

**PRESTON COUNTY BOARD OF EDUCATION**

**FILE: 8 – PERSONNEL MANAGEMENT**

**File: 8-12 Personal (Sick) Leave Bank**

**Last Reviewed: 6-28-10**

**Next Review: 7-01-12**

Pursuant to the provisions of §18A-4-10 the Preston County Board of Education hereby establishes a Sick Leave Bank for professional and service personnel effective January 1, 2008. This Sick Leave Bank shall provide Preston County employees the option of offering assistance to fellow employees on those occasions when additional sick leave days are needed because of a "Catastrophic medical emergency". "Catastrophic medical emergency" means a medical or physical condition that:

- ❖ Incapacitates an employee;
- ❖ Is likely to require the prolonged absence of the employee from duty; and
- ❖ Will result in a substantial loss of income to the employee because the employee:
  - Has exhausted all accrued personal leave; and
  - Is not eligible to receive personal leave or has exhausted personal leave available from a leave bank established pursuant to the code.

**R 8-12-1 Organization and Structure of the Sick Leave Bank**

**Sick Leave Bank Membership**

All regular employees of the Preston County Board of Education are eligible for enrollment in the Sick Leave Bank on a voluntary basis. Temporary employees are not eligible to participate.

Any person under contract with the Preston County Board of Education shall be eligible to enroll and receive benefits. Under contract is to be construed as meaning all employees currently assigned to work stations within the county and those employees who are recovering from an extended illness and who are currently utilizing their accumulated sick leave days. Members who are currently on a leave of absence without pay, approved by the Preston County Board of Education, may join the Sick Leave Bank, but they cannot (while on leave) receive days from the Sick Leave Bank.

Employees may join the Sick Leave Bank by signing a Sick Leave Bank Enrollment Form on or before September 30 of the school year they choose to join. Days will be deducted within 30 days of the contribution.

Only those employees who donated days to the bank shall be eligible to participate in the program. An employee's membership will automatically continue from year to year unless the employee notifies the payroll department in writing by September 30 of the current school year or terminates their employment with the Preston County Board of Education. A member cannot retrieve days once they have been donated.

### **Contribution of Sick Leave Days**

The first year of the establishment of the Sick Leave Bank, all members shall contribute two days. In every year thereafter, each member shall be assessed a donation of two days unless s/he notifies the payroll department s/he wishes to donate only one day. Such notice shall be given by September 30 the current school year.

The total of all days contributed from each professional and service member will comprise the Sick Leave Bank.

### **Surplus/Depletion of Bank**

In the event the bank becomes depleted below 100 days, all members shall be notified that they must donate additional days. However, no employee may contribute more than two sick leave days per year.

In the event the Board of Trustees determine that there is a sufficient number of days accumulated in the sick leave bank, it may announce to its members from the previous year that they will not be required to contribute days to maintain their membership for the next plan year. However, employees choosing to join the Sick Leave Bank during a year in which members are not required to donate days because of a surplus of days must donate two days to be bank to establish their membership in the bank.

By donating days to the leave bank, the employee relinquishes all claims to all personal days donated to the Sick Leave Bank.

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### **R 8-12-2 Eligibility for Use of the Sick Leave Bank**

- ❖ Sick Leave Bank days shall only be used by members who have donated days in the current plan year.
- ❖ Sick Leave-Bank days may be used only by an active member who has less than five days remaining of accumulated sick leave or vacation days who is absent from work owing to an accident or illness of the employee.
- ❖ A Sick Leave Bank Enrollment Form must be completed and submitted to the payroll department before any benefits can be awarded under this policy.

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### **R 8-12-3 Board of Trustees**

The Board of Trustees will be composed of the Superintendent or designee who will serve as chairperson of the Board, a principal, two additional professional employees, and two service employees appointed by the Superintendent. No member can serve more than three consecutive years. The Board of Trustees duties shall include but are not limited to:

- ❖ Review and approve requests for withdrawals from the Sick Leave Bank;
- ❖ Review appeals from members whose requests have been denied; including the documentation they present to justify their appeal;
- ❖ Maintain a record of days available in the Sick Leave Bank;
- ❖ Determine the need for additional days in the Sick Leave Bank;
- ❖ Report abuses to the Board of Education and seek an investigation of the abuse.
- ❖ Make recommendations for revisions to these procedures to the Superintendent.

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#### **R 8-12-4 Operation of the Sick Leave Bank**

- ❖ Employees who wish to utilize the Sick Leave Bank must submit a Sick Leave Bank Withdrawal Form to the payroll department of Preston County Schools.
- ❖ A medical doctor's statement, which includes a diagnostic code and expected date of return to work, must accompany the Sick Leave Bank Withdrawal Form before the Board of Trustees can consider the request. A second opinion may be requested by the Board of Trustees at the employees' expense.
- ❖ The withdrawal request must be approved by the Board of Trustees. Upon approval by the Board of Trustees, a maximum of 20 days shall be deposited in the recipient's account. If extenuating circumstances merit additional days an extension may be granted upon submission of a reapplication of the request. The total number of withdrawal days annually may not exceed 100 days for any plan member. Once an employee has received 100 days of personal leave from the leave bank, that employee shall not be eligible to receive any additional days during the current school year (July 1 through June 30) notwithstanding any other provisions of these regulations.
- ❖ Unused bank days deposited in the recipient's account shall revert to the bank.
- ❖ The member may appeal to the Board of Trustees in the event an initial request or a renewal request is denied. The appeal will be considered if sufficient new data is provided.
- ❖ No member who is receiving payments from the West Virginia Worker's Compensation Fund shall be permitted to receive days from the Sick Leave Bank.
- ❖ Members who request and receive a leave of absence without pay, approved by the Preston County Board of Education, cannot (while on leave) receive days from the Sick Leave Bank.
- ❖ The Board of Trustees shall respond to a withdrawal request for days to be awarded to a member within five working days. All approved withdrawal requests for donations will then be forwarded to the payroll department.
- ❖ If an employee should become incapacitated, his/her application may be submitted to the committee by the employee's spouse, or if no spouse exists, then a member of the family on their behalf.

- ❖ The Board of Trustees reserves the right to request the Board of Education to investigate all alleged abuses of Sick Leave Bank privileges by a member of the Bank. Disciplinary actions shall remain the responsibility of the Superintendent and the Board.

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#### **R 8-12-5      Limitations**

- ❖ Contribution to the Sick Leave Bank shall not reduce sick leave days without cause nor have any effect on incentive pay to which an employee is entitled.
  - ❖ An employee is not required to reimburse the Bank for days they have used.
  - ❖ Normal pregnancies shall not constitute any eligibility for Sick Leave Bank days.
  - ❖ No employee may be compelled or coerced to enroll in the Sick Leave Bank.
  - ❖ If the Board of Trustees determines by a majority vote that revisions to these procedures are necessary; the revised procedures to be submitted to the Superintendent of schools. If the Superintendent agrees with the change, s/he will submit the recommend changes to the Board of Education for its consideration. Stakeholders shall be given the normal access to comment on policy and procedural changes as defined in Board policy regarding such changes. Comments shall be shared with the Board of Trustees for review and a final recommendation from that body prior the Board's adoption of any recommended changes.
  - ❖ Sick Leave Bank Days may not be used to:
    - Qualify for or add to service for any retirement system administered by the state; or
    - Extend insurance coverage pursuant to §5-16-13 of the code.
  - ❖ Each personal leave day contributed:
    - Is deducted from the number of personal leave days to which the donor employee is entitled;
    - Is not deducted from the personal leave days without cause to which a donor employee is entitled if sufficient general personal leave days are otherwise available to the donor employee;
    - Is credited to the receiving employee as one full personal leave day;
    - May not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee; and
    - May be used only for an absence due to the purpose for which the leave was transferred. Any transferred days remaining when the catastrophic medical emergency ends revert back to the leave bank.
- (WVC §18A-4-10)**

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Adopted:                      June 28, 2010  
Amended/Revised: