

PPP-39 Non-Faculty Sick Leave Bank Plan

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Purpose

The Non-Faculty Sick Leave Bank was established to provide emergency sick leave to participants in the plan who have unexpected personal illness, surgery or injury with complications beyond their control and who have exhausted their personal sick and annual leave.

Management

Management of the plan will be administered by five (5) trustees appointed by the President of East Tennessee State University. Initially, two (2) of the trustees will be appointed for one (1) year, two (2) trustees for two (2) years, and one (1) trustee for three (3) years. At least three (3) of the appointees shall be clerical and support. Trustees shall be eligible for reappointment. Also, trustees appointed must be participants in the sick leave bank. Any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the President of a trustee from the trustee role shall be filled immediately by appointment by the President.

A Chair and a Secretary will be appointed by consensus of the trustees. These persons are eligible for reappointment.

Eligibility

Participation in the sick leave bank will be available to regular full-time and regular part-time, non-faculty, exempt and non-exempt employees whether serving in an academic, fiscal or modified fiscal year appointment (MODFY) and will be pro-rated for regular part-time employees. For example, in the case of assessment for one day of sick leave, if an employee is considered 80%, they would have 80% or 6 hours assessed rather than the full 7.5 hours that a full-time employee would be assessed. To be eligible for the initial assessment, all employees must have accumulated at least six (6) sick leave days.

Provisions

A. All eligible employees who elect to participate in the bank may be assessed up to a maximum of three (3) sick leave days annually by the trustees to be placed in the bank. Sick leave days transferred to the sick leave bank are non-refundable and non-transferable with the following exception: The sick leave bank is dissolved due to the closing of the institution or because membership in the bank falls below twenty (20) participants. Upon dissolution of the bank, the total hours on deposit shall be returned to the participating members at the time of the dissolution and credited to their personal sick leave accumulation in the proportion to the number of hours each has been assessed individually.

All assessment forms must be received by the date indicated on the assessment form. Exceptions for turning in an assessment form late will include the following: an employee is out on FMLA, out of town on University related business, out on pre-approved vacation, bereavement, or on pre-approved leave of absence which can be documented by Human Resources. Every attempt to contact employees regarding upcoming assessments will be made by utilizing the campus postal system, the campus email system, faxes and personal phone calls. Sick bank members are expected to pay careful attention to all campus related mail and should be careful not to discard assessment forms.

B. A bank member may cancel his/her membership at any time by written notification to the trustees. Assessed sick leave days are non-refundable and non-transferable upon cancellation of membership.

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Effective date of cancellation shall be the date of the written communication from the bank member.

- C. A bank member **ceases to have membership rights** upon termination of employment, retirement, cancellation of bank membership, refusal or inability to honor the trustees' assessments, and going on leave of absence in a non-pay status for reasons other than illness, injury or disability. **Employee will be reinstated to active membership upon meeting membership assessment criteria during the next open enrollment period (refer to paragraph V.#3.)**
- D. Participants who are granted bank sick leave shall continue to accrue sick leave and annual leave, if applicable, and service credit for retirement and longevity purposes during the time they are on bank sick leave. Also, they will receive credit for any holidays that may occur during the bank sick leave period.
- E. An employee must have been a member of the bank for sixty (60) calendar days prior to applying for withdrawal of sick leave days.
- F. Participants must exhaust all accumulated sick leave, annual leave, and compensatory time, if applicable, prior to receiving bank sick leave.
- G. During maternity leave, requests for additional leave from the sick bank may only be made during the period of medical disability.
- H. Bank sick leave shall not be used for: elective surgery, illness or death of any member of the individual's family, regular and/or follow up doctor's visits, or during any period when the individual is receiving disability benefits from social security, a state-sponsored retirement plan or Board of Claims benefits. Participants may be required to provide proof that the above do not apply. Approved bank sick leave will run concurrently with FMLA leave for an eligible employee who has not already exhausted the twelve (12) workweek entitlement.
- I. Grants of sick leave to individual bank members shall not exceed twenty (20) consecutive days for which the applicant would have otherwise lost pay. After receiving twenty (20) consecutive days, the bank member should explore all other options available to him/her. If the bank member requests an extension, he/she must present a signed statement explaining the available options (for example, worker's compensation or disability insurance) or verify that the member is ineligible to qualify for these options.

Requests for extension beyond twenty (20) consecutive days must be made in writing and may be granted by the approval of the trustees only in the case of an emergency. The maximum number of days any participant may receive in any fiscal year (7/1/xx-6/30/xx) is sixty (60) days. The maximum number of days any participant may receive as a result of any one illness, or recurring diagnosed illness, or accident is ninety (90) or six hundred seventy five (675) hours. The hours will be pro-rated for part-time employees.

- J. To process a request for leave from the sick bank, a healthcare provider's statement (or FMLA paperwork) should clearly list the following:
 - 1. nature and cause of the disability;
 - 2. expected duration;
 - 3. prognosis as to the ability to return to work; and
 - 4. reoccurring disability diagnosis.

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Requests that are not clearly legible or are incomplete will be delayed.

- K. If a Bank member is physically or mentally unable to request bank sick leave or an extension, a family member or an agent for the member may file.
- L. A bank member's supervisor shall be informed of any request for bank leave prior to approval by the trustees.
- M. The trustees by 3/5's vote will approve or reject all requests for bank sick leave within ten (10) calendar days of receipt of the request. The decision of the trustees shall not be appealed beyond that body.
- N. At any time, the trustees may request a physician's statement certifying the illness. Refusal to submit the certification will result in denial of the request.
- O. Primary consideration for requesting sick leave from the bank will be given to those members on 100% medical leave. However, exceptions may be made for members who are on partial disability due to *treatment related leave*. For example, should an employee be going through a treatment such as chemotherapy or physical therapy and require partial time off from work, the employee would be eligible for leave from the bank. However, regular and/or follow up doctor's visits will not count as partial disability and will not be considered for leave from the bank.

The employee requesting leave from the bank for partial disability will need to provide, in advance, complete and proper documentation from the healthcare provider stating the treatment plan, the treatment schedule and dates the employee is authorized to return to work, with or without restriction.

- P. Consideration will be given to members requesting *part-time leave* associated with the last approved Sick Bank request or FMLA request. For example, if an employee had an original approved request for 100% medical leave and became authorized to work part-time, the employee would be eligible for leave from the bank. However, regular and/or follow up doctor's visits will not count as part-time leave and will not be considered for leave from the bank.

The employee requesting part-time leave from the bank will need to provide, in advance, complete and proper documentation from the healthcare provider stating the date the employee is authorized to return to full time work, with or without restriction.

Procedures

- A. All records and official documents of the sick leave bank, including minutes of the Trustee meetings, shall be maintained by the Chair and Secretary of the Non-Faculty Sick Leave Bank. All records shall be subject to audit by appropriate state officials. Any documentation of illness or disability provided to the Sick Leave Bank Trustees will be kept in the strictest confidence. The trustees will be asked to sign a confidentiality agreement at the time they agree to serve on the board. Any additional documentation given to the Bank by the employee will also be shared with the Office of Human Resources.
- B. All eligible employees will receive notification of the establishment of the plan, dates of the initial enrollment period copies of the plan and enrollment forms. Employees are advised of the initial enrollment period at the new employee orientation. Access to the plan is available by accessing the web page at <http://www.etsu.edu/humanres>. Choose Personnel Policies and ETSU Personnel Policy 39 (PPP-39).

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- C. The subsequent annual 30 day enrollment period established by the trustees shall be June 1 – June 30.
- D. All participants in the sick leave bank shall be equally assessed two (2) days (pro-rated for regular part-time) at the initial enrollment assessment to be deducted from the individual’s personal accumulated sick leave.
- E. Subsequent assessments will be determined annually and shall only be conducted in order to maintain a positive minimum balance in the bank – which shall be based upon total membership and projected need.

F. Official forms of the sick leave bank:

- 1. Enrollment Form – Mailed out from trustees
- 2. Non-Faculty Sick Leave Bank Request – Obtained from Human Resources
- 3. Non-Faculty Sick Leave Bank Notice of Assessment – Mailed out from trustees
- 4. Transfer of Sick Leave Between Employees Form – Obtained from Human Resources

Request forms must be filled out within five (5) business days of exhausting all sick and annual leave and compensatory time. Forms must have all appropriate signatures and must be submitted to the Office of Human Resources. All forms must be printed or typed legibly. Submitting a form that is illegible or incomplete will delay the processing of the request. The Office of Human Resources will then forward the request to the trustees in a reasonable time frame attempting to coincide with the employee’s next scheduled pay period.

A healthcare provider’s statement, verifying the nature of the illness or injury and the inability of the employee to work, must accompany the application form. After receiving the request, the trustees will approve or disapprove the request within ten (10) business days.

- G. Upon receipt of a request to draw upon the bank, the trustees will examine the bank member’s status and sick leave record. If there is an appearance of abuse, the trustees may deny the request. In the event an employee is denied a request due to evidence of abuse, the employee will be given the opportunity to appeal the request to the committee by providing any supporting evidence (in written form) which might clarify the employee’s sick leave history.
- H. When processing an employee’s request, if additional information is needed in order to approve or disapprove a request, the trustees may contact the member for additional information.
- I. A bank member requesting leave from the Sick Leave Bank will receive a copy of the signed approved/disapproved request form as notification of the trustees’ action.

AMENDMENTS

Amendments to these guidelines may be made by a majority vote of the trustees and approved by the President.