# HARFORD COUNTY EDUCATION ASSOCIATION

# EDUCATION SUPPORT PROFESSIONAL

# SICK LEAVE BANK RULES AND PROCEDURES

**Effective July 1, 2020**

## STATEMENT OF INTENT

The Harford County Education Association – Education Support Professional (HCEA-ESP) Sick Leave Bank (SLB) is a benefit available to all HCEA Educational Support Personnel (ESP) who choose to be a member. The purpose of the Sick Leave Bank is to provide paid sick leave to members of the Bank in cases of incapacitating or catastrophic personal illness. Sick Leave Bank loans may only be used after all accumulated leave, including sick, personal business and annual leave, has been exhausted. The definition of sick leave shall be leave that is given to a member who through personal illness, injury, or quarantine is unable to perform the duties of his/her position. This does not cover cosmetic or elective surgery.

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 is administered by HCEA-ESP with cooperative assistance from Harford County Public Schools and is contained in the negotiated agreement. The day-to-day operation of the bank is handled by the HCEA-ESP SLB Committee.

## ELIGIBILITY FOR MEMBERSHIP

Unit members who are employees of the Harford County Public School System and who earn sick leave are eligible to participate in the Sick Leave Bank. 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 or catastrophic personal illness occurring on regularly scheduled duty days.

## JOINING THE BANK AND CONTRIBUTIONS

The open enrollment period will take place in May and extend for a period of no less than two weeks.

* 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.
* Eligible employees who do not elect to join the Sick Leave Bank during open enrollment, will not be permitted to join the Bank until the subsequent annual open enrollment period.

The initial annual rate of contribution for the initial year of implementation shall be one (1) day of sick leave. Annual rate of contribution for future years shall be determined by the Sick Leave Bank Committee and announced prior to the open enrollment date. After initial contribution, continued membership from year to year will be automatic.

There will be a 90 day waiting period for all new Sick Leave Bank members, during which time they will not have access to the Sick Leave Bank. The 90-day waiting period will start on the first day of the new school year for 10-month employees and July 1st for 12 month employees who join during spring enrollment. For new hires, the 90-day waiting period will start the first day their enrollment form is received by the SLB Committee.

Only sick leave may be contributed to the Bank; annual and personal leave may not be contributed. Transfer of sick leave days to the Sick Leave Bank shall be in proportion to full-time equivalent status. No employee shall be required, for purposes of maintaining membership status in the Sick Leave Bank,

to contribute more sick leave days than other members.

Contributions will be deducted from the employee’s first paycheck in October. New employees and non-member employees returning from leave, who wish to participate, will make their contribution within 30 days of the date of hire or return to work when other benefit options are selected.

## CANCELLATION OF MEMBERSHIP IN BANK

Members may opt to resign from the SLB during the open enrollment period or upon notification from HCEA-ESP that an additional day is going to be assessed. When such notification is made, an ample window for resigning will be announced.

## 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.

Members of the Bank must use all accumulated sick leave, annual days, and personal leave before application may be made to use the Bank.

*Catastrophic or Incapacitating Personal Illness*. Regularly scheduled duty days for periods of personal illness, injury or quarantine which is not only prolonged but is also catastrophic or incapacitating and which is not likely to permanently disable a member. 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.

*Psychological*. Sick leave for psychological disability may be granted when: (a) a problem is certified by a licensed psychiatrist; and (b) an applicant is enrolled in a rehabilitative program accepted by the Sick Leave Bank Committee.

*Pregnancy.* Normal pregnancy will not fall under the definition of incapacitating or 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,

*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 (365days) 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.

There will be a 90-day waiting period for the new Sick Leave Bank members, during which time they will not have access to the Sick Leave Bank. The 90-day waiting period will start on the first day of the new school year for those who join during Spring Enrollment. For new hires, the 90-day waiting period will start the first day their enrollment is received.

## PROCEDURES TO DRAW FROM THE BANK

Grants from the Bank shall be in units of not more than 30 duty days or the member’s remaining duty days for that year if the duty days are less than 30. The maximum number of Sick Leave Bank days that can be approved in any one fiscal year will be 30. In no case will the granting of leave from the Bank cause an employee to receive more than his/her annual base salary.

In no event will a member receive more than a lifetime total of 60 days of Bank leave while employed by Harford County Public School System.

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

If an employee does not use all of the days granted from the Bank, the unused Sick Leave Bank days will be returned to the Bank.

All requests to draw upon the Bank must be made upon an authorized HCEA-ESP Sick Leave Bank Request Form and submitted to the Sick Leave Bank Chairperson 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.

**After application to the Sick Leave Bank by a bank member, a period of time without pay may occur between the depletion of leave and approval of Sick Leave Bank days.** Sick Leave Bank days will be paid retroactively to the first day of unpaid leave. The committee will meet to review Sick Leave Bank on a bi-monthly basis as needed.

All requests to draw upon the Sick Leave Bank must be accompanied by the HCEA-ESP Sick Leave Bank Physician’s Statement Form confirming the cause of illness or confinement and certifying existence of an incapacitation, a catastrophic illness or a disability. Dates of the intended leave must be specified. The physician must personally sign the form. The Sick Leave Bank Committee will not honor any physician’s statement unless it is on the official HCEA-ESP Sick Leave Bank Physician’s Statement Form, signed by the physician, 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.

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 day of the bank year and must be renewed through the Approval Committee each year.

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

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 approval grant would become effective on the first unpaid duty day following the (5) consecutive days of absence and the exhaustion of all available paid leave.

## DISABILITY RETIREMENT

When the Approval Committee may reasonably presume that an applicant for a grant may be eligible for disability retirement benefits from the Maryland State Retirement Systems and/or Social Security, the Approval Committee will require the employee to apply for disability benefits. If disability retirement is approved, the member must pursue the earliest possible retirement date. If the physician indicates that the member is able to return to his/her regular duties, the member is no longer eligible for a Sick Leave Bank grant. Submission of the application for disability retirement and the necessary supporting medical documents to the Personnel Department must be made within 20 calendar days from the date of the issuance of the request by the Approval Committee in order for the member to continue to be eligible for a Sick Leave Bank loan.

No payment for a Sick Leave Bank grant will extend beyond the date on which disability retirement is approved by the Medical Board of the Maryland State Retirement System. Any remaining days will be returned to the Sick Leave Bank.

When disability retirement is denied by the Retirement Systems, the Sick Leave Bank Approval Committee and the Board of Education of Harford County 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 Approval Committee is not notified after the Sick Leave Bank member has received his/her denial. If a denial is received from MSRS, and it will be determined whether benefits should continue, cease, or whether there is a need for another medical opinion at the applicant’s expense.

## WORKER’S 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.

## LOSS OF RIGHT TO USE SICK LEAVE BANK

A member of the Sick Leave Bank will lose the right to use the 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. 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 effective with the first day of employment with another employer.
* Additional Employment. Any Sick Leave Bank member who requests a grant of days and who is employed and actively working in any position for HCPS or any other organization which he/she receives pay during the period he/she is on leave granted from the Sick Leave Bank, must immediately report this fact and the amount of earnings to be received to the Sick Leave Bank Approval Committee. If said employment was applied for and/or began on or after the accident or onset of illness which led to the use of the Sick Leave Bank (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 Sick Leave Bank Approval Committee will be deducted from the member’s check from the Harford County Public School System for the granted days. The Sick Leave Bank will then be credited by the school system with the portion of days not paid for in accordance with the terms of this provision.
* 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 of his/her membership in the Sick Leave Bank as of the effective date of the 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 MANAGEMENT

At the end of each fiscal year, any remaining sick days in the Bank will be accrued into the new fiscal year.

If the Sick Leave Bank is terminated for any reason, accumulated days in the Sick Leave Bank will be disbursed evenly to current members of the Sick Leave Bank and continue in a manner agreed upon by the Rules Committee, pending approval by the bargaining unit.

The Sick Leave Bank Approval 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 appropriate member of Human Resources. The committee shall require a doctor’s certification of illness, incapacitation or disability and shall have discretion establishing special limits or provisions for certain disabilities such as injury covered by Workers’ Compensation and mental illness. The committee shall develop its rules and procedures and general criteria for approval.

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. In the event the member’s absence continues into the new fiscal year, a new application must be submitted to the approval committee.

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

## SICK LEAVE BANK COMMITTEE

The HCEA-ESP Sick Leave Bank Committee will consist of three (3) members of The Harford County Educational Services Council (HCEA-ESP) named by the HCEA-ESP Board of Directors and three (3) Harford County Public Schools (HCPS) representatives appointed by the Superintendent.

All forms of application for participation in the Bank, withdrawal of sick leave days, and cancellation shall be available at the HCEA-ESP office, Harford County Public Schools Human Resources office, and at each school, and shall be sent to any eligible employee/member at his/her request.

Copies of the approved Sick Leave Bank Request form will be sent to Human Resources and Payroll to process these Sick Leave Bank grants to be paid by the Harford County Public Schools to the member.

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

**These rules are subject to annual review and/or revision by the Sick Leave Bank Committee and Board of Directors of the Harford County Education Association – Educational Support Professionals. Any revisions to these rules will be presented to the Board of Education.**