

# California State University, Fresno

## CATASTROPHIC LEAVE DONATION PROGRAM (CLDP)

The Catastrophic Leave Donation Program (CLDP) allows for the donation and receipt of vacation and sick leave credits between all eligible University employees. An employee who has a catastrophic illness or injury and has exhausted all leave credits normally available to cover the required absence from work may use donated leave. The CLDP program also allows participation in the program if an employee needs to be absent from work due to a catastrophic illness or injury of an immediate family member.

### Definition of Catastrophic Illness or Injury:

A catastrophic illness or injury is defined as one which has **totally incapacitated** an employee's ability to work. Generally, if medical substantiation indicates that the condition causes inability to work for an extended period of time, the condition can be considered catastrophic. Chronic condition such as cancer, AIDS, and residual effects of a stroke, may be considered catastrophic, even if the condition results in only intermittent absences. The University will determine each situation on a case by case basis. Conditions which are short-term in nature (i.e. flu, measles, common illnesses, common injuries, etc.) are not considered catastrophic.

This definition also includes the incapacitated condition of immediate family members if any employee is required to take an extended period of time off from work in order to care for the family member.

### Eligibility to Donate:

Any university employee who accrues sick leave and/or vacation may donate leave credits to other employees, regardless of bargaining unit representation. Leave credits may be donated up to the stipulated allotments governed by the donating employee's collective bargaining agreement or CSU policy.

### Eligibility to Receive Donations:

Any university employee who accrues vacation and/or sick leave may receive donations if he/she has a catastrophic illness or injury and has exhausted all sick leave, vacation, compensatory time off (CTO), and personal holiday available for use.

### Donations:

Only sick leave and vacation credits may be donated, CTO may not be donated. *For catastrophic leave related to family care, only vacation credits may be donated.* The maximum number of hours to be donated by any eligible employee is governed by the employee's collective bargaining agreement, or for non-covered employees, by CSU policy. Leave credits can only be donated in increments of one hour or more. The annual maximum donation is per fiscal year (July 1 – June 30). The fiscal year of donation is determined by the date of donation regardless of when the credits are actually used by the recipient employee. Donations that are accepted are

irrevocable. Leave pledged but not used by the recipient employee will not be forfeited by the donor. Donated leave shall be used in the order it is donated. All donated leave is confidential. Employees wishing to donate credits may do so by completing a Catastrophic Leave Donation form and returning it to the designated campus union representative who is soliciting on behalf of the recipient employee.

### Use of Donated Leave Credits:

CLDP is used to bring an employee's salary up to full pay. In no case may an employee receive more than full pay because of leave donations. Leave credits will be deemed donated when the donation is pledged. Employees continue to accrue leave (sick and/or vacation) credits while on catastrophic leave. Accruals must be used as they are earned before any donated leave is used. For temporary employees whose appointments have not been renewed, donated leave may not be used beyond the last day of the appointment.

### Length of Participation in the Program:

The total donated leave credits shall not exceed an amount necessary to continue the employee for three (3) calendar months calculated from the first day of catastrophic leave. Approval to extend catastrophic leave can be approved by The President or his designee (with concurrence from the department manager) for an additional three-month period in exceptional cases.

### Supplementation with other Disability Benefits:

The purpose of CLDP is to supplement any disability benefits for which an employee is eligible. Therefore, if an employee is eligible to receive other disability benefits such as Nonindustrial Disability Insurance (NDI), Industrial Disability Leave (IDL), or Worker's Compensation temporary Disability (TD), CLDP can be used to supplement these benefits. Supplementation refers to the use of donated leave credits to augment an employee's disability benefits, so he/she may receive his/her regular full net pay. *All available leave credits for the recipient employee (vacation, CTO, personal holiday, and sick leave) must be exhausted before CLDP may be used as supplementation.*

## Family Care CLDP

CLDP may also be used in cases when an employee must take an extended period of time off from work to care for an incapacitated member of his/her immediate family. Eligible employees must exhaust all accrued vacation, CTO, personal holiday, and sick time allowed for family care (see respective collective bargaining agreement or CSU Policy for limitations on sick leave use for family care). Academic employees who do not accrue vacation may still receive donated vacation credits for family care. **Only vacation credits may be donated for use in CDLP cases associated with family care.**

The definition of "immediate family" is specific to each collective bargaining agreement. The definition used for determining eligibility will be based on definition used in the sick leave provisions of the recipient employee's collective bargaining agreement. For non-covered employees or where the agreement does not define "immediate family" the definition shall be: any close relatives or other persons residing in the employee's immediate household, except domestic employees, roomers, and roommates.

## Program Participation Procedures

To participate, an employee must complete the California State University, Fresno Catastrophic Leave Donation Program and/or Nonindustrial Disability (NDI) Option form. To apply for participation in CDLP, the employee must make an appointment with the Benefits Office by calling 278-2155 to complete the CLDP forms. The form must be signed by the recipient employee (or a family member if the employee is unable to sign) and returned to the Benefits Office.

Medical substantiation from the treating physician for the employee or the employee's family member must also be submitted with the form to the Benefits Office. The medical substantiation should indicate a need for a leave, not a diagnosis of the medical condition, and an estimate of the duration of the employee's absence.

The Benefits Office will review and approve or deny requests. If a request for participation in the CDLP is denied, the Benefits Office will notify the employee in writing.

Once the employee's participation has been approved, the Benefits Office will notify the Payroll Office and the

appropriate campus union representative that the employee has applied and been approved for participation in CDLP. The solicitation for donations will begin after the union representative receives the amount of time needed for the employee from the Payroll Office.

The campus union representative is responsible for gathering all donation forms, tallying the hours needed, and sending the donation forms to the Payroll Office in a complete package. There shall be no hours submitted to Payroll that is in excess of what is needed.

For non-represented employees, an employee within the recipient employee's department will be identified to serve as the representative for the employee and complete all necessary tasks assigned normally to the campus union representative.

## Service Credit toward Retirement, Seniority Points, and MSA's:

In most cases, an employee will earn service credit toward retirement, seniority points, and merit salary adjustments while on catastrophic leave. All employees should review the respective collective bargaining agreements for specific information. Non-covered employees should refer to CSU Policy.

### Service Credit toward Permanent Status:

Donated leave is treated in the same manner as paid sick leave in determining service credit toward permanency. An employee's probationary period is extended for periods of paid sick leave in excess of 30 days.

## Eligibility of Faculty Early Retirement Program (FERP) Participants

FERP participants may donate credit at any time, even during their schedule off-work period if the faculty member is expected to return to work the following academic term. However, they may receive and use donations only during scheduled work periods. If the illness/injury begins during an off-work period and extends into a scheduled work period, the faculty member may request participation in the CDLP. If approved, the same length of participation as covered in this document will apply, but may not be extended farther than the academic term the faculty member is in work status.

***This is only a summary of the Catastrophic Leave Donation Program. There are other specifics that may apply to an individual employee that have not been addressed. If you need additional information or have questions regarding your specific situation, contact the Human Resources at (559) 278-2032.***