

# **SICK LEAVE BANK GUIDELINES**

**EAGLE MOUNTAIN-SAGINAW INDEPENDENT SCHOOL DISTRICT**  
**Sick Leave Bank Guidelines and Policies for Employees**

**PURPOSE:**

The Sick Leave Bank for EMSISD is maintained to provide additional sick leave days to members for catastrophic incapacitating personal illness or injury.

**DEFINITION:**

Sick leave days from the Bank are those days granted to a member who is unable to perform his/her duties due to a critical illness, injury or emergency surgery requiring hospitalization. If an additional day is donated, days may be granted to members for usage of the employee's immediate family in the event critical illness, injury or emergency surgery requiring hospitalization.

For the purpose of Sick Bank leave, the District defines "immediate family" as:

1. Spouse
2. Son or daughter, including biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

**MEMBERSHIP:**

Eligibility:

Sick Leave Bank membership will consist of any EMSISD personnel who wish to deposit two (2) sick leave days to the Bank. Employees that do not have adequate leave may purchase the days at their daily rate of pay in lieu of donating. Membership will be extended to all current personnel of the District. Only current employees may participate.

Procedure for Joining Bank:

Any employee who is eligible to join the sick leave bank may do so by contributing two (2) days of sick leave to be used for the employees need. A third day may be donated for usage of employee's immediate family. After the initial enrollment, members will not be required to deposit any additional days in subsequent years unless the Bank is in danger of being depleted or the employee has used days from the sick leave bank.

From September 1<sup>st</sup> to September 30<sup>th</sup>, there will be a thirty (30) day open enrollment period. During the open enrollment period, any employee may join the sick leave bank without consideration of pre-existing conditions. After the initial enrollment period, all employees will be subject to the pre-existing condition clause. New employees may join the Bank without consideration of pre-existing conditions within the first (30) days of employment.

Should the need arise in subsequent years, members, in order to retain membership will be required to contribute additional days to avoid depletion of the Bank. If the employee's position with the District is terminated, the days will be forfeited by the employee. If the employee wishes to regain membership in the Bank upon his/her return to the District, two (2) days must again be donated or, (3) to use in the event of a critical illness, injury or emergency surgery requiring hospitalization of an immediate family member.

The enrollment period for current employees and new employees hired prior to the school year shall be September 1 through 30. Employees who have previously joined the sick leave bank but wish to donate an additional day in order to be eligible to use the bank for the employee's immediate family must make that donation during the enrollment period. All personnel who join the Bank within the enrollment period are entitled to use the sick leave bank upon approval of the Committee Directors.

The Committee of Directors has the right and authority to consider and grant requests for membership in the Sick Leave Bank at any time based upon extraordinary and extenuating circumstances, whether or not otherwise permitted under these Guidelines. Such considerations and grants under this provision shall only be taken by unanimous approval of the Committee.

#### Regulations Concerning Contribution of Days:

To become a member of the Bank, an employee must contribute two (2) days from his/her sick leave. A third day may be donated for usage of immediate family. These days will be subtracted from the member's sick leave. Employees that do not have adequate leave may purchase the days at their daily rate of pay in lieu of donating.

The days donated become the property of the EMSISD Sick Leave Bank. All donations will remain in force and cannot be returned for any reason, even upon cancellation of a membership or disbandment of the Bank.

For Bank purposes, the school year will be from September 1 through August 31. If all days donated by an employee during the school year are exhausted, the employee must donate the following year in order to have continuing membership in the Bank. If the member uses fewer than the days donated, he/she will donate the number of days actually used. If a member chooses not to pay back the required number of days, he/she will lose his/her membership and benefits.

The maximum number of sick leave days granted to any member will be 30 days annually. These days are accumulated days and do not necessarily have to be sequential. After the payment of 30 days' benefit from sick leave bank, the Bank's obligation to that member resulting from the member's initial donated days is ended. The member will no be entitled to additional days until the following year and then only if they rejoin the Bank.

If a member decides to cancel his/her membership in the Bank, the days contributed for membership remain the property of the Bank. If, at a later date, this individual wishes to rejoin the Bank, he/she may do so only during the enrollment period by again donating days.

Regulations Concerning Granting Days from the Bank:

For those not joining the Bank during the open enrollment period, the following pre-existing condition clause will apply. Pre-existing conditions known by the employee on or before the date of joining the sick leave bank will not be covered under provisions of the bank except as noted below. A pre-existing condition is any condition, known or suspected, for which an individual receives medical care or takes prescription medication during the six month period preceding the enrollment.

Sick leave days from the Bank are those days granted to a member who, through an unexpected critical illness/injury or emergency surgery requiring hospitalization, is unable to perform the duties or his/her position and cannot be used for an illness or surgery which results from condition which was known to the member on the date that he/she first became a member of the Sick Leave Bank. Pregnancy, in general, is not covered by the Sick Bank. Complications arising from childbirth may be considered by the Committee on an individual basis.

Sick leave days from the Bank can be requested and upon approval will be applied only after the member has exhausted all current and accumulated state and local sick leave and emergency and hardship leave.

A member shall only be reimbursed for the amount actually docked. Reimbursement will be made only in the member's regular payroll check after the Committee's approval of requested days.

The Bank may be used only by the individual member for his/her personal illness or injury or if qualified by donating a 3<sup>rd</sup> day, sick leave can also be granted for use if the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all leave. Sick leave days from the Bank may not be granted for a period of disability when monies are paid to the member under Worker's Compensation Act.

All unused sick leave days in the Bank at the end of the school year (August 31) shall be carried over to the next school year (September 1 through August 31)

A contributor will lose the right to utilize the benefits of the Bank by:

- Termination or suspension of employment in the EMSISD
- Cancellation of participation by the member on the proper form
- Being on approved leave of absence
- Choosing not to pay back required number of days
- Bank is depleted of days

Procedure for applying for Sick Leave Days:

Sick leave days from the Bank are those days granted to a member who, though an unexpected critical illness/injury or emergency surgery requiring hospitalization, is unable to perform the duties of his/her position; and after all benefits provided have been used he/she may submit a request for days from the Bank.

A member who requests days from the Bank must submit forms, within thirty (30) work days of the filing of their request to the designated administrator that contain the following information.

- If not exempt from the pre-existing clause, a statement signed by the member attesting to the fact that the condition which necessitated the request for days from the Bank was unknown to the employee at the time he/she became a member of the Bank;
- Completion of the attending physician's statement which includes identification of the nature of the illness and/or extent of injury;
- Anticipated date eligible to return to work on a full or part time basis; and
- A statement from the physician that states the date of onset of the condition.
- Dates of absence from work for illness or injury

Forms for the above purpose have been prepared and are available from the school principal or the office of the Assistant Superintendent for Administration.

The Committee of Directors may refuse to consider an application that does not contain the required information and/or the applicant may be requested to appear before the Bank Committee.

If a member is critically ill and unable to file an application for sick leave days from the Bank, the school principal, immediate supervisor, or department head may initiate the application form at the request of the member or someone in the member's family.

All applications will be reviewed individually.

A member may appeal the decision of the Committee by writing a letter to the designated administrator requesting to appear in person before the Committee of Directors.

The committee of Directors has the right and authority to consider and grant requests for Sick Leave Days based on extraordinary and extenuating circumstances upon application and request from District employees who are members of the Sick Leave Bank, whether or not otherwise permitted under these Guidelines. Such considerations and grants under this provision shall only be taken by unanimous approval of the Committee.

Administration:

The sick leave bank will be administered by the following personnel who are members of the Bank:

Eagle Mountain-Saginaw ISD

- 1 Administrator
- 1 Secretary/Teacher Aide Representative
- 1 Maintenance/Custodian Representative
- 1 Food Service Representative
- 1 Secondary Representative
- 1 Elementary Representative

The group will be referred to as the Committee of Directors for the EMSISD Sick Leave Bank for Employees. All Committee members will draw lots for rotating terms. The rotation will be as follows: 1<sup>st</sup> year- 2 members; 2<sup>nd</sup> year- 3 members, 3<sup>rd</sup> year- 3 members. After the initial drawing, the terms will be for 3 years. The initial Committee of Directors shall be appointed by the Superintendent.

A chair-person and secretary will be selected from the group for organization and communication purposes.

Vacancies on the Committee will be filled by appointment by the Committee of Directors. This selection will be made from the group which was represented by the member who resigned or term expired.

The designated administrator shall serve as the Executive Officer of the Committee of Directors and process all approved sick leave days for members to the payroll department.

Former Sick Leave Chairpersons shall serve on a rotation basis as a resource for information as needed.

All decisions to be made by the Committee of Directors are to be by a majority vote.

Final Decisions:

Procedures for deciding any question not covered herein; or

Any question concerning membership, regulations, or applications for sick leave days that may arise after adoption of this plan and not specifically covered herein, shall be submitted to the Committee of Directors of the sick leave bank who will make a recommendation to the Superintendent of Schools for a decision.