



Employees' Sick Leave Bank

No. 99-05

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Authorized by:

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The purpose of the Employees' Sick Leave Bank (Bank) is to provide paid leave to eligible Merit System employees who have exhausted leave balances during a period(s) of disability.

The following summary provides highlights of changes to the Employees' Sick Leave Bank Program:

- The Bank will be centrally administered with assistance from a vendor processing applications and providing the Health and Benefits Office with "advice to pay".
- This Bank is intended to have a four-month limit with the first month or twenty-eight (28) calendar days covered by employees through a combination of sick and annual leave, or leave-without-pay. This time shall be considered a waiting period.
- There will be no more waivers of the waiting period.
- Participants will initially contribute eight (8) hours of sick leave annually. Additional increments of four (4) hours during the plan year will be required of Bank members not currently using Bank hours, in the event the fund balance goes below ten percent (10%) of the prior year's use.
- The Bank will only cover seventy-five percent (75%) of an employee's regularly scheduled hours (i.e., 6 hours of an 8-hour day and 7.5 hours for a 10-hour day).

MEMBERSHIP/ELIGIBILITY

1. Merit System employees are eligible to participate in the Bank except those employees represented by the Fraternal Order of Police (FOP) and those Municipal and County Government Employees Organization (MCGEO) employees who are participating in the MCGEO Donor Program.
2. To enroll, an employee must complete a *Bank Enrollment Form*.
3. A new employee may enroll in the Bank within forty-five (45) days of attaining career status.
4. All other employees may enroll in the Bank during the open enrollment period for an effective date of January 1st of the following year.
5. Participation in the Bank is valid for one calendar year – January 1st through December 31st.
6. Bank members will be automatically re-enrolled each year unless the member disenrolls by submitting a *Bank Disenrollment Form*.

CONTRIBUTION OF SICK OR ANNUAL LEAVE

1. A full-time or part-time employee must contribute the minimum required hours as designated each year during open enrollment.
2. The Bank will maintain a minimum hour balance that is ten percent (10%) of the prior year's hour use. Whenever the balance goes below ten percent (10%), additional increments of four (4) hours during the plan year will be required of Bank members not currently using Bank hours.
3. All deductions will be taken from an employee's accrued sick leave balance. If however, the employee has insufficient accrued sick leave, then annual leave will be taken to complete the annual contribution requirement.
4. Employee leave contributions will not be returned for any reason after the leave has been deducted from the employee's leave balance.
5. Employees in a leave-without-pay status during the open enrollment period, who do not have any accrued sick or annual leave, may join the Bank by completing the enrollment form within forty-five (45) days of their return to work date.

- a. The required leave contribution must be available by the close of the third full pay period following the return to work date.
- b. The effective date will be the 1st of the month following receipt of the enrollment form by the Health & Benefits Office.

APPLYING FOR BANK USE

1. New Bank members and members with an interruption in membership where the member elected to disenroll and later re-enroll in the Bank, must satisfy the eligibility exclusion period of six (6) months immediately upon (re-)enrollment in the Bank.
2. A member may not use the Bank from the date a non-medical leave status has been approved (i.e., sabbatical leave).
3. A member must complete the third party *Vendor Claim Forms*.
4. All claim forms must be sent to the Health & Benefits Office to have the employer section completed and sent to the vendor.
5. A Bank member who completes a claim form for Bank use must also complete a Family & Medical Leave Act (FMLA) form and submit the FMLA form to his/her department head for approval.
6. Members requesting Bank use for partial disabilities must provide medical documentation specifically stating the days/hours the member may work.

BANK USE

1. All employees must satisfy a twenty-eight (28) calendar day waiting period consisting of one hundred-sixty (160) work hours for full-time employees and eighty (80) work hours for part-time employees.
2. An employee must apply for Long Term Disability (LTD) benefits and comply with all LTD application requirements within sixty (60) days of the initial disability date. If a member applies for Bank use, those Bank forms will be used by the LTD carrier for application for LTD benefits.
3. All Bank use granted will qualify as FMLA events and will also count towards any period of FMLA leave to which the employee is entitled. Bank use will run concurrent with FMLA use.
 - a. The vendor *Attending Physician's Statement Form* may be used for both the Bank and FMLA medical certification. (The FMLA form may not be used in lieu of the vendor *Attending Physician's Statement Form*).
 - b. No member may use the Bank if an FMLA application form has not been received by the member's department head for approval.
4. A diagnosis that changes for the same basic condition is considered the same disability for purposes of using the Bank. Ongoing treatment for a changing condition will not be considered a new disability.
5. For each full or partial disability day a Bank member requests Bank hours, the Bank member will receive pay at 75% of the SLB hours requested.
6. For part-time employees, the maximum weekly benefit is fifteen (15) hours. Bank hours will be given based on a twenty (20)-hour maximum work week. Bank members working greater than twenty (20) hours per week will not receive a benefit until the actual work week is less than twenty (20) hours.

BANK USE LIMITATIONS

1. The Bank hours are only available to members of the Bank.
2. No Bank hours are available prior to the effective date that an employee became a member of the Bank.
3. No Bank member may use the Bank unless all accrued sick and annual leave has been exhausted.
4. A Bank member may not use Bank hours beyond the 120th calendar day of total disability.
5. An employee may not use the Bank for an approved Workers' Compensation (WC) disability or LTD claim.
 - a. An employee who has been approved for a WC claim for the same injury/illness as what has been approved for the Bank will no longer be eligible for the Bank hours.
 - b. For the approved WC benefit period, Bank leave will be reversed to disability leave.
 - c. Once LTD benefits are payable, Bank leave may no longer be used.
 - d. If a WC or LTD claim is later closed, the employee is no longer eligible for Bank benefits for that disability.
6. A full-time employee may receive up to 396 hours per plan (calendar) year (8-hour average workday multiplied by 75% multiplied by 66 days).

7. A part-time employee may receive up to 198 hours per plan (calendar) year (4-hour average workday multiplied by 75% multiplied by 66 days).
8. No Bank benefits will be available after the sixth month of disability regardless of whether the employee has exhausted the 66-day benefit.
9. Previous grants of continuous leave from the Bank will be cancelled for any member who returns to work for more than fourteen (14) calendar days, unless the original request was for intermittent leave.
10. The Bank member must maintain regular weekly contact with his/her supervisor unless the Bank member is comatose or determined by the third party vendor to be sufficiently mentally unstable, otherwise Bank benefits will be denied.
11. A member who requires two or more separate periods of Bank hour use for the same disability must demonstrate that there was a material medical change in the disability to be eligible again for Bank use.
12. A Bank member may not use the Bank to essentially work part-time and receive disability benefits for a chronic medical condition. If the Bank member does not show satisfactory progress in recovery during a consecutive twenty-four (24)-month period, the Bank member may be denied further benefits for the medical condition.
13. A Bank member who changes workday statuses from an eight to ten- hour workday, a ten to eight-hour workday, from full-time to part-time or part-time to full-time status during the year, will be able to use the Bank at the member's current workday status, regardless of the member's status at the time of the enrollment or leave contribution.

BANK ADMINISTRATION

1. The Commission's Health & Benefits Office will select a third party disability management vendor to administer and approve Bank use based on the medical information requested by the vendor and what the Bank member has provided. The vendor will provide Health & Benefits staff with "advice to pay".
2. The disability management vendor will notify the Health & Benefits Office of approval to use the Bank from a start date to an end date.
3. In addition to the provisions in these procedures, the Bank will be administered in compliance with the certificate of coverage provided by the vendor.
4. Any request for medical documentation that is not provided to the vendor fourteen (14) days after the request is made, will result in a denial of benefits from the initial request date until the vendor receives the documentation.
5. All claim forms and documentation must be sent directly to the Health & Benefits Office.
6. The Health & Benefits Office will track the hours donated to the Bank and used by participants to insure a sustainable Bank.
7. The Health & Benefits Office will notify the employee's supervisor of the period of time during which the employee is approved for Bank use.
8. The employee's manager will notify the employee of approved periods of Bank use.
9. The manager/department will prepare a personnel action form (PA2) placing the employee on Sick Leave Bank and complete the employee's timecard for Sick Leave Bank use.
10. An employee will not accrue sick or annual leave on sick leave bank hours used.
11. Hours received from the Bank will count as creditable ERS service.
12. Hours used from the Bank will be concurrently considered Leave-Without-Pay Hours and will count towards the right of the department to waive the employee's rights to his/her position as well as count towards the one year of leave without pay before an employee may be terminated.
13. Employees who resign or retire from the Commission may donate up to forty (40) hours of their accrued sick or annual leave to the Bank.
 - a. Employees must submit a written request to the Health & Benefits Office at least fourteen (14) calendar days prior to their termination date.