

*PHENIX CITY PUBLIC SCHOOLS
SICK LEAVE BANK GUIDELINES*

The Sick Leave Bank Committee approved the following guidelines:

1. The law as stated will be the overall guidelines. (See attached copy of the law.)
2. Additions to overall guidelines include:

A. Enrollment

With the exception of new employees who are eligible to join the Sick Leave Bank at the time of employment, the contribution of leave days into the Sick Leave Bank must take place during a definite enrollment period which shall be from teacher institute day through September 30th. Any member wishing to resign from the Sick Leave Bank must do so by September 30th or upon departure from the Phenix City Board of Education.

B. Catastrophic Leave

In the event any days donated for catastrophic purposes are not used by the beneficiary employee, said days shall revert to the employees making the donation. If donated days are partially but not completely used, the days shall revert to the donor in reverse order that they were received.

The beneficiary employee, at the end of the contract year, must submit additional documentation from his/her doctor. This must take place within 30 days of the end of the contract year in which donated days were received.

ALABAMA LAW
(Regular Session, 1999)

Act No. 99-581

H.210 - Rep. Boyd

AN ACT

To amend Section 16-22-9, Code of Alabama 1975, relating to educational authority sick leave banks; to provide for the creation, operation, and administration of sick leave bank committees and banks; to require the monthly repayment of sick leave days, to provide for the utilization and repayment of catastrophic sick leave days; to authorize the advancement of sick leave days to new employees for their participation in the bank; to require the exhaustion of all sick and personal days before a recipient employee may receive catastrophic sick leave days from a sick leave bank; to provide for investigation and action against any noncompliant educational authority; to establish additional provisions relating to sick leave banks and catastrophic leave; and to specify a specific effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-22-9 of the Code of Alabama 1975, is amended to read as follows:

“&16-22-9.

“(a) The following terms shall have the following meanings, respectively:

“(1) CATASTROPHIC ILLNESS. 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.

“(2) CHIEF EXECUTIVE OFFICER. The superintendent of any public county or city school system; the President of the Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the President of Alabama Agricultural and Mechanical University; the Superintendent fo the

Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts, and the Executive Director of the Alabama School of Mathematics and Science.

“(3) EDUCATIONAL AUTHORITY or AUTHORITY or BOARD.

Each city and county board of education, the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Board in its capacity as the board of education for the Department of Youth Services School District; the Board of Directors of the Alabama School of Fine Arts; the Board of Directors of the Alabama High School of Mathematics and Science; the State Board of Education as applied to two-year postsecondary institutions; and the Board of Trustees of Alabama Agricultural and Mechanical University.

“(4) EMPLOYEE. Any person employed by the educational authority on a full-time or part-time basis.

“(5) SICK LEAVE BANK COMMITTEE. A committee of five employees, one representing the authority and four representing the participating members of the sick leave bank.

“(b) An educational authority, upon the request of 10 percent of its full-time certificated and full-time support personnel, shall establish a sick leave bank plan for each of the two groups either jointly or separately. The decision, whether to have a joint or separate sick leave bank shall be the exclusive decision of the employees, utilizing a secret balloting process.

“(c) At the beginning of each scholastic year, an election shall be held among the sick leave bank members to determine by secret ballot the four members who are to serve on the sick leave bank committee. The term of office shall be one year. The chief executive officer of the authority shall be responsible for conducting the election in a fair and equitable manner, ensuring the confidentiality of the secret balloting process. The chief executive officer of the authority shall also appoint the authority’s representative on the committee, subject to board approval.

“(d) Notwithstanding any other provision of law to the contrary, it shall be the exclusive responsibility of the sick leave bank committee to write the guidelines and administrative procedures of the sick leave bank, including the catastrophic leave provisions of this section. It shall also be the committee’s

duty to develop all necessary forms for the orderly operation and administration of the sick leave bank and catastrophic leave provisions of this section. To ensure the orderly transfer and acceptance of catastrophic sick leave days from one sick leave bank to another, the State Board of Education shall provide a uniform state form.

“(e) Each plan shall allow the employees to deposit an equal number of days (not to exceed five) of his or her earned sick leave into the bank. The days deposited shall be available to be loaned to any participating member whose sick leave has been exhausted.

“(f) Upon the establishment of a sick leave bank, the sick leave bank committee shall establish procedures providing for the uniform administration of the sick leave bank. Guidelines shall be developed by the sick leave bank committee for the operation of the sick leave bank. The guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank. The accounting of the sick leave bank shall be the responsibility of the authority. Vacancies occurring on the committee shall be filled by the respective parties. No representative on the committee shall serve for a term longer than five years.

“(g) Each sick leave bank’s guidelines shall include the regulations of this section. Additional guidelines shall be adopted by the sick leave bank committee as may be deemed appropriate and beneficial. No board or sick leave bank committee shall adopt any regulation which conflicts with the following general regulations:

“(1) No employee shall be allowed to owe more than 15 days to the sick leave bank, unless over 50 percent of the members of the bank vote to extend the limit.

“(2) Appropriate administrative forms for administering the sick leave bank shall be developed by the sick leave bank committee.

“(3) Sick leave days shall be repaid to the sick leave bank monthly as re-earned by the member. Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final pay check at the employee’s prevailing rate of pay.

“(4) a member of the sick leave bank shall not be allowed to

accumulate more days than allowed in Section 16-1-18.1, including days in the sick leave bank.

“(5) Employee membership in the sick leave bank shall be voluntary.

“(6) Any alleged abuse of the use of the sick leave bank shall be investigated by the sick leave bank committee. On the finding of wrongdoing, the member shall repay all of the sick leave credits drawn from the sick leave bank and be subject to other appropriate disciplinary action as determined by the local authority.

“(7) Upon retirement or transfer of the sick leave bank member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit as applicable.

“(8) Before being eligible to use the catastrophic sick leave days, the member of the sick leave bank shall first borrow and utilize days from the sick leave bank, up to a maximum of 15 days. However, if the member later qualifies for catastrophic sick leave, donated catastrophic sick leave days may be used to repay days owed to the sick leave bank to the credit of the affected member.

“(9) At the beginning of the scholastic year, or upon employment of a new employee, as the case may be, the appropriate number of sick leave days shall, upon application of the employee be credited to the employee’s account to enable the employee to join the sick leave bank if the employee does not have the minimum number of sick leave days to enable him or her to join the bank. The sick leave bank committee shall develop in its guidelines a provision whether or not to allow other employees who have previously failed or refused to join the sick leave bank the option to join upon deposit of the prerequisite number of sick leave days. Any policy developed by the sick leave bank committee shall be uniformly applied to all employees.

“(h) Catastrophic Sick Leave. Employees, at their discretion, may donate a specific number of days to the sick leave bank to be designated for a specific employee for use against a catastrophic illness as defined by this section. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank. The recipient employee may use catastrophic sick leave days for himself or herself or for other covered personas as provided in Section 16-1-18.1. Before sick leave days

for a catastrophic illness may be used by a recipient employee, the recipient employee shall have first exhausted all sick and personal leave. Donated days shall become available for use by the particular employee who shall not be required to repay the days. Any employee who donates sick leave days to the sick leave bank for a particular employee suffering from a catastrophic illness shall be clearly informed that the donated days are not to be recovered or returned to the donor. If a particular employee does not require all of the days donated to the credit of the employee, the days shall revert to the credit of those employees who donated the days in accordance with the guidelines adopted by the sick leave bank committee. No employee may donate more than 30 sick leave days, exclusive of the provisions of subsection (e), to the sick leave bank for the catastrophic sick leave of any one employee. A sick leave bank is authorized to donate sick leave days to another sick leave bank for use by a particular employee who is suffering a catastrophic illness. An employee must be a member of the sick leave bank to donate or receive catastrophic sick leave days.

“(i) Compliance required. If an authority fails to comply with this section within 30 calendar days after receiving the petition to establish a sick leave bank, the State Superintendent of Education (for Public schools), the Chancellor of Postsecondary Education (for the two- year postsecondary schools), or the president of the governing board of trustees (for four-year colleges and universities) shall investigate the situation and shall immediately take due and appropriate steps to ensure compliance with this section.”

PHENIX CITY PUBLIC SCHOOLS
AUTHORIZATION FOR SICK LEAVE PARTICIPATION

PLEASE PRINT:

EMPLOYEE'S NAME

SOCIAL SECURITY NUMBER

SCHOOL / WORK LOCATION

_____ I wish to be a member of the Phenix City Public Schools Sick Leave Bank and hereby authorize that (2) days from my personal sick account be placed on deposit in the Sick Leave Bank.

_____ I wish to be a member of the Phenix City Public Schools Sick Leave Bank, but do not have two (2) days in my account at this time. I hereby authorize the next two (2) days of sick leave for my account to be placed in the Sick Leave Bank.

_____ I do not wish to participate in the Sick Leave Bank.

SIGNATURE OF EMPLOYEE

DATE