



# VOLUNTARY SICK LEAVE BANK ADMINISTRATIVE GUIDELINES

BISD does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or genetic information in employment or provision of services, programs or activities.

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## **Administrative Guidelines Sick Leave Bank**

The District Sick Leave Bank shall be established by voluntary donations from District staff of local sick leave days for the purpose of assisting a fellow employee who has a catastrophic illness or disability. The plan can also be established for the employee who has an immediate family member with a catastrophic illness or disability. The employee may participate in the bank until he or she has used a cumulative lifetime total of 110 days as eligible.

### **Definitions**

**“Immediate Family”** – For the purpose of the Sick Leave Bank, the definition of the immediate family shall be the same definition used for the Family and Medical Leave Act as delineated by DEC (LOCAL). Specifically:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son-or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in *loco parentis*.
3. Parent, stepparent, parent-in-law, or other individuals who stands in *loco parentis* to the employee.

**“Employee”** – means a full-time employee of the Brownsville Independent School district.

**“Catastrophic illness”**-- A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph. Pregnancies without serious complications are not considered to be catastrophic illnesses covered under the extended leave plan. The condition must interfere with the performance of regular job duties.

**“Licensed Practitioner”** – means a person who is licensed to practice medicine within the United States.

**“Sick Leave Bank Committee”** - means the committee appointed to administer the extended Sick Leave Bank. The committee shall be comprised of a Human Resources Administrator, a Human Resources Officer, Employee Benefits/Risk Management Administrator and a representative for Health Services.

**School year** – For the purpose of this program, the school year is defined as July 1<sup>st</sup> through June 30<sup>th</sup>.

**Enrollment period** – **The enrollment period for the sick leave bank is October 1<sup>st</sup> through October 31<sup>st</sup>.**

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**No late application will be accepted.**

**“Paid Sick Days Bank” or “Bank”** – means the accumulated donated sick leave days.

**Earned Sick Leave Days** – sick leave days are earned “at the rate of one-half equivalent workday for each 18 workdays of employment, concurrently with state leave, up to the local maximum of six equivalent workdays per year. All employees shall accumulate local sick leave without limit.”  
DEC (LOCAL)

### **Establishment**

An employee must first have used all state personal, local sick leave, and non-working days, if applicable, and been docked two (2) days of full pay deductions per occurrence. Donated days shall be applied only to absences beyond the two (2) full pay deductions. To qualify, the employee must have been absent with current personal or family catastrophic illness. When the need for extended sick leave is not foreseeable, an employee shall provide notice to the District as soon as possible. The Sick Leave Bank Committee shall consider mitigating circumstances. A member may request bank days by submitting the following information:

1. Exhibit A, signed by the member requesting bank days and stating conditions which necessitate the request.
2. Exhibit D, a physician’s statement report, stating the catastrophic illness or injury. The employee shall incur any expense for this report. A physician’s statement must accompany each request submitted.
3. Dates of absences from work for catastrophic illness or injury.
4. The number of days requested.

If an employee is critically ill and unable to file a request for bank days, the school principal, immediate supervisor or department head may initiate the request at the prompting of the employee, family member or designee.

Donated days will be kept in the Bank to be used on a “first come, first serve” basis until days are depleted.

### **Enrollment**

***The enrollment period for the Sick Leave Bank is defined and will run from October 1<sup>st</sup> through October 31<sup>st</sup>.*** The donated day will be subtracted from the employee’s local sick leave allocation. New members to the Sick Leave Bank must have one day of local leave available at the time of enrollment. A new Sick Leave Bank member is eligible for (prorated withdrawal days) upon local day deposited has been verified.

**Only employees who have donated are eligible to withdraw days from the bank.**

A new sick leave member is eligible to withdraw prorated days after one (1) local day has been deposited and verified.

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Use of the sick leave bank days will run concurrent with FMLA and Temporary Disability days. This sick leave bank will not be considered an extension beyond available leaves as allowed for by BISD policy.

### **Restrictions**

District personnel shall maintain the sick leave bank from voluntary contributions of one (1) local day annually (Exhibit B) per employee. Only earned local sick leave days may be contributed to the Sick Leave Bank. A "day" granted to an employee shall be equivalent to the number of hours in that typical workday. The employee who has a catastrophic illness or disability shall be paid at his or her daily rate.

**Membership in the Sick Leave Bank shall be automatically renewed each year. An employee wishing to discontinue membership shall make that request to the Human Resources Department, in writing, during the enrollment period of any given year. (Exhibit C)**

This program is available to all full-time employees.

### **Depletion of Bank**

The Sick Leave Bank shall cease to exist for the current year when donated days are depleted. Days left in the bank at the end of the school year shall be rolled over into the following school year.

### **Limitations**

Catastrophic illness is defined as an extended critical illness, surgery, injury, or temporary disability due to injury or illness. It requires the services of a licensed medical practitioner for a prolonged period of time and an extended absence from work for treatment or recovery where the absence extends after the employee has exhausted all accumulated state personal and local sick leave, and non-working days. Pregnancies, without serious complications, are not considered to be catastrophic illnesses covered under the sick leave bank plan. The member, through a catastrophic illness, must be unable to perform the duties of his/her position for an extended time.

The Sick Leave Bank has not been established for elective procedures or any procedure that could be scheduled at a time more compatible with work responsibilities without detriment to the employee's health.

Activation of bank days shall be in increments of twenty (20) days until the maximum eligible days are reached. A new Sick Leave Withdrawal Application (Exhibit A) must be filed for each subsequent activation of days. Days activated may be used intermittently. Activation of bank days for employees who have an immediate family member with a catastrophic illness shall be in increments of ten (10) days.

The estate of a deceased employee shall not be entitled to a payment for unused sick leave assigned from the bank.

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Activation of Sick Leave Bank days to cover unpaid absences cannot be retroactive for more than twenty (20) working days from the time of the application for sick leave bank days, as approved by the Sick Leave Bank Committee. The two unpaid days must be met within the retroactive period.

Any employee discovered to be abusing or manipulating this program will automatically be barred from participation and may be subject to disciplinary action up to and including termination of employment with demand for restitution.

The number of donated bank days each individual employee shall be eligible to receive shall be determined by multiplying by five (5) the number of years a person has been employed in the District with a cumulative lifetime maximum of 110 days. This amount will be prorated based on their enrollment date.

Eligibility to receive Sick Leave Bank days is limited to full-time employees who are contributors to the program.

### **Sick Leave Bank Committee**

The Sick Leave Bank Committee shall adopt forms and regulations for the administration of the Sick Leave Bank. The decision of the Sick Leave Bank Committee regarding contributions to and withdrawals from the bank shall be final. If a Sick Leave Bank member is not in agreement with the decision of the committee the only level of appeal will be directly to the Superintendent. The Committee will consider applications in the order in which they are received and will approve or deny any application within ten (10) working days after receipt. The Director for Human Resources may activate the committee at any time that an application must be considered. Whenever possible, twenty-four-hour notice shall be given to the Sick Leave Bank Committee members.

### **Review**

These guidelines are subject to annual review and modifications by the Human Resources Department in conjunction with the committee. The Superintendent of the Brownsville Independent School District shall give final approval of guidelines.

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