

(P2)

PERSONNEL

Sick Leave Bank

The Sick Leave Bank is maintained by the Department of Human Resources to be used when a member is incapacitated due to personal illness or injury. The Sick Leave Bank will remain in effect as long as at least one-third of benefit-eligible employees agree to participate in accordance with the provisions of this Regulation.

All employees utilizing the Sick Leave Banks shall have said leave credited to Family Medical Leave as described by the Family Medical Leave Act.

A. Membership

All interested benefit-eligible employees may elect to enroll in the Sick Leave Bank. Membership in the Sick Leave Bank shall be voluntary.

When employees under the Virginia Retirement System (VRS) **Hybrid Plan** reach the one-year eligibility waiting period to utilize the Virginia Local Disability Program (VLDP), they are no longer eligible to participate in the Sick Leave Bank. This restriction is due to the additional leave benefits they receive from the VLDP.

B. Enrollment Period

An employee may enroll within the first thirty (30) days of employment. ~~After the initial implementation of this Regulation on January 1, 2018;~~ A benefit-eligible employee who does not enroll when first eligible may do so between any subsequent August 1 and October 15 period by submitting an application for Sick Leave Bank membership to the Department of Human Resources. An eligible VRS Plan 1 or Plan 2 employee may enroll in the Sick Leave Bank by donating the hourly equivalent of two (2) workdays of sick leave. Because they are only eligible to participate during their first year of employment, Hybrid employees may enroll by donating the hourly equivalent of one (1) workday of sick leave.

C. Coverage/Eligibility

To be eligible to access the Sick Leave Bank for personal illness or injury, the member must first:

1. Provide the required medical certification identifying the nature of the illness/injury to the Office of Employee Relations;
2. Cover the minimum hourly equivalent of thirty (30) workdays for the related illness/injury, with his/her accumulated leave or leave without pay. This requirement may be met in those cases in which the hourly equivalent of thirty (30) workdays of absence, although not consecutive, for the same illness/injury occur during the previous twelve (12) months;
3. Deplete all accumulated sick leave, personal leave, and annual leave, including accruals and beginning of the school year leave loads, if applicable (See section H below).

Hours drawn from the Sick Leave Bank for any one period of eligibility must be due to the same illness or injury. Recurrence or relapse of the original illness within twelve (12) months will qualify under this Regulation. Otherwise, members must meet the requirements of this subsection before becoming eligible to utilize Sick Leave Bank benefits again. Use of the Sick Leave Bank during the period of childbirth is subject to Regulation 4-45.1.

~~If an employee is on leave for Long-term Illness or Injury, the Sick Leave Bank can only be used during the 12-month period from the initial date his/her leave began.~~

D. Maximum Usage

A maximum of the hourly equivalent of 45-50 workdays within a 12-month period may be drawn from the Sick Leave Bank. The 12-month period begins on the date the bank is initially accessed.

E. Assessment

Members will be assessed an additional contribution of the average hourly equivalent of two (2) workdays at such time as the Sick Leave Bank is depleted to the average hourly equivalent of five hundred (500) ~~workdays, unless workdays unless~~ they choose not to participate further in the **Sick Leave Bank**.

F. Repayment

No repayment of days is required.

G. Termination or Withdrawal From Bank

Upon termination of employment, or withdrawal from the Sick Leave Bank, a participating employee will not be permitted to withdraw ~~his/her~~their contributed hours.

H. Adjustments

The Department of Human Resources reserves the right to adjust front-loaded sick leave, personal reasons leave, and accruals of annual leave to prevent an overpayment of Sick Leave Bank days.

Editor's Note

See Regulation 4-45.1 Sick Leave

See Regulation 4-53.4 Leave for Long-term Illness or Injury of an Employee or Family Member

See Regulation 4-55.1 Family and Medical Leave

See Regulation 4-45.4 Disability Programs for Employees in the VRS Hybrid Plan

Legal Reference

The Family Medical Leave Act, 29 U.S.C. § 2602 *et seq.*, as amended.

Related Links

School Board [Regulation 4-45.1](#)

School Board ~~Regulation 4-53.4~~[Regulation 4-53.445.6](#)

School Board [Regulation 4-55.1](#)

School Board [Regulation 4-45.4](#)

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APPROVED AS TO
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