

## **Sick Leave Bank Policy Adopted 11-7-17**

### **Section 1 Right to Sick Leave Bank Withdrawals**

This provision shall not be subject to the grievance procedure nor is the provision arbitrable.

- A. For the purposes of implementing this policy, “unusual circumstances” shall be defined as any serious physically or emotionally debilitating illness which results in a prolonged absence of at least five (5) consecutive days. Intermittent absences for therapy or treatment related to a previous illness which meet the five day requirement will be considered on an individual basis provided that the request is supported by a statement from a physician (M.D., D.O., or D. P.M) or Licensed Nurse Practitioner.
- B. All requests for sick leave drawn from the Bank must be made on a Sick Leave Bank Application, available from the District website (Payroll/Forms). PART A is to be completed by the applicant, and PART B must be completed by a physician (M.D., D.O., or D.P.M) or Licensed Nurse Practitioner.
- C. Application and verification of serious illness by a physician may be scanned and emailed or hand-delivered to the Sick Leave Bank chairperson. An original hard copy will also be required.
- D. Medical procedures that are elective in nature or that can reasonably occur outside the member’s normal work schedule are not eligible for Sick Leave Bank awards.
- E. Applications can only be submitted during the current fiscal year in which the employee is employed by the District.
- F. Contributions shall be accepted only within 30 days of employment for new employees and by September 15 for current employees who were previously non-members of the Sick Leave Bank. New members will notify payroll and contribute one day to the Sick Leave Bank.
- G. All employees represented by MSEA shall be members of the Bank unless they choose to opt out according to the provisions in 1H below.
- H. A current member may opt out of the Sick Leave Bank by notifying the Payroll Department no later than September 15. A new employee may opt out within fifteen (15) days of initial employment by notifying the Payroll Department. Sick Leave Bank notice and opt out form will be distributed by the District to new employees.
- I. Unused sick leave donated to the Bank in any fiscal year shall be cumulative from year to year.
- J. Sick leave days from the Bank may only be drawn by members for District approved sick leave when all accumulated sick leave has been exhausted.
- K. Complications related to childbirth shall be considered the same as any other medical condition.
- L. Sick Leave Bank members must apply for a Bank grant within thirty (30) working days after returning to work or prior to termination of employment, whichever is sooner.
- M. Sick leave days will NOT be granted from the Bank of Worker’s Compensation benefits are being received by the member for the same condition.

- N. Any member who applies to the Sick Leave Bank will be eligible to receive from the bank up to a maximum of twice the number of accumulated sick leave days as of the beginning of the school year, or twenty-four (24) days, whichever is greater. (AS 14.14.105). The Committee has the discretion to award fewer days. Leave days granted by the Sick Leave Bank Committee are contingent upon there being a sufficient number of days in the Bank to cover the grant.
- O. Sick leave time assigned to the Bank shall remain the property of the Bank, and no donor shall have any further claim to the donated days.
- P. A member may apply may apply to the Sick Leave Bank for only two years in any four consecutive year period for the same illness.

## **SECTION 2: Sick Leave Bank Withdrawals for Catastrophic Illness**

- A. A bank member with a potentially life threatening or career ending illness or injury may be eligible for additional catastrophic Sick Leave Bank withdrawals. To qualify, the member must have exhausted the maximum number of days provided for in Section 1J above and must be faced with extreme hardship because of continuing disability resulting from the same illness or injury.
- B. After the maximum number of sick leave days awarded under Section 1J has been exhausted, a new application for Catastrophic Sick Leave must be made using a Sick Leave Bank Application available on the district website. PART A must be completed by the applicant or applicant's representative, and PART B must be completed by the applicant's attending physician giving sufficient detail to allow the Sick Leave Bank Committee to properly assess the severity of the illness. The Committee may require the applicant to provide a second opinion from a different physician at the applicant's expense if deemed necessary by the Committee.
- C. Once the application for Catastrophic Leave withdrawal has been approved by the Committee, the number of catastrophic leave days granted for that illness will be limited to a maximum of 60 days.

## **SECTION 3: Sick Leave Bank Committee Procedures**

- A. A Sick Leave Bank Committee is established to review applications and approve or deny requests for withdrawals from the Bank. The Committee consists of four (4) members represented and appointed by MSEA, two (2) MSPA representatives, and one (1) exempt employee appointed by the Superintendent.
- B. The Committee shall elect a chairperson to convene and conduct meetings and to handle committee procedures.
- C. The Committee shall hold such meetings during each fiscal year as necessary to respond to requests for Sick Leave Bank withdrawal. Four (4) Committee members shall constitute a quorum for action on Sick Leave Bank applications. Each application will be discussed so that all pertinent information may be considered prior to the Committee's decision.

- D. A majority vote of the Committee members present is required to approve or deny requests for withdrawal from the Sick Leave Bank.
- E. In evaluating a particular request for Sick Leave Bank withdrawal, the Committee may consult with appropriate specialists.
- F. The Committee shall exercise reasonable discretion in granting or denying requests for Sick Leave Bank withdrawals and shall give due consideration to, but not be bound by, the verification required under Section 1B.
- G. The District will provide clerical support for the purpose of conveying leave status from payroll records.
- H. The Committee shall be responsible for developing the Sick Leave Bank application form.
- I. When the number of available days in the Sick Leave Bank becomes 200 or fewer, the Committee may, upon majority vote of its members, establish an open enrollment period to replenish the Bank's days. Employees represented by MSEA or MSPA shall contribute up to two (2) days of sick leave to the Bank during the open enrollment period to retain membership in the Bank.
- J. The Committee shall develop an appeal process for the adjudication of rights under this Article. The Committee's appeal process shall be the sole and exclusive remedy for any member to challenge any decision relating to their rights under this Article, and the Association shall defend, indemnify, and hold harmless the District against any grievances or claims submitted through any other process, whether administrative or judicial.

## **SECTION 4 Special Collections**

Members of the Sick Leave Bank may apply for a special collection of sick leave days from other employees if the member is in need of days donated for serious physically or emotionally debilitating illness of the member or an immediate family member. Requests for Special Collections are subject to the same procedures as used for Sick Leave Bank as well as the following provisions:

- A. The request must be submitted on the Sick Leave Bank Special Collection Form, available on the District website, and must be accompanied by a verification of serious illness by a physician. The request shall specify a designee to distribute collection forms. The collection form will be provided to the designee when the Sick Leave Bank has approved the request. The request shall specify number of days needed. The maximum number of days that can be collected at one time shall be 24 days. The maximum number of days to be awarded shall be 24 days per collection.
- B. A member may only apply four times in a fiscal year.
- C. All sick leave and personal leave days must be exhausted before a Special Collection is made. If the Special Collection is requested for the employee's own illness, the employee must also have exhausted the 24 days maximum from the Sick Leave Bank, and, if appropriate, must have also applied for and used leave according to the provisions under Section 2, Sick Leave Bank Withdrawals for Catastrophic Illness.
- D. An employee may only request, collect, and use days for Special Collections within the current fiscal year.
- E. Any days that are collected and not used by the employee for the reason stated on the request shall be returned to the Sick Leave Bank for general use as specified in the Negotiated Agreement.
- F. Sole approval of any Special Collection shall be made by the Sick Leave Bank Committee and is subject only to the Sick Leave Bank Appeals process as specified above in Section 3, Sick Leave Bank Committee Procedures.