

Sick Leave Bank Rules

ACE-AFSCME, Local 2250, AFL-CIO

Sick Leave Bank Rules

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The Negotiated Agreement between the Board of Education of Prince George's County and ACE-AFSCME, Local 2250, AFL-CIO provides for the establishment of a Sick Leave Bank as follows:

Article IV, Section 7 -- Employees' Sick Leave Bank

- a. No employee shall be considered eligible for compensation through the Sick Leave Bank unless such employee was on duty or authorized absence the duty day preceding the commencement of disabling illness.
- b. All unit members on active duty with the Prince George's County Public Schools are eligible to participate in the Sick Leave Bank. Participation is voluntary, but requires contribution to the bank. Only contributors will be permitted to use the bank for payment for qualifying incapacitating personal illness during regularly scheduled duty days.
- c. The Sick Leave Bank will be administered by a three (3) member Sick Leave Bank Approval Committee appointed by the President of ACE-AFSCME and Approval Committee shall have the responsibility of receiving requests, verifying the validity of requests, recommending approval or denial of the requests and communicating its decision to the member and the Department of Personnel.
- d. The rules for the Sick Leave Bank will be established by a four (4) member Rules Committee, two (2) members appointed by the President of ACE-AFSCME and two (2) members appointed by the Superintendent of Schools of Prince George's County. It shall be the purpose of this committee to recommend such rules, in addition to those provided for in this Agreement, as the committee considers appropriate for the operation of the Sick Leave Bank. These recommended rules must be approved by the President of ACE-AFSCME and the Superintendent of Schools before said rules take effect. Once approved, the rules will be widely distributed by the Approval Committee.
- e. The contribution on the appropriate form will be authorized by the unit member and continued from year to year until cancelled in writing by the unit member. Sick leave properly authorized for contribution to the bank will not be returned if the unit member effects cancellation. Cancellation in writing may be affected at any time and the unit member shall not be eligible to use the bank as of the effective cancellation date.
- f. Contributions shall be made between July 1 and September 30, except for members returning from extended leave which included the enrollment period and new hires who will be permitted to contribute within thirty (30) calendar days of their reassignment and/or start to work. Unit members returning from extended sick leave or disability leave will be permitted to contribute to the bank only after approval of the Approval Committee.
- g. The annual rate of contribution for the school year shall be two and a half (2-1/2) days of sick leave. Annual rate of contribution for future years shall be determined by the Rules Committee and announced prior to July 1 of each year.
- h. The maximum number of duty days that can be granted in any one fiscal year will be the remaining number of duty days a unit member is scheduled to work. In no case will the granting of leave from the bank cause a unit member to receive more than his annual salary.

- i. Members must use all available sick leave and all accumulated annual leave or personal leave entitlements due for the remainder of the fiscal year before qualifying for leave from the bank. Applications for use of the Sick Leave Bank shall be made on the required form and submitted to the Approval Committee.
- j. The first ninety (90) consecutive calendar days of incapacitating illness or disability occurring during the employee's work year must be covered by the employee's own available sick leave, annual leave, personal leave or leave without pay the first time said employee qualifies for a grant from the bank. For subsequent grants from the bank, the first thirty (30) calendar days of incapacitating illness or disability must be covered by the employee's own available sick leave, annual leave, personal leave or leave without pay.
- k. The Department of Personnel will receive and review the decision of the Approval Committee from the bank. If the grants from the bank are consistent with Prince George's County Board of Education's sick leave policies and the rules of the Sick Leave Bank, the Department of Personnel will approve these bank grants to be paid by the Prince George's County Public Schools to the member and shall forward the bank grants to the appropriate Department for payment. In any case where the decision of the Department of Personnel does not concur with the Approval Committee, the Department of Personnel shall explain the full reason for the difference of opinion.
- l. Bank grants will not automatically be carried over from one fiscal year to another. All bank grants will end as of the last duty day of the school year and must be renewed through the Approval Committee each school year.
- m. If a unit member does not use all of the days granted from the bank, the unused sick leave bank days will be returned to the bank.
- n. If the Sick Leave Bank is terminated due to the non-existence of a negotiated agreement with ACE-AFSCME, or for any other reason, the days remaining in the Sick Leave Bank shall be returned to the then current members of said bank proportionally.

Additional Rules as determined pursuant to Article IV, Section 7, Paragraph d:

- 1. The Sick Leave Bank may only be used for the contributor's own personal illness; it may not be used for illness of other members of the contributor's family.
- 2. Only earned or available sick leave may be contributed to the Sick Leave Bank.
- 3. No employee shall be required, for purposes of maintaining membership status in the Sick Leave Bank, to contribute more sick leave days than other members.
- 4. Leave from the Bank may not be used for disabilities which will qualify the member for Worker's Compensation benefits, unless the member has exhausted all Occupational Disability Leave and exhausted their own accumulated sick, annual or personal leave. **Termination of Worker's Compensation benefits may cause the entitlement to sick leave bank payments to cease.** Member further agrees that any Worker's Compensation wages payable for the same dates as Sick Leave Bank grants will be paid to the Board; and that the Board will reimburse the Sick Leave Bank accordingly.

If a sick leave bank member's absence is due to an injury or illness that has been found compensable under Worker's Compensation, and if that member participates in a Board-sponsored Return-to-Work Program it is understood that any sick leave bank benefits for which the member would have otherwise been eligible will not be lessened by participation in the Return-to-Work Program.

- a) Days worked under the Return-to-Work Program will not cause a new waiting period to begin.
- b) An employee, who receives a sick leave bank grant and, before the grant is exhausted, returns to work under the Return-to-Work Program, may use the remainder of the unfinished grant in the event he/she is forced to discontinue the Return-to-Work assignment due to surgery or worsening of condition.

- c) If a Return-to-Work assignment is for a partial day work schedule, and the employee is otherwise eligible for sick leave bank benefits, the sick leave bank grant will pay the balance of the day's wages beyond the hours worked under the Return-to-Work Program.
- d) Time worked under the Return-to-Work Program shall not be counted toward the calendar year grant maximum.
- e) If an employee applies to the sick leave bank after utilizing the Return-to-Work Program, the Approval Committee will require a second opinion before any subsequent grants are approved for the same illness or injury.

5. When the Approval Committee may reasonably presume that an applicant for a grant or an extension of a grant may be eligible for disability retirement benefits from the Maryland State Retirement Systems and/or Social Security, the Approval Committee will deny the request and suggest instead that the grant applicant apply for the disability benefits. Submission of the application for disability retirement and the necessary supporting medical documents to the Employee Services Office must be made within twenty calendar days from the date of the issuance of the request by the Approval Committee in order for the member to continue to be eligible for a sick leave bank grant. Any requests for additional medical information from the Retirement System must be complied with within twenty calendar days if the member is to be eligible for a sick leave bank grant. The Approval Committee may grant up to a ten (10) day extension based on evidence that the physician could not provide the information within the initial twenty (20) day period. When the Retirement System denies disability retirement, the member must notify the Sick Leave Bank Approval Committee and the Prince George's County Board of Education immediately. A Sick Leave Bank recipient may lose their eligibility for a grant for each day the Sick Leave Bank Approval Committee is not notified after the Sick Leave Bank member has received their denial.

The Approval Committee will refer the member to a physician of its choice to obtain a prognosis as to whether the member will be able to return to his/her regular duties. If this report indicates that the member will never be able to resume his/her regular duties, the Approval Committee will suggest that the member appeal the ruling of the Retirement System denying disability retirement using the report of the physician as the basis for the appeal. The sick leave bank recipient must file this appeal immediately or the recipient may lose their eligibility for a grant. If the physician indicates that the member is able to return to his/her regular duties, the member is no longer eligible for a sick leave bank grant.

No payment for a sick leave bank grant will extend beyond the first of the month following the month in which the Medical Board of the Maryland State Retirement Systems or the Social Security Administration approves disability retirement.

6. When an employee who is a member in good standing of any Prince George's County Public Schools' Sick Leave Bank changes jobs/transfers position or is promoted to a position represented by a different Employee Organization, the Board of Education will automatically transfer the employee's membership to the appropriate Sick Leave Bank. The contribution that was deducted from the employee's sick leave balance on the prior July 1 in order to participate in the prior bank will be transferred to the new bank. In the event that the contribution rates are not identical, the employee will not receive any sick leave reinstatement or additional assessment for the initial year of transfer. Employees will be subject to all rules, terms and conditions of the new bank (such as waiting period, etc.) on the effective date of their new position. Employees who desire to discontinue membership in the bank may do so by following the normal specified withdrawal procedures of the new bank.

7. Each application for a grant from the Bank must include a new physician statement on the appropriate ACE-AFSCME Sick Leave Bank Form.

8. A member of the Sick Leave Bank will lose the right to use the benefits of the Sick Leave Bank by:

- a. Termination of employment with the Board of Education of Prince Georges County.
- b. Suspension without pay during the period of suspension.

c. A member's voluntary cancellation of his/her membership in the Sick Leave Bank, as of the effective date of the cancellation.

d. A member's written authorization to discontinue annual contribution of sick leave day(s) as of the date the contribution becomes due.

e. Any abuse or misuse of the Rules of the Sick Leave Bank.

f. While on approved leave of absence, for other than personal illness.

9. Grants from the Bank shall not exceed one calendar year of the employee contractual workdays.

10. Eligible employees who do not elect to join the Sick Leave Bank at the first opportunity afforded to them will not be permitted to join the Bank until the subsequent annual open enrollment period.

11. The Approval Committee will review and forward to the Board of Education of Prince George's County Personnel Department its decision on all requests to draw on the Sick Leave Bank within fifteen (15) working days after such request is received in the ACE-AFSCME Headquarters Office.

12. All requests to draw upon the Bank must be made upon an ACE-AFSCME Sick Leave Bank Request Form and submitted to ACE-AFSCME within thirty (30) calendar days of the first date Bank usage is requested.

13. **All requests to draw upon the Sick Leave Bank must be completed in the physician's section of the ACE-AFSCME Sick Leave Bank Request form confirming the cause of illness or confinement and certifying the inability to perform assigned duties. The form must be personally signed and dated by the physician. A signature stamp is not acceptable.** The Sick Leave Bank Committee will not honor any physician's statement unless it is on the official ACE-AFSCME Sick Leave Bank Request Form.

14. For the first sixty (60) days of sick leave bank coverage, per illness, a member will continue to receive full salary and benefits. Payment for subsequent grants will be reduced by one day per week up to the maximum number of days allowed per illness.

15. An applicant may be required to undergo a 2nd medical opinion review by a physician of the Sick Leave Bank Committee's choice at any time, at the member's expense. This physician's report is to be sent directly to the Committee before the Committee may act upon the unit member's application for a grant from the Sick Leave Bank.

16. In case a contributor's incapacity is of such a nature that he/she cannot personally apply for a grant, his/her application may be submitted to the Committee by his/her authorized agent or member of his/her family on his/her behalf.

17. Leave grants from the Bank shall be in units of not more than thirty (30) consecutive duty days.

18. Applicants should submit requests on the Sick Leave Bank Request form before prior grants expire. The attending physician must sign the medical section.

19. In cases where the Committee disapproves an application for membership, an application for use of the Sick Leave Bank, or for an extension of such use, the applicant may appeal his/her denial to the ACE-AFSCME Board of Directors.

20. Application for participation in the Bank, withdrawal of sick leave days and cancellation shall be available at the Board of Education of Prince George's County Personnel Office and the ACE-AFSCME Office, and shall be sent to any unit member at his/her request.

21. Copies of all ACE-AFSCME Sick Leave Bank Donations, ACE-AFSCME Sick Leave Bank Grant Requests, and ACE-AFSCME Sick Leave Bank Membership Cancellation requests shall be marked for approval or denial by the Sick Leave Bank Approval Committee. Following such action, Employee Services shall disperse copies of the forms to the unit member, his/her immediate supervisor, the Board of Education of Prince George's County Personnel Department, and the ACE-AFSCME President.
22. The Board of Education of Prince George's County shall maintain records of all unit member contributions, withdrawals and the status of the Bank.
23. The Board of Education of Prince George's County Payroll Office shall report the status of the ACE-AFSCME Sick Leave Bank at any time upon the request of the Approval Committee.
24. The Board of Education of Prince George's County Payroll Office and ACE-AFSCME shall provide information to the Approval Committee upon its request for any data maintained in their files with regard to an applicant's use of or investment in the ACE-AFSCME Sick Leave Bank.
25. Transfer of sick leave days to the Sick Leave Bank shall be in whole or fractional parts of a regular workday consistent with the earned sick leave entitlement of the employee making the donation.
26. No sick leave bank member will be authorized a grant from the bank for pre-existing conditions for the first twelve (12) months of membership. Pre-existing conditions shall include, but not be limited to any condition for which the member received treatment during the twelve (12) months period preceding the member's enrollment in the bank.
27. Bank grants shall not be authorized for illness or disability for which the member is eligible for any disability pension payment.
28. Sick leave bank grants will not be authorized for illness or disability resulting from self-inflicted injury or an act of war.
29. Approval of a sick leave bank grant is automatically and immediately rescinded effective with the first day a member begins to work for another employer or is self-employed.
30. Applications for an extension of a grant will not be considered for approval unless the attending physician, certifying the applicant's continued medical disability to perform his/her regular duties, completes the medical statement on the Request Form.
31. Individuals that join the bank will be required, as a condition of membership, to complete the ACE-AFSCME Local 2250 Sick Leave Bank Medical Questionnaire.
32. Any member who changes their permanent residency from the Metropolitan Area while receiving a grant from the sick leave bank shall cause their grant to be immediately terminated. **If the move is necessitated by medical conditions, a member may have the grant reinstated by the Sick Leave Bank Approval Committee after applicable medical information is received.** The termination may be appealed to the Sick Leave Bank Committee.
33. These Rules are subject to revision in accordance with Article IV, Section 7, Paragraph d, at any time without prior notice.