

# **SICK LEAVE BANK: POLICY and PROCEDURES**

## **ASSOCIATION OF EDUCATIONAL LEADERS: REPRESENTING UNIT II**

[Implemented: 7/1/1985; Revised: 5/11/05, 5/15/08, 9/15/08]

### **I: PURPOSE**

The purpose of the Sick Leave Bank (SLB) program is to provide certain income protection benefits to individual SLB members for qualifying personal illness. The SLB is a resource of final access after all leave time as provided for in the Negotiated Agreement and/or by the Board of Education has been exhausted.

### **II: FUNDING**

The SLB is a program between the Anne Arundel County Board of Education (BOE) and the Association of Educational Leaders (AEL). The Bank's "holdings" are members' days contributed to the bank from BOE awarded but unused sick leave days. No other leave days of any kind can be used for contributions to the Bank.

All unused sick days remaining in the Bank on June 30 shall be carried into the next fiscal year.

### **III: ADMINISTRATION**

The Sick Leave Bank is solely administered by AEL through a Sick Leave Bank Committee (SLBC). Disposition of grant applications is determined by the SLBC. As administrator, the SLBC has a responsibility to balance the interests of the individual member with those of the total Bank membership. The SLBC shall be composed of at least three AEL members appointed by the AEL Executive Committee annually to serve the period July 1-June 30. The committee shall be SLB members in good standing. All reasonable efforts are made to generally represent different Unit II job classifications. One member of the SLBC shall be named by the Executive Committee to serve as chair.

The SLBC shall have the authority and responsibility of receiving requests, verifying the validity of requests, approving or denying requests, communicating its decisions to applicants and the Director of Human Resources, and in general coordinating SLB activities. If an applicant for a grant is a SLBC member, a relative of a member, an applicant supervised by a SLBC member, or in any other way connected or associated with a SLBC member for which even an appearance of partiality might be reasonably or prudently impugned, the SLBC member/applicant shall reclude him/herself from participating in the process. The failure to do so will render any award of sick days void and reimbursable to the SLB. The Committee shall develop its rules, procedures, and general criteria for administering the SLB. Any costs associated with the administration of the SLB shall be borne by AEL.

### **IV: OVERSIGHT**

Oversight is provided by the Board of Education. Oversight responsibility of the office of Human Resources entails primarily confirmation that applicants are eligible for consideration (a member of the SLB and all other available leave has been exhausted), update and management of the SLB database, confirming the beginning and ending dates of an approved application.

## **V: MEMBERSHIP AND DUES**

All Board of Education designated Unit II employees and, by extension, potential AEL members are eligible to join the Unit II Sick Leave Bank. Membership in the SLB is sustained as long as the member is in good standing as a BOE designated Unit II employee and contributions to the SLB are on schedule or paid in full. Membership requires completion of the application form specifically designated for this purpose. Membership “dues” are contributions to the SLB from a member’s accumulated but unused Board-awarded sick leave days as follows:

1. One (1) whole day upon acceptance of an application for membership and seven (7) more whole days at one (1) per year over the next seven consecutive years effected each July 1.
2. Effective 9/1/2008, AEL members with 95 or more accumulated but unused Board-awarded sick leave days are exempt from the sick leave days contribution provision (#1 above).
3. Effective 7/1/2009, TAAAC/SLB members assuming BOE designated Unit II positions who become members of AEL/SLB will have day(s) contributed to TAAAC/SLB accompany the reassignment and the required sick days for membership reduced commensurately.

If the total number of available days in the SLB is reduced to five hundred (500) or fewer all members may be assessed additional days to restore SLB viability. Generally, members will be assessed two additional days at a rate of one (1) per year for two years. New members will contribute a total of ten days as per the annualized schedule. The actual rate of contribution for the subsequent school year shall be established by the AEL Executive Board upon advice of the SLBC and the BOE. AEL members will be notified of any changes.

## **VI: LOSS OF MEMBERSHIP AND RIGHTS TO USE SLB**

Membership in and use of the SLB carries certain member responsibilities and accountability. Because it is a “bank” each member has an obligation to all co-members to assure the SLB is used in accord with its spirit, intent, and specific rules and regulations. Certain loss of rights circumstances may trigger pursuit by either AEL and/or the BOE of reimbursement of days to the Bank and/or SLB compensation. Loss of rights to use the SLB may occur in three ways:

1. **Voluntary Withdrawal.** Membership in the SLB shall continue from year to year until cancelled by the SLB member on the designated form. Such cancellation or termination shall be effective immediately. Membership cancellation must be submitted and recorded at the BOE no later than June 15 to be effective by July 1. .
2. **Change of Employment Conditions.**
  - Exit for whatever reason as a BOE designated Unit II employee.
  - While on approved leave of absence for other than personal illness.
  - While on probation or its equivalent for performance reasons as designated by the BOE.
  - Termination of employment for whatever reason by the Anne Arundel County BOE.
3. **Violation of the spirit, intent or administrative provisions of the SLB.**
  - Failure to apply for disability retirement in accordance with the provisions hereinafter set forth and/or failure to repay said leave compensation.

- Failure to report immediately any job held which must be reported in compliance with Rule 14, hereinafter set forth.
- Any abuse or misuse of the rules and procedures established by the SLBC.
- Failure to apply for Workers' Compensation or any other third party benefits for any occupational condition, ailment or injury arising out of and in the course of employment.
- Failure to abide by any or all of the policies, regulations and conditions as provided for herein or as may be amended from time to time.

Loss of rights to membership under any circumstance shall not entitle the former member to reimbursement of days contributed for membership in the Bank.

## **VII: POLICIES**

Certain policies shall uniformly govern the administration and oversight of the Sick Leave Bank.

1. **Member Use Only.** The SLB may be used only by members in good standing and for the member's personal illness, not for illnesses of members of the members' family.
2. **Definition—Sick Leave.** For the purposes of administration of the Sick Leave Bank the definition of sick leave shall be:

A designated amount of compensated leave that is to be granted to a SLB member who, through qualifying, incapacitating, catastrophic personal illness or injury, as certified by a legally qualified physician, or quarantine, as certified by the proper health agency, is disabled and, therefore, unable to perform the duties of his/her position.

3. **Definition—Exceptions.** Member absences from duty under the special paid leave sections of the current Negotiated Master Agreement or who are injured on the job or who receive any third party payment or contribution are not eligible for the SLB.
4. **Exhaustion of Leave.** All leave time as provided for in the Negotiated Agreement by and/or between AEL and the BOE shall be exhausted and all requirements provided for herein shall be met before SLB Grant applications will be considered.
5. **New Member Waiting Period.** New members shall be ineligible for use of the SLB for a period of thirty (30) duty days following acceptance of the application and membership is logged into the SLB database.
6. **10-day Eligibility Period.** A member having a qualifying, incapacitating, catastrophic personal illness must be absent ten (10) consecutive work (duty) days per illness before being eligible for a grant from the SLB in any school year. Those ten (10) days may be covered by a member's accumulated sick leave, annual leave, other available personal leave or leave without pay. Any subsequent grants for the same illness, in that school year, may be covered from the first day of disability.

7. **Pre-existing Condition.** A new member applicant with a pre-existing diagnosed condition or illness for which s/he has received treatment within the previous ninety (90) days, will not be allowed to utilize the SLB for illness resulting from or related to that specific condition until the member has remained ninety (90) days treatment-free or has been a SLB member for one full calendar year (365 days). For the purposes of this section, “treatment” shall mean any period of hospitalization, doctor’s treatment, clinic treatment, surgery, and/or diagnosed procedure or prescription.
8. **Disability Retirement Provisions.** When the SLBC may reasonably presume that an applicant for a grant or an extension of a grant may be eligible for disability retirement benefits, if available, the SLBC shall request that the grant applicant apply for such disability benefits. A copy of the disability retirement application must be submitted to the appropriate Retirement system and a copy to AEL before any future grants will be approved. Failure to apply when advised shall disqualify the applicant for SLB grants. A member approved for any disability retirement shall notify the SLBC of such approval. SLBAC will cease coverage from the date of said approval.
9. **Workers’ Compensation or Third Party Compensation.** In cases where a member requesting leave from the Sick Leave Bank may be eligible for Workers’ Compensation benefits or third party compensation benefits, the member requesting the sick leave shall initiate timely action through the Workers’ Compensation Commission or said third party or lose all rights to Sick Leave Bank coverage for absence related to that illness or injury.

In cases where a member applies for and is eligible for Workers’ Compensation benefits or third party benefits, leave from the Sick Leave Bank will be adjusted so that when said benefits are paid, then the right to use the Sick Leave Bank for said benefits shall terminate. To the extent a member utilizes the SLB and thereafter receives compensation for sick leave or its equivalent, the member shall repay the SLB for the compensation received. It is the intent of these rules to limit the use of the Sick Leave Bank when and if other methods of compensation become available.

10. **Certification of Disability.** Certain disabilities such as injury covered by Workers’ Compensation and mental illness shall require a doctor’s certification of disability. The SLBC shall have discretion establishing special limits or provisions and may require, where applicable and where possible, repayment/restitution of any granted leave.
11. **Additional Employment.** Any SLB member who requests a grant of days and who is employed in any position for which he/she receives remuneration during the period he/she is on leave days granted from the SLB, must immediately report this fact and the amount of earnings to be received to the SLBC. If said employment was applied for and/or begun on or after the date of the accident or onset of illness which led to the use of the SLB (as determined by pay stubs, employment contract, or other documentation), the amount of the earnings of the employee for the days the member was on leave days granted by the SLBC will be deducted from the member’s payroll check from the Anne Arundel County Public Schools for the grant days. The SLB will then be credited by the school system with the portion of days not paid for in accordance with the terms of this provision.

12. **Psychological**. SLB days for psychological disability may be granted when:

- A problem is certified by a licensed psychiatrist and
- An applicant is enrolled in a rehabilitative program accepted by the SLBC and all other conditions as provided for in these rules are met.

13. **Second Opinion**. The Sick Leave Bank Committee may require an applicant to obtain a second opinion at any time after an applicant has drawn and used forty (40) sick leave days from the SLB. S/he shall be required to have a medical review by a physician designated by the SLBC, at the applicant's expense. The Physician's Statement shall be sent directly to the SLBC before the committee can act upon his/her application for an extension of coverage of the SLB. Such medical review requirements may be waived by the SLBC. All medical information as requested or provided shall be authorized by the member upon and meet all HIPPA requirements.

14. **Confidentiality of Files**. All records and proceedings shall be held in strictest confidence between the SLBC and member applicant. Access by AEL staff and legal counsel working with the SLB shall be on a need to know basis as necessary in considering SLB appeals or challenges or potential grievances or legal proceedings.

### **VIII: REGULATIONS**

1. **Per Diem Duty Days**. SLB compensation shall be at applied at the member's per diem for regularly scheduled duty days only.

2. **Return of Unused Grant Days**. If a member of the SLB does not use all of the days granted any unused days must be returned to the SLB within thirty (30) calendar days.

3. **End of Fiscal Year**. SLB grants shall not be carried over from one fiscal year to the next. All awarded SLB grants will end on the last applicable duty day up to and including June 30. A new application must be submitted to the SLBC for a succeeding fiscal year beginning July 1.

4. **Days Per Request**. Grant requests shall be made in units of no more than twenty (20) consecutive duty days for each initial or subsequent application

5. **Maximum Use/Limitations**. The maximum number of days granted to any member of the SLB will be one-hundred (100) days in any one school year, which may be increased or reduced at the discretion of the SLBC.

6. **30 Day Application Window**. All requests to draw from the SLB must be made on the approved form; which must be received by the SLBC within thirty (30) calendar days but no later than five (5) duty days before the first date SLB usage is requested. Exceptions may be considered by the SLBC but lapses in per diem compensation may result.

7. **Application Completed by Others**. In case a SLB member is unable to complete the necessary forms due to the nature of his/her illness, his/her application may be completed and submitted to the SLBC by his or her designated agent or a member of the family on his/her behalf.

8. **Grant Extensions.** Applicants may submit requests for SLB grant extensions no later than 5 workdays before the end of the previous grant. Requests for SLB extensions shall be made on the approved form; shall indicate the continuity of the dates requested; and must be accompanied by a new, signed Physician's Statement covering that period.
9. **Annual Rule Review.** These regulations shall be reviewed annually by the Sick Leave Bank Committee and/or AEL staff and modified, amended or changed as approved by the AEL Executive Board.

## **IX: APPLICANT PROCEDURES**

The SLB member is solely responsible for reviewing and understanding all policies, regulations and application procedures. Likewise, responsibility for the application process, its timing, and intended effective date(s), and all the information and data requested on the application lies solely with the applicant. A potential applicant should anticipate enough lead-time to assure full compliance with BOE policy and regulations, the rules governing the SLB, and avoidance of potential lapses in compensation.

While the application for SLB days is simple and straight forward it must be completed in full. Assistance and support may be acquired from:

- Sick Leave Bank Committee member,
  - AEL Executive Committee or Board of Directors member,
  - AEL staff member, or
  - Appropriate staff in the BOE's office of Human Resources.
1. **Approved Form.** All requests, initial and extensions, for SLB Committee action must be made on the designated form.
  2. **Form Completion.** The Request Form must contain all necessary information, dates and signatures. The Physician's Statement must be signed by the physician.
  3. **Timing.** Applications should be submitted to the SLBC within the time period prescribed.
  4. **Availability of SLB Form.** Application forms may be obtained by telephone, in person or by mail from any source listed above.
  5. **Submission of Application.** Completed grant applications, both initial and extensions, should be sent directly to the SLBC chair.
  6. **Denial and Appeal.** In cases where the SLBC recommends denial of an application for use of the SLB or an extension of such use, the applicant may appeal the denial in writing to the AEL Executive Board within twenty (20) calendar days of the date of SLB action, as determined by the date by the signatures at the bottom of the SLB forms or the date of the postmark on the envelope, whichever is later. A decision of the AEL Executive Board shall be made within thirty (30) days following receipt of said appeal. A decision reached by the AEL Executive Board shall be deemed conclusive and binding on the member and AEL.

7. **Records and Record Keeping.** The SLBC shall maintain the records of all applications, all member contributions to the SLB as provided by the BOE, withdrawals, and the status of the SLB.

#### **X: SLB Committee GRANT REQUEST ADMINISTRATIVE PROCEDURES**

Uniformity and consistency of procedural application is important for the best interests of both the individual member and the SLB membership as a whole. Upon receipt of an application the following procedures are followed.

1. The full SLBC reviews the application for accuracy and completeness. Any irregularities or determined need for clarification or need for additional information shall be requested from the applicant.
2. When the SLBC is satisfied with the member's application the full SLBC votes with full knowledge of all other Committee members to approve, approve with modifications, or deny the application.
3. The original application signed by the SLBC chair is sent to the BOE office of Human Resources for oversight review.
4. A copy of the signed applicant is sent to the member applicant.
5. On receipt of a completed application by Human Resources, the member applicant will be advised accordingly.

#### **XI: BOE GOVERNANCE RESPONSIBILITIES**

Upon receipt of an approved application for a SLB grant or extension appropriate staff in the office of Human Resources reviews the application. Specifically, Human Resources/Benefits shall confirm eligibility and compliance with SLB policy and regulations including:

- Exhaustion of available leave.
- Date on which approved SLB grant days begin.
- Date of last day of approved SLB grant.
- Completion of the original copy of the member application.
- Return of the original signed application to the SLBC chair.
- Authorize payment of approved SLB grants.