

SICK LEAVE BANK RULES

The Negotiated Agreement between the Board of Education of Prince George's County and the Prince George's County Educators' Association provides for the establishment of a Sick Leave Bank as follows:

Article 4.19 J 8. Employees' Sick Leave Bank

An Employees' Sick Leave Bank was established effective July 1, 1978.

- a. All unit members on active duty with the Prince George's County Public Schools are eligible to participate in the Sick Leave Bank. A teacher newly employed will be eligible to join the Sick Leave Bank six (6) months following his/her first day on duty and must submit the application within thirty (30) days of the first day of eligibility. Employees who elected not to join the Sick Leave Bank upon first becoming eligible have a six-month waiting period after joining the Bank before becoming eligible to use the Bank. Participation is voluntary, but requires contribution to the Bank. Only contributors will be permitted to use the Bank for payment for qualifying incapacitating personal illness during regularly scheduled duty days.
- b. The Sick Leave Bank will be administered by a three (3) member approval committee appointed by the President of the PGCEA, and this Approval Committee shall have the responsibility of receiving requests, verifying the validity of requests, recommending approval or denial of the requests and communicating its decision to the member and the Division of Human Resources.
- c. The rules for the Sick Leave Bank will be established by a four (4) member Rules Committee, two (2) members appointed by the President of the PGCEA and two (2) members appointed by the Superintendent of Schools of Prince George's County. It shall be the purpose of this committee to recommend such rules, in addition to those provided for in this Agreement, as the committee considers appropriate for the operation of the Sick Leave Bank. These recommended rules must be approved by the President of the PGCEA and the Superintendent of Schools before said rules take effect. Once approved, the rules will be widely distributed by the Approval Committee.
- d. The contribution on the appropriate form will be authorized by the unit member and continued from year to year until cancelled in writing by the unit member. Sick leave properly authorized for contribution to the Bank will not be returned if the unit member effects cancellation. Cancellation on the proper form may be effected at any time and the unit member shall not be eligible to use the Bank as of the effective cancellation date.
- e. Contributions shall be made between July 1 and October 1, except for members returning from extended leave which included the enrollment period and new hires who will be permitted to contribute within thirty (30) calendar days of their reassignment and/or becoming eligible to join the Bank. Unit members returning from extended sick leave or disability leave will be permitted to contribute to the Bank only after approval of the Approval Committee.
- f. The annual rate of contribution for the 2013-2014 school year shall be two and one half (2.5) days of sick leave. Annual rate of contribution for future years shall be determined by the Rules Committee and announced prior to July 1 of each year.
- g. The maximum number of duty days that can be granted in any one fiscal year will be the remaining number of duty days a unit member is scheduled to work. In no case will the granting of leave from the Bank cause a unit member to receive more than annual salary.
- h. Members must use all accumulated sick and annual leave before applying for leave from the Bank. Applications for use of the Bank shall be made on the required form and submitted to the Approval Committee.
- i. The first thirty (30) consecutive calendar days of incapacitating illness or disability must be covered by the employee's own accumulated sick leave, annual leave, or leave without pay the first time said employee qualifies for a grant from the Bank. For subsequent grants from the Bank, the first ten (10) calendar days of incapacitating illness or disability must be covered by the employee's own accumulated sick leave, annual leave, or leave without pay.
- j. The Department of Human Resources will receive and review the decision of the Approval Committee from the Bank. If the grants from the Bank are consistent with Prince George's County Board of Education's sick leave policies and the rules of the Sick Leave Bank, the Division of Human Resources will approve these Bank grants to be paid by the Prince George's County Public Schools to the member and shall forward the Bank grants to the appropriate Department for payment. In any case where the decision of the Division of Human Resources does not concur with the Approval Committee, the Division of Human Resources shall explain the full reason for the difference of opinion.
- k. Bank grants will not automatically be carried over from one fiscal year to another. All Bank grants will end as of the last duty day of the school year and must be renewed through the Approval Committee each school year.
- l. If a unit member does not use all of the days granted from the Bank, the unused Sick Leave Bank days will be returned to The Bank.
- m. If the Sick Leave Bank is terminated due to the nonexistence of a negotiated agreement with PGCEA, or for any other reason, the days remaining in the Sick Leave Bank shall be returned to the then current members of said Bank proportionally. A Sick Leave Bank joint committee will be appointed to study and report the costs of the Sick Leave Bank. Their findings should be considered by the negotiators during the next bargaining sessions.

Additional Rules as determined pursuant to 4.19 J 8 c:

1. 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 family who is ill.
2. Only earned or available sick leave may be contributed to the Sick Leave Bank.
3. 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.
4. Leave from the Bank may not be used for disabilities which qualify the member for Workmen's Compensation benefits, unless the member has exhausted all Workmen's Compensation leave (Article 4.19E), their own accumulated sick and annual leave, and provided further that the member signs over any Workmen's Compensation checks for temporary disability to the Board. If there are Workmen's Compensation checks paid over to the Board, the Bank will not be charged days, or if charged, will be reimbursed the number of days for which the Workmen's Compensation payment is equivalent to a regular day of pay at the negotiated rate for that employee.
5. When the Approval Committee 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 or Social Security, the Approval Committee will request that the grant applicant apply for disability benefits. Failure on the part of the grant applicant to submit a complete application, including medical information provided by the applicant's physician, within twenty (20) calendar days will disqualify the grant applicant for further Sick Leave Bank payments. Any request (for additional medical information) from the retirement system must be supplied within twenty (20) calendar days or the member's entitlement to Sick Leave Bank payments will automatically cease. The Approval Committee may grant up to a ten (10) day extension based on evidence that the physician could not provide the information within the initial twenty (20) day period.

If disability retirement is denied by the MSRS Board of Trustees, the member shall be obligated to file an appeal within twenty (20) calendar days, and the Approval Committee shall refer the member to a physician of the committee's choice to obtain a medical prognosis as to whether the member will be able to return to his/her duties.

If this report indicates that the member will not be able to resume his/her regular duties, the Approval Committee will require that the member maintain the appeal of the ruling of the retirement system denying disability retirement using the report of the physician as the basis for the continued appeal. If such report indicates that the member may be able to ultimately return to his/her regular duties, the member may dismiss the appeal.

When disability retirement is approved by the MSRS Board of Trustees, any grant from the PGCEA Sick Leave Bank that has been approved will automatically cease at the end of the month in which the disability was approved. The member is eligible to continue to receive a Sick Leave Bank grant until the end of that month. **Note: Exception** – In the eventuality the Board of Trustees approves the disability but determines that the applicant is entitled only to a percentage of the disability retirement benefit formula, and the applicant appeals for a higher percentage, the applicant will continue to be eligible for a limited grant from the Bank as defined below provided the applicant initiates the appeal and submits additional medical findings in support of the appeal within twenty (20) calendar days. The Approval Committee may grant up to a ten (10) day extension based on evidence that the physician could not provide the information within the initial twenty (20) day period.

During the period of time the Sick Leave Bank member is pursuing the appeal of the percentage of entitlement to disability retirement, the Bank member will continue to be eligible for a prorated Sick Leave Bank grant. Such grant would be limited to a payment of the difference between the retirement allowance entitlement, as approved by the Board of Trustees, and the full amount that would be paid as a disability retirement allowance if the appeal were approved.

The number of sick leave days to be charged to the Bank will be determined by dividing the total gross dollar payments of the grant by the member's daily rate of pay rounded to the nearest half day.

6. Each separate application for a grant from the Bank must include a new physician's statement on the appropriate PGCEA Sick Leave Bank Form.
7. A member of the Sick Leave Bank will lose the right to use the benefits of the Sick Leave Bank by:
 - a. Termination of employment with the Board of Education of Prince George's County.
 - b. Suspension without pay during the period of suspension.
 - c. A member's voluntary cancellation of his/her membership in the Sick Leave Bank, as of the effective date of the cancellation.
 - d. A member's written authorization to discontinue annual contribution of sick leave day(s) as of the date the contribution becomes due.
 - e. Any abuse or misuse of the Rules of the Sick Leave Bank.
 - f. While on approved leave of absence, for other than personal illness.
 - g. Attending school.
8. Grants from the same illness or injury shall not exceed two (2) calendar years from the date of the initial grant. However, no person may be eligible for more than two (2) years of Bank grants during any four (4) consecutive calendar year period for any illness or injury.
9. Eligible employees who do not elect to join the Sick Leave Bank at the first opportunity afforded to them will not be permitted to join the Bank until the subsequent annual open enrollment period.
10. The Approval Committee will review and forward to the Board of Education of Prince George's County Personnel Department its decision on all requests to draw on the Bank within fifteen (15) working days after such request is received at PGCEA.
11. In order for new Bank membership applications to be accepted, the applications must be received at the PGCEA Center by September 30. For a new employee or any employee returning from a leave of absence, the application must be received at PGCEA within thirty (30) calendar days of the first day on duty. Applications approved by the Approval Committee must be received by the Office of Instructional Personnel of the Prince George's County Public Schools within fourteen (14) calendar days after the deadline for receipt of the application at PGCEA.
12. All requests to draw upon the Bank must be upon a PGCEA Sick Leave Bank Request Form and submitted to PGCEA within thirty (30) calendar days of the first date Bank usage is requested.
13. All requests to draw upon the Sick Leave Bank must include a physician's statement confirming the cause of illness or confinement and certifying the existence of a disability to perform assigned duties. The form must be personally signed by a physician.
14. 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 before the committee may act upon the unit member's application for a grant from the Bank.
15. In case a contributor's incapacity is of such a nature that he/she cannot personally apply for a grant, his/her application may be submitted to the Committee by his/her authorized agent or member of his/her family on his/her behalf.
16. Leave grants from the Bank shall be in units of not more than thirty (30) consecutive days.
17. Applicants may submit requests for extension of Bank leave grants before their prior grants expire. (Use regular Sick Leave Bank Request Form.)
18. In cases where the committee disapproves an application for membership, an application for use of the Bank, or for an extension of such use, the applicant may appeal his/her request to the PGCEA Board of Directors.
19. All forms for application for participation in the Bank, withdrawal of sick leave days, and cancellation shall be available at the Board of Education of Prince George's County Personnel Office and the PGCEA office, and shall be sent to any unit member at his/her request.
20. Copies of all PGCEA Sick Leave Bank donation forms, request forms, and membership cancellations shall be marked for approval or denial by the committee. Following such action, the committee shall disperse copies of the forms to the unit member, his/her immediate supervisor, the Board of Education of Prince George's County Personnel Department, and the PGCEA Sick Leave Bank Administrator.
21. The Board of Education of Prince George's County shall maintain records of all unit member contributions, withdrawals, and the status of the Bank.
22. The Board of Education of Prince George's County Payroll Office shall report the status of the PGCEA Sick Leave Bank at any time upon the request of the Approval Committee.
23. The Board of Education of Prince George's County Payroll Office and PGCEA shall provide information to the Approval Committee upon its request for any data maintained in their files with regard to an applicant.
24. Transfer of sick leave days to the Bank shall be in whole or fractional parts of a regular workday consistent with the earned sick leave entitlement of the employee making the donation.
25. These Rules are subject to revision in accordance with Article 4.19 J 8c at any time without prior notice.