

40-15 Medical Leave Bank

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I. Purpose

The purpose of the Medical Leave Bank (the Bank) is to provide salary and benefits continuation for eligible employees of Eastern New Mexico University System (the System) who have exhausted all paid annual leave and medical leave due to their own catastrophic illness, injury or impairment, maternity/paternity, or the catastrophic illness, injury, or impairment of a qualified family member. 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 members of the Bank.

2. Policy

- A. Portales/Ruidoso and Roswell will administer their leave banks separately. The Bank shall be administered by Committee appointed by the campus president as follows: one member shall represent Human Resources; one member shall represent Business Affairs; one member shall represent faculty members; one member shall represent professional employees; and one member shall represent support employees. The Portales/Ruidoso committee will have six members, five from the aforementioned areas and one member shall be selected from the Ruidoso Campus by the Ruidoso campus President. Portales/ Ruidoso's six-person committee will review requests from those two campuses, and the Roswell campus five-person committee will review requests for that campus. In order to meet quorum, the committee must have at least 3 members present when reviewing requests.
- 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 affirmative votes. The Committee shall act affirmatively or negatively on all Medical Leave Bank applications (applications must be complete with medical certification) within ten calendar days of the date the application is received in the office of Human Resources.
- D. Recommendations of the Committee shall be forwarded to the director of Human Resources, who forwards them to the campus president for their campus 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 ENMU System director of Human Resources (SDHR) with oversight by the ENMU System chief financial officer (CFO).
- 4. Membership Provisions**

- A. Any regular System employee who earns medical leave shall be eligible to participate in the Bank. A minimum participation of twenty (20) employees per campus, shall be required to establish or re-establish the Bank. An employee must be a current member of the Bank in order to request leave from the Bank. Portales and Ruidoso are considered one campus for purposes of this policy.
- B. Any eligible System employee who elects to become a member of the Bank must have a minimum of six days of medical leave 48 hours at the time of assessment. The initial assessment will be three days of medical leave (24 hours). Additional leave of up to five days (40 hours) may be donated during annual enrollment period by any member of the bank.
- 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 days or 24 hours.
- D. Any employee may cancel membership from the Bank by submitting a written request to Human Resources. 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 on a campus, 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 hours in the bank shall be distributed evenly to the participating members at the time of dissolution and credited to their personal medical leave accumulation.
- G. Membership in the Bank shall remain confidential and be divulged only as necessary to maintain and administer the Bank.
- H. If an employee is a member of the Bank at one campus or unit and transfers without a break in service to another campus of the ENMU System that has a Medical Leave Bank, membership will be transferred without any hours taken from the employee, so long as the employee holds a medical leave-accruing position.
- I. If any employee who is a member of the Bank terminates service from the System and is rehired by the System within one year, that person may request to be reinstated to the Medical Leave Bank at the time of rehire with no additional assessment. The employee will need to re-enroll within 30 days of hire. If an employee is rehired after one or more one years, he/she may rejoin the Bank when eligible and incur a new enrollment assessment.
- J. If a leave-accruing employee who is a member of the Bank accepts a non-medical leave accruing position, the employee cannot remain in the Bank. If the employee in the non-medical leave accruing position later accepts a position that accrues medical leave, he/she may request readmission in the Medical Leave Bank without incurring a new assessment so long as there has been no break in service. The employee will need to re-enroll within 30 days of starting the position that accrues medical leave.

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 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.

6. Eligibility and Application for Medical Leave Days

- A. In order to receive leave under this program, the member'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. Leave may also be granted for an immediate family member as defined in 40-7. The System defines an immediate family member as the spouse, parent, grandparent, child, grandchild, or sibling, and the same relationships created by marriage. The member must demonstrate a need for them to care for the family member.

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. Maternity/Paternity related - Leave may be granted for parents who are members of the bank when extended hospitalization or at home bed rest is required for the parent or child. Leave may also be granted when the member's annual and sick leave do not equal that permitted under FMLA for eligible employees. For example, FMLA allows for up to 12 weeks of leave for the birth or adoption of a child. If an employee has seven weeks of annual and sick leave accrued, he or she can request an additional five weeks from the

bank. A maximum of six (6) weeks may be granted from the leave bank for maternity/paternity leave.

- 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 in MyENMUPortal under 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 or during any period member is receiving disability benefits from social security, a retirement plan, long-term disability or during any period of time member 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 member’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 (FMLA) and will count towards the employee’s FMLA entitlement unless FMLA has already been exhausted. 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 a member 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 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 40 medical leave days may be granted per illness or injury. The total medical leave granted to any one member shall not exceed 90 days in a 12-month period for any one illness, recurring illness, or accident.
- C. If medical leave from the bank is granted to a member, the member 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 member, the unused portion of the amount of medical leave transferred is returned to the Bank. This would apply in the case of member’s death, approval for Long Term Disability, retirement or recovery from the illness or injury.

8. Exceptions. Any exceptions to this policy must be approved by the campus president in writing.

Approved by Board of Regents, June 21, 2003.

Approved by Board of Regents, May 14, 2010.
Approved by Board of Regents, February 27, 2012.
Approved by Board of Regents, November 13, 2020.
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