CHESTER BOARD OF EDUCATION
Chester, New Jersey

FILE CODE: 4151.2
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_X_ Other Reasons

SICK LEAVE BANK FOR ILLNESS OR ACCIDENT

A Sick Leave Bank has been established to provide compensatory leave coverage to all Chester Board of Education employees, subject to the restrictions contained herein, who are absent for an extended period due to catastrophic illness or injury. Establishment and administration of the Bank are governed by New Jersey Statutes 18A:30-10 and 18A:30-11.

Sick Bank Leave Committee

The Sick Leave Bank shall be administered by a Committee which shall be comprised of three (3) members from Administration and three (3) members selected by the Association. The Committee shall establish standards and procedures that it deems appropriate for the operation of the sick leave bank, including rules, parameters, forms, methods, and procedures prior to reviewing or hearing any eligible employee's first request. A majority of the full Committee will be required to approve an award of days from the bank. In the event of a dispute and deadlock among the six members of the Committee, the request will be deemed rejected. Upon consideration by the Committee, a second doctor's opinion may be requested. The Committee will meet on an as needed basis. Parties acknowledge that in consideration of participation in the sick bank, the employees acknowledge and agree that the decision of the Committee shall be final and binding and shall not be reviewable by either court or agency of competent jurisdiction or subject to the grievance procedure of an Agreement. The Committee shall maintain a current accounting of the bank, to include members who have joined, sick leave days utilized, and sick leave days deposited in the bank. A joint accounting will take place annually no later than September 30.

Procedures

Once the reserve of sick leave days is created, its use will be restricted to employees who have chosen to join the sick leave bank. The Sick Leave Bank shall be established in the following manner:

1. The open enrollment period will be between July 1 and September 30 of each school year, except in the event of a bankruptcy when a special enrollment period is declared.

2. Any permanent employee who has worked at least two consecutive years for the Chester School District and has personally accrued a minimum of fifteen sick days shall be eligible to join the Sick Leave Bank.

3. Each employee who joins the Sick Leave Bank shall make an initial donation of one (1) sick days from his/her accumulated sick leave. Once donated, the sick days shall not be returned. Each employee who wishes to remain in the Sick Leave Bank must annually donate one (1) additional day to maintain coverage. Should the number of days in the bank fall below 100, an immediate contribution shall be required. Upon such occurrence any current member of the sick bank wishing to remain enrolled shall be required to donate at least one (1) sick day into the bank.

4. Employees who initially choose not to participate in the sick leave bank may enroll at a subsequent open enrollment period. However, the employee must contribute a number of days equal to those he/she would have contributed had he/she been a member since the initial eligible date at the initial open enrollment period.

Rules

The sick leave bank will provide extended sick leave to a member for unforeseen prolonged illness, injury, quarantine or incapacitation sufficiently severe to oneself so that regular attendance is inadvisable and/or impossible.

Extended leave from the sick leave bank cannot be used for the following:

1. Illness or hospitalization due to normal pregnancy beyond the member's annual and accumulated sick leave;

2. A period of disability when monies are paid to a member under worker's compensation.

Members utilizing sick leave days from the sick leave bank will not have to replace those days except as a regular contributing member of the sick leave bank.

Leave from the sick leave bank will not be granted retroactively to the previous contract year.

The use of sick leave from the sick leave bank must be requested and approved by the Committee prior to the beginning date of withdrawal from the sick leave bank. In the event that a member is physically or mentally unable to make a request, a family member or agent may file the request. Medical certification is required in order for a request to be approved. When reviewing a request, the Committee shall evaluate the employee's previous paid time off and dockage usage patterns. A request shall not be approved if the employee has a negative

attendance evaluation or has been disciplined for matters related to paid time off. Disciplinary action is to be interpreted solely by the Committee.

Members will be required to sign a release of medical information when making an application to the sick leave bank. Sick leave bank members must sign a confidentiality agreement to protect medical information and confidentiality.

The Committee shall make no decision which will be in conflict with District policy.

No rule, procedure, process, or statement contained in this administrative rule will be interpreted to prohibit the Committee from granting approval to a reasonable request from a member based on the merit of the special circumstances of the request.

When days are granted, payment will be made in accordance with the district's payroll procedures.

Members will be permitted to use the sick leave bank only after their annual and accumulated sick leave is exhausted. Members utilizing the sick leave bank must qualify for and utilize leave in accordance with the FMLA. The maximum number of sick leave days granted for all members shall not exceed 300 days per fiscal year. The maximum number of sick leave days that can be granted for any single member will be 60 days annually. In no case will the granting of sick leave from the sick leave bank cause a member to receive more than his/her daily annual salary/wage that would have been earned in that fiscal year. The sick leave day balance in the bank at the end of one calendar year will carry over to the next school year.

Members will not be entitled to accumulate sick leave while drawing sick leave from the sick leave bank.

A member's right to utilize the benefits of the sick leave bank can only be canceled for the following reasons:

1. Termination of employment with the Chester Board of Education.

2. Cancellation of participation, which is effective only at the close of the member's contractual year or at the end of the fiscal year, whichever comes first.

3. Refusal to make the required annual contribution during the specified open enrollment periods.

4. Refusal to make such additional contributions as may be required from time to time to prevent bankruptcy of the sick leave bank.

5. Falsifying or causing to have falsified the supporting documents submitted to the sick leave bank board upon which their decision is/was based.

6. Receiving the maximum 60 days, however such member is entitled to reapply for benefits during the subsequent sick bank year.

All contributions to the sick leave bank remain the property of the bank and under no circumstances can a member withdraw his/her contributed days from the bank.

All contributions to the sick leave bank will remain in force for the fiscal year in which they are contributed and will not be canceled as long as the member is employed.

Indemnification of the Board. The CEA shall indemnify the Board and hold it harmless for lawful acts or decisions made by the Board in good faith while performing its duties pursuant to Policy 5141.2 to the full extent allowed by law.

Adopted by the Chester Board of Education: