Mansfield Independent School District

Sick Leave Bank Guidelines and Procedures

Effective September 1, 2022

SECTION I PURPOSE AND DEFINITION

A. Purpose:
The purpose of the Sick Leave Bank (SLB) is to provide additional paid sick leave days for members of the Bank who have exhausted all available paid leave in the event of the catastrophic illness or injury of the employee, the employee's spouse, dependent child, or parent.

B. Definition of Catastrophic Illness or Injury:
A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time. Such conditions typically require prolonged hospitalizations or recovery that will not allow the employee to perform the essential functions of his/her job, or are expected to result in disability or death.

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

SECTION II MEMBERSHIP

Eligibility is limited to all full-time personnel of the Mansfield Independent School District. Full-time shall be defined as thirty or more hours of duty per week.

Application for membership must be made during the annual enrollment period at the beginning of each school year prior to September 1 or within 30 days of employment, whichever is later.

An employee must be able to donate two (2) local days to become a member. Their application for membership in the Bank will become active when the two (2) days are earned.

SECTION III SICK LEAVE BANK REGULATIONS

Contribution of Days

Upon acceptance of his/her application, two (2) local leave days will be subtracted from the employee's personal leave balance.

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. Two (2) local days will be subtracted from the employee's personal leave balance during the member's next year of employment. Members will not be eligible to withdraw days if they have not earned the (2) local days to rejoin the SLB.

If the number of days in the Bank falls below the number of Sick Leave Bank members, each member shall be required to contribute one (1) extra day at the beginning of the contract or school year.

A cancellation request must be submitted 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 as noted for those who used days the prior year. Membership may not be canceled for five (5) years after the member was granted the lifetime benefit.

Withdrawal of Days

Only members in good standing are eligible to withdraw days. Days will be granted only after the member exhausted all accumulated state sick leave, compensatory time, state and local personal days. Members are not required to exhaust their non-duty or vacation days.

A member may apply for days after ten (10) consecutive days of absence for reason of personal or the eligible family member's catastrophic illness or injury. A member may also apply for days for planned absences such as surgery or hospitalization in advance if it is anticipated that the absence will exceed ten (10) days.

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

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

No benefit days will be granted for elective absences, elective surgical or medical procedures, routine procedures, chronic illnesses, procedures that could be safely and reasonably postponed to extended school breaks.

No days will be granted for conditions known to exist by the employee before the date of joining the Sick Leave Bank for the first 6 months following his or her enrollment in the bank.

SECTION IV THE APPLICATION PROCESS

The Application for Sick Leave Bank days must be submitted to the Benefits office. The Sick Leave Bank 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 benefit days form the Sick Leave Bank.

The deadline for submitting the application to the Benefits office is thirty (30) work days after return to duty. An application is not considered complete until all requested documentation has been submitted. The application must be accompanied by a physician's statement. A member's name will be removed from applications before review by the committee. All requests for leave reviewed by the committee will be anonymous. Any medical information provided shall remain confidential.

The Committee will generally accept the recommendations prescribed by physicians, osteopaths, and dentists licensed to practice in the United States. Procedures recommended by practitioners of other disciplines and those without licenses to practice in the United States will not usually be accepted.

Any costs associated with the procurement of completed forms is the Sick Leave Bank member's responsibility.

The 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 in certain circumstances such as recurring absences due to same illness. (See Guidelines for Benefits.)

The Committee will make the final determination of eligibility of the member and of his or her application. If all the criteria are met, the Committee may approve a maximum number of days (up to 25) that the member may withdraw from the Bank.

In no circumstance, may the member withdraw any days that exceed his or her actual absence for the period covered by the approved application. In effect, 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 assure 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 Bank year shall be twenty-five (25). The maximum lifetime benefit shall be seventy-five (75) days.

A member, who has used any number of days in one bank year, may not apply for days within a 12-month period. The 12-month period is measured backward from the first date of any SLB leave usage for any absence that meets all regulations governing the withdrawal of days from the Bank.

The Committee has the full and final authority to determine whether or not the member is eligible to withdraw days from the Bank.

A member must usually be absent for ten (10) consecutive days before any benefit can be granted. The Committee may grant an exception to this rule in the event of on-going, intermittent therapy, or a related earlier illness or injury. This might occur for example during radiation or chemotherapy, physical therapy, dialysis, or on-going treatment techniques.

Unless complications arise, absences due to chronic illnesses or common low risk medical procedures or procedures that don't require a prolonged recovery time such as laparoscopic surgery (e.g. hysterectomy, cholecystectomy, appendectomy, hernia repair, colectomy, anti-reflux surgery) cataract surgery, hip replacement surgery are not covered.

No days will be granted for any non-member. Days may not be donated from or by the Bank for use by non-members.

Sick Leave Bank days shall not be granted for any disability or absence when these are work-related or covered under the Worker's Compensation Act.

Absences due to pregnancy-related conditions or childbirth will not be covered by the Sick Leave Bank unless problems arise during the pregnancy that are also health problems that a non-pregnant employee could develop.

Any requested bereavement leave may not exceed 5 days and must be in accordance with Board Policy and subject to the approval of the District.

Examples: Surgical Benefits

Prior to any non-emergency surgery, Bank members are advised to have their physician complete the information on the application form to verify that the surgery cannot be scheduled during one of the longer school breaks of the Bank year. Failure to obtain this information could lead to loss of benefits. Please refer to the following:

> Example 1: A 10- month employee is advised to have a surgical repair of the knee to increase stability. The surgery could be scheduled during the summer break, in the opinion of the physician, without being detrimental to the employee's health or recovery. The employee would NOT be eligible for benefits.
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> Example 2: A 12-month employee is advised to have the same surgery as the employee above. This employee does not have a prolonged summer break and there would be no time during the year when a surgery would not interfere with his/her work. This employee would be eligible.

Examples: Obstetrical Benefits:

Only complications during pregnancy, not a pregnancy, would afford an employee benefits under the Sick Leave Bank plan. These would represent complications that do not result for pregnancy itself, but may be aggravated or provoked by pregnancy. These would be medical and surgical complications during pregnancy.

Without attempting to provide a complete list, some medical and surgical complications during pregnancy might include, stroke, thyroid diseases, pituitary dysfunction, slipped disc, heart disease, liver disorders, etc. To help clarify, please refer to the examples:

> Example 1: An employee discovers she is having twins and her physician advises her to

discontinue working during the last (2) months of pregnancy in order to prevent early delivery. This absence would not be covered.

Example 2: The employee is advised to stay in bed either at home or in the hospital for the last three (3) months of her pregnancy because of signs of pre-eclampsia (high blood pressure, swelling, headaches). This is not an unusual complication of pregnancy and would not be covered by Sick Leave Bank Benefits.

Example 3: The employee above on bed rest for possible toxemia develops a blood clot in her leg. The benefits could begin with the diagnosis of the blood clot because this represents an illness or complications not arising from the pregnancy itself.

Example 4: The physician recommends a Caesarean Section. This procedure is not unusual in pregnancies and would not be covered.

Example 5: An employee decides to have a tubal ligation during the Caesarean Section and later develops a wound infection. None of the absences would be covered as she was already scheduled to be off duty. However, her absence had to be extended for two (2) more weeks for wound treatment. The two (2) weeks would be covered.

Examples: Follow-Up and Treatment

Many illnesses and injuries require follow-up and/ or therapy after the initial treatment. Generally, these can be scheduled with a minimum of time off, such as three (3) hours per week of physical therapy, or office visits to evaluate progress after hospitalization. These would not generally be covered absences since these could usually be completed in 2 or 3 hours. The problem of over-scheduling appointments by physicians cannot be remedied by the Bank.

There are however, other situations that require longer absences over periods of time because of the intensity or side effects of the therapies or treatments or because of the distance the employee must travel to obtain the therapy. Examples of these may include kidney dialysis, major burn therapy, and chemotherapy. These might be considered by the Committee to be a continuation of the original condition which met the eligibility criteria. The total benefits for a school year or lifetime would remain unchanged; however, the Committee may elect to waive the ten (10) day rule in one (1) year to continue therapies for an illness or injury that qualified in the previous Bank Year.

Some follow-up treatments would be considered elective and would not be considered to be covered by Sick Leave Bank benefits. Some examples are below:

Example 1: A scar revision for cosmetic purposes of an earlier covered surgery is not usually covered unless the second surgery was recommended or planned as part of the original surgery;

The surgery site for removal of a malignant melanoma is allowed to heal with a plan to revise the scars as soon as healed would be covered;

The closing of an ostomy is considered a continuation of the original surgery and is covered;

Breast reconstructive surgery planned after healing is complete would be covered; reconstructive surgery decisions made at a later date on the wish of the employee would be covered.

Examples 2: A member decides to travel to Mexico to try experimental therapy for a chronic

illness. This would not normally be covered unless the original recommendation for this therapy was made by a physician licensed to practice in the United States.

Example 3: An Optometrist, licensed in the United States, recommends extensive vision therapy to improve reading ability and reduce eye fatigue. An optometrist is not a physician as determined by medical boards, and therefore this application would be rejected.

Pre-existing Conditions

A pre-existing condition is a condition for which the employee or the family member received medical treatment, diagnosis, consultation, or prescription drugs within 12 months immediately preceding the effective date of the enrollment in the SLB.

Generally, a pre-existing condition will not be covered, but complications of that condition that could be life threatening will be. If the condition itself changes significantly from that 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.

Days will only be granted for an illness, surgery, or other temporary disability that result from a pre-existing condition 6 (six) months following the member's first enrollment in the bank.

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 a 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/ her health.

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

Example 3: 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 general health of the member or statement of the physician.

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Notification and Appeals

A member shall be notified within ten (10) working days following the decision of the 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 Chairperson. Supporting documentation should be included. The Chairperson will then notify the Committee members of the appeal and a meeting called to review the original application and any new information and documents.

A member has the right to appear before the 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 Chairperson.

All decisions of the Committee will be final if there is no appeal of the initial decision within 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.

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

SECTION VI SICK BANK COMMITTEE

The governing body for the Mansfield ISD Sick Leave Bank shall be the Sick Leave Bank Committee.

Membership on the Committee is restricted to personnel who are members in good standing of the Bank at the time of the designated election, who agree to fulfill the obligations of the Committee member for a two (2) year term.

1 Campus Administrator and/or Teacher
1 Paraprofessional Representative/Police/Admin
1 Nurse
1 Counselor /Librarian / Diagnostician/
2 Auxiliary Department Representatives (Maintenance/Facilities/Transportation/Custodial, SN)
1 Other Admin Professional

Term of Committee Service

Committee representatives serve a two (2) year term beginning on September 1 of the first year and ending on August 31 of the second year.

A representative may serve consecutive terms. There are no term limits. A representative may not serve on the Committee after ending employment with the District for whatever reason. A Committee member may also be removed from the Committee for failure to attend three (3) meetings in one year.

Vacancies

The Committee has the full authority to fill any vacancies that occur during a Bank Year whether the vacancy occurs by resignation or by failure of a Committee member to attend three (3) meetings. Appointed representatives serve only until the next September 1 unless elected by Sick Bank members to continue as an elected representative.

Compensation

Committee representatives must enroll in the Bank each year they serve on the Committee. However, no day will be subtracted from their personal leave during each year of service, nor for one (1) additional year for each year of Committee service. In effect, each year of services on the Sick Leave Bank

Committee earns two (2) years of "free membership" in the bank. Removal from the committee disqualifies the representative for the additional year(s) of compensation. If more than 1 day a year is required to be donated due to any reason, the committee members are entitled to only 1 day compensation.

Election

The Committee will decide how many of its current members will retain their seats on the Committee to maintain smooth operation and how many seats will stand for election in each category. A minimum of one (1) and a maximum of three (3) Committee members should be retained each Bank Year, even if it means that these members will serve an additional year without standing for reelection.

Announcement of pending Sick Leave Bank Committee election will be made approximately for (4) weeks before the planned date. Members will receive a form to allow them to register as candidates for the Sick Leave Bank Committee. Members must file as candidates in their own category at least two (2) weeks prior to the Committee election.

Ballots and instructions will be distributed to current members. The Committee will determine timing, distribution and tabulation method to be used. Election results will be certified by Committee members. An announcement identifying the successful candidate will be made as soon as possible after the closing date of the election.

Newly elected representatives should receive orientation to their responsibilities by attending meeting as non-voting members until they assume office on September 1.

Meetings

Meeting times and locations are determined by Committee members. Some flexibility is necessary due to schedules of members and the filing applications and appeals. Committee members may choose to handle applications by electronic means in lieu of a formal meeting.

A simple majority of the total number of voting Committee members shall be sufficient to conduct official business.

The Committee will decide prior to the summer break the procedures it will follow to insure 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.

It is recommended that each committee member receive by email an extract of each application for benefits. The member would be required to register his/her vote by email within five (3) working days. If the case required clarification for one committee member, that clarification would be provided to all committee members and a new vote initiated.

Duties and Responsibilities

The Benefits office will receive and process all applications for Bank membership and benefits, keep membership lists, process all approved benefits, and facilitate the functioning of the Bank.

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

Tie votes shall be broken by the Assistant Superintendent, Human Resource Services.

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

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 blood or marriage.

The Committee shall be responsible to oversee the actions and attendance of Committee members and may remove any member when it is deemed in the best interest of the Bank and its members to remove that member. This action does not deprive the representative of his/her privileges as a Bank member, but he/she forfeits any additional year compensation.

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

The Committee must submit for approval any proposed changes to the rules or regulations to the Superintendent of Schools.

Duties and Responsibilities of the Officers

The Chairperson is responsible for coordinating and conducting all official meetings of the Committee, signing all official decisions, and conducting official communications with advisors, Committee Representatives and Sick Leave Bank members. The Chair has the authority to designate duties to other representatives and to agree to arrangements with District departments which will facilitate the activities of the Committee. The Chairperson has the authority to represent the Sick Leave Bank Committee and the Sick Leave Bank in District and departmental meetings, but not to agree to any action by the Committee without approval by the Committee Representatives.

The Vice-Chairperson acts as Chairperson when the Chairperson is absent and performs duties and responsibilities as agreed to when assigned by the Chairperson.

The Secretary keeps brief minutes of the meetings, including actions taken, decisions made, members present, and members absent. The Secretary is responsible for ensuring that someone will keep a written record when he or she is unable to attend.

Approved.
This supersedes all others and becomes effective September 1, 2022

Jennifer Stoecker 1-26-22

Dr. Jennifer Stoecker
Associate Superintendent of Human Resources