

CISD Catastrophic Sick Leave Bank Guidelines

Section 1: Purpose and Definition

The purpose of the Sick Leave Bank (the “Bank”) is to provide additional sick leave days to members of the Bank who because of a catastrophic illness or injury have exhausted all paid leave days. The request for additional paid leave days from the Bank may only be made when a member has exhausted all categories of paid state and local leave days.

According to Board Policy DEC (LOCAL), “a catastrophic illness or injury is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed medical practitioner for a prolonged period of time and that forces the employee to exhaust all paid leave earned by that employee and to lose compensation from the District”. A severe condition or combination of conditions occurs when: (1) a severely debilitating condition (meaning a condition that will prevent the individual from performing the essential functions of his/her job) or death will result, if the condition is not treated promptly or at regularly scheduled intervals (*e.g.* chemotherapy treatments, radiation treatments, etc.); or (2) the condition has been designated as terminal.

Section 2: Membership

Employees who are eligible for sick leave benefits and have been employed full time by the District for at least one school year immediately prior to the first day of school in the year in which they are seeking to enroll are eligible for initial membership in the Bank. Participation is voluntary, but requires a contribution to the Bank. Only bank members, who contribute leave days will be permitted to use leave days from the Bank for a qualifying catastrophic personal illness or injury during regularly scheduled duty days. Contributions from Bank Members may be made from accumulated local days or from local days granted for the coming year.

Eligible employees must apply for membership in the Bank and contribute the designated number of leave days during the established annual Open Enrollment Period. Eligible employees who do not elect to join the Bank at the first opportunity afforded to them will not be permitted to join the Bank until the subsequent Open Enrollment Period. No Bank Member shall be required, for purposes of maintaining membership in the Bank, to contribute more sick leave days than any other Bank Member.

Section 3: Contribution of Days

The contribution on the appropriate form will be authorized by the employee and continue from year to year until cancelled in writing by the Bank Member. Sick leave properly authorized for contribution to the Bank will not be returned if the Bank Member elects to cancel.

Cancellation on the proper form may be effected at any time, and the employee shall not be eligible to use the Bank as of the effective cancellation date.

The rate of contribution for Bank Member's initial membership year shall be one day of local sick leave. The use of the Bank by all Bank Members will be limited to the number of days in the Bank on the established contribution deadline of each year. The Governing Committee will annually determine the number of leave contribution days that must be contributed prior to the Open Enrollment Period for new members as well as current members of the bank.

Section 4: Granting of Days from the Bank

In order to qualify, Bank Members must use all available sick leave days, the 20 day extended sick leave with substitute dock, annual personal leave days, and accrued vacation leave days before they may receive leave from the Bank. Also, the Bank Member must have been out five consecutive working days with a current catastrophic illness or injury. Application for use of the Bank shall be made on the required form and must be submitted to the Governing Committee through the Human Resources Department.

The Bank may only be used for the Bank Member's own personal catastrophic illness or injury. It may not be used for a Bank Member to remain away from his/her position in order to assist or care for a member of his/her family who is ill or injured. The term catastrophic illness or injury for purposes of the Bank is defined in Section 1 above (see DEC (LOCAL)) to mean a Bank Member's catastrophic illness or injury. Regardless of whether a Bank Member is granted leave from the Bank, the Bank Member, like all other employees, may be eligible for unpaid leave to care for an individual in his/her family under the Family Medical Leave Act or Uniformed Services Employment and Reemployment Rights Act, as set out in Board Policy DEC (LOCAL).

A Bank Member will lose the privilege to use the benefits of the Bank upon any of the following:

- Termination of employment
- Period of absence due to suspension without pay
- Voluntary cancellation of membership in the Bank, as of the effective date of the cancellation
- Written authorization to discontinue annual contribution of sick leave day(s), as of the date the contribution becomes due
- Abuse or misuse of the rules of the Bank

Regular leave grants from the Bank shall be in units of not more than 30 consecutive working days or one third of the balance of the Bank, whichever is less. **A maximum number of two withdrawals of no more than 30 working days per withdrawal, for a total of 60 working days, in one contract year may be granted.** If a Bank Member does not use all of the days granted from the Bank, the unused Bank days will be returned to the Bank.

Section 5: Non-Consecutive Catastrophic Leave

Non-Consecutive Catastrophic Leave is designed to assist a bank member who has exhausted all other leave balances, and who will not miss consecutive days, i.e. the bank member needs sporadic or intermittent treatments. Canyon ISD full-time employees shall be allowed to contribute local leave days to a designated full time employee. Non-Consecutive Catastrophic Leave donated shall not exceed 30 days within a contract year so that the Bank Member shall not be allowed more than 60 days' leave (30 sick leave bank days plus 30 Non-Consecutive Leave days) from the Bank in the aggregate. Contributions shall be strictly voluntary, with a maximum of three days contributed per employee, and shall be donated using the appropriate donation paperwork in the Human Resources Office.

Section 6: Application for Days from the Bank

Bank Members receiving Worker's Compensation benefits and are otherwise eligible, may apply for Bank days on a pro-rated basis. The level of compensation will be limited to the difference between the benefit received under the Worker's Compensation statutes and the compensation that the Bank Member was receiving prior to the injury or illness resulting in that claim.

Each separate application for a grant from the Bank must include a new Physician's Statement on the appropriate Bank form.

All requests to draw upon the Bank must be accompanied by the Physician's Statement confirming the illness or injury and certifying the existence of an inability to perform the essential functions of the job. The form must be signed by the physician. The Governing Committee will not honor any Physician's Statement unless it is on the official Bank Physician's Statement form.

A Bank Member may be required to undergo a medical review by a second physician of the Governing Committee's choice at any time, at the expense of Canyon ISD. This physician's report is to be sent directly to the Governing Committee before the Governing Committee may act upon the Bank Member's application for a grant from the Bank.

If a Bank Member's incapacity is such that he/she cannot personally apply for a grant, his/her application may be submitted to the Governing Committee by his/her authorized agent or member of his/her family on the Bank Member's behalf.

Bank Members may submit requests for extension of Bank leave grants before their prior grants expire. (Use regular Bank days request form accompanied by the signed Physician's Statement.)

Bank Members will not be required to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308, except as may be provided by these guidelines in connection with receipt of benefits from the Bank. If additional information is required, the Governing Committee, through the Human Resources Department, shall provide written notice to the Bank Member that such information is necessary only in connection with receipt of benefits under these guidelines.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. By requiring a Bank Member to submit a Physician's Statement, neither the Governing Committee nor the District is seeking genetic information. In order to comply with GINA, Bank Members should not provide any genetic information when responding to the request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

All forms for application for participation in the Bank, withdrawal of sick leave days and cancellation shall be available in the Human Resources Office.

Section 7: Governing Committee

The Bank will be administered by a five member Governing Committee composed of three teachers, one administrator, and one auxiliary employee (the "Governing Committee"). Members of the Governing Committee shall serve two year staggered terms. The Governing Committee shall receive requests, verify the validity of requests, approve or deny requests, and communicate its decision(s) to the member and the Human Resources Office. Members of the Governing Committee shall not discuss any request with any person other than other members of the Governing Committee, the Bank Member, or the Human Resources Office, and only as necessary to make a determination upon the Bank Member's request for leave. The Governing Committee shall maintain strict confidentiality of any medical information received through any request.

The Governing Committee will review and forward to the payroll department, its decision on all requests to draw on the Bank within 15 working days after such request is received by the Bank Governing Committee.

Copies of all sick leave donation forms and sick leave grant request forms shall be marked for approval or denial by the Human Resources Office. The Human Resources Office shall maintain all records regarding operation of the Bank as per records retention procedures.

- The Human Resources Office shall report the status of the Bank at any time upon the request of the Governing Committee or District.
- The Human Resources Office shall provide information to the Governing Committee or District upon its request for any data maintained in its files with regard to a Bank Member's use of or contributions in the Bank.

Section 8: Dissolution of Sick Leave Bank

In the event that the Bank is terminated or dissolved for any reason while days remain in the Bank, remaining days will be returned to participating Bank Members (who have not been granted days from the Bank during the 12 month period prior to dissolution) on a pro rata basis. The amount returned to qualify participating Bank Members will be rounded to the nearest half day and will be credited to their personal sick leave accumulation.

Addendum: Related forms