

New Caney Independent School District Sick Leave Bank Guidelines and Procedures

SECTION I PURPOSE AND DEFINITIONS

The purpose of the Sick Leave Bank is to provide paid sick leave days in addition to state and local leave days when a Member has already exhausted his/her individual leave, but needs to be absent from work for additional days due to:

- 1) Catastrophic illness, injury, or eligible condition of the Member and/or when someone in the Member's immediate family as defined in Board Policy DEC (LOCAL) faces a life-threatening situation, as certified by a doctor, whom the employee is the primary caregiver, during the regularly scheduled duty days and the Member is unable to perform the duties of his/her position.

Definitions

SICK LEAVE BANK– A pool of local sick leave days voluntarily contributed by eligible employees to be used by Members who have exhausted all paid state and local leave but are unable to perform the duties of their position due to an eligible extended illness or condition, as identified in these guidelines.

SICK LEAVE DAYS – Days granted from the Employee Sick Leave Bank to an employee who has become a Member of the Sick Leave Bank.

IMMEDIATE FAMILY MEMBER – As defined by DEC (LOCAL).

SCHOOL YEAR – The scheduled workdays of the eligible employee during the current Term of Sick Leave Bank.

ELIGIBLE CONDITION – Any catastrophic illness or injury, as that term is defined in Board Policy DEC (LOCAL), that is eligible for withdrawal of Sick Leave Days in accordance with Employee Sick Leave Bank guidelines. (DEC (LOCAL))

TERM - The Sick Leave Bank Year runs from September 1 until August 31 of the following year.

OPEN ENROLLMENT PERIOD - Open enrollment for each school year is done during the District's open enrollment of benefits.

MEMBER – An eligible employee who timely and properly joins the Sick Leave Bank in accordance with these guidelines.

SECTION II MEMBERSHIP

Eligibility:

All professional or para-professional personnel of New Caney ISD who are in an allocated budgetary position (FTE), and who are eligible to earn at least one (1) local leave day prior to the last day of December in any year, are eligible to be Members of the Employee Sick Bank.

Employees hired after the last day before the winter holiday will not be allowed to enroll until the following school year.

Enrollment:

Any eligible employee may join the Employee Sick Leave Bank by enrolling through the NCISD benefits portal during the open enrollment period for the term year.

Employees hired after August 30th of the school year will have thirty-one (31) calendar days from the date of hire to join the Sick Leave Bank, by enrolling through the NCISD benefits portal during their new hire enrollment period.

An employee is required to contribute one day of State or Local Leave to become a Member the Sick Leave Bank.

Termination of Membership

A Member will cease being a member at the termination of his or her employment.

A Member can voluntarily cancel Membership by sending cancellation notification in writing to the district risk management specialist prior to September 15th of each school year or by electing to not continue enrollment, during the completion of the open enrollment process for the term year in the NCISD benefits portal.

SECTION III SICK LEAVE BANK REGULATIONS

Contribution of Days

Any professional or para-professional of New Caney ISD who joins the Sick Leave Bank will contribute one (1) local leave day to the Bank during the year of enrollment.

These days become the permanent property of the Bank and cannot be returned; all unused Bank days carry over to the next banking year. Each deposit remains the property of the Bank, even in the event of termination, resignation, or cancellation of Membership of the employee.

If a Member uses any days from the Bank during a Bank year, he/she will be required to remain a Member the next Bank Year whether or not he/she wishes to enroll.

If the number of days in the Bank falls below five hundred (500) days, each Member shall

be required to contribute one (1) day at the beginning of the contract or school year.

Cancellation notice must be submitted in writing prior to the end of the enrollment period if the Sick Leave Bank Member does not wish to contribute the required number of days except for those who used days the prior year.

Withdrawal of Sick Leave Days (“Days”)

Only Members in good standing are eligible to withdraw Days. Sick Leave Days will be granted only after the Member has exhausted all accumulated state and local sick leave, and personal leave.

A Member may apply for Days after six (6) consecutive days of absence for reasons of an eligible condition as defined in the guidelines. A Member may apply for Days for planned absences such as surgery or hospitalization in advance if it is anticipated that the absence will exceed six (6) days, and the Member will have insufficient sick and personal leave to prevent loss of pay.

Days are retroactive to the first day of eligible absence once all criteria are met.

No Days will be granted unless an actual absence from normal duty occurs. No Days will be granted to cover absences for holidays, or other off-duty days.

No Days will be granted for elective absences, elective surgical or medical procedures, or procedures that could be safely and reasonably postponed to extended school breaks.

New Members in the Sick Leave Bank are eligible to withdraw a maximum of ten (10) Days during their first year of Membership in the program.

Members who are receiving treatments for an ongoing catastrophic condition (e.g., cancer) will be able to use non-consecutive Days to a maximum of twenty-five (25) Days for existing Members and ten (10) Days for new Members. The use of Days for these non-consecutive days will begin after all other types of sick leave have been exhausted.

The total number of Days provided will be determined by reviewing the attending physician’s statement; if the number of Days needed is in question, a second opinion may be requested by the Sick Leave Bank governing committee.

Sick Leave Bank Days shall not be granted for any disability or absence when these are work-related or covered under the Workers’ Compensation Act.

SECTION IV THE APPLICATION PROCESS

The Application for Sick Leave Bank Days must be submitted to the district risk management specialist. If the Member is too ill to complete the application, his or her building or area administrator may begin the process on his or her behalf. The Member must be an employee of the district at the time of the application process. It is a requirement for the Member to be an active employee to be awarded any Days from the Sick Leave Bank.

An application is not considered complete until all the information requested on the forms

has been submitted to and received by the district risk management specialist.

Any cost associated with the procurement of completed forms is the Member's sole responsibility.

The Sick Leave Bank governing committee may request a medical review by a physician of the committee's choice at the Member's expense. A Member may be requested to appear before the Committee.

Each illness or injury must be applied for separately and each must meet the criteria for approval of benefits on its own merits. This may not apply, however, in certain circumstances such as recurring absences due to the same illness.

The governing committee will make the final determination of the eligibility of the Member and of his or her application. If all criteria are met, the Committee may approve a maximum number of Days (up to 10/25) that the Member may withdraw from the Bank. The Committee may consider and recommend to the Superintendent for approval a Member's request for additional Days beyond the maximum (10/25) if the Committee finds, in its sole discretion, that extenuating circumstances exist to justify the need for additional Days beyond the maximum number of Days (10/25), for up to 25 additional days. Such extenuating circumstances may include, but are not limited to, the following examples: a Member receives a terminal diagnosis, a Member's immediate family member receives a terminal diagnosis, or a Member experiences the premature birth of a newborn requiring Newborn Intensive Care Unit (NICU) treatment. In no circumstance may the Member withdraw any Days that exceed his or her actual absence for the period covered by the approved application.

If the Member's request is approved, the Member will receive his or her usual pay for the number of Days approved by the Committee. The Committee meets at regularly scheduled intervals to ensure timely consideration of all applications.

The Payroll Office will make the appropriate adjustments on the next payroll check. The Payroll Office will not issue special checks.

No one individual is authorized to make a Sick Leave Bank application decision.

SECTION V GUIDELINES FOR BENEFITS

The maximum number of Days granted to any employee during one school year DEC (LOCAL) shall be twenty-five (25).

A Member, who has not used the maximum yearly benefit, may apply for days for any absence that meets all regulations governing the withdrawal of Days from the Bank. Catastrophic Illnesses or injuries that occur during the enrollment period will automatically be covered for individuals who were Members during the previous school year. Any benefits used during the enrollment period will be subtracted from the individual's balance in the Term.

A Member must be absent for six (6) consecutive days before any benefit can be granted.

The governing committee may grant an exception to this rule in the event of on-going, intermittent therapy related to an earlier illness or injury. This might occur for example during chemotherapy, physical therapy, or dialysis.

Absences caused by conditions existing at the time of application for Bank Membership will not usually be covered. However, upon approval of the governing committee of the Sick Leave Bank, Members who present physician verification that the condition was not active or was under control at the time of application for Membership may have absences related to that condition approved for benefits.

Absences due to elective procedures or any procedures or absences that could be scheduled at a time more compatible with the Member's work responsibilities (without detriment to his/her health) are not covered under the Sick Leave Bank.

No Days will be granted for any non-Member. Days may not be donated from or by the Bank for use by non-Members.

Any requested bereavement will be granted or denied in accordance with Policy DEC (LOCAL)

Pre-existing Conditions

Generally, a pre-existing condition will not be covered, but complications of that condition that represent a significant change will be. If the condition itself changes significantly from that at the time of enrollment in the Bank, the application could be approved. The goal of the Sick Leave Bank is not to exclude Members who have pre-existing conditions but to provide its Members with benefits for those unexpected events and illnesses.

Example 1: A Member with previously diagnosed diabetes is hospitalized to evaluate and establish better control of his condition. This would not be covered.

A Member with previously diagnosed diabetes is hospitalized with complications of his diabetes, e.g., circulatory impairment to extremities, kidney failure, and retinal detachment. These would be covered.

Example 2: A Member with previously diagnosed heart disease is advised to have bypass surgery. This has been recommended in the past, but the Member decided against the surgery. This would not usually be covered unless the Member could demonstrate that the decision was made due to a significant change in his health.

A Member with previously diagnosed heart disease has a heart attack. This is a new complication of an existing problem and should be covered.

Example 3: A Member with previously diagnosed cancer was told that the cancer had been removed, but it did recur. This would be a covered condition.

A Member with previously diagnosed cancer who was told that the cancer would recur would generally not be covered unless the cancer was considered inactive

at the time of enrollment by the general health of the Member or statement of the physician.

Notification and Appeals:

A Member shall be notified within ten (10) working days following the decision of the governing committee. The Member then has ten (10) working days to appeal any decision to the committee. All appeals must be in writing and sent to the Executive Director of Human Resources. Supporting documentation should be included. A meeting of the governing committee will be called to review the original application and any new information and documents.

A Member has the right to appear before the governing committee to present his/her case, or the committee may request (in writing) that the Member appear before the committee to substantiate his/her claim. Requests to appear before the committee should be in writing and sent to the Executive Director of Human Resources.

All decisions of the governing committee will be final if there is no appeal of the initial decision within the ten (10) days allowed for appeal. The actual rehearing will not be held until all requested documents or statements are received by the committee. Second appeals to the committee are not granted.

A Member who is aggrieved by a decision of the committee may file complaint under policy DGBA (LOCAL)

Procedures or questions concerning Membership, regulations, or applications for leave which are not specifically covered herein, shall be submitted to the governing committee. The committee will make a recommendation to the Superintendent for interpretation.

SECTION VI SICK LEAVE BANK COMMITTEE

The governing body for the New Caney ISD Sick Leave Bank shall be the Sick Leave Bank Governing Committee.

Membership on the governing committee will be comprised of the following:

- Risk Management Specialist
- Director Payroll
- Employee Benefits Specialist
- Director Health Services
- Director Benefits and Risk Management

The Risk Management Specialist will attend all governing committee meetings and will ensure the governing committee operates within district policy and administrative guidelines.

The Chairperson of the governing committee will be the District Risk Management Specialist. The District Risk Management Specialist will coordinate all approved sick leave for Members with the Payroll Supervisor.

Governing Committee Meetings

Meeting times and locations are determined by the Risk Management Specialist. Some flexibility is necessary due to the schedules of Members and the filing of applications and appeals.

A simple majority of the total number of voting Committee Members shall constitute a quorum sufficient to conduct official business. Committee Members may choose to handle summer applications by mail, e-mail, and/or telephone. The governing committee will decide prior to the summer break the procedures it will follow to ensure that summer employees can receive Bank benefits without undue delay. The Committee may elect to waive the meeting requirement and adopt procedures that protect the intent of the Bank rules without violating the confidentiality of the applicant.

Duties and Responsibilities of the Governing Committee:

The Committee shall review all applications for benefits and determine the maximum number of days to be approved, if any. Approval of the application and the number of days shall be by a simple majority of voting Members casting a vote.

The Committee shall specify the reasons if an application is rejected or not approved.

The Committee shall be responsible for hearing all appeals of its decisions.

The Committee shall protect the confidentiality of its Members and documents.

No Committee Member may vote on an application of any Member of his/her family whether the relationship is by blood or marriage.

The Committee will have full and final authority to address any topics or questions not covered herein.

By agreeing to serve on the Committee, the Committee member understands and agrees that failure to maintain confidentiality may result in criminal legal consequence and WILL be grounds for District disciplinary consequences, up to and including possible termination from employment with the District.

**THESE SICK LEAVE BANK RULES SUPERSEDE ALL OTHERS
AND BECOME FULLY EFFECTIVE WITHOUT EXCEPTION-
SEPTEMBER 1, 2024**