

Gadsden City Schools

EMPLOYEE SICK LEAVE BANK GUIDELINES

(Revised November 2019)

A. Purpose

The Employee Sick Leave Bank (SLB) is established to provide a loan of leave days for its participating members (employees of the school system who voluntarily participated) after their accumulated sick leave days have been exhausted. It is the purpose of the SLB to allow any school employee who earns sick leave and who wishes to participate to also have access to the catastrophic leave provisions as established by state law.

B. The Sick Leave Bank (SLB) Committee

1. **Composition:** The SLB Committee shall consist of five members. Three of these members shall be certified personnel, elected at large annually by the participating members of the SLB. One of the members is to be from the support personnel, elected at large by the participating members of the SLB. The fifth member is to be appointed annually by the Chief Executive Officer of the school system. The committee may choose to involve others (i.e. payroll clerk, ect.) as non-voting members during committee meetings.
2. **Terms of Office:** Members of the SLB Committee shall serve terms of one year. Terms of office begin on October and run through September 30. SLB Committee members may be re-elected or re-appointed for successive terms.
3. **Administration and Policies:** The SLB Committee is charged with the exclusive duties of administration, operation, and the establishment of policies of the SLB. The Committee shall also take any other actions deemed necessary for the effective and efficient operation of the SLB consistent with these Guidelines.

4. **Guidelines:** The SLB is responsible for writing (and revising whenever necessary) the Guidelines which shall govern the operations of the SLB and its catastrophic leave provisions.

5. **Duties of the SLB Committee:**

a. **Officers:** The SLB Committee shall elect, by a majority secret vote, a chairperson from among its members at the beginning of each year (October 1). Other officers may be elected as the committee shall be determine.

b. **Meetings:** Meetings of the SLB Committee shall be scheduled on an “as needed” basis as determined by the committee. Meetings may be called by the chairperson or by a majority of the committee.

c. **Decisions and Votes:** Decisions affecting the SLB and catastrophic leave are to be made exclusively by the SLB Committee, by a majority recorded vote. In situations where meetings are not possible or convenient, the chairperson may elect to gather votes by telephone proxy and shall be responsible for reporting such votes to the necessary authorities.

d. **Forms:** The SLB Committee is charged with the responsibility of developing and distributing the necessary forms so that all eligible employees will have reasonable access to the forms to membership in the SLB. All forms shall be available at the central office of the school system, at the administrative office of each school or work site, and from the local education association president. The following forms are to be made accessible:

- Application from Membership in the Sick Leave Bank
- Application for Catastrophic Leave (state-wide form)
- Physician’s Certification of Illness for SLB Loan (optional)
- Physician’s Certification of Catastrophic Illness or Injury
- Resignation from the Sick Leave Bank

- e. **Loans from the SLB:** The SLB Committee shall review all applications for loan from the SLB and make appropriate decisions on approval of such loans, except as provided for pertaining to catastrophic leave.
- f. **Abuses:** Any alleged abuse of the SLB shall be investigated by the Committee and, on a finding of wrongdoing, the violator shall repay all the sick leave credits drawn from the SLB and shall be subject to appropriate disciplinary action by the school system's administration.

C. Eligibility and Participation

1. **Participation:** Participation in the SLB shall be voluntary; however, any member wishing to withdraw from the SLB may do so only at the end of the school year or upon termination of employment with the school system. Enrollment shall be open to employees at times designation by the SLB Committee.
2. **Donor and Beneficiary:** In cases where leave days are donated through provisions of catastrophic leave, both the donor employee and the beneficiary employee **must** be members of an established SLB within the state of Alabama.
3. **Eligibility and Membership:** Any employee of the school system who earns sick leave is eligible to join the SLB. Any eligible employee who has completed an Application for Membership and has authorized the contribution of five sick leave days to the SLB shall be considered a member. Membership shall remain in effect until the member resigns from the SLB or terminates his/her employment with the school system.
4. **Requisite Number of Days:** To be a member of the SLB, the employee must contribute five (5) sick leave days to the SLB, to be kept on deposit throughout his/her membership.
5. **Enrollment Periods:** The contribution of leave days into the SLB must take place during two definite open enrollment periods which shall be from August 1- September 30 and again from January 1-January 31 of each school year.

Resignations may be submitted at any time, but are effective only at the end of the school year (June 30) or upon the employee's leaving the school system.

6. **Maximum Borrowable Days and Loan Extensions:** No employee shall be allowed to borrow or owe a number of days which is in excess of 15 days more than he/she has on deposit in the SLB (maximum loan of 20 days). This condition may be waived by a majority vote of the SLB Committee. An employee who has an outstanding loan from the bank is required to repay that loan with every earned day of sick leave until the loan is fully repaid. The first five days earned will repay the employee's original deposit into the bank with subsequent earned days used to repay the remaining debt. If an employee should need to "extend" his/her loan during the repayment period, he/she shall follow the same procedure used for applying for a loan (same form, ect.) and shall specify how many days the extension will require. Such extensions are treated as "new loans", except that approval may be automatic. No employee shall be granted more than two extensions during his/her repayment period. Only with majority vote of the Committee shall any such extensions bring the total indebtedness of the employee above the maximum borrowable days.
7. **Exhaustion of All Sick Leave:** To be eligible for a loan from the SLB, a participating member must have exhausted all accumulated sick leave in his/her personal account. Accumulated personal leave is not considered, though most employees would be well advised to use it before asking for a loan.
8. **Deposited Days Counted Toward Maximum Accumulation:** Sick leave days which a participating SLB member has placed in the SLB are to be counted toward the cumulative total maximum sick leave days allowed (see section 16-1-18.1, Code of Alabama 1975).
9. **Recording and Reports:** The school system payroll department shall maintain records of all contributions to and withdrawals from the SLB, and the status of the SLB. Reports shall be provided on a timely basis at the request of the SLB Committee by the school system.

10. **Application for Loan:** Members of the SLB must request loans of sick days by completing the approved forms, and submitting it to the payroll office of the school system. In cases where the member has become incapacitated, his or her designated agent may apply to the SLB Committee on the member's behalf, except as provided in the catastrophic leave provisions of these guidelines. If the SLB Committee requests it, the applicant shall be asked to submit a Physician's Certificate as a condition of the loan; this shall be necessary only at the discretion of the SLB Committee. All requests for loans from the SLB shall be in whole day increments. Factors to be considered by the SLB Committee before granting loan requests shall include:

- The applicant's need and situation
- The circumstances of the illness or disability, including the probability that the loan can be repaid to the SLB
- Years of service with the school system
- The availability of days in the Sick Leave Bank

11. **Retroactivity:** At the discretion of the SLB Committee, and upon the request of the applicant, loans may be granted retroactively to the first day of the absence.

12. **Physician's Statement:** The SLB Committee may require a statement from the beneficiary employee's physician certifying that the member or dependent has an illness or injury or disability as prerequisite for awarding a loan. If the SLB Committee requires this option, a standard form, adopted by the SLB Committee, shall be made available as part of the loan application process and should be returned at the same time as the loan is requested.

13. **Repayment of Loan Days:** Members of the SLB who borrow from the SLB shall be required to repay the SLB as he/she accrues days monthly.

- An individual cannot leave employment without repaying any outstanding debt of leave days to the SLB, except as provided by the catastrophic provisions of these guidelines. If the member has

no sick leave days remaining, then his/her final paycheck shall be garnished at the prevailing daily rate of pay for the number of days owed to the SLB. Such monies collected from former members of the SLB by the administration shall be used to replace the number of days borrowed from the SLB.

- If a member of the SLB has obtained a loan and cannot return to work due to a permanent disability, the employee or his/her designee may request a donation of days under the catastrophic sick leave provisions of law and these guidelines. In such cases, the donated days shall be used to repay the SLB and the beneficiary employee's last paycheck shall not be garnished.

14. **Retirement:** Any member who is retiring may withdraw his/her deposited days from the SLB for retirement credit as provided in section 16-25-11.1 of the Code of Alabama 1975.
15. **Use of Days:** Days may be borrowed from the SLB for the member's sickness or for any other approved use of sick leave as defined in section 16-1-18.1 of the Code of Alabama 1975.
16. **Resignation:** Resignations from the SLB must be made in writing on the official form, submitted to the SLB Committee according to the stipulated timeline. If a member resigns from the SLB, any days which he/she has on deposit will be re-credited to the employee's personal sick leave account.
17. **Disagreements and Appeals:** Any individual who disagrees with the initial decision of the SLB Committee may appeal the decision in writing for reconsideration by the SLB Committee. The Committee shall have the authority, but shall not be required, to put the issue to a full vote of the total membership of the SLB. The decision of the SLB Committee shall be final and binding on all parties.

(Specific Guidelines for Catastrophic Leave as well as the approved forms for use in operation of the Sick Leave Bank are on the following pages.)

CATASTROPHIC SICK LEAVE GUIDELINES

1. **Membership in SLB Required:** To donate or receive catastrophic sick leave days, the employee must be a member of the Sick Leave Bank.
2. **Prerequisites for Receipt of Loaned Days:** In accordance with section 16-22-9, Code of Alabama 1975, when a SLB member or other (see Code of Alabama, Section 16-1-18.1) is suffering from a catastrophic illness, injury, or disability which necessitates the member's absence from work, the member, upon depleting all his/her accumulated sick leave days shall be eligible to request a loan of sick leave bank in Alabama. Such borrowed days will be used to cover the period of time during which the employee cannot be at work. Before receiving any donated days, the beneficiary employee **must** have exhausted all accrued sick leave days and **must** have borrowed and used the **maximum** allowable days from the SLB (see guidelines). The employee must also agree to use any sick leave days that are earned each month before utilizing donated days.
3. **Terms and Definitions:** The employee receiving donated catastrophic sick leave days shall be known as the "beneficiary employee" and employee donating catastrophic sick leave days shall be known as the "donor employee". The term "catastrophic illness or injury" shall be defined as required in section 16-22-9, Code of Alabama 1975. A pregnancy or condition relating to childbirth is specifically included in the definition of a catastrophic illness, therefore, upon a doctor's signature and completion of the required form, a pregnancy or condition related to childbirth may fall within the parameters of a catastrophic illness for purposes of these guidelines.
4. **Repayment Not Required:** The beneficiary employee shall not be required to repay any of the donated leave days received under the provisions of catastrophic leave. There is no limit to the number of days a single beneficiary may receive in donations. If subsequent donated days remain when the employee is released to return to work, such remaining days shall be used to repay any outstanding loan

to the SLB with any remainder being returned to the donor via a lottery, less 5 days to remain with the beneficiary.

5. **Eligibility of Donor:** Any member of the school system's Sick Leave Bank or any other public education Sick Leave Bank within the state of Alabama may donate sick leave days to the beneficiary employee.
6. **Limit of Days by Donor:** No employee may donate more than 30 sick leave days to an individual beneficiary employee (as required by section 16-22-9, Code of Alabama 1975). This 30-day Limit is a "lifetime limit" and does not apply per illness or per pregnancy.
7. **Application for Catastrophic Leave:** A letter of request by the employee to receive a catastrophic leave donation is desirable, but in cases where the employee is unable to make such a request, a letter of request by the member shall not be necessary; however, before donations to any beneficiary employee can be deposited in the SLB for that employee, certification of the illness or disability by the beneficiary employee's physician must be on file. Certification shall be by a licensed physician as required in section 16-22-9, Code of Alabama 1975. The SLB Committee shall authorize a standard form for use by physicians in such certifications.
8. **Committee Consideration of Requests:** The SLB Committee shall consider all requests for catastrophic leave and shall determine how many days a beneficiary employee may need to have donated. Each situation shall be monitored and the Committee shall strive to assist the beneficiary employee in receiving an adequate number of sick leave days to cover his/her absence from work. The Committee shall also monitor to insure that no abuses of this policy occur in the transfer of sick leave days due to catastrophic illnesses. The SLB Committee may appoint its chairperson or another member as a "Coordinator" to oversee such cases.
9. **Voluntary Donations:** Donation of days to a beneficiary employee shall be solely at the discretion of the participating member of the SLB. An employee donating catastrophic sick leave days shall be clearly informed that the days so donated shall not be repaid if used by the beneficiary employee. The SLB Committee of the

beneficiary employee's SLB shall be the final authority in determining any reversion of unused days to donors should the beneficiary employee receive more donated days than he/she can use. No donated days will be returned to any donor until the expiration of 30 days after the beneficiary employee has returned to work or left the school system.

10. **Committee's responsibilities:** If any situation should arise which is not specifically addressed within these guidelines, the SLB Committee shall be the exclusive authority for dealing with it. The Committee is empowered to amend these guidelines, by majority vote and always within the scope of the law, to address unforeseen circumstances and problems. They are to act at all times in the best interest of the employees and the maintain the soundness and viability of the Sick Leave Bank.
11. **Notification of need:** Notification must be distributed to school system by a member of the sick bank committee. Personal pleas for assistance are strongly discouraged.