

TITLE: LEAVE BANKS

Sick leave banks are established for professional and service personnel. The purpose of the banks is to relieve employees from undue financial burdens due to catastrophic illness or injury. Catastrophic illness/injury is a serious, debilitating illness or injury that has totally incapacitated the employee from work and that creates a financial hardship because the employee has exhausted all available leave and is without other resources to compensate for the attending loss of income. Conditions which are short-term in nature (for example: flu, measles, common illnesses, common injuries, minor surgery, etc.) are not deemed catastrophic. Chronic illnesses or injuries which result in intermittent absences from work may be considered catastrophic (for example: cancer, AIDS, major surgery). Generally speaking, such catastrophic illnesses or injuries must be considered both long-term in nature and require long-term recuperation periods. The Sick Leave Bank Committee, established by this policy, shall be the sole judge of whether an employee is suffering from a catastrophic illness/injury that would entitle such employee to an award of sick leave bank days. Decisions of the Sick Leave Bank Committee shall be final and not subject to further review except as provided by the terms of this policy.

There are two separate sick leave banks administered by the Sick Leave Bank Committee, one for professional and one for service personnel.

All full-time employees of the Board are eligible for membership on a voluntary basis.

Employees may join by signing a sick leave bank enrollment form.

Participation in the program is limited to those who donate days to the bank on an annual basis. If the committee determines that there are sufficient days accumulated in the sick leave bank, it may announce to its members from the previous year that additional days will not be required to maintain their membership for the next school year. Membership will be renewed automatically each year, and the appropriate number of days contributed on behalf of each existing member unless the member notifies the committee in writing of their intent to withdraw.

Membership ceases immediately upon the termination of employment with the Board of Education.

A member may withdraw membership from the bank at any time upon written notice to the Superintendent or designee. A member cannot withdraw days once they have been donated.

The Sick Leave Bank Committee will approve requests for donations before they are forwarded to the payroll department.

The rate of contribution for members is based on the following schedule:

| <u>Accumulated Leave</u> | <u>Contribution</u> |
|--------------------------|---------------------|
| 5 to 60 days | 2.0 days |
| 61 to 120 days | 1.5 days |
| 121 to 180 days | 1.0 days |
| 181 or more days | 0.5 days |

For all employees who sign a sick leave bank enrollment form, the designated number of days shown on the contribution schedule shall be taken from the employee's allotment of personal days in the year in which the employee volunteers the days.

The total of all days volunteered from each professional and service member will comprise the respective sick leave banks.

When the respective banks are depleted below 100 days, all members shall be notified that they must donate one-half day to remain a member, with the exception that those who have already contributed two days shall remain a member without contributing an additional one-half day. However, no employee may contribute more than two sick days per year. In the event additional days are requested and a member has exhausted their sick days, said employee will be removed from the bank.

By donating personal days, the employee relinquishes all claims to those days.

Half-time employees shall contribute based upon the above schedule.

Sick leave bank days shall only be used by members who have donated days in the current bank or school year. The Sick Leave Bank Committee shall not award days from the bank to otherwise qualified applicants if the bank does not have, on deposit and unobligated, sufficient days to meet the otherwise qualified request for withdrawal. In the event that there are fewer days, both unobligated and on deposit to satisfy a given otherwise-qualified request, the Sick Leave Bank Committee shall use its reasonable discretion in the awarding or filling of any such otherwise-qualified request.

Sick leave bank days may be awarded only to an active member who has less than 5 days of accumulated personal leave.

A sick leave bank enrollment form must be completed and submitted to the Superintendent no later than September 30th of a fiscal year. An opportunity to join the bank will be available to all eligible employees each year.

A sick leave bank Request for Days form must be filled out and submitted to the Superintendent. The request must be approved by a Sick Leave Bank Committee chaired by the Superintendent or designee and consisting of the Personnel Director and Treasurer.

Upon approval by the Sick Leave Bank Committee, a maximum of 30 days may be deposited in the requesting member's account. Additional days may be requested, with the total days granted not to exceed 120 days in any school year (July 1 through June 30).

Any remaining sick leave bank days after the end of a catastrophic medical emergency shall revert to the sick leave bank.

The Board and participating employees expressly gives the Sick Leave Bank Committee the discretionary authority to resolve all questions concerning the administration, interpretation or application of the Sick Leave Bank Policy, including, without limitation, discretionary authority to determine eligibility for awards of sick leave bank days or to construe the terms of the Sick Leave Bank Policy. All decisions of the Sick Leave Bank Committee shall be final and not subject to further appeal.

Participation in the Sick Leave Bank program is voluntary. By electing to enroll in the Sick Leave Bank, and in consideration of the privilege of participation in the Sick Leave Bank, an employee waives the right, if any should exist, to initiate a grievance under the provisions of West Virginia Code, et seq., or to initiate any other complaint or cause of action concerning any matters that arise from participation in the Sick Leave Bank program, except, however, an employee may initiate a grievance, complaint or cause of action that asserts discrimination on the basis of sex, race, color, national origin or disability. No member who is receiving payments from the West Virginia Workers' Compensation Fund shall be permitted to receive days from the sick leave bank. Members who request and receive a leave of absence, approved by the Board, cannot receive days from the bank while on leave.

The committee shall respond to a request for days to be awarded to a member within ten (10) working days.

In case a member has been incapacitated, application may be submitted to the committee by an agent or member of the family on their behalf.

The use of bank days to qualify or add to service for any retirement system administered by the state or for the extension of insurance coverage pursuant to West Virginia Code §5-16-12 is prohibited.

Contribution to the bank shall not reduce personal leave-without-cause days to which an employee is entitled.

An employee is not required to reimburse the bank for days used.

Upon termination of employment or voluntary withdrawal from the bank, a member shall not be permitted to withdraw any days from the bank.

No employee may be compelled to contribute to the bank.

The Sick Leave Bank Committee reserves to itself the right to exercise all powers not specifically enumerated by statute or this policy by the adoption of operating rules and regulations and its own internal accounting procedures.

Review Schedule. This policy shall be reviewed in accordance with the Policy Review Schedule published by the Superintendent.

Legal Authority: **West Virginia Code § 18A-4-10;**
 West Virginia Department of Education Policy 5904

Board Adoption: **July 21, 2014**