

### **40-15 Medical Leave Bank**

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#### **I. Purpose**

The purpose of the Medical Leave Bank is to provide salary and benefits continuation for eligible employees of Eastern New Mexico University (the University) who have exhausted all paid annual leave, medical leave and compensatory time due to their own catastrophic illness, injury or impairment. The Medical Leave Bank is a voluntary program that allows employees to donate a portion of their annual medical leave to assist employees who are eligible under the program.

#### **2. Policy**

- A. The Medical Leave Bank shall be administered by a five (5) member Committee appointed by the University president as follows: one (1) member shall represent Human Resources; one (1) member shall represent Business Affairs; one (1) member shall represent faculty members; one (1) member shall represent professional employees; and one (1) member shall represent support employees.
- B. Employees participating in the Bank shall agree to abide by the rules and regulations established herein by the Committee.
- C. All actions of the Committee shall require three (3) affirmative votes. The Committee shall act affirmatively or negatively on all Medical Leave Bank applications within ten (10) calendar days of the date the application is received in the office of the director of Human Resources.
- D. Recommendations of the Committee shall be forwarded to the director of Human Resources, who forwards them to the University president for final disposition.
- E. The Office of Human Resources shall provide administrative support for the Committee and maintain all official records pertaining to the Bank.

### **Procedures**

- 3. **Administration.** This policy shall be administered by the director of Human Resources with oversight by the vice president of Business Affairs.

#### **4. Membership Provisions**

- A. Any regular ENMU employee who earns medical and annual leave shall be eligible to participate in the Bank. A minimum participation of twenty (20) employees shall be required to establish the Bank.
- B. Any eligible ENMU employee who elects to participate in the Bank must have a minimum of six (6) days of medical leave (48 hours) at the time of assessment. The initial assessment will be three (3) days of medical leave (24 hours).
- C. Enrollment shall be open during the months of September, October, and November of each year. The initial enrollment assessment for each new member will be three (3) days or twenty-four (24) hours.
- D. Any employee may cancel membership from the Bank by submitting a written request to Human Resources no later than November 30 of each year. Membership withdrawal shall result in the forfeiture of all days contributed.

- E. The right to membership or to apply for membership ceases with termination of employment, retirement, cancellation of membership or refusal to comply with assessments.
- F. If membership falls below 20 members and the medical leave balance is less than 20 days, the Committee may decide to dissolve the Bank rather than making an assessment. If the Bank is dissolved, any days on deposit shall be returned to the participating members at the time of dissolution and credited to their personal medical leave accumulation in proportion to the days each has contributed.
- G. Membership in the Bank shall remain confidential and be divulged only as necessary to maintain and administer the Bank.
- H. If an employee who is participating in the Medical Leave Bank at one campus or unit transfers without a break in service to another campus of the University that has a Medical Leave Bank, membership will be transferred without any hours.
- I. If any employee who is participating in the Medical Leave Bank terminates service from the University and is rehired by the University within the same enrollment year, that person will be reinstated to the Medical Leave Bank at the time of rehire with no additional assessment. If that employee is rehired after one or more enrollment years, he/she may rejoin the Medical Leave Bank during the next open enrollment and incur a new enrollment assessment.
- J. If a leave-accruing employee who is participating in the Medical Leave Bank accepts a non-leave accruing position, the employee cannot remain in the Medical Leave Bank. If the employee in the non-leave accruing position later accepts a position that accrues leave, he/she may request readmission in the Medical Leave Bank without incurring a new assessment.

**5. Contributions/Assessments of Medical Leave Days**

- A. All medical leave days contributed to the Bank are non-refundable and non-transferable.
- B. The Committee is authorized to make the necessary and reasonable assessments of the membership to maintain an adequate reserve of days based upon total membership and projected need. To maintain the Bank, the balance of medical leave days in the Bank shall not fall below one day per member.
- C. In the event of an assessment, the membership must be notified in writing at least thirty (30) days prior to the effective date of the assessment. At the end of the 30-day notification period, transfers will be made from the medical leave balances of members to the Bank, except in cases where members have notified the Committee of their unwillingness to honor the assessment.
- D. Failure to comply with any assessments established by the Committee will result in cancellation of membership unless the member has made a current application for medical leave from the Bank or is on leave with pay (medical leave) using an allocation from the Bank. If a member has no accumulated medical leave at the time of the assessment, the first earned days shall be donated as they are accrued by the employee.
- E. The number of days requested from each member may not exceed three (3) days per assessment or six (6) days in any fiscal year.

**6. Eligibility and Application for Medical Leave Days**

- A. In order to receive leave under this program, the employee's illness, injury or impairment must meet the definition of "catastrophic." Catastrophic shall mean, an illness and/or injury that is considered life threatening or with the threat of serious residual disability which results in the

employee's inability to work.

Examples of Catastrophic Illness, Injury or Impairment:

- Serious, debilitating illness, impairment, or physical/mental condition that involves treatment in connection with an overnight stay in a hospital, hospice or residential medical facility.
- High intensity/high frequency of treatment encounters necessary for a chronic or long-term condition that is so serious that, if not treated, would likely result in an extended period of incapacity or death.
- Terminal illness.

- B. Employees who have been members of the Medical Leave Bank for at least 30 calendar days are eligible to apply for medical leave days from the Bank. The Committee may not grant time to new members requesting time for pre-existing conditions until six (6) months following the effective date of membership. Pre-existing shall mean a condition for which an employee received medical treatment or advice during the six (6) month period prior to the effective date of initial Medical Leave Bank membership (verified via medical certification).
- C. To request hours from the medical leave bank the member must complete and submit a "Medical Leave Bank Withdrawal Request" and the "Medical Leave Bank Request: Physician's Statement (located at Inside ENMU/Forms/Human Resources/Medical Leave Bank). The University reserves the right to request continual updates, second opinions and other medical information as needed.
- D. Medical Leave Bank days may not be granted for elective surgery, for illness of any member of the individual's family, or during any period an employee is receiving disability benefits from social security, a retirement plan, long-term disability or during any period of time an employee is drawing or is eligible to receive workers' compensation benefits.
- E. All personal accrued leave (medical and annual) must be used before receiving medical leave days from the Bank. However, application may be made prior to that time and approval given contingent upon the employee's exhaustion of all accrued leave.
- F. Any and all leave received by a member under this policy is considered as Family and Medical Leave (FML) and will count towards the employee's FML entitlement. If Medical Leave Bank hours are denied, it is possible that the member may still be eligible for unpaid time under Family and Medical Leave.
- G. If an employee is eligible but unable to apply due to physical or mental condition, any family member or other agent may apply on behalf of that employee.

## 7. **Granting Medical Leave Days**

- A. The number of medical leave days granted may never exceed the number of days in the Medical Leave Bank.
- B. Each initial grant of medical leave days shall be limited to a maximum of twenty (20) consecutively scheduled working days for each illness or injury. ENMU reserves the right to grant fewer hours than initially requested, depending on the situation. After the initial grant, an extension or (extensions) of up to forty (40) medical leave days may be granted per illness or injury. The total medical leave granted to any one member shall not exceed ninety (90) days in a twelve month period for any one illness, recurring illness, or accident.
- C. If medical leave from the Bank is granted to an employee, the employee is considered to be in active pay status during the use of that leave and all employment benefits apply including the accrual of annual and medical leave.

- D. If any medical leave is granted but not used by the employee, the unused portion of the amount of medical leave transferred is returned to the Medical Leave Bank. This would apply in the case of an employee's death or recovery from the illness or injury.

Approve by Board of Regents February 27, 2012