



## **THE CITY UNIVERSITY OF NEW YORK THE CATASTROPHIC SICK LEAVE BANK PROGRAM**

### **The Catastrophic Sick Leave Bank Program**

#### **I. Program Description**

The Catastrophic Sick Leave Bank ("CSLB") is a pool of sick leave and annual leave voluntarily donated by individuals who are employed full-time on an annual salary basis for potential use as sick leave by eligible full-time employees who are also donors to the bank. Eligible recipients may receive up to ninety (90) days of paid CSLB leave in any one (1) program year (September 1 – August 31). CSLB leave may be approved in increments not to exceed one (1) month. The Catastrophic Sick Leave Bank will be administered centrally by the University's Office of Shared Services.

#### **II. Criteria for Recipient Eligibility**

1. An employee must be in a full-time title employed on an annual salary basis and have at least two (2) years of continuous full-time service with the University. Those employed in substitute titles with no underlying regular annual appointment are not eligible to receive donated leave.
2. Employees must have donated at least one (1) day of sick leave or annual leave for the program year in which leave is needed.
3. An employee's illness or injury must not be job-related and must require an absence of at least thirty (30) continuous working days. Absence due to illness or injury must be supported by medical documentation acceptable to the University Office of Shared Services. The University Office of Shared Services will determine whether requests by eligible employees to receive leave from the Catastrophic Sick Leave Bank will be approved, based solely upon the nature and severity of the illness or injury. An employee whose request has been denied may appeal in writing to CUNY's Appeals Panel, as set forth in Section VI. 3. below.
4. All annual leave, sick leave, compensatory time balances, and sick leave advancements, to the extent applicable, must have been exhausted.
5. CSLB leave may not be used to supplement or supplant income benefits under any applicable collectively bargained or union provided short-term or long-term disability program. If the employee has already received income benefits under any applicable union provided short-term or long-term disability program, those benefits must be reimbursed.

6. The number of hours that comprise a day for the recipient is determined by the title of the recipient.
7. (a) The time that an employee is on a paid parental leave, paid Family and Medical Leave Act ("FMLA") leave, paid Fellowship leave, or any other applicable paid leave will count towards service in calculating whether the employee has met the two (2) years of full-time continuous CUNY service required for recipient eligibility.  
  
 (b) The time that an employee is on an unpaid child care leave, unpaid Family and Medical Leave Act ("FMLA") leave, or on a Scholar Incentive Award leave will serve to bridge service which immediately precedes and follows such leave in calculating whether the employee has met the two (2) years of full-time continuous CUNY service required for recipient eligibility.
8. The University Office of Shared Services may deny a prospective recipient's request to use CSLB leave if he/she is on a disciplinary suspension.
9. In the event that an employee is deemed eligible to receive donated leave from the Dedicated Sick Leave Program (DSL) and the Catastrophic Sick Leave Bank Program (CSLB), such usage shall not exceed a combined total of 160 DSL and CSLB days in any program year.

### **III. Criteria for Donating Leave**

An employee who wishes to donate annual leave and/or sick leave to the Catastrophic Sick Leave Bank must meet the following criteria:

1. The employee must be in a full-time title, employed on an annual salary basis.
2. Donations must be made in increments of one (1) day, with a minimum donation of one (1) day of annual leave or sick leave per program year. The number of hours that comprise a day for the donor is determined by the title of the donor.
3. Employees with fewer than five (5) years of full-time continuous CUNY service may donate only annual leave. There is no minimum length of service required to donate annual leave and no cap on the amount that may be donated. Employees with five (5) or more years of full-time continuous CUNY service may donate annual leave (without limitation) and/or sick leave up to ten (10) sick leave days per program year. In order to donate sick leave, an employee must maintain a sick leave balance of at least twenty-four (24) days. Please note that as set forth in Section IV. 12. (Program Requirements) of the CSLB Program, CUNY reserves the right to limit the number of CSLB days employees are allowed to donate to the bank per program year and/or the number of donated CSLB days that may be kept on reserve in the bank.

4. (a) The time that an employee is on a paid parental leave, paid Family and Medical Leave Act ("FMLA") leave, paid Fellowship leave, or any other applicable paid leave will count towards service in calculating whether the employee has met the five (5) years of full-time continuous CUNY service required for donating sick leave.

(b) The time that an employee is on an unpaid child care leave, unpaid Family and Medical Leave Act ("FMLA") leave, or on a Scholar Incentive Award leave will serve to bridge service which immediately precedes and follows such leave in calculating whether the employee has met the five (5) years of full-time continuous CUNY service required for donating sick leave.

#### **IV. Program Requirements**

1. An open enrollment period for leave donations will be held for one (1) month each program year (September 1 through August 31) and may be extended or reopened at the discretion of the Vice Chancellor for Human Resources Management. The enrollment period is each October of the program year.
2. After the initial enrollment period, deductions of the type and amount of leave will automatically continue on an annual basis, unless the employee requests a change. Any request to withdraw from the Catastrophic Sick Leave Bank Program or to make any changes in the amount and/or type of leave to be donated must be submitted in writing to the University Office of Shared Services during the annual open enrollment period; changes may not be made at any other time.
3. If the sick leave balance of an employee who has elected to donate sick leave has fallen below twenty-four (24) sick leave days at the time the deduction is made, the type of leave deducted will be converted to annual leave.
4. All leave donated to the bank is irrevocable.
5. The use of CSLB leave runs concurrently with FMLA leave, *i.e.*, a recipient's use of leave from the bank shall be counted towards his/her FMLA leave entitlement as though he/she were using his/her own sick leave.
6. An employee's use of CSLB leave days will be extended by any CUNY observed holiday contained in a recipient employee's collective bargaining agreement or CUNY policy that is observed during the period of the recipient employee's approved CSLB leave.

7. No withdrawal of leave will be approved which will result in a negative balance to the CSLB. The University Office of Shared Services may consider the amount of leave remaining in the CSLB in order to make an equitable distribution of leave among medically qualified applicants, if there is insufficient leave in the CSLB to grant each applicant the amount of leave required.
9. Leave withdrawn from the CSLB in excess of the amount actually used by a recipient is to be returned to the CSLB. The Office of Human Resources of the recipient's college must notify the University Office of Shared Services of the number of days to be restored to the CSLB no later than two (2) weeks from the date of the employee's return to work.
10. Each day of leave donated to the bank will be debited from the donor's leave balance as one (1) full day. However, each day of sick leave donated by an eligible employee will be credited to the CSLB as one-half (1/2) of a day. Each day of annual leave donated will be credited to the bank as one (1) full day.
11. CSLB leave will be granted to the recipient retroactive to the first day of absence without pay. A recipient utilizing CSLB leave is deemed to be in active pay status as though the employee were using his/her own sick leave. Annual leave and sick leave will therefore be accrued while using CSLB leave, but will not be credited until the employee returns to work.
12. The University reserves the right to limit the number of CSLB days employees are allowed to donate to the bank per program year and/or the number of donated CSLB days that may be kept on reserve in the bank.

#### **V. Procedures For Donating Leave To The Catastrophic Sick Leave Bank**

1. An employee who wishes to donate annual leave and/or sick leave to the Catastrophic Sick Leave Bank must complete CUNY Form No. 001 CSLB-2013, "Application to Donate Leave to the Catastrophic Sick Leave Bank (copy attached), and return it to the College's Office of Human Resources during the enrollment period.
2. The College Office of Human Resources will review the application and determine the accuracy of all statements in accordance with the donor's personnel and payroll records, and will notify the employee within five (5) working days of receipt of the application whether he/she is eligible or ineligible. If the employee is determined to be eligible, the College Office of Human Resources will make the appropriate adjustment to the employee's time and leave records and will notify the employee of the type of leave and number of days to be debited and when the debit will occur. The College Office of Human Resources will send a copy of the approved application to the University Office of Shared Services to determine the appropriate number of days to be credited to the CSLB. The application shall include an attestation by the donor that he/she understands that the decision to donate sick leave and/or annual leave to the CSLB is irrevocable and that the donated leave will not be returned to the donor,

unless it is determined that the donor is ineligible to donate leave. The donor's attestation shall also provide that the donor has not been coerced and is not receiving any benefit, express or implied, in return for the donated sick leave and/or annual leave, other than the ability to participate in the bank.

3. The College Office of Human Resources will continue to make automatic deductions from the employee's time and leave record -- which shall be deducted on a yearly basis during the month following the enrollment period -- provided that the employee maintains eligibility and has not withdrawn from the CSLB program or has not made any changes to the type or amount of leave to be donated. The College Office of Human Resources will notify the employee and the University Office of Shared Services of the continued donation or of any changes thereto.
4. The University Office of Shared Services shall keep a record of employees who are members of the CSLB program, updating its records following each enrollment period.

## **VI. Procedures For Receiving Leave From The Catastrophic Sick Leave Bank**

1. The employee must complete Form No. 002 CSLB-2013, "Application to Receive Leave From the Catastrophic Sick Leave Bank," (copy attached), include medical documentation, and forward the application to the College Office of Human Resources. The application will include a release by the intended recipient permitting the University Office of Shared Services or CUNY's Appeals Panel (should an appeal become necessary) -- or a physician retained by either of them -- to seek clarification or additional information from the employee's physician concerning the medical documentation submitted by the intended recipient. The release shall also provide that the employee shall submit to an examination by a physician retained by the University Office of Shared Services, if deemed necessary. Where practicable, applications should be submitted when the employee has been absent for twenty (20) continuous working days, but anticipates being absent in excess of thirty (30) continuous working days and will not have sufficient leave to cover the projected period of absence beyond the thirty (30) days.
2. The College Office of Human Resources must review the application, determine the accuracy of all statements in accordance with college personnel and payroll records, and complete the appropriate section.

The application of an employee who has been deemed ineligible to receive donated leave should be returned to the applicant with the disposition within five (5) working days of receipt by the College Office of Human Resources, to the extent feasible. The application of an employee who has been deemed eligible to receive donated leave must be forwarded to the University Office of Shared Services by the College Office of Human Resources within five (5) working days of its determination, to the extent feasible.

To the extent feasible, the University Office of Shared Services will return the application within five (5) working days from receipt to the College Office of Human Resources, stating whether the employee's application to receive donated leave will be approved. Thereafter, the College Office of Human Resources will advise the employee of the decision issued by the University Office of Shared Services concerning the CSLB leave. All discrepancies must be resolved with the employee before a determination is made.

The determination made by the University Office of Shared Services will be based solely upon the nature and severity of the illness or injury of the employee, as indicated by the medical documentation submitted. CSLB leave will be made in increments not to exceed one (1) month. Employees needing more than one (1) month of CSLB leave may be required to submit additional medical documentation for each subsequent one (1) month period, up to a maximum of ninety (90) days of paid CSLB leave. The University Office of Shared Services will notify the College Office of Human Resources of the amount of CSLB leave the employee will receive. Upon notification, the College Office of Human Resources will make the appropriate adjustment in the recipient's time and leave records and inform the recipient in writing when such CSLB leave will be credited to the employee.

3. An employee whose request has been deemed ineligible by the College Office of Human Resources or denied by the University Office of Shared Services, may submit an appeal in writing, along with additional medical documentation, if any, to CUNY's Appeals Panel, in care of the Office of the Vice Chancellor for Human Resources Management, 205 East 42nd Street, 10<sup>th</sup> floor, New York, New York 10017, within fifteen (15) working days of the employee's receipt of the denial. The CUNY Appeals Panel will be constituted as follows:
  - a) For represented classified staff, the appeals panel shall consist of the Vice Chancellor for Human Resources Management, the Vice Chancellor for Labor Relations or their respective designees, and a classified staff union representative;
  - b) For represented instructional staff, the appeals panel shall consist of the Vice Chancellor for Human Resources Management, the Vice Chancellor for Labor Relations or their respective designees, and a PSC representative; and
  - c) For classified managerial staff and executive compensation staff, and other non-represented employees, appeals shall be decided by the Vice Chancellor for Human Resources Management or designee.

All decisions issued by CUNY's Appeals Panel shall be final and will not be subject to any further appeal by way of employee collective bargaining agreements or otherwise.