

Teachers Association of Anne Arundel County

Sick Leave Bank Rules and Procedures

RULES

1. **Confidentiality of Actions**

All records, proceedings and actions of the SLBAC shall be held in strictest confidence by members of the SLBAC, TAAAC staff, legal counsel and TAAAC Board of Directors.

2. **Definition - Sick Leave**

For the purposes of administration of the Sick Leave Bank, the definition of sick leave shall be:

Sick Leave is a designated amount of compensated leave that is to be granted to a SLB member who through qualifying personal illness or injury, as certified by a legally qualified physician, or quarantine, as certified by the proper health agency, is disabled and therefore unable to perform the duties of his/her position. Sick leave from the SLB may not be granted for the period of disability when monies are paid to the contributor under the special paid leave sections of the current Negotiated Agreement.

3. **Personal Use Only**

The SLB may be used only by the individual contributor for his or her personal illness, not for illnesses of members of the contributor's family. For the purpose of administering grants for absences relating to caesarean sections the first six weeks following the procedure (caesarean section) will not be considered a qualifying illness or injury. The additional time, usually up to two additional weeks, will be considered a qualifying illness as long as the caesarean section was not elective and that this was the only medically appropriate alternative available to that individual.

4. **Contribution**

Only personal sick leave may be contributed to the SLB. Annual and personal business leave may not be contributed. The rate of contribution for the subsequent school year shall be established by the TAAAC Board upon the recommendation of the SLBAC and announced to the membership no later than June 30.

5. **Pre-existing Condition**

Anyone who joins the SLB with a pre-existing diagnosed condition or illness for which they have received treatment within the last ninety (90) days, will not be allowed to utilize the SLB for illness resulting from or related to that specific condition until the member has remained ninety (90) days treatment-free or one full year (365 days) in the SLB. For the purposes of this section, "treatment" shall mean any period of hospitalization, doctor's treatment, clinic treatment, surgery, diagnosed procedure or prescription.

6. **Workers' Compensation**

In cases where a member requesting leave from the Sick Leave Bank may be eligible for Workers' Compensation benefits, the member requesting the sick leave shall initiate timely action through the Workers' Compensation Commission or lose all rights to Sick Leave Bank coverage for absence related to that illness or injury.

In cases where a member applies for and is eligible for Workers' Compensation benefits, leave from the Sick Leave Bank will be adjusted so that when combined with the Workers' Compensation benefits it equals but does not exceed, the member's regular net salary.

7. Psychological

Sick leave for psychological disability may be granted when: A) the qualifying injury, illness or quarantine is certified by a licensed psychiatrist; and B) an applicant is enrolled in a rehabilitative program accepted by the Sick Leave Bank Approval Committee.

8. Second Opinion

The Sick Leave Bank Approval Committee may require an applicant to obtain a second opinion at any time at the applicant's expense. The second opinion must be provided by a physician independent from the initial certifying provider or his/her practice. Once a second opinion is requested by the SLBAC, no further grant extensions will be made until the applicant presents evidence that an appropriate appointment was made and kept. The Physician's Statement shall be sent directly to the SLBAC before the committee can act upon his/her application for an extension of coverage of the SLB. Such medical review requirement may be waived by the committee. In addition, the committee shall consider any medical information provided by employer.

9. Loss of Right to Use SLB

A member will lose the right to utilize the benefits of the SLB for the following reasons:

- A. Termination of employment in the Anne Arundel County Public Schools.
- B. Cancellation of Sick Leave Bank participation by the member on the proper forms, at any time.
- C. While on approved leave of absence for other than personal illness/injury.
- D. Failure to apply for disability retirement in accordance with Rule 13, hereinafter set forth.
- E. Failure to report immediately any job held which must be reported in compliance with Rule 14, hereinafter set forth.
- F. Any abuse or misuse of the Rules and Procedures established by the SLBAC.
- G. Failure to apply for Workers' Compensation for any occupational condition, ailment or injury arising out of and in the course of employment.

10. Application for Use

Applications for use of the SLB shall be made on the original approved forms and submitted to the SLBAC at the TAAAC office within the time period prescribed by Procedure 10. Photocopies or facsimiles will not be accepted.

11. 10-day Eligibility Period

A member having a qualifying personal illness must be absent ten (10) consecutive work (duty) days per illness before being eligible for a grant from the SLB in any school year. Those ten (10) days may be covered by the member's accumulated sick leave, annual leave, other available personal leave or leave without pay. The SLB does not cover the initial ten (10) consecutive work (duty) days.

Any subsequent grants for the same illness, in that school year, may be covered from the first day of disability.

12. Maximum Use/Limitations

The maximum number of days granted to any member of the SLB will be one-hundred (100) days per illness in any one school year.

13. Disability Benefit Applications

When the SLBAC may reasonably presume that an applicant for a grant or an extension of a grant may be eligible for disability retirement benefits, if available, from the Maryland State Retirement System, and/or Social Security, the SLBAC shall request that the grant applicant apply for such disability benefits. SLB grants for the same diagnosed condition, over multiple years, may require the employee to seek disability retirement. A copy of the disability retirement application must be submitted to the State Retirement System and a copy to TAAAC before any future grants will be approved. Failure to apply when advised shall disqualify the applicant for SLB grants.

If a member is approved for any disability retirement, the SLBAC will cease coverage from the date of said approval. The member must notify the SLBAC of such approval.

14. Additional Employment

Any SLB member who requests a grant of days and who is employed in any position for which he/she receives remuneration during the period he/she is on leave days granted from the SLB, must immediately report this fact and the amount of earnings to be received to the SLBAC. If said employment was applied for and/or begun on or after the date of the accident or onset of illness which led to the use of the SLB (as determined by pay stubs, employment contract, or other documentation), the amount of the earnings of the employee for the days the member was on leave days granted by the SLBAC will be deducted from the member's check from the Anne Arundel County Public Schools for the grant days. The SLB will then be credited by the school system with the portion of days not paid for in accordance with the terms of this provision.

15. Guarantees

The existence of the SLB and participation by a unit I Employee in the bank does not negate or eliminate any other sick leave policies of the Anne Arundel County Public Schools nor does it in any way negate rights of individual members who participate in the bank to other sick leave benefits.

16. Use over 500 days

Additional information and medical documentation may be required for an employee who uses over 500 days of SLB.

17. Treatment

An employee who repeatedly receives SLB grants must have a physician attest that the employee is actively seeking and receiving treatment from a medical provider for the condition.

SICK LEAVE BANK PROCEDURES

NOTE: These procedures are the ones followed by the SLBAC in their administration of the SLB. They are provided for consistency of operation.

GENERAL PROCEDURES

1. Availability of SLB Forms

Unit I Employees shall request the approved application forms from the TAAAC office by telephone, in person or by mail.

2. Annual Rule Review

These rules and procedures are to be reviewed annually by the Sick Leave Bank Advisory Committee of the Teachers Association of Anne Arundel County.

3. Maximum Requests

Grant requests shall be made in units of no more than twenty (20) consecutive duty days for each initial or subsequent application.

4. Denial and Appeal

In cases where the SLBAC recommends denial of an application for use of the SLB or an extension of such use, the applicant may appeal the denial in writing to the TAAAC Board of Directors within twenty (20) calendar days of the date of SLB action, as determined by the date by the signatures at the bottom of the SLB forms or the date of the postmark on the envelope, whichever is later.

5. Return of Unused Grant Days

If a member of the SLB does not use all of the days granted, any unused days must be returned to the SLB within thirty (30) calendar days.

6. End of Fiscal Year

SLB grants shall not be carried over from one fiscal year to the next. All bank grants shall end as of June 30. Contributors may reapply for coverage with the next fiscal year, upon meeting the 10-day eligibility period and all other rules and procedures of the SLB.

7. Cancellation of Membership

Membership in the TAAAC SLB shall continue from year to year until cancelled by the SLB member on the approved form. Such cancellation shall be effective immediately. (Days contributed will not be returned in accordance with Article 5,B,2 of the Negotiated Master Agreement - see page 1 of this document.)

8. Availability of SLB Files

The SLB files shall be maintained confidentially. Only the SLBAC members, the SLB member and TAAAC staff and legal counsel working with the SLB shall have access to the files. The TAAAC Board of Directors shall have access to necessary files in considering SLB appeals.

Should a member desire to review his/her SLB file, an appointment shall be made. The materials will be reviewed in a confidential setting with the assistance of the appropriate TAAAC staff.

Information necessary and appropriate pursuant to an internal audit conducted by the Board of Education of Anne Arundel County will be provided upon written request.

APPLICANT PROCEDURES

9. Current Membership

Any member submitting a request to draw from the SLB must have made his/her contribution for the fiscal year in which the request is made.

10. 30 Day Application Limitation

All requests to draw from the SLB must be made on the approved forms which cannot be submitted until after a first day of absence has occurred. All completed forms must be received by the SLBAC within thirty (30) days of the first day of eligibility. The first day of eligibility for the initial grant is either the first unpaid day of absence due to the qualifying condition or the eleventh consecutive day, whichever occurs later. All subsequent applications for grant extensions must follow the same thirty (30) day time line.

11. Approved Forms

Each request for SLB action shall be made on the approved forms: (1) Request Form and (2) Physician's Statement. The Request Form must contain all necessary information, dates and signatures. The Physician's Statement must be completed in lay language and must be signed by the physician.

12. Application Completed by Others

In case a SLB member is unable to complete the necessary forms due to the nature of his/her illness, his/her application may be completed and submitted to the SLBAC by an agent, the building principal or a member of the family on his/her behalf.

13. Grant Extensions

Applicants may submit requests for SLB grant extensions no earlier than 5 workdays before the end of the previous grant, but no later than 30 calendar days after the first date Sick Leave Bank usage extension is being requested. These applications shall be made on the approved form and shall indicate the continuity of the dates requested. Each subsequent request must be accompanied by a new signed Physician's Statement covering that period.

SLBAC PROCEDURES

14. 15-Day SLBAC Action Deadline

The SLBAC shall review and recommend approval of requests to the Director of Human Resources to draw upon the SLB within fifteen (15) days after such request is received in the TAAAC office.

15. Signing of Requests

Any recommendation for approval to draw upon the SLB must bear the signature/initial of at least two (2) members of the SLBAC.

16. Written Notice of Action

Unit members will be notified in writing of action taken by the SLBAC on their request.

Denial due to "insufficient information" shall be specific as to the information needed by the SLBAC in order to make their decision.

17. SLB Records

The SLBAC shall maintain the records of all applications, records of all unit member contributions, withdrawals, and the status of the SLB for no less than five years.

The Anne Arundel County Public Schools shall provide the SLB, upon its request, any data it has maintained in its files with regard to SLB members' use of personal sick leave and use of or contribution to the SLB.

18. SLB Reporting

The SLBAC shall be responsible to the Board of Directors of TAAAC for the proper administration of the SLB. It shall submit to the TAAAC Board of Directors an annual report on the status of the SLB, with a copy to Director of Employee Relations.

ARTICLE 5B OF THE NEGOTIATED AGREEMENT

B. Sick Leave Bank

1. TAAAC will administer a sick leave bank. Unit I employees are eligible to contribute to and join the sick leave bank. Contributors will be permitted to apply for use of the bank for salary payment for catastrophic personal illness during regularly scheduled duty days after regular sick leave has been exhausted and other preconditions have been met.
2. The contribution will be authorized by the member on the appropriate form and continued from year to year until canceled in writing by the member. Cancellation, on the proper form, must be received by the committee by June 30 and will become effective July 1. Sick leave contribution to the bank, properly authorized for a given year, will not be returned if the member effects cancellation for that year.
3. Contributions for new membership shall be made during the open enrollment period, which shall be between July 1 and September 30. Members returning from extended leave will be permitted to contribute to the bank on the approval of the Sick Leave Bank Approval Committee (SLBAC). New employees may contribute within the first 30 days after their effective date of employment.
4. The annual rate of sick leave contribution will be determined annually by the SLBAC.
5. Members joining the sick leave bank will be permitted to use the bank for personal illness 30 days after receipt of their application for membership by the committee.
6. All members must use all accumulated sick leave before applying for leave from the bank. Twelve-month members must also use all but six accumulated annual leave days. Application for use of the bank shall be made on the required form and submitted to the approval committee.
7. A four-member (SLBAC), consisting of two (2) Unit I members elected by TAAAC, one (1) Unit I member appointed by TAAAC and one appointed by the Superintendent shall have the authority and responsibility of receiving requests, verifying the validity of requests, approving or denying requests and communicating its decisions to the member and the Executive Director of Human Resources. The committee shall require a doctor's certification of disability and shall have discretion establishing special limits or provisions for certain disabilities such as: injury covered by Worker's Compensation and mental illness. The committee shall develop its general criteria for approval.
 - a. TAAAC shall indemnify and hold harmless the Board regarding any legal claims, actions, or suits relating to TAAAC's administration, function and operation of the sick leave bank.
 - b. Changes in the Sick Leave Bank Rules are subject to negotiations.
 - c. Sick Leave Bank Rules are listed in Appendix E.
8. The Executive Director of Human Resources shall authorize payment of approved bank grants.

9. All bank grants will end on the last scheduled duty day of the fiscal year for which the applicant is eligible to use sick leave. A new application must be submitted to the approval committee for a succeeding fiscal year.
10. If a member does not use all of the days granted from the bank, the unused sick leave bank days will be returned to the bank.
11. Employees who return to work after May 1 from absences covered by the sick leave bank that extend beyond sixty (60) duty days are subject to the provisions of Article 8L(1) of this Agreement.
12. Any unused sick days remaining in the bank on June 30 will be carried into the next fiscal year.
13. The Board will sponsor the cost of the sick leave bank up to but not beyond the number of days contributed in any one year, except that if a lesser number is expended the unused portion shall be added to the following year.