from the pool as they are used.
  9. Employees receiving workers' compensation or benefits from a long-term disability insurance policy are not eligible to withdraw leave from the pool.
  10. Unclassified employees may draw only from one of the pools (Crisis Leave Pool or Shared Sick Leave Pool) per fiscal year.

### CRISIS LEAVE PROCEDURE

1. The adoption of this Crisis Leave Program or any other subsequent amendment to this policy shall not create a legal entitlement. No employee will be coerced or pressured in any form or

manner to donate leave.

2. There must be a leave balance in the Crisis Leave Pool in order for an employee to receive donated leave. No leave will be advanced in anticipation of additional donations.
3. A Review Committee, appointed by the University President, shall consist of two (2) classified employees, two (2) unclassified employees, and two (2) faculty members, the Director of Human Resources (1), and the Payroll Supervisor (ex-officio). Committee members will serve two year appointments. The Director of Human Resources will serve as chair of the committee and will vote only in the case of a tie. The members appointed shall be eligible for participation in the Program if they meet all required criteria. In order for the committee to review a request, 4 members and the Director of Human Resources must be present for the review. The Committee will act to support the administration of the Program, review the pool, and when not otherwise specified in written policy, may recommend operational guidelines and procedures for the Program.
4. The Crisis Leave Policy along with the Leave Donation Form (Attachment 1) will be issued to all eligible employees after the policy is approved by the Board of Supervisors for the University of Louisiana System and the Civil Service Commission. After initial policy notification, the policy and donation of leave forms will be issued. All leave donation forms will be routed directly to the Payroll Office.
5. To donate leave to the pool:
  - a) Forward the Leave Pool Donation Form (LP1) directly to the Payroll Office.
6. To apply for crisis leave through the pool:
  - a) Forward the Application for Use of Leave Pool Hours (LP2) and all relevant documentation directly to the Director of Human Resources. (Supporting documentation must be submitted to the Director of Human Resources at the time of application.)
  - b) As committee chair, the Director of Human Resources will inform committee members of an upcoming review and schedule the review meeting.
  - c) The Review Committee reviews the application and documentation and makes a decision to approve or deny the request.
  - d) The Director of Human Resources will notify the employee in writing of the committee's decision to approve or deny the request. A copy of the notification will be sent to the employee's immediate supervisor, the Payroll Office, and the university president.
6. Upon approval, to simplify record keeping, annual leave will be converted on an hour for hours basis regardless of the value of the annual leave being donated or received. Annual leave will be transferred from the pool as it is needed on a per payroll basis. Annual leave from the pool shall be granted on a first-come, first-served basis.
7. The granting of crisis leave is meant to cover only the circumstance for which it was requested. If changes occur in the nature or severity of an approved illness or injury, or of any other factor(s) on which the approval was based, the employee may have to provide documentation describing the change to the Review Committee. An employee can request more crisis leave subject to the limits outlined in this policy; however, extensions of crisis leave are not automatic. Hours granted

from the Crisis Leave Pool may be used only for reasons stipulated in the request.

**THE USE OF LEAVE THAT IS NOT IN ACCORDANCE WITH PROCEDURES AND REQUIREMENTS OUTLINED IN THIS POLICY MAY CONSTITUTE PAYROLL FRAUD AND WILL BE DEALT WITH ACCORDINGLY.**

8. The value of the annual leave granted as crisis leave shall not exceed 75% of the employee's pay received in a regular workweek. (Example: If in a crisis leave status for a 40 hours work week, the employee will report 30 hours of leave with pay and 10 hours of leave without pay.)

An employee in crisis leave status will be considered in partial paid leave status and will continue to receive benefits as appropriate. Employees on crisis leave **will not** accrue paid leave.

9. If the University chooses to end the Crisis Leave Program, any accrued leave in the pool will continue to be used until depleted.