

Regulation GARHA-R(1): Employee Sick Leave Bank - Sick Leave Bank

Status: ADOPTED

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Employee Sick Leave Bank - Sick Leave Bank

In accordance with Policy GARHA, the Superintendent hereby establishes a Sick Leave Bank Regulation. The Sick Leave Bank will be administered by a Sick Leave Bank Committee in accordance with Policy GARHA and this Regulation. The FMLA Administrator will serve as the administrator of the Committee and has the responsibility of receiving, verifying, and convening the Committee to consider applications.

Sick Leave Bank Committee

The Sick Leave Bank Committee will be appointed by the Superintendent or Assistant Superintendent of Human Resources. The Committee will at a minimum consist of the following: Assistant Superintendent of Human Resources or his/her designee, FMLA Administrator, and at least one representative from the Finance Department. A Central Office administrative assistant appointed by the Superintendent or Assistant Superintendent of Human Resources will serve as secretary for the Committee, but will not be a voting member.

The Committee will meet as often as required to consider applications and at least twice yearly. The Committee will be responsible for reviewing the operation of the sick leave bank, recommending changes in the policy and regulation, reviewing applications and rendering decisions on the disbursement of days approved. The Committee will be responsible for preparing an annual report for the Superintendent.

Membership

Any full-time employee who has accumulated at least ten (10) days of sick leave may become a member of the sick leave bank by donating one (1) day of accumulated sick leave during the annual open enrollment period. For all employees who work eight (8) hours or more a day, a "day" is eight (8) hours. For all employees who work less than eight (8) hours a day, a "day" is the normal number of hours worked in a day. For example, if an employee only works four (4) hours in a day, a day is four (4) hours.

Membership continues from year-to-year unless the employee requests termination of membership in writing during the annual open enrollment event or until the employee is no longer employed by the District.

Maintenance of the Sick Leave Bank

When the Committee determines that the sick leave bank needs to be replenished, the Committee will make a recommendation to the Superintendent to assess from all members of the bank in equal part, the number of sick leave days needed to bring the balance up to an acceptable level. If a member has no accumulated sick leave at the time of the assessment, the first earned hours will be assessed.

Any employee not contributing to the maintenance of the sick leave bank under this provision will be considered to have dropped membership and will not have previously donated days returned. Donations of sick leave to the bank are not refundable or transferable.

All days granted, but not used by the member, must be returned to the sick leave bank.

Eligibility for Sick Leave Bank Withdrawal

1. Withdrawal from the sick leave bank may be approved for a personal illness or personal temporary disability that is catastrophic in nature. *See definition below*
2. The sick leave bank is not intended to apply to short-term conditions that have brief treatment and recovery periods.
3. The sick leave bank may not be used for maternity leave unless the mother experiences a serious health

condition and/or personal temporary disability that is catastrophic in nature.

4. For the purpose of this policy, personal illness and/or personal disability does not include mental illness.
5. A member is not eligible to withdraw from the sick leave bank:
 - a. Until the member has exhausted all means of salary replacement including accumulated sick leave, annual leave, personal leave and short-term disability;
 - b. To care for a family member;
 - c. If the member is receiving workman's compensation;
 - d. If the personal illness or personal temporary disability is related to an illegal activity (e.g., driving under the influence of alcohol or illegal drugs; or
 - e. If the employee works for another employer.

Definitions

For the purpose of this policy, the following definitions apply.

- a. "Personal illness" is an illness of the employee that impairs his/her ability to perform the essential duties of his/her job position.
- b. "Personal temporary disability" is a physical impairment impeding a person from performing the essential duties of his/her job position while undergoing medical treatment.
- c. "Catastrophic" is defined as a health condition involving a serious, extreme, or life-threatening illness, impairment, or condition that is likely to require an employee's absence from duty for a period of time longer than the amount of sick and annual leave available to the employee, and the health condition is such that it is not medically appropriate for the employee to delay the absence in order to accrue additional sick or annual leave prior to the absence. The medical condition requires on-going treatment and supervision by a health care provider. Some examples of such conditions include: advanced or rapidly growing cancers, acute life-threatening illnesses, chronic life-threatening conditions in need of immediate care, life-threatening infections, severe injuries arising from automobile or other serious accidents (member must certify reimbursement is not covered by insurance or litigation), and severe or life-threatening conditions involving failure of bodily organs.

Procedures for Requesting Sick Leave Bank Withdrawal

1. The employee must submit a completed application for sick leave bank withdrawal to Human Resources (GARHA- E(1)).
2. The completed application must be accompanied by a physician's statement verifying the member's illness, injury, non-elective surgery or disability and attesting to the member's incapacity to perform assigned duties.
3. Additional documentation or clarification may be requested before a decision is rendered.
4. The member may be required to undergo, at the member's expense, a medical review by a physician chosen by the Committee.
5. The maximum number of days any member may receive in a fiscal year (July 1 – June 30) is sixty days (60).
6. If a member is physically or mentally unable to make a request for withdrawal, a family member or agent may file the request on the member's behalf.
7. Requests for leave from the bank must be made within twenty (20) working days after becoming eligible for withdrawal.
8. Claims for sick leave bank withdrawal contain confidential medical information and will be electronically

scanned and securely maintained.

Processing the Request

The Committee will generally render a decision on an application within ten (10) working days of receipt of all required documentation. The decision rendered by the Committee shall be final, is not grievable, and is not subject to appeal.

The decision on a request for withdrawal from the bank will be based on the sufficiency or lack thereof of the medical documentation submitted.

General

As part of enrollment in the sick leave bank, each member must sign an authorization form in which the member acknowledges an understanding of the Sick Leave Bank Policy and Regulations, and further agrees to relieve the Bibb County School District, its employees, agents, committee members, and representatives from any and all liability as a result of any action taken and decisions rendered relative to membership.

In addition to other disciplinary consequences, the District may require the member to repay the bank for any sick leave granted on the basis of misleading, erroneous, fraudulent, or false statements.
