

ST. CLAIR COUNTY SCHOOLS SICK LEAVE BANK GUIDELINES

A. Purpose

The St. Clair County Board of Education Sick Leave Bank (SLB) is established to grant paid sick leave to members who are medically certified as unable to perform the duties of their positions as a result of a personal illness, injury, accident, disability, medical condition, or quarantine and who have exhausted all their personal sick, compensatory, and annual leave balances. The SLB shall also manage sick leave days donated to a member for catastrophic illnesses or injuries. All operations of the SLB shall conform to Alabama Code, Section 16-22-9 and 16-1-18-1. Should any of these procedures conflict with state or federal law, the applicable law will take precedence over the conflicting provision of the SLB procedures.

B. The Sick Leave Bank (SLB) Committee

1. **Composition** - The SLB Committee shall consist of five members. Four of these members shall be members of the SLB and are to be elected by the participating members of the SLB. The remaining member shall be appointed by the St. Clair County Superintendent and approved by the St. Clair Board of Education.
2. **Terms of Office** - Members of the SLB Committee will serve a term of one year. The terms of office shall begin on October 1 and expire on September 30.
3. **Administration and Policies** - The SLB Committee is charged with the administration, operation, and the establishment of policies of the SLB. The Committee shall also take any other actions deemed necessary for the effective and efficient operation of the SLB consistent with these guidelines.
4. **Guidelines** - The SLB Committee shall be responsible for the review and writing of the guidelines which shall govern the operations of the SLB and catastrophic leave policies.
5. **Duties of the SLB Committee:**
 - a. **Officers** - The SLB Committee will elect, by a majority secret vote, a chairperson from among its members by October 1 of each year. Other officers (committee secretary & catastrophic coordinator) will be elected by the Committee at first formal meeting. Payroll and personnel employees may serve in an advisory capacity as needed.
 - b. **Meetings** - Meetings of the SLB Committee shall be scheduled on an as needed basis as determined by the Committee Chairperson or majority of the committee.
 - c. **Decisions and Votes** - Decisions affecting the SLB and Catastrophic leave are to be made exclusively by the SLB Committee by a majority recorded vote. Decisions/votes may be conducted in person or electronically.
 - d. **Forms** - The SLB Committee is charged with the responsibility of developing and distributing the necessary forms so that all eligible employees will have reasonable access to the forms and membership. All forms developed by the SLB Committee shall be available on the St. Clair County Schools *Website*, County Finance OneNote Notebook, and Human Resources Department.
 - e. **Loans from the SLB** - The SLB Committee shall review all applications for loans from the SLB and make appropriate decisions on approval of such loans. Any

catastrophic leave request will be reviewed by the SLB Catastrophic Leave Coordinator and forwarded to the Human Resource Director.

- f. **Abuses** - Any reported abuse of the SLB shall be investigated by the Committee and any information regarding wrong doing shall be reported to the Human Resources Director for appropriate action.

C. **Eligibility and Participation**

1. **Participation** - Participation in the SLB shall be voluntary; however, any member wishing to withdraw from the SLB may do so only during the period of the scheduled Institute through September 15th of each current school year or upon employment departure from the St. Clair County School System.
2. **Donor and Beneficiary: *Membership Required*** - Both employee and the beneficiary employee must be members of the SLB.
3. **Eligibility and Membership** - Any employee of the St. Clair County Schools who earns sick leave is eligible to join the SLB. Any eligible employee who has completed a SLB authorization form contributing or committing the designated number of days to the SLB shall be a member.
4. **Requisite Number of Days** - To be a member of the SLB, the employee must contribute two sick leave days to the SLB. Any employee serving in two or more primary positions earning leave must deposit two days per position.
5. **Enrollment Period** – The contribution of leave days in the SLB must take place during the defined enrollment periods which shall be the date of Institute through September 15 (period 1) and from January 2nd through January 15th (period 2). Those new employees who do not have the necessary two days to contribute to the SLB for membership shall be advanced the days upon employment in order to join the SLB.
6. **Maximum Borrowable Days** - No employee shall be allowed to borrow or owe a number of days which is in excess of 15 days more than the employee has on deposit in the SLB.
7. **Exhaustion of Leave** - To be eligible for a loan from the SLB, a participating member must have exhausted all accumulated sick, personal, vacation, and compensatory time in his or her personal account.
8. **Deposited Days Counted Toward Maximum Accumulation** - Days which a contributing employee has placed in the SLB are to be counted toward the cumulative total maximum sick leave days allowed (see Section 16-1-18.1, Code of Alabama 1975).
9. **Recording and Reports** - The St. Clair County Schools payroll department shall maintain records of all contributions to and withdrawals from the SLB, and the status of the SLB. Reports shall be provided on a timely basis at the request of the SLB Committee.
10. **Application for Loan** - In cases where the member has become incapacitated, his or her designated agent may apply to the SLB Committee on the member's behalf, except as

provided in the catastrophic leave provisions of the guidelines. All requests for SLB loans must be in whole-day increments.

11. **Retroactivity** - At the discretion of the SLB Committee, and upon the request of the applicant loans may be granted retroactively to the first day of the absence.
12. **Physician's Statement** – The SLB Committee shall require a statement on the appropriate county form from the beneficiary employees physician certifying the member has an illness or disability as the prerequisite for awarding a loan from the SLB.
13. **Repayment of Loaned Days** - Members of the SLB who borrow from the SLB shall be required to repay the SLB as he or she accrues days monthly. An individual cannot leave employment without repaying any outstanding debt of leave days to the SLB, except as provided by the catastrophic provisions of these guidelines. If the member has no sick leave days remaining, then his/her final check shall be garnished at the prevailing rate of pay for the number of days owed to the SLB. Such monies collected from former members of the SLB by the administration shall be used to replace the number of days borrowed from the SLB. If a member of the SLB has days borrowed and is on sick leave and cannot return to work due to a permanent disability, the employee of his/her designation may request a donation of days under the catastrophic sick leave provisions of law and these guidelines; in such case, the donated days shall be used to repay the SLB and the beneficiary employee's last paycheck shall not be garnished.
14. **Retirement** - Any member who is retiring may withdraw his or her donated days from the SLB for retirement credit as provided in Section 16-25-11.1 of the Code of Alabama 1975.
15. **Use of Days** - Days may be borrowed from the SLB for the member's own sickness and/or to attend to covered family and friends and circumstances as provided in Section 16-1-18.1 of the Code of Alabama 1975.
16. **Resignation** - Resignation from the SLB must be made by submitting the county electronic form to the SLB Committee according to the stipulated timeline. If a member resigns from the SLB, any days which the member has on deposit shall be re-credited to the employee's personal sick leave account.
17. **Disagreements and Appeals** – Any individual who disagrees with the decision of the SLB Committee may appeal the decision in writing for reconsideration to the SLB Committee. The Committee shall have the authority, but shall not be required, to put the issue to a vote of the full membership of the SLB. The decision of the SLB Committee shall be final and binding on all parties.

CATASTROPHIC SICK LEAVE GUIDELINES

1. **Membership in Sick Leave Bank Required:** To donate or receive catastrophic sick leave days, the employee must be a member of the Sick Leave Bank (SLB).
2. **Prerequisite of Receipt of Days:** In accordance with the Code of Alabama, Section 16-22-9, when an SLB member or other family member or friend (see Code of Alabama, Section 16-18.1) is suffering a catastrophic illness injury, the member, upon depleting all sick leave and other earned leave, shall be eligible to receive sick leave days from other members of any sick leave bank to cover the period of time during which the employee cannot be at work. However, before receiving any catastrophic sick leave days from any other member, the beneficiary employee must have borrowed the maximum number of days allowed from the SLB (not to exceed 15 days). The beneficiary employee must use any sick leave days, personal leave days, compensatory days, and vacation days which are earned each month before utilizing donated days. **All requests must be submitted using the appropriate county form.**
3. **Terms and Definitions:** The employee receiving donated catastrophic sick leave days shall be known as the "beneficiary employee" and the employee donating catastrophic sick leave days shall be known as the "donor employee". The term catastrophic illness or injury shall be defined as required in Section 16-22-9, Code of Alabama 1975. A catastrophic illness is defined as "Any illness, injury, or pregnancy or medical condition related to childbirth, certified by a licensed physician which causes the employee to be absent from work for an extended period of time." A pregnancy or condition relating to childbirth is specifically included in the definition of a catastrophic illness, therefore, upon a doctor's signature and completion of the required form, a pregnancy or condition related to childbirth may fall within the parameters of a catastrophic illness. The extended period of time is defined as fifteen (15) days or more for the purposes of application.
4. **Repayment not Required:** The beneficiary employee shall not be required to repay the donated days to the sick leave bank for days used, however the beneficiary employee is required to pay back the SLB for any days borrowed (up to the initial 17 days—2 days for membership plus the fifteen maximum allowable days borrowed) in which the employee has a deficit balance.
5. **Eligibility of Donor:** Any member of the St. Clair County Schools SLB or any other public education SLB in the state may donate sick leave days to the beneficiary employee.
6. **Limit of Days by Donor:** No employee may donate more than 30 sick leave days to the beneficiary employee (as required in Section 16-22-9, Code of Alabama 1975). The 30-day limitation is a permanent ongoing limitation, and not just per illness or per pregnancy.
7. **Application for Days:** The appropriate county form (FMLA/Medical Leave Form) will be required for requesting a catastrophic sick leave donation. In cases where the employee is physically unable or incapacitated, a completed FMLA/Medical Leave Form by the member shall not be necessary; however, before donations to any beneficiary employee will be deposited into the sick leave account of the employee, certification of the illness by

the employee's physician must be on file. Certification shall be by a licensed physician as required in Section 16-22-9 of the Code of Alabama of 1975. The SLB Committee required form is the Physician's Certification of Catastrophic Illness & Injury.

- 8. Coordinator:** The SLB Committee shall elect one committee member to serve as "Catastrophic Sick Leave Coordinator." Once elected, it shall be the responsibility of the Coordinator to make recommendations as to the number of days which a beneficiary employee may need to have donated and to monitor the situation with the beneficiary employee to assist the employee in receiving an adequate number of sick leave days for the illness, The Coordinator shall take care to monitor and ensure that no abuses will occur in the transfer of sick leave days due to catastrophic circumstances. The SLB Committee Coordinator may solicit the assistance from the payroll department representative on all leave reports for the employee.
- 9. Voluntary Donations:** Donation of days to a beneficiary employee shall be solely at the discretion of the participating member of the SLB. An employee donating catastrophic sick leave days shall be clearly informed that the days so donated shall not be repaid if used by the beneficiary employee. However, any days donated for catastrophic purposes which are not used by the beneficiary employee shall revert to the employee making the donation. If donated days are partially, but not completely used, the days shall revert to the donating employees in a proportionate manner, odd days reverting by lot; however, the SLB Committee shall be the final authority in determining the reversion of days to the donors of unused days. Any such reversion of unused donated days shall not occur until the expiration of 30 days after the beneficiary employee has returned to work.