

Harford County Education Association/Harford County Board of Education
SICK LEAVE BANK RULES AND PROCEDURES

Statement of Intent

The Harford County Education Association (HCEA) Sick Leave Bank (SLB) is a benefit, available to all Harford County teachers who choose to be members. The SLB exists as a safety net for teachers who may encounter catastrophic and incapacitating illnesses and who have exhausted all of their allotted sick and personal business days. The Bank is administered jointly by HCPS and HCEA and is contained in the negotiated agreement. The day to day operation of the bank is handled by HCEA employees.

The existence of the Sick Leave Bank and participation by a unit member in the Bank does not negate or eliminate any other sick leave policies of Harford County Public School System, nor does it in any way negate the rights of individual unit members who participate in the Bank to other sick leave benefits.

The Sick Leave Bank may only be used for the contributor's own personal illness; it may not be used for illness of other members of the contributor's family, or by the contributor to remain away from his/her position in order to assist a member of his/her family who is ill. The Bank does not cover cosmetic or elective surgery. Complications arising from elective procedures may be eligible if they meet the normal standards for SLB grants.

Eligibility of Membership

Any certificated teacher currently employed by the HCPS may be a member of the SLB.

Participation in the Bank is voluntary, but requires contributions to the Bank. Only contributors will be permitted to use the Bank for payment for qualifying incapacitating and catastrophic personal illness occurring on regularly scheduled duty days.

Joining the Bank

Employees must complete the appropriate form and submit it either during the open enrollment period or within thirty (30) days of being hired or returning from a leave of absence. The contribution on the appropriate form will be authorized by the member. Membership will continue from year to year unless canceled in writing by the member during an open enrollment period.

The open enrollment period will be May 1 through May 31 of any given year.

Eligible employees who do not elect to join the Sick Leave Bank at the time all benefits forms are submitted each year will not be permitted to join the bank until the subsequent annual open enrollment period.

Cancellation of Membership in Bank

Members may opt to resign from the bank during the open enrollment period.

Eligibility for Drawing Leave

No member shall be considered eligible for compensation through the Sick Leave Bank unless such member was on duty or authorized absence including vacation, holiday or personal days on the duty day preceding the commencement of the disabling illness.

No member shall be required for purposes of maintaining membership status in the Sick Leave Bank, to contribute more sick leave days than other members.

There will be a 60-day waiting period from the first duty day of the following school year for the new Sick Leave Bank members who join during the open enrollment period, during which time they will not have access to the Sick Leave Bank. The 60-day waiting period will start on the first day of the new school year for those who join during Spring Enrollment. New hires have a 30-day waiting period, during which time they will not have access to the Sick Leave Bank. For new hires, the 30-day waiting period will start their first duty.

Catastrophic and Incapacitating Personal Illness. Regularly scheduled duty days for periods of personal illness, injury or quarantine which is not only prolonged but is also catastrophic and incapacitating and which is not likely to permanently disable the teacher. The Bank may not be used by the contributor to remain away from his/her position in order to assist a family member who is ill.

Mental Health. Sick leave for a mental health diagnosis, consistent with a debilitating and catastrophic requirement of SLB, may be granted as follows:

- First 30-day grant -if a mental health diagnosis (debilitating and catastrophic in nature) is certified by a general practitioner or licensed mental health provider and a treatment plan is provided that is accepted by the Sick Leave Bank Committee which provides satisfactory evidence of the goal to return the member to work.
- Second 30-day grant — the SLB Committee may consider an additional thirty (30) day grant if the applicant provides evidence of a scheduled appointment or documented multiple attempts to schedule an appointment with a licensed psychiatrist or licensed psychologist. The current treatment provides satisfactory evidence of the goal to return the member to work.
- Grant extension beyond 60 days - if mental health diagnosis (debilitating and catastrophic in nature) is certified by a licensed psychiatrist or licensed psychologist and a treatment plan is provided that is accepted by the Sick Leave Bank Committee and provides satisfactory evidence of the goal to return the member to work.

Pregnancy. Normal pregnancy will not fall under the definition of incapacitating and catastrophic for purposes of qualifying for a grant from the Sick Leave Bank. Normal pregnancy is defined as the nine (9) month period prior to delivery. Applicants are eligible for a grant of ten (10) days for a Caesarian section.

Pre-Existing Conditions. Anyone who joins the Sick Leave Bank with a pre-existing diagnosed condition or illness for which they have received treatment within the last six months, will not be allowed to utilize the Sick Leave Bank 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 Sick Leave Bank. For the purposes of this section, "treatment" shall mean any period of hospitalization, doctor's treatment, clinic treatment, surgery, diagnosed procedure or prescription.

Contribution Procedures

Upon enrolling and being accepted, a SLB member will be assessed one sick leave day from those currently available to him or her. Should a member who is currently enrolled in the SLB not have sufficient leave available for an assessment the member will be allowed to continue enrollment in the SLB and once leave is available the member will be assessed any outstanding assessments owed to the bank.

The bank will continue to evaluate the program on a regular basis and make adjustments necessary in order to ensure the solvency of the bank and the quality of the protection it affords to members. In addition, should the number of days in the bank fall below one thousand eight hundred (1,800) days on March 1st of each year an assessment will occur during the following school year. Should there be a need for an assessment, member will be notified prior or during the opening enrollment period.

Upon enrolling and being accepted, a SLB member will be assessed one sick day from those currently available to him or her. The bank will continue to evaluate the program on a regular basis and make adjustments necessary in order to ensure the solvency of the Bank and the quality of the protection it affords to members. Should there be a need for an assessment, the members will be notified prior or during the opening enrollment period.

Procedures to Draw from The Bank

The maximum number of Sick Leave Bank days that can be granted in any one fiscal year will be no more than the number of days left in the school year.

In no event will a member receive more than a lifetime total of 190 days of Bank Leave while employed by the Harford County Public School System. Teachers in their first year of employment have a limit of 90 days of Sick Leave Bank utilization. Thereafter, eligible participants shall have a limit of up to 190 days (lifetime), including any Sick Leave Bank time utilized the first year.

In order to receive a grant from the Sick Leave Bank, the member must first be absent for (5) five consecutive duty days for the existing condition. An approved grant shall become effective following the exhaustion of all available paid sick leave and after (5) consecutive unpaid days of absence for the illness (Sick leave grants granted due to cesarean section are excluded from the 5 days unpaid).

Sick Leave Bank grants shall be in units of not more than 30 duty days.

Grants from the Bank shall not exceed 30 duty days or the member's remaining duty days for that year if the duty days are less than 30.

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.

Members who draw from the Bank must be current in their assessment of sick days.

It must be noted that the Sick Leave Bank cannot grant more days than it has on deposit.

Bank grants will not automatically be carried over from one Sick Leave Bank year to another. All Bank grants will end as of the last duty day of the Bank year and must be renewed through the Committee each year.

All requests to draw upon the Bank must be made upon an authorized Sick Leave Bank Request Form and submitted to HCEA within 30 calendar days of the first date bank usage is requested. All information must be provided, or the form will be returned and no action will be taken until it is resubmitted with all required information.

All requests to draw upon the Bank must be accompanied by the Sick Leave Bank Physician's Statement Form confirming the cause of illness or confinement and certifying existence of an incapacitating or catastrophic illness or disability. Dates of the intended leave must be specified. The form must be personally signed by the physician. The Sick Leave Bank Committee will not honor any physician's statement unless it is on the official Sick Leave Bank Physician's Statement Form and is an original. Copies of these forms will not be accepted.

An applicant may be required to undergo a medical review by a physician of the Committee's choice at any time at the member's expense. This physician's report is to be sent directly to the Committee on the Sick Leave Bank Physician's Statement Form before the Committee may act upon the unit member's application for a grant from the Sick Leave Bank. Extension or renewals of each 30 day grant shall require a new up-to-date Sick Leave Bank Physician's Statement.

When a contributor has been incapacitated, his/her application may be submitted to the Committee by his/her agent or family.

A request for a meeting with the applicant may be requested by the Sick Leave Bank Committee for purposes of clarification.

All decisions made by the HCEA Sick Leave Bank Committee are final.

The Sick Leave Bank Committee shall have the authority and responsibility of receiving requests, verifying the validity of requests, approving or denying requests and communicating its decision to the member and the Harford County Public Schools Office of Human Resources and the Payroll Department.

Confidentiality of Actions. All records, proceedings and actions of the Sick Leave Bank Committee and all other parties privy to the records, proceeding and actions shall be held in strictest confidence.

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.

Disability Retirement

When the Sick Leave Bank Committee may reasonably presume that an applicant for a grant or an extension of a grant may be eligible for disability retirement benefits from the Maryland State Retirement Systems and/or Social Security, the Committee will require the member to apply for disability benefits. Submission for the application for disability retirement and the necessary supporting medical documentation to the HCPS Human Resources Department must be made within 20 calendar days from the date of issuance of the request by the Sick Leave Bank Committee in order for the member to continue to be eligible for a Sick Leave Bank grant.

When disability retirement is approved by the MSRS Board of Trustees and/or the Social Security Administration, any grant from the HCEA Sick Leave Bank that has been approved will automatically cease at the end of the month in which the disability was approved. Any remaining days will be returned to the Sick Leave Bank.

If disability retirement is denied by the Retirement Systems, the Sick Leave Bank Committee and the HCPS must be notified immediately by the member. A Sick Leave Bank recipient may lose his/her eligibility for a grant for each day the Sick Leave Bank Committee is not notified after the Sick Leave Bank member has received his/her denial. If a denial is received from the MSRS, the Sick Leave Bank Committee will review the doctor reports submitted to the MSRS, and it will determine whether benefits should continue, cease, or whether there is a need for another medical opinion at the applicant's expense.

Grant Extensions

After an applicant has drawn and used a grant from the Bank, he/she shall be required to provide a new up-to-date Sick Leave Bank Request Form and an up-to-date Sick Leave Bank Physician's Statement Form. The new application must be filed within the guidelines.

Applicants must submit requests for extension of Bank Leave grants five workdays before their current grant expires.

Applications for extensions of grants will not be considered unless accompanied by a new up-to-date statement from the physician.

Loss of Right to Use Sick Leave Bank

A member of the Sick Leave Bank will lose the right to use benefits of the Sick Leave Bank through:

- Termination of employment with the Harford County Public School System. This becomes effective as of the last day of employment.
- Employment with another employer or self-employed. Approval of a bank loan is automatically and immediately rescinded upon verification by the Sick Leave Bank Committee that the applicant is employed, including part-time and/or self-employment.
- Loss of Certification. A person is no longer eligible for membership in the Sick Leave Bank if they lose their certification.
- The member's suspension without pay or any illness occurring during the period of suspension. In the event that the suspension is overturned, Sick Leave Bank benefits will be retroactively reinstated.
- The member's voluntary cancellation during Open Enrollment, of his/her membership in the Sick Leave Bank as of the effective date of cancellation.
- The member's abuse or misuse of the rules of the Sick Leave Bank.
- The member's placement on an approved leave of absence for other than personal illness.
- Bank grants shall not be authorized for illness or disability for which the member is eligible for any disability retirement payment.

Sick Leave Bank Committee

The SLB Committee consists of three HCEA members named by the HCEA President and three representatives of HCPS named by the Superintendent.

Daily administration of the SLB is the responsibility of the HCEA office staff and the HCEA President.

All forms for application for participation in the Bank, grant request forms, and cancellation shall be available at the HCEA office, the Harford County Public School Human Resources office, and at each school office. These forms shall be sent to any eligible employee and/or member at his/her request.