Catastrophic Leave – Policy and General Procedures

Purpose: Catastrophic (CAT) leave is available to classified employees who have used all of their sick leave, annual leave, and compensatory time. An employee or employee’s immediate family member must have a serious illness or accident which is life threatening or which will require a lengthy convalescence to receive catastrophic leave. This policy is in accordance with Nevada Revised Statutes (NRS) 284.362 to NRS 284.3629, inclusive, Nevada Administrative Code (NAC) 284.575 to 284.5775, inclusive, and UNR Administrative Manual Section 2304.

A. 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.

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.
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.

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.

B. Approval Process and Responsibilities

Step 1: Employee - An employee must submit Request to Use Catastrophic Leave form (CAT-1) to the department leave record keeper.

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 and gives the employee a copy of Physician’s Certification for Catastrophic Leave Request (PAY-23C) to be returned to the BCN Benefits department upon completion. The department leave keeper then forwards the Request to Use Catastrophic Leave form to the employee’s supervisor and the appointing authority for signatures.

The department leave keeper is responsible for accounting leave hours accurately and notifying the employee and BCN Benefits department of the correct balances.

The department leave keeper is responsible for notifying the employee and BCN Benefits two weeks prior an anticipated CAT leave hours end date.

Step 3: Supervisor/Appointing Authority - The appointing authority has the prerogative to not approve a request based upon the availability of funds on grant and soft money accounts or the employee’s past leave history in accordance with NAC 284.576.
If the appointing authority determines the employee is eligible to receive catastrophic leave, the employee’s compensation will continue to be charged to their department’s 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 to the BCN Benefits department.

**Step 4: Physician’s Certification** – Employee is required to submit a fully completed Physician’s Certification for Catastrophic Leave Request (PAY-23C) to BCN Benefits department within 15 calendar days of submitting the Request to Use Catastrophic Leave. An appointing authority may require the employee to provide a second or third medical opinion.

An employee who has been granted CAT Leave for a continuing medical condition will be required to submit a new Request To Receive Catastrophic Leave form and an updated Physician’s Certification for Catastrophic Leave Request form at the expiration of the approval period or every 12 weeks, whichever occurs first. Employee must have CAT leave hours available at the time of re-certification. Employer may request a new re-certification for continuing medical conditions at any time.

**Step 5: Catastrophic Leave Record Keeper** - BCN Benefits department evaluates the Physician’s Certification for Catastrophic Leave Request form to determine if it meets the required catastrophic definitions. The appointing authority and BCN Benefits department determine eligibility and confirms the approval/denial with the employee.

The BCN 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.

If the employee is approved for catastrophic leave the following will apply:

- If an employee’s leave of absence is for an FMLA-qualifying event and the employee is eligible for FMLA, they must submit the necessary FMLA leave forms and comply with FMLA requirements.
- Catastrophic leave is used in full-day increments.
  - Intermittent leave may be approved only in rare situations when 1) intermittent leave is required for on-going treatment of life threatening conditions, and 2) a treatment schedule is known and submitted in advance.
  - Approval period for catastrophic leave will expire 1) on a final date certified in the medical documentation, 2) 12 weeks after the previous certification OR once CAT leave hours are exhausted, whichever occurs sooner.
  - The employee must provide a medical release to BCN Benefits department at least two business days prior to being allowed to return to work.

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 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.

**C. Receipt of Leave**

- An employee on approved catastrophic leave may be granted up to 240 paid hours per incident from general campus leave pool, dependent on catastrophic leave donations and department funding being available and is subject to the maximum amounts outlined below.
  - An employee can receive individual donations from any of the State of Nevada Classified Employees to continue to be in paid status up to 1,040 hours maximum per calendar year (including the initial 240 hours). Academic faculty, administrative faculty and postdoctoral scholars are not eligible to donate leave.
  - Employees who are working less than 1.0 FTE will receive a prorated amount of 240 hours per incident from the campus pool and pro rata of 1,040 maximum hours allowed for CAT leave for a calendar year.
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.

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 this program.

Catastrophic leave hours may 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.

D. 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.

E. 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. The minimum number of hours which may be transferred in any calendar year is 8 hours.

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.

F. 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.

G. Leave In Excess Of 240 Hours

The BCN 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).

H. **Long term disability and PERS disability retirement**

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.

I. **Workers’ Compensation**

An employee who is entitled to workers’ 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 workers’ compensation exceeds his/her normal rate of pay (NAC 284.577).

J. **Americans with Disabilities Act (ADA)**

An employee has the right to request certain reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) if he/she is unable to perform the essential functions of his or her job. Please contact Denise Cordova at (775) 628-6708 in the Equal Opportunity and Title IX office to make a formal inquiry regarding possible ADA accommodations.

**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)  
*Physician’s Certification for Catastrophic Leave Request* (PAY-23C)  
*Medical Release to Return to Work*  
*Formal Appeal to Committee on Catastrophic Leave* (PAY-23-B)