

**RICHLAND COUNTY SCHOOL DISTRICT ONE  
OFFICE OF HUMAN RESOURCE SERVICES**

**SICK LEAVE BANK PROGRAM**

**IMPLEMENTED – MARCH 25, 1997**

**UPDATED – DECEMBER 7, 2015**

**INTRODUCTION**

Employee attendance is one factor that has a direct, positive correlation to student academic performance. The board supports incentives that encourage good attendance. They hereby authorize the establishment of a Sick Leave Bank.

The purpose of the Sick Leave Bank is to provide additional paid sick leave to members of the Bank in cases of incapacitating (minimum of 30 consecutive work days) or a catastrophic (life threatening) personal illness, during which the employee is unable to perform the duties of his/her position. The Sick Leave Bank will not cover cosmetic or elective surgery, unless the physician's documentation is submitted to say it's medically necessary.

The existence of the Sick Leave Bank and participation by a member in the Bank does not negate or eliminate any other sick leave policies of the district, nor does it in any way negate the rights of individual members who participate in the Bank to other sick leave benefits.

The Sick Leave Bank may only be used for the contributor's personal incapacitation/catastrophe. However, effective November 1, 2015, persons enrolled in the Sick Leave Bank will be permitted, under extreme circumstances as deemed appropriate by the Committee on a case by case basis, to extend member benefits to their dependent(s). For this purpose, a dependent is defined as a person to whom you have caregiving rights over. The contributor may use approved days for the illness of other members of the contributor's family, or if the contributor needs to remain away from his/her position to assist a member of his/her family who is ill.

It is the philosophy of the Sick Leave Bank program to require employees to return to work when the physician releases the employees. If the employee is unable to return to work, they must also apply for other disability benefits to which they may be entitled, including disability retirement.

## **DEFINITION**

An incapacitating illness is one that causes the employee to be unable to perform the duties of his/her position for a prolonged (minimum of 30 consecutive work days) period of time. A catastrophic illness is one that is life threatening. This includes the condition itself and/or essential treatment or surgery and recovery. The attending physician must state, in writing, that the treatment and/or procedures are medically necessary or require immediate attention. The attending physician must also state that this is an incapacitating or catastrophic illness. The condition itself must be incapacitating or catastrophic, not the surgery or treatment. There must be clear evidence that the illness is incapacitating or catastrophic prior to surgery or treatment. The Sick Leave Bank will not cover cosmetic or elective surgery, except for those that are incapacitating or catastrophic due to complications arising from these procedures.

## **PROVISIONS**

1. All full-time employees of the district who have been employed for one year and have one-earned sick leave day as of November 1 each year are eligible to participate in the Sick Leave Bank program. Participation is voluntary, but in order to participate, an employee must contribute one day of earned sick leave to the Bank annually, except in years when the number of days in the Bank is sufficiently adequate to meet the projected needs of members.
2. All new members or re-entering members (previously on leave of absence or resignation) will have the opportunity to participate in the Sick Leave Bank according to the established guidelines. Leave from the Bank will not be granted retroactively to the previous fiscal year, except for those applications which are received in the last month of the fiscal year.
3. For an employee to be considered eligible for compensation through the Sick Leave Bank, the employee must have been on duty or authorized absence on the workday preceding the commencement of the incapacitating/catastrophic personal illness.
4. The annual rate of contribution (normally one day) shall be determined by the Sick Leave Bank Committee and announced prior to December 1 of each year. The open enrollment period will be Oct. 1-31 of any given year.
  - Eligible employees who do not elect to join the Sick Leave Bank at the time all benefit forms are submitted each year will not be permitted to join the Bank until the subsequent annual open enrollment period.
  - After the initial contribution, one day per year automatically will be deducted, unless the member cancels his/her membership in writing at least 10 workdays prior to the new enrollment period or the member does not have an earned sick leave day to contribute as of November 1.

- If a member does not have an earned sick leave day to contribute on November 1, that employee will lose his/her membership in the Sick Leave Bank until the next enrollment period (October 1-31). Letters will be sent to notify those employees affected by this procedure. However, if that employee experiences an incapacitating and catastrophic illness prior to the next open enrollment period, a request for a grant from the Bank will be considered and judged on the merits of the request by virtue of previous membership.
5. The maximum number of Sick Leave Bank days that can be granted in any one fiscal year will be the remaining number of duty days an employee is scheduled to work. In no case will the granting of leave days from the Bank cause an employee to receive more than his/her annual base salary.
    - Members have a lifetime limit from the Sick Leave Bank equal to the number of days they work annually.
  6. Leave Bank grants shall be in units of not more than 20 workdays. Individuals who have been on a grant of at least 20 days and whose physician provides written verification that they may return to work half-time, may continue to receive the remaining days of the grant on a half-time basis, if approved by the district.
    - If an employee does not use all the days granted from the Bank, the unused Sick Leave Bank days shall be returned to the Bank.
  7. Members utilizing sick leave days from the Bank will not be allowed to be employed in any capacity.
  8. Members who have been approved for Worker's Compensation will not be eligible to apply for sick leave days from the Bank while receiving Worker's Compensation pay.
  9. Any accumulated leave should be used prior to grant renewals.
  10. A member of the Sick Leave Bank will lose the right to use the benefits of the Sick Leave Bank if he or she:
    - Retires from the district.
    - Is terminated from employment with the district.
    - Is suspended without pay or any incapacitating/catastrophic illness occurring during the period of suspension. In the event that the suspension is overturned, Sick Leave Bank benefits will be reinstated.
    - Voluntarily cancels his/her membership in the Sick Leave Bank as of the effective date of the cancellation.

- At the end of each fiscal year, any remaining sick days in the Bank will be accrued into the new fiscal year.

### **APPROVAL**

Members of the Sick Leave Bank Committee, who must be members of the Bank, will review individual grant requests of employees. Approval will be granted based upon the established criteria outlined in these policies and procedures.

The Sick Leave Bank Committee will be composed of 17 voting members. Approval or denial of a grant request requires majority vote.

The members of the Sick Leave Bank Committee will be selected prior to June 1. Terms will be for two years and will be staggered to provide consistency. No member will be allowed to serve more than two consecutive terms. Initially, six members will be appointed to one-year terms, and seven members will be appointed to two-year terms.

The Committee will be composed of:

- 1 Teacher of the Year (TOY)
- 5 Teachers
- 3 Building-level administrators
- 1 Classified Employee of the Year (CEOY)
- 2 Classified employees
- 1 District-level, support-staff representative
- 1 Human Resource Services representative (*ex officio*)
- 1 PSTA representative
- 1 RCEA representative
- 1 District Legal Representative

### **APPEALS**

Sick leave bank members may submit one appeal to the committee.

### **MANAGEMENT**

All necessary forms shall be available in the employee handbook and the Office of Human Resource Services. The Office of Human Resource Services shall receive and review decisions of the Sick Leave Bank Committee and process the Bank grants to be awarded to members.

### **CONTRIBUTIONS**

Contributions shall be made annually by October 31. New employees and non-member employees returning from leave who wish to participate will decide whether to participate in the Sick Leave Bank when other benefit options are selected.

Only sick leave may be contributed to the Bank. Members of the Bank must use all accumulated sick leave, vacation days and personal leave before days may be granted by the Bank.

### **GRANT REQUESTS**

All requests to draw upon the Bank must be made on authorized Sick Leave Bank Request Forms and submitted to the Committee. When extended absences are known in advance, requests should be made before the first date bank use is requested. All information must be provided or the form will be returned and no action will be taken until it is resubmitted with all required information.

For the first use of the Sick Leave Bank by a Bank member, a waiting period of 30 consecutive workdays will be required from the first missed workday (as a result of the incapacitating/catastrophic personal illness) until the first Sick Bank day may be granted. At the discretion of the Committee, the waiting period may be waived.

Subsequent uses of the Sick Leave Bank will require a five, consecutive workday waiting period from the first missed work day as a result of the incapacitating/catastrophic personal illness.

In special circumstances where an individual is receiving regular, ongoing medical treatment for the incapacitating/catastrophic personal illness, the Committee may approve the accumulation of these days to meet the 30-day waiting period in that given year only.

All requests to draw upon the Sick Leave Bank must be accompanied by the Sick Leave Bank Physician's Statement Form, confirming the cause of the incapacitating or catastrophic personal illness and certifying existence of a disability to perform assigned duties. The dates of the intended leave must be specified, and the form must be personally signed by the physician.

In cases when the Sick Leave Bank Committee suspects that Bank leave is being used unjustly, the Committee shall request additional documentation prior to any action to revoke the grant.

Each separate application for a grant from the Bank must include a new physician's statement on the appropriate Sick Leave Bank Physician's Statement Form.

Bank grants will not automatically be carried over from one Sick Leave Bank year to another. All Bank grants will end as of the last day of the Bank year and must be renewed through the Sick Leave Bank Committee each year.

When a contributor has been incapacitated and is physically unable to submit an application, a member of the immediate family and/or a legally appointed representative may submit his/her application to the Sick Leave Bank Committee.

Sick leave Bank days for severe anxiety, depression and psychological disability may be granted when:

- a. a problem is certified by a licensed psychiatrist/medical doctor; and
- b. an applicant is enrolled and actively participating in a rehabilitative program, such as those arranged by the Employee Assistance Program. The member must provide written verification of participation at the time of the request for a grant from the Bank.

### **GRANT RENEWALS**

After an applicant has used a grant from the Bank, s/he shall be given a medical review by a physician. The physician's report is to be sent directly to the Sick Leave Bank Committee before the Committee may act upon his/her application for an extension of the sick leave grant. The new application must be filed within the guidelines.

Applicants should submit requests for renewal of Bank Leave grants 10 workdays prior to the expiration of the grant. To avoid interrupted service, the Human Resource Services representative may extend the grant pending approval by the Sick Leave Bank Committee at its next regularly scheduled meeting. (Use the regular Sick Leave Bank Request Form accompanied by the signed Physician's Statement.) Requests received after the 10-day period may receive Sick Leave Bank benefits retroactively based upon the decision of the Sick Leave Bank Committee.

Applications for renewal of grants will not be considered unless accompanied by a new statement from the physician.

### **BASIC LONG-TERM DISABILITY**

The Basic, Long-term Disability Plan is an employer-funded disability plan provided by the state. This plan is designed to help employees protect a portion of their income if they become disabled. Full-time, permanent employees who are enrolled in the state health insurance program are eligible for BLTD coverage; however, employees must be actively employed at the time the disability occurs. The plan has a 90-day waiting period, during which no benefits are paid; employees must have been disabled during those 90 days.

After accumulating 60 days (two grants) from the Sick Leave Bank, members will be required to contact the benefits counselor in the Office of Human Resource Services to pursue this option, if appropriate.

## **DISABILITY RETIREMENT**

When the Sick Leave Bank Committee reasonably believes that an applicant for a grant or an extension of a grant may be eligible for disability retirement benefits from the State Retirement System and/or Social Security, the employee will be required to apply for disability benefits. If disability retirement is approved, the member must pursue the earliest possible retirement date. If the physician indicates that the member is able to return to his/her regular duties, the member is no longer eligible for a Sick Leave Bank grant. Submission of the application for disability retirement and the necessary, supporting medical documents to the Office of Human Resource Services must be made within 20 calendar days from the date of the request by the Sick Leave Bank Committee for the member to continue to be eligible for a Sick Leave Bank grant.

No payment for a Sick Leave Bank grant will extend beyond the date on which disability retirement is approved to begin by the State Retirement System or the Social Security Administration. Any remaining days will be returned to the Sick Leave Bank.

When disability retirement is denied by the Retirement System, the Sick Leave Bank Committee and the Human Resource Services Office must be notified immediately by the member. A Sick Leave Bank recipient may lose his/her eligibility for a grant for each day the Sick Leave Bank Committee is not notified after the Sick Leave Bank member has received his/her denial.

These guidelines are subject to revision and final review by the Committee.