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District 77 Policy 464

464 MANKATO TEACHER ASSOCIATION SICK LEAVE BANK

I. PURPOSE

The purpose of this policy is to form a Sick Leave Bank to alleviate economic hardship brought about by illness or injury when all other paid leave has been exhausted.

II. GENERAL STATEMENT OF POLICY

A. Eligibility

Membership in the Sick Leave Bank shall be available to elementary and secondary teachers who are employed for a least one hundred (100) days during the school year and for at least one-third (1/3) of the regular school day, and to ECFE and ABE teachers who work a minimum of fourteen (14) hours per week on average. In order to participate, an eligible teacher must have at least one (1) day of sick leave accumulated. For purpose of this policy, one day shall be defined as equal to the length of the eligible teacher's normal workday.

B. Membership

Any eligible teacher may voluntarily choose to join the Sick Leave Bank. A new employee may join during the first thirty (30) calendar days of his/her employment as a teacher. Current employees may join during the first thirty (30) calendar days following the adoption of this policy by the School Board, or during the first thirty (30) days of any school year. Teachers who choose to participate will be assessed one (1) sick leave day at the time they join. This day of sick leave will be deducted from their accumulated sick leave. Any sick leave contributed to the Sick Leave Bank becomes the property of the Bank and is not retrievable by the member without going through the Sick Leave Bank Committee.

C. Governance

The Sick Leave Bank shall be governed by a Committee of four persons. Two members of the Committee shall be appointed by the Mankato Teachers Association. One member shall be appointed by the School Board and shall be a current member of the Board. The Director of Human Resources shall be the fourth member of the Committee.

It is the responsibility of this Committee to review and act on all requests to borrow from the Sick Leave Bank. Actions of the Committee must be approved by a simple majority of the members voting either in person or via electronic mail. Once a request is granted or denied, the Committee shall notify the member in writing. The decision of the Committee shall be final. The Committee shall present an accounting of the Bank's operation to the Mankato Teachers Association and the School Board no less than 30 days following the close of the fiscal year.

D. Borrowing Procedures

Days borrowed from the Sick Leave Bank can be used for the serious illness of the member or for the serious illness of a dependent child. A serious illness is one which requires hospitalization or long-term treatment and/or recuperation. Days from the Sick Leave Bank may not be used for the hospitalization or recovery period of a healthy mother and baby following childbirth. Members who wish to borrow from the Sick Leave Bank must:

- (1) have exhausted all paid leave available to them,
- (2) request at least five (5) days of sick leave,
- (3) provide a physician's statement with the request, and
- (4) specify the number of days being requested.

In most cases, the days borrowed shall be consecutive, but the Committee shall have the authority to grant requests for non-consecutive days when, in the exclusive judgment of the members of the Committee, circumstances warrant.

The number of days borrowed shall not exceed one hundred sixty (160) days in any one school year, and days borrowed shall not be used to provide leave beyond the end of the school year during which the request was granted.

Days borrowed from the Sick Leave Bank shall not be used for that portion of a leave that occurs during the summer vacation months, when Workers' Compensation benefits are payable, when a teacher qualifies for disability income insurance payments, or when other third party claims provide benefits at least equal to the daily rate of pay of the member. In no event shall the number of days borrowed from the Sick Leave Bank result in compensation that exceeds the member's annual salary.

E. Repayment

If a member does not use all of the days granted by the Committee, the unused portion shall be returned to the Sick Leave Bank.

A member who borrows days from the Sick Leave Bank shall pay back the days at the rate of at least fifty percent (50%) of his/her accumulated sick leave at the end of each school year until the total number of days borrowed has been restored to the Sick Leave Bank.

Except in the event of permanent disability or death, if a member who owes days to the Sick Leave Bank ceases to earn sick leave days, one of the following shall occur:

- (1) The member's last pay check shall be reduced in the amount equal to his/her daily rate multiplied by the number of days owed to the Sick Leave Bank, or
- (2) The member's severance pay shall be reduced in the amount equal to his/her daily rate multiplied by the number of days owed to the Sick Leave Bank.

In either case, the daily rate shall be the member's daily rate at the time he or she borrowed the days from the Sick Leave Bank. For the purposes of this policy, permanent disability shall be as defined by TRA. The loan of any person whose loan repayment has been waived due to a permanent disability, and who subsequently begins to again earn sick leave days, shall be subject to repayment in accordance with the provisions of this paragraph.

F. Sick Leave Bank Balances

At least one hundred (100) eligible teachers must be members for the Sick Leave Bank to exist. If membership in the Sick Leave Bank falls below one hundred (100), the Committee shall suspend its operation and a thirty-day enrollment period shall be instituted. If, at the end of the thirty-day enrollment period there are still fewer than one hundred (100) members in the Sick Leave Bank, the suspension will continue until the start of the next school year at which time another thirty-day enrollment period shall be instituted. If operation of the Sick Leave Bank is suspended until the next school year, the days in the Sick Leave Bank shall be divided equally among its members and added to their accumulated sick leave. No member shall be allowed to borrow from the Sick Leave Bank while its operation is suspended.

If the number of days in the Sick Leave Bank falls below fifty (50), each member shall be assessed one (1) additional day which will be deducted from their accumulated sick leave.

G. Withdrawal From Membership

A member of the sick leave bank may withdraw his or her membership by notifying the Director of Human Resources in writing of his/her intention to withdraw from membership. The withdrawal from membership shall be effective upon the receipt of the intent to withdraw by the Director of Human Resources. Upon withdrawal from membership, any sick leave days contributed to the bank will remain with the bank. If a member withdraws from membership with an outstanding balance owed to the bank, the loan will continue to be repaid in accordance with the terms of paragraph E above.

Legal References:

Cross References: