

RICHMOND COUNTY BOARD OF EDUCATION SICK LEAVE BANK ADMINISTRATIVE PROCEDURES

I. OVERVIEW & PURPOSE: The Richmond County Board of Education shall provide a Sick Leave Bank for participating employees to use when all of their sick leave, personal leave and vacation leave have been exhausted.

The Sick Leave Bank will serve as a depository into which employees may donate accrued sick leave time for allocation to other participating employees in equal pay status. The purpose of this bank is to alleviate the hardship caused if catastrophic illness or injury forces the employee to exhaust all sick leave time (including non-accumulative and extended illness sick leave) earned by that employee and thereby lose compensation.

The employee will be limited to a maximum usage of 20 days per school year up to a lifetime maximum of 60 days.

II. WHO CAN PARTICIPATE?

- A. Employees who are eligible for benefits and have been employed for one full school year.
- B. Employees who are in good employment standing.
- C. Employees who earn sick leave and voluntarily choose to donate the allowable amount of days needed to fund the Bank for the specific employee in need of sick leave.
- D. Employees who meet the definition of catastrophic illness or injury.
- E. Employees who are not receiving disability benefits under workers' compensation.

III. MAINTENANCE OF SICK LEAVE BANK RECORDS:

- ✓ receives sick leave applications
- ✓ reviews application for eligibility
- ✓ reviews donor records to ensure eligibility to donate
- ✓ donations received on a case by case basis up to the maximum allowable number by an employee
- ✓ prepares monthly reports for Sick Leave Bank

DEFINITIONS: A catastrophic injury or illness is defined as a severe condition or combination of conditions affecting the mental or physical health of an employee, and which causes an employee to be unable to work for a prolonged period of time. It must require the continuing services of a physician or psychiatrist. **DEFINITIONS:**

1. Catastrophic illness:

A morbid condition that results in health care costs that exceed a person's income, or which compromise financial independence, reducing him/her to subsistence or near poverty levels. Catastrophic illnesses are usually life threatening and may leave significant residual disability—

e.g., AIDS, major burns, trauma with residual paralysis or coma, and terminal cancer, heart attack, stroke. **Source:** Segen's Medical Dictionary. © 2012 Farlex, Inc. All rights reserved

2. **Catastrophic illness:**

An acute or prolonged illness usually considered to be life-threatening or with the threat of serious residual disability. **Source:** MeSH 2007

3. **Catastrophic injuries:**

Catastrophic injuries are brain injuries and spinal cord injuries that are serious, complex injuries that usually have long-term or life-long implications. "Consequences of an injury that permanently prevent an individual from performing any gainful work." (42 USCS § 3796b). **Source:** 2016 -Thomson Reuters

IV. PROCEDURES TO DETERMINE ELIGIBILITY TO DONATE:

- A. In order to donate sick leave days to another employee, the donating employee must complete the donation form and donate a minimum of 2 sick leave days and a maximum of 5 days. The days donated will be deducted from the employee's accrued sick leave days.
- B. The donating employee must be employed for one full school year and have accrued at least 10 sick days.
- C. Any day donated or acquired is subject to normal withholdings.
- D. Employees may only donate to a particular employee to receive their donated time after the employee has been approved to receive sick leave donations.

V. PROCEDURES TO REQUEST SICK LEAVE DAYS

- A. The employee will submit in writing a request for sick leave days to be allocated from other employees who have similar pay status.
- B. The Chief Human Resources Officer or his/her designee will review the request and make a decision on the matter.
- C. If the employee believes the request denied for sick leave days is contrary to this policy or the documentation presented to the Chief Human Resources Officer or his/her designee, such employee shall have the right to have the matter reviewed by the Superintendent of Schools whose decision shall be in writing, briefly describing the reasons for the decision and such decision shall be final.

An employee shall be eligible to make application for a sick leave donation under the following conditions. In the event that an employee is physically or mentally unable to make the request for sick leave donation, a family member or agent may file the request on the employee's behalf.

- A. The employee has been absent due to illness at least twenty (20) consecutive workdays immediately prior to the use of sick leave days requested. The waiting period will not be waived, and Sick Leave Bank days will not be granted retroactively. Proper use of any previous sick leave may be reviewed by the Chief Human Resources Officer or his/her designee.
- B. At the time the sick leave application is submitted employees must be out due to a catastrophic illness or injury. Sick leave designation will only be granted while an employee is out due to a catastrophic illness or injury.

- C. The employee has exhausted all accumulated leave (sick/personal/vacation) but not less than twenty consecutive days of leave. Sick leave bank can be used beginning no earlier than the 21st day of absence.
- D. All requests to receive sick leave donations shall be filed with the Chief Human Resources Officer or his/her designee on the Sick Leave Donation Request Form. Any employee using days from sick leave donation will not be allowed to work a second job. All employees found in violation of this condition will be responsible for repayment of sick leave days or the monetary value and be reported to the Superintendent for possible disciplinary action.
- E. If an employee fails to return the completed information to the Chief Human Resources Officer or his/her designee in a timely manner, pay will not begin until the information is returned.
- F. The Sick Leave Application Form shall be accompanied by the Physician's Statement verifying illness and attesting to the individual's incapacity to work. The Chief Human Resources Officer or his/her designee may obtain a second opinion from a physician of the Human Resources Officer's choice at the employee's expense if deemed necessary by the Chief Human Resources Officer or his/her designee to make a proper determination of eligibility.
- G. Sick Leave Days must be used for personal illness or disability only.
- H. Participants shall sign an authorization form stating they are aware of the provisions of the Sick Leave Donation and that they relieve the employees and the system from any liability as a result of action taken by the Chief Human Resources Officer or his/her designee.
- I. For purpose of administration of the Sick Leave Donation, the definition of sick leave shall be:

Sick Leave is a designated amount of compensated leave that is to be granted to members who, through personal illness, injury or quarantine are unable to perform essential duties. Sick leave day's donation will not be granted to employees who are eligible to receive Worker's Compensation. Only after those benefits have been exhausted is the employee eligible to apply for the donation of sick days.
- J. If a request is for other than consecutive days of illness, a separate request including a new physician's statement should be submitted for each separate period of illness.
- K. In order to make application for sick leave donations, the employee must be of similar pay status who have voluntarily agreed to donate their sick days to the employee up to the maximum allowable.
- L. An applicant may be required to undergo a medical review by a physician of the School Board's choice at any time, at the member's expense.

M. Maternity leave is excluded from coverage by the Sick Leave Donation. Exceptions will be considered where medical complications arise from normal pregnancy and meet the definition of catastrophic illness.

N. Alleged abuse of the Sick Leave donation shall be investigated and, on the finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the Sick Leave Donation as well as face serious consequences which may result in suspension or possible termination.

O. All unused sick leave will be retained by the employee receiving the donation.

VII. ADDITIONAL RIGHT OF SPOUSAL DONATION

In addition to the other provisions of this policy, an employee of the local board of education may donate up to ten 10 days of sick leave days to his or her spouse if such spouse is also an employee of the local board of education for purposes of maternity leave, illness, illness of a family member or death of a family member. This separate provision is described by O.C.G.A. § 20-2-850 (c) (4) and is in addition to the other provisions of this policy and not in lieu thereof.