

**ARKANSAS FORESTRY COMMISSION  
CATASTROPHIC LEAVE  
POLICY & PROCEDURE STATEMENT  
§ 71**

**Forms required: A70.200, A71.100, A71.200, A71.300, A71.400, and A71.500, as applicable**

Definitions

- **Catastrophic Illness** is a medical condition of an Employee or spouse or parent of the employee or of a child of the employee which may be claimed as a dependent under Arkansas income Tax Act of 1929 as certified by a physician (or other individual as provided in Ark. Code Ann. § 21-4-201 et seq.) which, except for the catastrophic leave program, would result in a substantial loss of income to the Employee because of the exhaustion of all earned sick, annual, holiday, and compensatory leave.
- **Catastrophic Leave** is paid leave, which is transferred to a Leave Recipient from the AFC's Catastrophic Leave Bank. Catastrophic Leave may be granted in eight-hour increments.
- **Catastrophic Leave Bank** is a pool of accrued annual and sick leave voluntarily donated by AFC employees.
- **Catastrophic Leave Bank Program** is approved by the Administrator of the Office of Personnel Management, Department of Finance and Administration, to provide for the orderly authorization and administration of Catastrophic Leave.
- **Catastrophic Leave Committee** is a Committee consisting of six members who represent a relative demographic cross section of the AFC's work force and who review applications from Employees for Catastrophic Leave and make recommendations to the State Forester.
- **Employee** is a person who is regularly appointed or employed in a position of state service the AFC compensates on a full time basis. A person who works less than full time (forty hours per week) is excluded from this definition, and is not eligible to participate as a Donor or Recipient in a Catastrophic Leave Bank Program.
- **Leave Abuse**, see Policy §70, paragraph 25. Indicators of sick leave abuse:
  - Employee uses eight hours sick leave each month
  - Employee uses sick leave a certain day each week (e.g., every Monday or every Friday)
  - Employee uses sick leave due to a conflict on the job
  - Employee maintains a low sick leave balance
- **Leave Donor** is an employee whose voluntary written request to donate accrued annual or sick leave to the AFC's Catastrophic Leave Bank has been approved by the AFC Human Resource Administrator.
- **Leave Recipient** is a current Employee for whom the State Forester has approved an application to receive Catastrophic Leave from the AFC's Catastrophic Leave Bank.

**ARKANSAS FORESTRY COMMISSION  
CATASTROPHIC LEAVE  
POLICY & PROCEDURE STATEMENT  
§ 71**

- **Medical Condition** is a
    - personal emergency limited to catastrophic and debilitating medical situations,
    - severely complicated disability, or
    - severe accident of the Employee or a qualifying family member which causes the
    - Employee unable to perform their job,
    - requires a prolonged period of recuperation, and/or
    - requires the Employee's absence from duty as documented by a physician (or other individual as provided in ("A.C.A. § 21-4-201 et seq."))Routine disabilities or disabilities resulting from elective surgery do not qualify for catastrophic leave.
  - **Prolonged Period** is a continuous period of time, a minimum of thirty working days, that a medical condition prevents the Employee from performing their job duties.
  - **Substantial Loss of Income** means continuous period of time when the Employee would not have otherwise been compensated by the AFC due to a medical condition and the exhaustion of all earned sick, annual, holiday, and compensatory leave, provided the medical condition is not covered and compensated by Workers' Compensation.
  - **Onset of illness** means the initial beginning or start, as certified by a physician, of the medical condition which created the need for the catastrophic leave request.
  - **AASIS** – Arkansas Administrative Statewide Information System.
1. The AFC administers an independent Catastrophic Leave Bank Program.
  2. Eligible Employees may participate in the Catastrophic Leave Program when they have a catastrophic illness for a prolonged period and will suffer a substantial loss of income as set out within the established guidelines of this policy
  3. While a Leave Recipient is on Catastrophic Leave, he or she will receive normal state benefits such as AFC contributions to insurance and retirement.
  4. An employee will not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other Employee for the purpose of interfering with an Employee with respect to donating, receiving, or using annual or sick leave.
  5. A Leave Donor can donate annual or sick leave (Form A71.100) at the end of each calendar year or at termination. Employees cannot be Leave Donors if their donation will reduce their accrued sick and annual leave to less than 80 hours. An Employee who is terminating employment may donate all accrued leave time remaining after receipt of any sick leave incentive payment at retirement and is not required to maintain the 80-hour leave balance. The deadline each calendar

**ARKANSAS FORESTRY COMMISSION**  
**CATASTROPHIC LEAVE**  
**POLICY & PROCEDURE STATEMENT**  
**§ 71**

year to donate leave is determined by AASIS. The AFC Human Resource Administrator will disseminate deadline when received annually.

6. Catastrophic Leave Committee (Committee): The Catastrophic Leave Committee is appointed by the State Forester and consists of a minimum of six members. Committee members represent a cross section of both management and employees.
7. The Committee will review the Catastrophic Leave Requests and determine eligibility.
8. No Employee shall be eligible for Catastrophic Leave unless:
  - (a) all accrued annual, sick, holiday, and compensatory time all have been exhausted;
  - (b) the Employee has been employed by the State for two years (even though this two years may not be continuous, it must be full time employment in a regularly appointed or employed position);
  - (c) retirees rehired by the AFC must meet two-year employment requirement from rehire date, and
  - (d) the employee, at the onset of the illness or injury, had to his or her credit at least eighty (80) hours of combined sick and annual leave and has exhausted all such leave;
  - (e) if the illness or injury is that of an Employee and is covered by Workers' Compensation, the compensation based on catastrophic leave when combined with the weekly workers' compensation benefit received by the employee shall not exceed the compensation being received by the employee at the onset of the illness or injury;
  - (f) an acceptable medical certificate from a physician supporting the continued absence is on file;
  - (g) the Employee has not been disciplined for any leave abuse during the past two years of employment.
9. The supervisor must submit the following forms to request Catastrophic Leave to the Human Resource Administrator a minimum of two weeks before exhaustion of leave by the Employee:
  - (a) Copies of Form A70.200 (Leave Record) for three competed years,
  - (b) Recipient Application Form A71.200,
  - (c) Physician's Certification Form A71.300,
  - (d) Release from Liability Form A71.400, and
  - (e) if applicable, Dependent Child Certification Form A71.500.

**ARKANSAS FORESTRY COMMISSION  
CATASTROPHIC LEAVE  
POLICY & PROCEDURE STATEMENT  
§ 71**

10. The Committee will use the following guidelines to review Catastrophic Leave requests:
  - (a) Employee will not be eligible for approved Catastrophic Leave in excess of six continuous months unless it can be shown that the Employee has been denied disability retirement or Social Security benefits. Employees are eligible for 1040 hours per illness with a career maximum of 3210 hours.
  - (b) No Employee will be approved for Catastrophic Leave unless the Employee has provided an acceptable medical certificate from a physician supporting the continued absence. The certification must state that the Employee is, and will continue to be, unable to perform his or her duties due to catastrophic illness of the employee or a qualifying family member. The Employee's supervisor must provide to the physician information about the Employee's assigned duties, such as functional job descriptions.
  - (c) The State Forester will not grant Catastrophic Leave beyond the date the physician certifies that the Employee can return to work.
  - (d) Catastrophic Leave will not be approved that causes a negative balance in the AFC's Catastrophic Leave Bank.
  - (e) The State Forester will review determinations by the Catastrophic Leave Committee.
  - (f) The decision of the State Forester will be final and binding. The State Forester will take into account the impact on the AFC's operation in granting or denying catastrophic Leave or in modifying previously approved Catastrophic Leave. The State Forester will determine if approving the leave would seriously impact the AFC's operation.
  - (g) Applications for Catastrophic Leave will be reviewed on a first filed, first considered, basis.
  
11. Program Requirements: Employees on Catastrophic Leave will continue to accrue leave according to existing state leave policies and will receive normal state benefits such as AFC contributions to insurance and retirement.
  
12. Employees on Catastrophic Leave will also continue to draw their normal rate of pay. Catastrophic Leave will not change an Employee's Increase eligibility date. However, the AFC will delay, if applicable the award of the next incentive pay salary increase beyond the anniversary date for the same number of work days that the Employee was on leave without pay and Catastrophic Leave.
  
13. Any leave earned while an Employee is on Catastrophic Leave must, as a condition of voluntary participation in the program, be assigned to the Catastrophic Leave Bank, and any restrictions concerning the maintenance of minimum leave balances will not apply to such assignment.

**ARKANSAS FORESTRY COMMISSION  
CATASTROPHIC LEAVE  
POLICY & PROCEDURE STATEMENT  
§ 71**

14. The AFC will return any unused Catastrophic Leave to the program in the event the Employee terminates, retires, or returns to work prior to the expiration of the approved Catastrophic Leave period (submit A71.600 form). The AFC may dismiss an Employee if such Employee fails to report to work promptly at the expiration of the period of approved/granted Catastrophic Leave. Nothing, however, will prevent the AFC from accepting satisfactory reasons provided by the Employee, before the date the AFC schedules the Employee to return to work, and from granting leave without pay status to an Employee prior to or after the expiration of Catastrophic Leave if State Forester deems action is warranted.
15. Catastrophic Leave will be charged against Family Medical Leave entitlements.
16. The AFC will grant Catastrophic Leave only in eight-hour increments. The Employee must return unused hours of awarded Catastrophic Leave (Form A71.600) to the AFC's Catastrophic Leave Bank. No Employee can donate leave to the AFC's program if such donation will reduce that Employee's combined accrued sick leave and annual leave balance to less than 80 hours.
17. No Employee will be approved for Catastrophic Leave unless the Employee is or is reasonably expected to be on leave without pay status. Catastrophic Leave will not be awarded retroactively.
18. This program does not create any expectation or promise of continued employment.
19. Catastrophic Leave Committee Members: The Human Resource Administrator will serve as the Committee facilitator, providing all required documentation for Committee action.
20. The following Employees have been designated to serve on the Catastrophic Leave Committee:
  - Marc Phillips, Chairman, District 8
  - Theresa Grimmert, Little Rock Office
  - Harrell Sherwood, District 2
  - George Stowe-Rains, District 6
  - Dean Steelman, District 1
  - John Pressgrove, District 3
21. Three disinterested Committee Members will participate in each Committee meeting.
22. Repeal: This Catastrophic Leave Policy and Procedure § 71 supersedes all earlier Catastrophic Leave AFC § 71 policies, procedures, and memoranda, which are hereby repealed.