

**LEAVES AND ABSENCES**

DEC-R6

**EMPLOYEE SICK LEAVE BANK PROGRAM****Purpose**

The purpose of this program is to provide additional sick leave benefits to member employees who have exhausted all other paid leave due to a qualifying illness that occurs during regularly scheduled duty days. There are three separate and distinct plans in the sick leave bank program. Plan A provides members with up to 120 days of additional paid leave based on the employee's own catastrophic physical illness. Plan B provides members with up to 20 days of additional paid leave based on the catastrophic physical illness of the employee's spouse, parent or child. Plan C provides bank members with 20 days of paid leave for absences resulting from the employee's own incapacitating physical or mental illness. However, each day granted from any plan under this program shall be paid at 70% of the employee's normal daily rate of pay.

**Definitions**

**Catastrophic Physical Illness** - A physical condition which has the potential to cause financial ruin, permanent disability, or death. These illnesses are limited to the following conditions: Malignant Neoplasm, Leukemia, Cancer in Situ, AIDS and Related Illnesses (Kaposi's Sarcoma, Pneumocystis Carinii Pneumonia, Toxoplasmosis in Adult Male), Sickle Cell Anemia, Aplastic Anemia, Cerebral Vascular Accidents (Stroke) resulting in Coma or Paralysis, Spinal Cord Injury, Multiple or Crushing Injuries, Multiple Fractures, Degenerative Neurological Conditions (Multiple Sclerosis, Cerebral Palsy, Muscular Dystrophy, Lateral Sclerosis), Meningitis, Encephalitis, Kidney Failure, Chronic Cardiac Conditions, Organ Transplants, Congenital Anomalies, Amputations involving Major Extremities, Second or Third Degree Burns over at least 20% of the Body, or Severe Respiratory Conditions Requiring Chronic Ventilator Dependency. Mental illnesses other than those listed are excluded.

**Incapacitating Physical or Mental Illness** - A physical or mental condition which results in a period of incapacity to work of at least ten days. Those conditions listed under Catastrophic Physical Illness and normal pregnancy are excluded. Complications from pregnancy prior to the birth that meet the other requirements listed above are included. Complications after delivery are excluded.

**Plan Year** - September 1 through August 31

**Membership**

Employees who are eligible for local leave benefits and have been employed by the district in a non-temporary position without a break in service for at least one year as of September 1 are eligible for initial membership in the Bank. Participation is voluntary, but requires the contribution of one day of local sick leave to the Bank. Only contributors will be permitted to apply to use days from the Bank. Membership in the Bank entitles the employee to apply for benefits from all Plans in the Bank. Contributions to the Bank shall be made from the employee's accumulated local sick leave days or from the local sick leave days granted at the beginning of the employee's work year.

Employees who are members of the bank but cannot make a required contribution to continue membership because they have exhausted all leave and have not earned new leave for the year as a result of not having worked at least one day in the new work year shall be allowed to continue membership and the required contribution shall be deducted from leave that is subsequently earned or from leave that may be granted from the sick leave bank.

Contributions for initial membership, and as required for continuing membership, shall be authorized by the employee on the approved form. Contributions made to the Bank will not be returned to the employee under any circumstance. No member shall be required to contribute more or less days than other members to continue membership. An employee may cancel membership in the Bank at any time by completing the appropriate form, and the employee shall not be eligible to use the Bank after the effective date of cancellation.

The required contribution for continuing membership shall be set by the Board of Trustees and announced prior to the acceptance of contributions each year. Contributions for initial membership or continuing membership shall be made by the second Monday in September for the new Plan Year. Any member who elects not to contribute the required number of days shall be dropped from membership for that Plan Year and shall not be eligible for use of days from the Bank.

A member of the Bank shall lose the right to use benefits from the Bank upon any of the following: termination of employment, suspension without pay during the period of suspension, abuse of the rules of the Bank, or falsification of any document or statement required under the rules.

**Use of the Bank**

Members who have exhausted all other paid leave benefits may make application for additional paid leave days for a qualifying illness under one of the plans outlined below. Application for paid leave from the Bank shall be made on the appropriate forms and shall be submitted to the Assistant Superintendent for Business within 20 calendar days of the date first eligible for a grant. Applications received after this deadline will not be considered. A physician must diagnose and certify the illness on the approved form. Applicants may be required to undergo a medical review by a second opinion physician which shall be at the expense of DISD. If a member is unable to apply due to the incapacitating nature of the illness, an application may be submitted by the member’s agent or a family member.

The total number of paid leave days granted to members from the Bank shall not exceed the balance of days available in the Bank on the established contribution deadline of each year. Dumas ISD shall have no obligation to grant any member’s request for additional paid leave once the days available in the Bank are exhausted for that year.

Grants of paid leave from the Bank shall be made in units not to exceed 30 duty days. The member must submit a request for extension of a Bank leave grant prior to the grant expiring if the illness has continued. The total number of days of paid leave available to the member each year is limited according to the plan under which the grant is made as listed below. In no case will the granting of paid leave from the Bank cause a member to receive more than the member’s regular annual salary. Paid leave days from the Bank shall be granted only for absences from regular duty days and shall not be granted for any days for which the applicant would not ordinarily be paid. All paid leave days granted from the bank shall be paid to the member at 70% of the member’s normal daily rate of pay.

Paid leave days granted from the Bank may be used intermittently, after the member or family member is released by the doctor, for follow up doctor visits resulting from the illness originally approved. A doctor’s statement on the approved form must accompany each absence for intermittent use of Paid leave days from the Bank.

Paid leave days from the Bank shall not be used or approved for bereavement purposes. All obligations of the District under this plan end with the death of patient whose illness was the qualifying factor under the plan.

If a bank member does not use all the paid leave granted from the Bank, the unused days are returned to the available balance in the Bank.

Paid leave days from the Bank may not be used for illness or disability which qualify the member for Workers’ Compensation benefits.

**Dispute Resolution**

Disputes arising from a decision on an application for benefits under the program shall be heard by the Assistant Superintendent for Business. His decision may be appealed to the Superintendent. If the decision is upheld by the Superintendent, then the decision may be appealed to the Board of Trustees. The decision of the Board of Trustees is final and may not be appealed.

**Plan Descriptions**

- Plan A:** Qualifying Illness - Catastrophic Physical Illness of the employee only
- Maximum Days - 120 duty days during any consecutive two plan years
- Payment per Day - 70% of member’s normal daily rate

- Plan B: Qualifying Illness** - Catastrophic Physical Illness of the employee’s spouse, child (natural, adopted or step), or parent (not in-laws)
- Maximum Days - 20 duty days per Plan Year (applications approved near the end of one Plan Year may overlap into new Plan Year without effecting the 20 day limit for the new Plan Year provided that no more than 20 days are used for the same illness)
- Payment per Day - 70% of member’s normal daily rate
  
- Plan C: Qualifying Illness** - Incapacitating Physical or Mental Illness of the employee only
- Maximum Days - 20 duty days per Plan Year (applications approved near the end of one Plan Year may overlap into new Plan Year without effecting the 20 day limit for the new Plan Year provided that no more than 20 days are used for the same illness)
- Payment per Day - 70% of member’s normal daily rate