

## **Crisis Leave Policy**

### **Employment Policies**

Approved: 07/18/2017

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#### **PURPOSE**

The purpose of *Crisis Leave* is to provide additional paid leave for employees who have exhausted their accrued sick, vacation, personal and compensatory leave benefits as the result of their own serious medical condition as defined by FMLA or the need to care for a spouse (husband or wife for purposes of marriage as defined by Missouri law, including common law marriage to the extent permitted by Missouri law), child (biological, adopted, foster child, stepchild, legal ward, or a child of a person standing in place of a parent, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability) or parent (biological parent or an individual who stands or stood in place of a parent to you when you were a son or daughter) who is suffering from a serious medical condition. *Crisis Leave* serves as a depository into which employees may voluntarily contribute leave for allocation to other employees. The purpose is not to provide unlimited sick leave for any medical reason.

#### **SCOPE**

This policy applies to all full-time and part-time benefit eligible faculty and staff in a leave-earning position.

#### **POLICY**

Employees may voluntarily donate accumulated sick and vacation leave hours for *Crisis Leave* to aid other employees who are unable to work due to a serious medical condition. Employees may donate leave at their individual pay rates and the recipient is credited with sick leave at his/her individual pay rate. Therefore, crisis leave will be paid at the receiving employee's rate of pay. Departmental budgets will continue to be charged for an employee's salary while they are using hours from crisis leave.

Employees on crisis leave do not accrue sick time or vacation time but will continue to receive MWSU benefits as appropriate. Since the employee is not considered to be in a paid leave status, Missouri Western's policy for benefits is Missouri Western will maintain employer paid medical, dental, vision, life and LTD benefits while you are on paid or unpaid FMLA leave. Other benefits are not maintained at Missouri Western's expense during unpaid FMLA leaves. The use of leave from Crisis Leave that is not in accordance with procedures and requirements outlined in the policy may constitute fraud and will be dealt with accordingly.

Any receipt of donated leave time from *Crisis Leave* must be approved by the Human Resources Benefits Coordinator.

#### A. Eligibility to Receive *Crisis Leave*

Faculty and staff may request *Crisis Leave* as follows:

1. Requesting employee must have exhausted all of his or her own sick, vacation, personal, compensatory time (as it relates to non-exempt employees) and not be receiving short or long term disability.
2. Requesting employee may apply for his/her own serious medical condition or for a certifiable medical condition of an immediate family member, defined as:
  - a. Illness or injury of employee's spouse
  - b. Illness or injury of employee's children
  - c. Illness or injury of employee's parent or parents

3. Requesting employee must have worked at least one year continuously and 1,250 hours in a benefit eligible position from his/her date of hire to apply for *Crisis Leave* benefits.
4. The maximum amount of *Crisis Leave* benefits accessible to a (full-time/part-time) recipient cannot exceed 150 hours (approximately 20 days and prorated for part-time) in a rolling twelve (12) month period beginning with the date of the recipient's first *Crisis Leave* Request for Donation form.
5. If an employee receives a medical release to return to work prior to using all hours granted, the unused balance of hours will not be paid to the employee and will be returned to the *Crisis Leave* bank.
6. If intermittent treatment is required, unused approved *Crisis Leave* benefits may be provided on an as-needed basis.
7. The estate of a deceased employee approved for *Crisis Leave* is not entitled to payment for approved unused *Crisis Leave* hours.
8. *Crisis Leave* hours may not be converted to cash.
9. Employees may not solicit or request other employees make donations to *Crisis Leave* on behalf of themselves or other employees.
10. In the event that there is no donated *Crisis Leave* available, no *Crisis Leave* will be distributed until more hours are deposited. If insufficient balances are experienced, Human Resources may send a communication to faculty and staff indicating such a need but may not under any circumstances coerce, or tolerate anyone coercing, an employee(s) to contribute leave time.
11. Requesting employee does not have to donate to *Crisis Leave* in order to receive donations from *Crisis Leave* nor do they have to have donated in the past.
12. Employees who use leave from *Crisis Leave* are not required to pay the *Crisis Leave* back for leave used.
13. Donated time will be available for use by the recipient in accordance with regular payroll procedures and deadlines.
14. Employees who are off work due to a workers' compensation illness or injury are not eligible to receive leave from the *Crisis Leave*.  
  
Employees who utilize the maximum amount of approved *Crisis Leave* benefits must return to work for six continuous months following their last day of use of the donated time before they are eligible to apply for additional benefits from *Crisis Leave*.
15. Employees receiving a medical release for return to work on a part-time basis (i.e., fewer hours per day per week than the regular work schedule), may continue to use approved donated leave for the balance of the regular work schedule until medically released for full duty.

#### B. Eligibility to Donate *Crisis Leave*

Faculty and staff may donate leave as follows:

1. The donation of leave is strictly voluntary. No employee shall be coerced into donating leave time.

2. A contributor may not designate a particular employee to receive the donation.
3. Time must be donated in whole hours.
4. The maximum number of hours that an employee may donate during any rolling 12-month period is 40 hours.
5. Donated sick leave hours are no longer reportable towards MOSERS retirement benefits upon retirement, voluntary resignation or other separation from employment.
6. An employee is not eligible to donate to *Crisis Leave* upon separation, or within six months of planned separation, from the University.
7. A contributor must have a minimum balance of 240 sick leave hours (approximately 30 days) in their own sick leave balance at time of donation. Vacation does not require a minimum balance to donate.
8. The contributor's identity will remain confidential, unless he/she chooses to self-identify.

## **PROCEDURES**

### **A. To Request Leave**

1. An employee or their designee requesting leave from *Crisis Leave* will download, print and complete an application form available on the Human Resources web page and submit to the Human Resources Benefits Coordinator.
2. The application must be accompanied by a FMLA application or a FMLA application must already be on file with Human Resources.
3. The application form may be submitted up to 30 days in advance of need.

### **B. To Donate Leave**

1. An employee wishing to donate leave to *Crisis Leave* will download, print and complete a donation form available on the Human Resources web page and submit the form to the Human Resources Benefits Coordinator.
2. After receiving a Donation form, the Human Resources office will verify the employee's eligibility and status, including current accumulated sick (faculty and staff), and vacation (staff only) time.
3. Human Resources will hold an annual open enrollment period to allow employees to donate leave. This enrollment period will be held annually to coincide with the annual Benefits Open Enrollment period. Unused leave days will be carried over to the next donation year. If needed, Human Resources can request a Special Contribution Period where employees may be asked to voluntarily contribute additional hours of *Crisis Leave* if *Crisis Leave* needs to be replenished between Open Enrollment periods. There will be no other donation periods. The maximum amount of *Crisis Leave* that may be donated at any given time may have a value of no more than \$20,000. If hours are at this level during the normal annual donation period, no annual donation period will be held.

An employee's donated sick and/or vacation leave hours will immediately reduce the employee's sick and/or vacation leave accrual.

#### C. Leave Approval

1. After receiving a Crisis Leave Request form, the Human Resources Benefits Coordinator, to maintain confidentiality, will verify the employee's eligibility and status, including current accumulated sick (faculty and staff), vacation (staff only), personal (staff only), compensatory time (non-exempt staff only) leave balances.
2. The Human Resources Benefits Coordinator will provide the employee a decision within five (5) business days of receipt of the application.
3. If the application is approved, the Human Resources and Payroll offices will apply the hours from the University's *Crisis Leave* to the employee's payroll on a payroll period basis.

#### D. *Crisis Leave* Appeals

1. Applicants may appeal denials made by the Human Resources Benefits Coordinator by submitting a written appeal to the Human Resources Director within 10 working days of the receipt of the denial.
2. The Human Resources Director's response shall be in writing to the applicant and shall be provided within seven working days of the date of the appeal. The decision of the Human Resources Director is final.

### **CRISIS LEAVE OVERSIGHT COMMITTEE**

1. The Human Resources Benefits Coordinator will review forms and language periodically for any needed revisions or updates.
2. The Human Resources Benefits Coordinator will provide an end of year report of activity and the amount of accumulated hours in the *Crisis Leave* to the President's Cabinet. The following must be included as a part of the Annual Report:
  - a. Number of full-time equivalent (FTE) sick and vacation leave hours donated to the *Crisis Leave*;
  - b. Number of full-time equivalent (FTE) hours granted from the *Crisis Leave*;
  - c. Dollar value of hours donated based on the salary of the donor;
  - d. Dollar value of hours used based on the salary of the recipient; and
  - e. Number of full-time equivalent (FTE) hours of *Crisis Leave* at the end of the year to roll over.

#### **Points of Contact**

Questions and/or concerns with the *Crisis Leave* program should be addressed to Human Resources.

Revisions or changes must be brought to the Staff Association Salary & Fringe Committee and to the Faculty Senate Fringe Benefits Committee for approval.

Reference: Family and Medical Leave Act (FMLA) of 1993