

Catastrophic Leave-Sharing Program for Employees

PURPOSE. The University of California, Berkeley offers a Catastrophic Leave-Sharing Program to give staff and academic employees a chance to support their colleagues who are facing a major health crisis, whether their own or that of a family member. The program allows employees to provide assistance in the form of donated vacation leave. It was developed as part of campus efforts to create a caring environment, and because many members of the campus community have expressed a desire to assist their co-workers in this way. While the program establishes a mechanism for leave transfers, participation is entirely voluntary.

QUALIFYING SITUATIONS. In order for an employee to donate vacation leave to another employee, several factors must be taken into account: **The Donating Employee** must:

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- be an employee (academic or staff) of the Berkeley campus;
 - be in a position that accrues vacation leave;
 - have passed the waiting period to use vacation, if a waiting period is required by the applicable personnel policy or collective bargaining agreement; and
 - have accrued sufficient vacation leave to cover the donation (leave may not be donated prior to accrual).
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The Receiving Employee must:

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- be an employee (academic or staff) of the Berkeley campus;
 - be in a position that accrues vacation leave;
 - have passed the waiting period to use vacation, if a waiting period is required by the applicable personnel policy or collective bargaining agreement; and
 - **have exhausted all paid leave earned pursuant** to the applicable personnel policies or collective bargaining agreement provisions covering vacation, sick leave, and compensatory time off (*see note at the end of this description);
 - be on an approved leave of absence.
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*An eligible employee who wishes to receive vacation leave donations for the purpose of caring for a catastrophically ill person must first exhaust his/her accrued sick leave balance, even when doing so results in exceeding the 30-day limit imposed on the use of sick leave for family illness by applicable personnel policies and collective bargaining agreements.

The Receiving Employee's Absence must be due to:

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- the employee's own medically certified "serious health condition" as defined by the federal Family and Medical Leave Act
 - the medically certified "serious health condition" of the employee's spouse, parent, child, sibling, grandparent, or grandchild (or in-law or step-relative in one of these relationships); or
 - the medically certified "serious health condition" of a member of the employee's household.
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While the Receiving Employee must be on an approved leave of absence and provide appropriate medical certification for a serious health condition, the leave of absence does not always need to qualify as time taken under the federal Family and Medical Leave Act (FMLA) or similar state laws such as the California Family Rights Act (CFRA).

NATURE OF DONATIONS. Donations must be:

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- of accrued vacation leave only;
 - anonymous (that is, management will not identify the donor; the donor may choose to self-identify);
 - approved by both the donor's and the recipient's department;
 - entirely voluntary;
 - initially, eight hours or more of the donor's accrued vacation leave, with subsequent donations allowable in smaller increments and
 - limited to the number of vacation hours required to ensure continuation of the receiving employee's regular salary during the employee's approved catastrophic leave on a **month to month basis**.
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