

# WCTA SICK LEAVE BANK RULES AND PROCEDURES

## Statement of Intent

The purpose of the Sick Leave Bank is to provide sick leave to contributors to the bank after their accumulated sick leave has been exhausted and more specifically to provide such leave from the bank in cases of prolonged, catastrophic, incapacitating personal illness, injury, or quarantine of the teacher during the regularly scheduled duty day, which is not likely to permanently disable the teacher. All members should be aware of the Family Medical Leave Act (FMLA) (copies available at BOE) and we strongly suggest all members consider purchasing Long Term Disability Insurance (LTD) through the BOE.

## Rules

- For purposes of administration of the Sick Leave Bank, the definition of sick leave shall be:

Sick leave is a designated amount of compensated leave that is to be granted to a unit member who, through personal illness, injury, or quarantine, is unable to perform the duties of his/her position. Sick leave may not be granted for the period of disability when monies are paid to the unit member under Worker's Compensation Law. Sick leave will not be granted beginning with the date a member would become eligible for long term disability.

  - Any person who is a certificated member of the negotiations Unit I in the Washington County public schools, **with the exception of those hired as a "Retired/Rehired" unit member**, shall be eligible to participate in the bank.
  - Non-WCTA members will be charged a "Sick Leave Bank Administration Fee" to join the Sick Leave Bank. Non-WCTA members will be charged a sick leave bank usage fee as per the Negotiated Agreement Article 12.3 for each request.
  - Membership in the Sick Leave Bank covers the 190 day work year. Eleven (11) month unit members may elect to contribute an additional 0.5 day (3.75 hours) per yearly bank contribution request to cover their extended work year.**
- The leave bank may be used only by the individual contributor for his or her prolonged, catastrophic, incapacitating personal illness, injury, or quarantine.
  - The leave bank may NOT be used for illness of other members of the contributor's family.
- Elective (non-emergency, non life-threatening) surgery will NOT be covered.
  - The leave bank may NOT be used by the contributor to remain away from his or her position in order to assist a family member who is ill. Refer to Article 13 of the Negotiated Agreement, "Family Crisis Leave Exchange" for possible sick leave days needed to care for an immediate family member who is in a catastrophic and life threatening situation.
- Only earned sick leave may be contributed to the leave bank - annual and personal leave may NOT be contributed.
- Up to 30 days, extending over a period of no more than 6 weeks may be granted for normal child birth delivery, effective from the date of birth; up to forty (40) days extending over a period of no more than 8 weeks may be granted for delivery by c-section, effective from the date of birth.
- Open enrollment for persons on active duty shall begin with the teachers' first workday through October 1<sup>st</sup> shall be enrolled without preexisting conditions of health.
  - For members returning from extended leave and new employees may contribute within the first 30 calendar days after reassignment or date of employment.
  - Unit members returning from extended sick leave or disability leave will be permitted to contribute to the bank on approval of the committee.
  - Members who fail to enroll during the enrollment period are not eligible to enroll until the next regularly scheduled enrollment period.
    - New unit member hires that join the Sick Leave Bank during the open enrollment window or within thirty (30) calendar days of hire are eligible to request days from the bank without wait time.
    - Unit members that defer sick bank membership and join at a later time must be a sick bank member for one (1) calendar year prior to requesting days from the sick leave bank. This rule also applies to unit members that do not maintain consistent (year to year) membership in the bank.
    - Unit members returning from extended leave or that return to the system (WCPS) after any duration of time must rejoin the bank upon return to the system within the first thirty (30) calendar days after reassignment or date or reemployment.
- In order to draw days from the Sick Leave Bank, a unit member must contribute to the bank at the rate as determined by the bank except in those years where sufficient days remain in the bank to support the bank adequately, as determined by the WCTA.
  - Sick bank members returning from approved leave will be returned to active membership in the bank. They will not be responsible for days collected during their absence.
- Sick leave for psychological disabilities may be granted when:
  - the illness is certified by a licensed psychiatrist and has been determined to be life threatening, causes an unsafe condition or when the applicant is unable to function in their job, and
  - the applicant is enrolled in a rehabilitative program of at least two (2) or more visits per week, or
  - while the member is enrolled in an inpatient program at a recognized mental treatment facility or hospital.
- Sick leave for alcohol/drug related illness may be granted when:
  - certified by a licensed physician, and
  - an applicant is enrolled in a rehabilitative program accepted by the Sick Leave Bank Committee.

10. A contributor will lose the right to utilize the benefits of the Sick Leave Bank only by:
  - termination or suspension of employment by the Washington County Board of Education,
  - cancellation of participation in accordance with the Negotiated Agreement,
  - refusal to continue regular contributions at the beginning of each fiscal year, August 15, if required by the administering committee,
  - refusal to make such additional contributions as may be required from time to time by the administering committee to prevent bankruptcy of the bank,
  - refusal to provide requested information to the administering committee, and
  - failure to pay the annual Sick Leave Bank Administration Fee by October 1.
11. The existence of the Sick Leave Bank and participation by a unit member in the bank does not negate or eliminate any other sick leave policies of the Washington County Board of Education, nor does it in any way negate the rights of individual unit members who participate in the bank to sick leave benefits included in the WCTA - Board of Education Negotiated Agreement.
12. All donations will remain in force, will not be canceled and will continue from year to year, unless canceled on the proper form (WCTA Sick Leave Bank Contribution Cancellation) and sent to the Sick Leave Bank Committee by the member.

#### Procedures

1. Contributions to the bank must be made on a WCTA Sick Leave Bank Contribution/Membership form.
2. The WCTA Sick Leave Bank administration committee will approve all donations before they are forwarded to the Washington County Board of Education Human Resource office.
3. The committee will review and send to the Washington County Board of Education Human Resource office approval or denial of all requests to draw on the Sick Leave Bank within twelve (12) working days after such request is received in the WCTA office or by the Sick Leave Bank chair.
4. Any person submitting a request to draw on the bank must have made their proper contribution for the fiscal year in which the request is made.
5. All requests to draw upon the bank must be made upon a WCTA Sick Leave Bank Request form no later than fifteen (15) calendar days after return to work date.
6. All requests to draw upon the Sick Leave Bank must be accompanied by the physician's statement confirming the case of the illness or confinement made on a WCTA Sick Leave Bank Physician's Statement form, signed by the physician.
7. After an applicant has drawn and used thirty (30) consecutive sick leave days (determined by workdays) from the bank, he or she may be given a medical review by a physician of the administering committee's choice at the contributors' expense, before the committee may act upon his application for an extension of use of the Sick Leave Bank. Such medical review may be eliminated by the committee if the applicant has been confined to a hospital or other medical facility throughout the prior thirty (30) days he/she has used the Sick Leave Bank.
8. An applicant may be required to undergo a medical review by a physician of the committee's choice at any time.
9. In the event that an applicant is incapacitated, application may be made by a family member or other agent on behalf of said applicant.
10. Leave grants from the bank recommended by the committee, shall be made in units of no more than thirty (30) consecutive work days for the individual applicant and this total cannot exceed a maximum of fifty (50) working days in any one school year.
11. ***Waiting period: A bank member shall be required to satisfy a 10-consecutive work day waiting period no more than once each fiscal (school) year for the illness, injury or disability. The waiting period may be covered by the member's own sick, personal or annual leave; or, if the member has no sick, personal or annual leave, it will result in a loss of up to ten (10) days without pay. Additional requests to the sick leave bank for the same illness, injury or disability within the same fiscal (school) year will not require any further waiting period.*** If the request to draw from the bank is for other than consecutive days, a separate request, including a physician's statement on the required form, must be submitted for each period of disability.
12. Applicants may submit requests for extension of such leave grants before their prior grants expire. Such applications shall be made on the regular request form. If the request to draw from the bank is for other than consecutive days, a separate request including a physician's statement on the required form must be submitted for each period of disability.
13. In cases where the committee recommends denial of an application for use of the Sick Leave Bank or an extension of such use, the applicant may appeal the request to the WCTA Board of Directors through the President within 30 days of the denial.
14. Unit 1 members may request all appropriate forms from the WCTA office by telephone.
15. Copies of all WCTA Sick Leave Bank Donations, WCTA Sick Bank Requests, and WCTA Sick Leave Bank Cancellation forms shall be marked for recommendation for approval or denial by the Committee. Following such action, the committee shall disperse copies of the forms to the unit member, and the Washington County Board of Education Personnel Office.
16. The WCTA shall maintain the records of all applications for donation, applications for withdrawal or sick leave days and all cancellations.