

SICK LEAVE BANK REGULATIONS

Introduction

A Sick Leave Bank has been established by the School District of Georgetown County for active duty employees who earn sick leave. The purpose of the District sick leave bank is to provide the opportunity for paid leave for eligible employees when attendance is inadvisable and/or impossible due to the catastrophic illness of the employee or his/her immediate family, and when required absences exceed their accrued leave, but do not activate long-term disability insurance provisions.

The bank will be administered by a Sick Leave Bank Board which will be comprised of two classified employees, one nurse, three teachers, and one district office administrator/principal. The Executive Director for Human Resources or Director of Human Resources will serve on this Board as an ex officio member. Terms for elected members shall be two years effective after the initial election of the Sick Leave Bank Board. The Board will serve from June 1 through May 31 of each year. All representatives to the Sick Leave Bank Board must be members of the Sick Leave Bank.

In the initial formation of the Sick Leave Bank Board, the Sick Leave Bank Steering Committee will be responsible for recommending at least three candidates for each board member position. The candidate recommendations will be made after the first open enrollment to determine who the Sick Leave Bank members will be. All Sick Leave Bank members will have the opportunity to elect their respective representatives by ballot prepared by the Office of Human Resources. Any vacancies on the Board will be handled by the next highest candidate from the last held election. The Sick Leave Bank Board will assume all other responsibilities of nomination and the election after the initial Board is seated.

The Sick Leave Bank Board will elect a chairperson annually and any other offices deemed appropriate in implementing the Sick Leave Bank Board. A quorum of the Sick Leave Bank Board will consist of four members.

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The Sick Leave Bank Board will receive requests for use of days from the Sick Leave Bank and will decide on these requests and upon appeals arising from their decisions according to the regulations contained in this document. The Board may make suggestions for improving the operation of the bank. However, any changes to these regulations and guidelines must be approved by the School District of Georgetown County Board of Education. The Sick Leave Bank Board will issue an annual report to the membership and to the Georgetown County Board of Education.

I. Definitions

- A. This plan will provide the opportunity for extended sick leave to a member-employee for catastrophic illness, injury, quarantine, or incapacitation so severe to oneself or an immediate family member that attendance of the employee is inadvisable and/or impossible.
1. Catastrophic illness is defined as a **severe and debilitating** illness, as determined by the Sick Leave Bank Board.
 2. An immediate family member has been defined by the Georgetown County Board of Education in previous policy as child, spouse, step-child, parent, or person living in the home of the employee and dependent upon said employee.
 3. Intermittent catastrophic illness is defined as a catastrophic illness that may be an "on-going" illness to the employee or his/her immediate family member that would require the member to use sick leave at intermittent times due to the type of illness or accident. The employee/member may be able to return to work for a period of time with illness and again take sick leave due to special therapy or treatment. In an intermittent catastrophic illness, the Sick Leave Bank procedures are not dependent upon the employee/member being out of work for at least 20 consecutive workdays. However, an accumulation of 20 absences would be required before making a requesting for days from the Sick Leave Bank.

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II. Eligibility

- A. All employees who are on full-time active duty with the School District of Georgetown County, who earn sick leave, and have accrued six sick leave days, are eligible to participate in the Bank. Participation is voluntary; however, the Bank will not operate with less than 30% participation of the total number of employees within the district.

- B. To become a member, an employee must complete a membership application and contribute one day of sick leave during the open enrollment period. Additional contributions annually, or as needed, will be automatically transferred to the Bank according to the procedures established (See Procedures section). If a member has utilized all their sick leave prior to the next assessment, the next available day will be deducted. Notification to the members will be made by the Sick Leave Bank Board when days are automatically transferred.

III. Procedures and Regulations for Membership

- A. An open enrollment period shall occur between July 1 and September 30 of each school year.

- B. Employees who initially choose not to participate in the Bank may enroll at a subsequent open enrollment period. However, the employee must contribute a number of days equal to those he/she would have contributed had he/she been a member of the Bank since the initial enrollment opportunity at hiring or at the initial open enrollment period up to a maximum of 4 days, plus one additional day of sick leave that will be transferred the first pay period in October, or at such time the Sick Leave Bank may need to replenish its supply of available days.

- C. Sick Leave Bank members must contribute one day of sick leave at the initial enrollment period and one additional day each year at the open enrollment period. If a member has utilized all their sick leave prior to the next assessment, the next available day will be deducted. Exceptions to contributions are as follows:

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1. In any year that the number of sick leave days in the Bank is twice the number of members, no days will be contributed for that year except by first-time members of the Bank.
 2. Any time the total number of days in the Bank reaches a level equal to or less than 25% of the number of members, an additional contribution of one day will be required and an open enrollment period declared for new members.
- D. All contributions of the Bank remain the property of the Bank and under no circumstances can a member withdraw his/her accumulated days from the Bank. If the Bank were ever to be dissolved, the days will become the property of The School District of Georgetown County.
- E. All contributions to the Bank will remain in force for the fiscal year in which they are contributed. However, a member may cancel his/her membership during the open enrollment period by written notification to the Sick Leave Bank Board.
- F. Teachers contributing days to the Sick Leave Bank Board will not be penalized under the current Bonus Sick Leave Program.

IV. Regulations for Use of the Bank

- A. In order to make application to receive days from the Sick Leave Bank, an employee must meet the following criteria:
1. The employee must be a current member of the Bank.
 2. The employee must have been out of work for at least 20 consecutive workdays as a result of catastrophic illness or accident to himself or an immediate family member. Or, in the case of intermittent catastrophic illness, the employee must have been out of work for 20 accumulated days.
 3. The employee must have exhausted all advanced and/or accumulated sick days, vacation days, and/or compensation days.

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- B. An employee (or family member of an incapacitated employee who cannot complete an application) who meets eligibility criteria as described in this document may apply to draw upon the Sick Leave Bank by completing an "Application for Use of Sick Leave Bank" form. This application must be accompanied by a "Physician's Confirmation" form confirming the nature and expected duration of the disabling condition. Employees requesting additional days must reapply in a timely manner. An additional form from the physician must be completed after each 30 calendar days drawn from the bank.
- C. Application must be submitted to the Executive Director for Human Resources or the Director of Human Resources who will schedule meetings of the Sick Leave Bank Board.
- D. All members applying for additional days from the Sick Leave Bank will be notified in writing of the decision of the Sick Leave Bank Board.
 - 1. All approved applications will be forwarded to Office of Personnel for processing.
 - 2. All rejected applications will be returned to the member. Members may appeal a rejected decision only once by reapplying and submitting additional documentation and an opinion of the second physician on the "Physician's Confirmation" form.
 - 3. All appeals will be responded to in writing.
 - 4. Decisions will be made by a majority vote of the Sick Leave Bank Board. The Board's decision will be final, with no further appeals to the District.
- E. The maximum number of days which may be drawn from the Bank for any catastrophic event is 90 days.
- F. Sick leave days from the Sick Leave Bank will not be granted until after the twentieth day of illness. There will be no reimbursement for the first 20 days of illness.

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- G. Should a member of the Sick Leave Bank be approved for any type of disability benefits during the time he/she is receiving sick leave days from the Sick Leave Bank, he/she must notify the Sick Leave Bank in writing within 7 working days of his/her notification of approval for disability. Termination from the Sick Leave Bank will begin immediately upon receipt of that notice.
- H. The Sick Leave Bank operates on fiscal year July 1 – June 30; therefore, sick leave bank days will be granted up to June 30th. Should a member of the Sick Leave Bank request days beyond June 30, he/she must reapply and provide the documentation necessary for the Board to vote on whether to grant additional days.
- I. Members who have been approved for worker's compensation due to a job related injury will not be eligible to receive Sick Leave Bank days.
- J. Sick leave days from the Sick Leave Bank will not be granted for illness or hospitalization related to a normal pregnancy, except in cases of extreme complications of pregnancy, as documented by a physician and approved by the Sick Leave Bank Board.
- K. Members utilizing sick leave days from the Bank whose illness is expected to last for more than ninety (90) days should apply for state disability benefits on or before the exhaustion of the Sick Leave Bank withdrawals that they are granted.
- L. Forms to be used by the employees for membership application, application for additional sick leave days from the bank and physician's confirmation are available from Office of Business Services.
- M. No appeals or grievances regarding decisions made by the Sick Leave Bank will be entertained by the District administration or the Georgetown County Board of Education. Final decisions are made by the Sick Leave Bank Board.

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The following administrative rules apply only to the Family and Medical Leave Act (FMLA).

Eligibility

An employee who has worked for the District at least 12 months is eligible for 12 work weeks of FMLA leave during a 12-month period provided the employee worked at least 1,250 hours in the 12 months preceding the beginning of the leave.

For purposes of FMLA leave, the designated 12-month period is the District's fiscal year, July 1 through June 30.

Types of Leave

An eligible employee may take FMLA leave for:

- the birth and first-year care of a child;
- the adoption or foster placement of a child;
- the serious illness of an employee's spouse, parent or child; and
- the employee's own serious health condition that keeps the employee from performing the essential functions of his/her job.

During the period of FMLA leave, the District requires an employee to concurrently use accrued paid vacation, personal or family leave for purposes of a family leave and accrued vacation, personal or medical/sick leave for purposes of a medical leave. An employee cannot compel the District to permit the employee to use accrued medical/sick leave in any situation in which the leave could not normally be used.

Spouses Employed by the School District

If a husband and wife eligible for leave are employed by this school district, their combined amount of leave for birth, adoption, foster care placement and parental illness may be limited to 12 weeks during the designated 12-month period. An employee may not take FMLA leave to care for a parent-in-law.

Intermittent and Reduced Leave

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Intermittent leave is taken in separate blocks of time but is due to a single illness or injury.

Reduced leave is a leave schedule that reduces an employee's usual number of hours per work week, or hours per work day.

Intermittent or reduced leave is available only for the employee's own serious health condition or to care for a seriously ill spouse, child or parent. Such leave may not be used for the birth or adoption/placement of a child.

The employee who wishes to use intermittent or reduced leave must have prior approval of the District. Although the District and employee may agree to an intermittent or reduced leave plan, the employee who uses family leave is not automatically entitled to use such leave on an intermittent basis or on a reduced leave schedule. The district may provide such leave for medical leave, but the District may transfer the employee to a position which is equivalent, but more suitable for intermittent periods of leave. The employee must furnish the district with verification from a physician as to the expected dates of the planned medical treatment, the duration of the treatment and the medical necessity of the intermittent or reduced schedule leave. The Superintendent must authorize the intermittent or reduced schedule leave in writing.

Benefits

The District will maintain the employee's health coverage under the District's group health insurance plan during the period of FMLA leave. The employee should make arrangements with the District to pay the employee's share of health insurance (e.g. family coverage) prior to the beginning of the FMLA leave.

The employee will not lose any other employment benefit accrued prior to the date on which leave began, but is not entitled to accrue seniority or employment benefits during the leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits and pensions.

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Notice

When the need for FMLA leave is foreseeable, the employee must notify the District of his/her request for leave at least 30 days prior to the date when the leave is to begin. If the leave is not foreseeable, the employee must give notice as early as is practical. When the employee requests FMLA leave for scheduled medical treatments or procedures, the employee must make reasonable attempts to schedule the treatment or procedure so as not to disrupt the District's operations. An employee who is using sick leave for more than ten (10) consecutive work days is required to request FMLA leave. Employees who are absent in excess of ten (10) days who have not requested FMLA leave will be notified that they must request FMLA leave and that until the FMLA leave is approved, the leave taken will be temporarily designated as FMLA leave.

The District may deny the leave if the employee does not meet the notice requirements.

Certification

The District may require the employee to provide certification from a health care provider containing specific information regarding his/her own serious health condition or that of a qualifying family member if he/she requests FMLA leave. If there is a question concerning the validity or accuracy of such certification, a second, and, if necessary, a third opinion can be required, both at the expense of the District.

Upon the employee's return to work from his/her own serious health condition, the District will require that the employee present a fitness statement from the employee's health care provider certifying that the employee is able to return to work.

Restoration

When the employee returns from leave, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay, terms and conditions of employment in accordance with Board Policy.

Under certain circumstances, the District may deny restoration to a key employee. The district will comply with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid 10% of the employees

and whose absence would cause the District to experience a substantial and grievous economic injury.

Instructional Employees

Special leave rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a small group, or an individual setting. This term includes teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers or bus drivers.

Limitations apply to instructional employees who take intermittent or reduced leave. If the leave request is:

- to care for a family member, or
- for the employees own serious health condition and
- is foreseeable based on planned medical treatment and
- the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend then the District may require the employee to choose either to:
 1. take the leave for a period or periods of a particular duration, not greater than the duration of the planned treatment, or
 2. transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position.

Limitations also apply to instructional employees who take leave near the end of a semester. When an instructional employee begins leave more than five weeks before the end of a semester, the District may require the employee to continue taking leave until the end of the semester if:

1. the leave will last at least three weeks, and
2. the employee would return to work during the three-week period before the end of the semester.

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When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the semester, the District may require the employee to continue taking leave until the end of the semester if:

1. the leave will last more than two weeks, and
2. the employee would return to work during the two-week period before the end of the semester.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a semester, and the leave will last more than five working days, the District may require the employee to continue taking leave until the end of the semester.

Failure to Return

If an employee does not return following FMLA leave, the District is entitled to recover health care premiums paid during the leave unless the employee fails to return because of the continuation, recurrence, or onset of his/her own serious health condition or that of a qualifying family member, or any other circumstances beyond the control of the employee.

Schedule of Monthly Sick Leave Accrual

180 - 190 contract days (12 days per year):

4 days accrued in September
1 day accrued October through May
No days accrued June through August

200 - 224 contract days (13 days per year):

1 day accrued in August
4 days accrued in September
1 day accrued October through May
No days accrued June and July

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225 - 240 contract days (15 days per year):

2 days accrued in July

1 day accrued in August

4 days accrued in September

1 day accrued October through May

No days accrued in June
