

## **RULES AND PROCEDURES**

### **FCTA - FCPS SICK LEAVE BANK**

#### **Statement of Intent**

The purpose of the Sick Leave Bank is to provide sick leave to contributors to the bank after their accumulated sick leave has been exhausted with the goal of returning the member to active status. Such leave from the bank is issued in cases of prolonged, catastrophic or incapacitating personal illness, injury or quarantine of the member during the regularly scheduled duty day.

#### **Rules**

1. After receiving a sick leave bank grant, members may be asked to submit documentation verifying care given from the health provider during the dates issued by the Sick Leave Bank.
2. To be eligible to receive sick leave bank benefits, the illness, injury or quarantine, must extend for at least ten (10) consecutive duty days (including any days on which the member utilized his/her accumulated sick leave).
3. When an individual is receiving regular ongoing, intermittent medical treatments for a catastrophic condition, the Sick Leave Bank Committee may approve the request. The intermittent medical treatments must also be documented.
4. While some conditions may qualify for Family Medical Leave Act/Personal Disability Leave approved leave, the condition may not meet the criteria for Sick Leave Bank coverage.
5. The bank may NOT be used for illnesses of other members of the contributor's family.
6. The bank may NOT be used by the contributor to remain absent from work in order to assist a family member who is ill.
7. Only earned sick leave may be contributed to the bank. Annual and personal leave may NOT be contributed.
8. For the purposes of administration of the Sick Leave Bank, the definition of sick leave will be:

Sick leave is a designated amount of compensated leave that is to be granted to a unit member who through prolonged, catastrophic, incapacitating personal illness, injury, or quarantine is unable to perform the duties of the position. Sick leave may not be granted for the period of disability when monies are paid to the unit member under the Worker's Compensation Law.

9. Members receiving hours from the Sick Leave Bank may not receive compensation from another employer. The Sick Leave Bank reserves the right to review specific circumstances, such as quarantine, on a case-by-case basis. Exceptions may be given for work appropriate to the capacity of the member.
10. Persons who enroll during the first open enrollment period, up to and including January 15, 1974, will be enrolled without regard to pre-existing conditions of health if they are on active duty at the time of contribution. Thereafter, contributions can be made between July 1 and October 1. Unit members returning from extended leave and new employees may contribute within the first thirty calendar days after reassignment or employment. Unit members returning from extended sick leave or disability leave will be permitted to contribute to the bank. Members who fail to enroll during the enrollment period, are not eligible to enroll until the next regularly scheduled enrollment period.
11. Any person who is a member of the FCTA bargaining unit will be eligible to participate in the bank. However, non-member of FCTA must pay a \$200 Administrative Fee to FCTA per Sick Leave Bank request (**Negotiated Agreement 2011-2014**) Agency Fee payers will not be assessed the \$200 Administrative Fee.
12. In order to draw days from the Sick Leave Bank, a unit member must contribute to the bank at the rate as determined by the bank except in those years where sufficient days remain in the bank to support the bank adequately, as determined by the FCTA.
13. A contributor will lose the right to utilize the benefits of the Sick Leave Bank only by:
  - a. Termination or suspension of employment in FCPS.
  - b. Cancellation of participation which is effective only at the close of a fiscal year, June 30 of each year.
  - c. Refusal to continue regular contributions at the beginning of each fiscal year, July 1, if required by the administering committee.
  - d. Refusal to make such additional contributions as may be required from time to time by the administering committee to prevent bankruptcy of the bank.
  - e. Refusal to provide requested information to the administering committee.
14. The existence of the Sick Leave Bank and participation by a unit member in the bank does not negate or eliminate any other sick leave policies of the FCPS, nor does it in any way negate the rights of individual unit members who participate in the bank to other sick leave benefits included in the FCTA/Board of Education contract.
15. Membership in the bank will remain in force and continue from year to year, with a deduction made automatically, as required, unless membership is canceled in writing by the member and sent to FCTA between July 1 through August 31.
16. Requests for days involving Cosmetic and Elective Surgery will not be granted. Days may not be granted for surgery that can reasonably be deferred to non-work days.

## 17. Disability Retirement

When the Approval Committee reasonably believes that an applicant for a grant or an extension of a grant may be eligible for disability retirement benefits from the Maryland State Retirement and Pension Systems and/or Social Security, the Approval Committee will require the employee to apply for disability benefits. If disability retirement is approved, the member must pursue the earliest possible retirement date or sick leave benefits will not be continued beyond the earliest eligible date of retirement. If the Board of Trustees of the Maryland State Retirement and Pension System determines the employee is not disabled and is therefore able to return to his/her regular duties, the member is no longer eligible for a Sick Leave Bank grant. Submission of the application for disability retirement and the necessary supporting medical documents to the FCPS Department of Human Resources must be made within 20 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 Sick Leave Bank grant.

No payment for a Sick Leave Bank grant will extend beyond the date on which disability retirement is approved to begin by the Board of Trustees of the Maryland State Retirement and Pension Systems or the Social Security Administration. Any remaining days will be returned to the Sick Leave Bank.

When disability retirement is denied by the Retirement Systems, the Sick Leave Bank Approval Committee and the Frederick County Board of Education must be notified immediately by the member. A Sick Leave Bank recipient may lose his/her eligibility for a grant for each day the Sick Leave Bank Approval Committee is not notified after the Sick Leave Bank member has received his/her denial.

### **Procedures**

1. Initial contributions to the bank must be made on an FCTA Sick Leave Donation Form.
2. The FCTA Sick Leave Bank administration committee will approve all donations before they are forwarded to the FCPS Department of Human Resources Payroll Office.
3. The Committee will review and recommend to the FCPS Department of Human Resources approval or denial of all requests to draw from the Sick Leave Bank at the next scheduled meeting of the Sick Leave Bank. Committee meetings are aligned with the FCPS Payroll schedule.
4. Any person submitting a request to draw on the bank, must have made the proper contribution for the fiscal year in which the request is made.
5. All requests to draw upon the bank must be made upon an FCTA Sick Leave Bank Request form. A member has 30 calendar days to apply for use of the Bank. The 30 days will be calculated from the first day the member will lose pay due to lack of personal sick leave. In reviewing requests for Bank the committee will count back 30 calendar days from the date the request is received at the FCTA office and rule ineligible any days requested prior to that.

6. All requests to draw upon the Sick Leave Bank must be accompanied by a physician's statement confirming the cause of the illness or confinement made on an FCTA Sick Leave Bank Physician's Confirmation Form, signed by the physician. The expected date of return must be completed by the physician on the Sick Leave Bank form. It is recommended that a member using the Bank for psychiatric disability be under the care of a registered psychologist or psychiatrist. The above mentioned clinicians should provide a treatment plan that addresses the member's specific diagnosis.
7. Non-members must pay an Administrative Fee to FCTA before any request is considered. **(Negotiated Agreement 2011-14).**
8. An applicant, at any time, may be required to undergo a medical review by a physician of the committee's choice at the applicant's expense.
9. In the event that an applicant is incapacitated, application may be made by a family member or other agent on behalf of said applicant.
10. Leave grants from the bank will normally be made in units of no more than 30 consecutive work days for the individual applicant. Leave grants can exceed this amount if the committee concludes that there are exceptional circumstances. The total days granted cannot exceed the lifetime maximum
11. If an applicant desires an extension of a leave grant, said applicant must submit a request for the extension before the expiration of the prior grant. Application will be made on the Request Form.
12. In cases where the committee recommends denial of an application for use of the Sick Leave Bank or an extension of such use, the applicant may appeal the request to the FCTA Board of Directors through the President within 30 days of the denial.
13. In cases where the recommendation of the Committee is denied by the FCPS Department of Human Resources, the applicant may appeal the request to the FCTA Board of Directors, which may elect to pursue appropriate remedies under the negotiated agreement.
14. Copies of all FCTA Sick Leave Bank Donation, FCTA Sick Leave Bank Requests, and FCTA Sick Leave Bank Cancellation forms shall be marked for recommendation for approval or denial by the committee. Following such action, the committee shall disperse copies of the forms to designated person as needed (i.e. the unit member, FCPS Dept. of Human Resources, FCTS Payroll Dept.).
15. The FCTA will maintain the records of all applications for donation, applications for withdrawal of sick leave days, and all cancellations.
16. The FCPS Department of Human Resources will maintain records of all unit member contributions, withdrawals and the status of the bank on a daily basis.
17. All forms for application for participation in the bank, withdrawal of sick leave days and cancellation will be available at the FCTA office and will be sent to any unit member upon request.

18. The FCPS Department of Human Resources will report the status of the FCTA Sick Leave Bank at any time at the request of the administering committee.
19. The FCPS Department of Human Resources and the FCTA will provide information to the committee upon its request on any data it has maintained in its files with regard to an individual unit member's use of, or investment in, the FCTA Sick Leave Bank.
20. The Sick Leave Bank Administration Committee will be responsible to the FCPS and the FCTA for the proper administration of the Sick Leave Bank, maintenance of sick leave days in the bank, the promotion of enrollment in or donation to the bank, and the submission to the FCTA and the FCPS Department of Human Services of periodic reports on the status of the Bank. The Sick Leave Bank Committee must recommend proposed changes to these rules and procedures to the FCTA Board of Directors. If approved by the FCTA Board of Directors, the proposed changes shall be forwarded to the Superintendent for his/her approval. The approved changes will then be published for all Sick Leave Bank members.
21. The FCTA, upon receipt of a request for days, will immediately forward to the Department of Human Resources a copy of said request. The Department of Human Resources will within five (5) days inform the committee in writing of any concerns or information that may have a bearing on the committee's decision.
22. For members who joined the Bank prior to 2015-2016 school year, the maximum number of sick days that can be granted in connection with any single occurrence of an illness or complications arising from such an occurrence will be **one work year** based on the employees work year (i.e., 10 month, 11 month, and 12 month).

As of the school year 2015-16, any new Sick Leave Bank member will enter a tiered distribution system from the Sick Leave Bank such that:

- First year of membership the member would be eligible to draw 90 days from the Bank
  - Second year of membership the member would be eligible to draw days not to exceed 135 days
  - Third year of membership the member would be eligible to draw days not to exceed the lifetime balance of 270 days.
23. If in any single school year, a member, who is eligible to receive annual leave, has been granted thirty (30) days from the Bank, all unused annual leave must be exhausted prior to any additional sick leave days being granted by the committee.
  24. Lifetime Maximum

Grants for members who entered the Bank prior to 2015-2016 shall be subject to a lifetime maximum to not exceed the equivalent of two work years based on the employee's work year (i.e., 10-month, 11-month, and 12-month. This shall include the

accumulation of all days granted by the Sick Leave Bank. Members who join the bank after 2015-16 will be subject to a lifetime max of 270 days.

**25. A completed original form must be submitted to the committee at least five (5) work days prior to their regularly scheduled meeting.**

26. A member employed with FCPS five (5) or more years must apply to the Executive Director of Human Resources requesting that the Board grant him/her additional sick leave days prior to applying to the Sick Leave Bank. (Article XX – Sick Leave FCTA-FCPS Contract, Section B).