

Bill would expand employees' ability to share leave

HB 1008 CHANGES TERMS UNDER WHICH STAFF CAN DRAW FROM LEAVE BANK

January 15, 2009

Marianne Goodland
Silver & Gold Record reporter

In 2005, Heidi Robinson of the CU-Boulder bursar's office faced a dilemma.

She was seriously ill and needed at least two operations, one of them major, and lengthy recovery time after. She applied for leave bank hours, but was initially denied based on the fact that her illness was not life-threatening.

In a December 2005 letter to the editor printed in *Silver & Gold Record*, Robinson wrote, "Must one be on their death-bed in order to receive this benefit?"

Robinson told S&GR this week that she did eventually get leave-sharing hours, but not without difficulty.

For state employees like Robinson, change may finally be on the way.

One of the first bills introduced in the 2009 General Assembly was HB 1008, sponsored by Rep. Joe Miklosi, D-Denver.

The bill would expand the ability of classified employees to transfer annual leave into the leave-sharing program and to use that leave. Most notably, the definition of the kind of event that would qualify for such leave would be changed from "catastrophic, life-threatening health condition" to "an unforeseeable life-altering event beyond the employee's control."

Under current state personnel rules, leave-sharing programs can be used for catastrophic illness or injury that poses a direct threat to life, and applies to the employee or an immediate family member. It can be expanded to assist employees on active military service, employees who are first-responders to life-altering catastrophic events or employees who suffer loss of life or substantial loss or destruction of their primary residence due to natural disasters or accidental catastrophe.

Under current law, a situation like the one experienced by Robinson doesn't qualify. According to her letter, her condition at first was undiagnosed. Once it was diagnosed, she needed a major operation, followed by four to six weeks of recovery, and then a second, minor procedure, followed by another three to four weeks of recovery. She had the surgery, but two weeks later, her request for leave-sharing hours was denied because her physician did not use the terms "catastrophic" or "life-threatening" in her leave bank request.

According to Miklosi, Robinson isn't alone: the Department of Personnel and Administration, which he said came to him with the bill, has gotten similar complaints from other state employees.

The limitations on leave available from the leave bank have long been an issue of concern to members of CU's staff councils. At a July 2007 forum for state employees, Mary Ulibarri of the Auraria Library asked Gov. Bill Ritter to consider expanding the conditions under which such leave could be requested.

Ulibarri and Sue Sethney of UCD history, who has also argued publicly for the change, wrote a letter to DPA Executive Director Rich Gonzales this week to thank him and his staff for hearing their pleas and supporting the new legislation.

In 2006, a terminally ill exempt-professional employee at UCD was not permitted to use leave-bank hours, because UCD officials had adopted the Health Sciences Center's policy of not permitting exempt professionals to use the leave-sharing bank, even though that had been allowed at the Downtown Campus prior to the consolidation of the two campuses.

That case was one factor prompting CU officials to approve a leave-sharing policy for exempt professionals, officers and faculty on 12-month appointments in 2007; it went into effect on Jan. 1, 2008. It, along with a similar CU policy for classified staff, is available online at www.cu.edu/policies/Personnel.

According to CU's policy for classified staff, which was created in 1990, "in order to be a recipient of donated leave, the employee or a member of the employee's family must be experiencing serious medical hardship or catastrophic illness or injury."

CU's policy for exempt staff allows leave-sharing when there is a "catastrophic illness or injury event that poses a direct threat to [the] life of an employee or an employee's immediate family member."

It also permits leave-sharing for employees on active military service if that service would result in "serious financial hardship," employees who are "first responders" to catastrophic events, and employees who have lost an immediate family member or their primary residence, when that loss is not within the employee's "ability to control or mitigate."

As for the new legislation, Miklosi said he intends to amend the bill in committee to add a cap on the amount of unpaid leave that could be used. HB 1008 is assigned to the House State, Veterans and Military Affairs Committee. A hearing date has not yet been scheduled, according to Miklosi.

In other legislative news, a bill has been introduced to add Sept. 11 as an optional state holiday. Under state law, optional state holidays can be substituted for another legal holiday, but state agencies must be open on the optional holidays. The bill, HB 1045, would not change the total number of holidays allowed state employees. It is sponsored by Rep. Edward Casso, D-Northglenn.

Contact Marianne Goodland at marianne.goodland@ucdenver.edu.