

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

SUBJECT: Faculty and Non-Faculty Sick Leave Bank

EFFECTIVE DATE: July 1, 2000

AUTHORIZATION

Pursuant to Chapter 447 of the Public Acts of 1983 as amended as Public Chapter 1009 of the Public Acts of 1988 (TCA 8-50-926), the following guidelines shall be followed in the formation and operation of sick leave banks at all institutions and Tennessee technology centers within the Tennessee Board of Regents system. This guideline will be implemented in accordance with Board Leave Policy No. 5:01:01:00.

1. Establishment

The sick leave banks are established when a group of employees agree to be assessed a specific number of accrued sick leave days for a common pool. Such an assessment of sick leave days deducted from the individual's personal accumulated sick leave shall be nonrefundable. From this pool, the members may withdraw an amount of days greater than their individual assessments upon request to and approval from the trustees of the bank. The following two (2) separate sick banks are established:

- a. Faculty Sick Leave Bank - for faculty,
- b. Non-Faculty Sick Leave Bank - for administrative/professional and support staff employees.

Source of Policy: Transition Team VII
Human Resources

Related Policy: N/A

Approved: President

**Responsible Vice President for Business,
Administrator:** Finance & Info Systems
TBR Policy Reference: 5:01:01:00
TBR Guideline Reference: P-060; P-061

Date: July 1, 2000

2. Eligibility

Participation in the faculty sick leave bank will be available to regular, full-time faculty whether serving in an academic or fiscal year appointment. Participation in the non-faculty sick leave bank will be available to full-time and permanent part-time, non-faculty, exempt and non-exempt employees.

3. Trustees

Each bank will be administered by a board of five trustees appointed by the President of the College. The faculty sick leave bank trustees will be made up of five (5) faculty members who devote a majority of their time to classroom instruction. The non-faculty sick leave bank trustees will be made up of three (3) support staff and two (2) administrative staff.

Initially, two (2) of the trustees will be appointed for one (1) year, two (2) trustees for two (2) years, and one (1) for three (3) years. Trustees shall be eligible for reappointment. Any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the President of a trustee from the trustee role shall be filled immediately by appointment of the President. All actions of the trustees shall require three (3) affirmative votes.

The trustees shall:

- a. Prepare the bank plan of operation for the College. The plan is subject to the Director of Human Resources' review to ensure its compliance with established guidelines, board policy, college policy, statutory provisions, and appropriate record keeping and accounting principles.
- b. Administer the bank and approve or reject requests for withdrawal of leave from the bank. A bank member must have his or her supervisor's approval for sick leave before the request for bank leave can be submitted to the trustees. The Sick Bank Leave Request form must be signed by the immediate supervisor before submission to the trustees.
- c. Adopt reasonable rules for the assessment of sick leave days by participants in order to maintain an adequate reserve of usable days for bank members. The trustees have discretion in determining how many assessments are necessary to maintain a positive balance in the bank reserve.

4. Sick Leave Bank Plan

The plan of operation includes the following:

- a. A prospective bank member must have an accumulated sick leave balance at least equal to the initial assessment in order to be eligible for bank membership.
- b. An employee must have been a member of the bank for thirty (30) calendar days prior to applying for withdrawal of bank sick leave.
- c. A bank member must exhaust all accumulated sick and annual leave, if applicable, prior to receiving bank sick leave.
- d. Bank sick leave shall not be used for elective surgery (as defined by the State Major Medical Plan insurer), illness or death of any member of the individual's family, or during any period when the individual is receiving disability benefits from Social Security, a state-sponsored retirement plan, or Board of Claims benefits. Approved bank sick leave will run concurrently with FMLA and maternity leave for an eligible employee who has not already exhausted the 12 work week entitlement.

NOTE: The optional long-term disability insurance benefits shall be administered in accordance with the policy provisions set forth by the insurer.

- e. The rules as set forth by the State Major Medical Plan insurer regarding payment of benefits for pre-existing conditions shall apply to the granting of bank sick leave for pre-existing conditions.
- f. Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent of twenty (20) consecutive days for which the applicant would have otherwise list pay. Subsequent grants of bank sick leave shall not exceed the hourly equivalent of sixty (60) days in any fiscal years, or ninety (90) days for one illness, or recurring diagnosed illness, or accident for a lifetime.

A bank member may be eligible to receive sick leave which has been donated by other employees if he/she has made application for bank sick leave and the necessity for bank leave is substantiated by the trustees. Should bank sick leave be denied, the bank member shall be eligible to receive donations from other employees.

- g. When a bank member is physically or mentally unable to apply for bank sick leave, the immediate next-of-kin may make a request for bank leave on the member's behalf.

If there is no next-of-kin available, this request may be made by the legally appointed guardian or conservator or an individual acting under valid power of attorney.

At any time the trustees may request, from a bank member, a physician's statement certifying the illness or condition of the bank member requesting bank leave. Refusal to submit the certification will result in denial of the request for bank sick leave.

- h. A bank member shall lose the right to request bank leave upon termination of employment, retirement, cancellation of bank membership, refusal or inability to honor the trustees' assessment, and going on leave of absence (in a non-pay status) for reasons other than illness, injury, or disability.
- i. A bank member may cancel his or her membership at any time upon written notification to the trustees. Assessed sick leave days are not refundable upon cancellation of memberships and are nontransferable to another TBR institution, UT, or state agency.
- j. Employees who are granted sick leave shall continue to accrue sick and annual leave, if applicable, and service credit for retirement and longevity purposes, during the time they are on bank leave. In addition, they will receive credit for any holidays which occur during the bank sick leave period.
- k. The trustees will approve or reject all requests for bank leave within ten (10) calendar days of the receipt of the request. The decision of the trustees is final.
- l. All records and official forms of the bank and a file of the minutes of the meetings of the board of trustees shall be maintained in the college Human Resources Office. All records shall be subject to audit by appropriate state officials.
- m. February is established as the annual open enrollment period. Eligible employees will be notified of the date of the enrollment period. At enrollment time, enrollment forms and copies of the plans and its regulations will be made available.
- n. All eligible persons who elect to participate in the bank shall be assessed a number of sick leave hours equal to two (2) days as the initial enrollment assessment. Subsequent assessments shall be made when deemed necessary by the trustees to maintain an operating balance of not less than fifty (50) days. Participating employees will be notified prior to subsequent assessments being made.

o. The following forms shall be used to operate the sick leave bank:

- (1) Enrollment Form
- (2) Request for Leave Form
- (3) Request for Bank Sick Leave Form
- (4) Notice to Sick Leave Members of Assessment of Sick Leave Days

Formal minutes shall be made of the bank trustees meetings and shall be maintained as part of the official bank records. A quarterly report to the members will be distributed at the end of each quarter in which bank activity occurs.

p. This plan may be revised as deemed necessary by changes in legislation or TBR policy and as prudent operation of the bank dictates.

5. Dissolution of the Bank

The bank shall be dissolved if the College is closed or if the bank membership falls below twenty (20) individuals. The total hours on deposit shall be returned to participating members at the time of the dissolution and credited to their personal sick leave accumulation in proportion to the number of hours each has been assessed individually not to exceed the total number of hours assessed.

FACULTY SICK LEAVE BANK ENROLLMENT FORM
SOUTHWEST TENNESSEE COMMUNITY COLLEGE

(Print or Type)

Name _____ **SSN** _____

Rank _____ **Title** _____

I am a full-time employee with faculty rank (academic or fiscal year appointment).

A copy of the sick leave bank plan and regulations have been made available to me. I am aware of the contents and that any assessment made of my accrued sick leave by the trustees of the bank shall be nonrefundable and nontransferable.

Signature

Date

NON-FACULTY SICK LEAVE BANK ENROLLMENT FORM
SOUTHWEST COMMUNITY COLLEGE
(Print or Type)

Name _____ **SSN** _____

Title _____

- Regular full-time employee
- Permanent part-time employee

A copy of the sick leave bank plan and regulations have been made available to me. I am aware of the contents and that any assessment made of my accrued sick leave by the trustees of the bank shall be nonrefundable and nontransferable.

Signature

Date

**Sick leave bank
Notice of Assessment**

As a member of the Southwest Tennessee Community College Sick Leave Bank, you are hereby notified of an assessment of two (2) days from your accrued personal sick leave balance effective _____. This assessment is made in accordance with the statutory provisions and college regulations governing the sick leave bank and is based upon projected potential need of the bank's membership. Once authorized by you, this assessment of hours is nonrefundable and nontransferable.

Trustee Chairperson Signature

Date

Member Authorization:

Signature

Date

ONCE AUTHORIZED BY MEMBER, THIS NOTICE OF ASSESSMENT MUST BE FORWARDED TO THE OFFICE OF HUMAN RESOURCES WITHIN FIVE (5) WORKING DAYS OF THE DATE OF THE NOTICE OF ASSESSMENT. A BANK MEMBER SHALL LOSE THE RIGHT TO REQUEST BANK LEAVE UPON REFUSAL OR INABILITY TO HONOR THIS ASSESSMENT.