

# Sick Leave Bank

The College President shall establish, upon the request of 10 percent of its full-time certificated and full-time support personnel, a sick leave bank plan.

Any sick leave bank shall be operated, managed, and governed by a Sick Leave Bank Committee pursuant to Alabama Code § 16-22-9 and any accompanying procedures in place by the Chancellor.

The Alabama Community College System Board of Trustees designates its one representative on any Sick Leave Bank Committee as the President or the President's designee.

The purpose of the Sick Leave Bank shall be to provide a loan of sick leave days for its participating members or catastrophic leave after a member's accrued and compensatory leave has been exhausted, if warranted as determined by a Sick Leave Bank Committee.

## Formation

1. A President shall establish, upon the request of 10 percent of its full-time certificated and full-time support personnel, a sick leave bank plan for each of the two groups either jointly or separately. The decision whether to have a joint or separate sick leave bank shall be the exclusive decision of the employees, utilizing a secret balloting process. See Ala. Code 16-22-9(b).
2. A Sick Leave Bank Committee, if formed, will be comprised of five persons, one will be the President or President's designee, and four employees will represent the participating members of the sick leave bank. See Ala. Code 16-22-9(a)(5).

## Election of Sick Leave Bank Committee

1. The President shall be responsible for conducting elections in a fair and equitable manner, ensuring the confidentiality of the secret balloting process. See Ala. Code 16-22-9(c).
2. At the beginning of each scholastic year, an election shall be held among the sick leave bank members to determine by secret ballot the four members who are to serve on the sick leave bank committee. See Ala. Code 16-22-9(c). Those four members receiving the most votes shall serve on the Sick Leave Bank Committee.
3. The term of office for these four Committee members shall be one year. See Ala. Code 16-22-9(c). No representative on the Committee shall serve longer than five (5) consecutive years. See Ala. Code 16-22-9(f). If a vacancy occurs during the one-year term which needs to be filled, the remaining Committee members (inclusive of the President) shall vote on a person to fill the vacancy and whoever receives the most votes may fill the seat.
4. The President or President's designee shall be appointed as the Chair of the Committee and shall appoint one of the other Committee members to take minutes of meetings and all Committee action.
5. In the event of any election tie, the President or his designee has the authority to break the tie.
6. Committee meetings may be scheduled as determined by the Committee, or as set by the President, or by the written request of three consenting Committee members to the President.

## Duties of the Committee

1. The Committee shall establish procedures providing for the uniform administration of the sick leave bank. Ala. Code 16-22-9(d)(f).
2. The Committee shall develop guidelines for the operation of the sick leave bank. Ala. Code 16-22-9(d)(f). The guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank. Ala. Code 16-22-9(f).
3. The Committee shall develop all necessary forms for the orderly operation and administration of the sick leave bank. Ala. Code 16-22-9(d)(g)(2).
4. The Committee shall maintain copies of its guidelines, administrative procedures, and forms and immediately provide those upon adoption to the President's Office.

5. The Committee shall ensure that accurate records of contributors eligible to participate in the bank are maintained and shall work with the institution to maintain records of all member contributions to the sick leave bank, withdrawals from the bank, and the status of the bank. Reports shall be provided on a timely basis at the request of the Committee, the President, or the Chancellor.
6. The Committee shall review all applications for loans from the sick leave bank and make appropriate decisions on request for approval of such loans. The Committee has the discretion to deny an application for a loan or approve less days than requested. Factors to be considered include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days in the bank, the ability of the applicant to repay the loan (if applicable), and prior awards obtained from the sick leave bank.

### **Guidelines of the Committee**

1. The sick leave bank plan allows members to deposit an equal number of days (not to exceed five) of earned sick leave into the sick leave bank. The days deposited shall be available to be loaned to any participating member whose leave has been exhausted and who has been granted a loan by the Committee. Ala. Code 16-22-9(e).
2. No member employee is allowed to borrow or obtain catastrophic leave from the sick leave bank unless all accrued and compensatory leave time has been exhausted.
3. A member of the sick leave bank shall not be allowed to accumulate more days than allowed in Alabama Code 16-1-18.1, including days in the sick leave bank. Ala. Code 16-22-9(g)(4).
4. Employee membership in the sick leave bank shall be voluntary. Ala. Code 16-22-9(g)(5).
5. Any alleged abuse of the bank shall be investigated by the Committee (or its designee). On a finding of wrongdoing, the abusing member shall repay all of the sick leave credits drawn from the sick leave bank and be subject to appropriate disciplinary action as determined by the institution. Ala. Code 16-22-9(g)(6).
6. Upon retirement or transfer of a member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit, as allowable. Ala. Code 16-22-9(g)(7).
7. At the beginning of each leave year, or upon employment of a new employee, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account, in order to enable the employee to join the sick leave bank if the employee does not have the minimum number of sick leave days to enable the employee to join the sick leave bank. Ala. Code 16-22-9(g)(9).
8. The Committee shall have the authority to designate open enrollment periods at least annually to non-participating members. Employees who did not join the sick leave bank will have an option to join upon deposit of the prerequisite number of sick leave days during any open enrollment period established by the Committee. Ala. Code 16-22-9(g)(9).
9. Additional guidelines may be adopted by the Committee as deemed appropriate provided they are uniformly applied to all employees and do not conflict with these guidelines and procedures. Ala. Code 16-22-9(g).

### **Sick Leave Bank Loan Procedures**

1. An employee must apply for sick leave bank loan in the form required by the Committee and is subject to all applicable procedures and guidelines adopted by ACCS and the Committee. In cases where the member has been incapacitated, a member's agent or representative designated as such in writing, may apply to the Committee on behalf of the member. In case of mental incapacity of a member, the designated agent or representative must be a person who, by law, may serve in such capacity.
2. In order to apply for a sick leave bank loan: (a) an employee must be a member of the sick leave bank and (b) an employee must have exhausted all accrued and compensatory leave available.
3. The Committee determines whether a loan request will be approved or denied and, if approved, for how many days up to a maximum of fifteen (15) days per event. Factors to be considered in making these decisions include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days donated, ability to repay the loan, and prior awarded loans.
4. No employee shall be allowed to owe more than fifteen (15) days to the sick leave bank, unless more than fifty percent (50%) of the members of the sick leave bank vote to extend the limit. Ala. Code 16-22-9(g)(1).
5. Sick leave days borrowed from the sick leave bank shall be repaid to the sick leave bank monthly as re-earned by the member. Ala. Code 16-22-9(g)(3).
6. Upon the separation of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay. If portions of the loan remain outstanding after separation, the employee is responsible for paying the remaining value to the institution. Ala. Code 16-22-9(g)(3).

## Catastrophic Leave Procedures

1. A catastrophic event is defined as any illness, injury, or pregnancy or medical condition related to childbirth certified by a licensed physician which causes the employee to be absent from work for an extended period of time. Ala. Code 16-22-9(a)(1).
2. Beginning January 1, 2019, no employee may be awarded more than forty-five (45) work days of catastrophic leave during any five-year period of employment.
3. An employee must apply for catastrophic leave in the form required by the Committee and is subject to all applicable procedures and guidelines adopted by ACCS and the Committee. In order to apply for Catastrophic Leave: (a) an employee must be a member of the sick leave bank at the time the catastrophic event occurs in order to be considered for catastrophic leave, (b) an employee must have exhausted all accrued and compensatory leave available, (c) the employee must provide certified evidence by a licensed physician of an illness (defined as an unhealthy condition of the body or the mind, a sickness, or disease), or of an injury (defined as physical harm to a person), or of a medical condition related to childbirth that causes the employee to be absent from work for a period greater than fifteen (15) work days, and (d) the employee must have applied, borrowed, and used the maximum number of sick leave days loaned by the Committee.
4. The Committee determines whether a request for catastrophic leave will be approved or denied and, if approved, for how many days up to the maximum. Factors to be considered in making these decisions include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days donated, whether it is a personal event to the employee, and prior awards of loans or catastrophic leave.
5. Employees, at their discretion, may donate a specific number of days to the sick leave bank, up to a maximum of 30 days for any one employee, to be designated for a specific employee for use against a catastrophic event. Ala. Code 16-22-9(h).
6. Employees must be a member of the sick leave bank to donate or receive catastrophic leave.
7. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank.
8. The recipient employee may use catastrophic sick leave days for himself or herself or for other covered persons as provided in *Code of Alabama* 16-1-18.1. Ala. Code 16-22-9(h).
9. Catastrophic days awarded are not required to be repaid. Ala. Code 16-22-9(h).
10. Donated catastrophic leave days may be used to repay days loaned by the sick leave bank to the credit of the affected member. Ala. Code 16-22-9(g)(8).
11. Employees who donate sick leave days to the sick leave bank for a particular employee's catastrophic event are not to be returned to the donor unless the days are not used. Ala. Code 16-22-9(h).
12. If catastrophic leave is approved by the Committee, the Committee shall notify members of the applying employee's request and approval for catastrophic leave one time. The Committee has no further obligation to continue requesting donations on the applying employee's behalf. The Committee may but is not required, no more than once per month, to communicate by email to the members to advise that the employee is approved for catastrophic leave and could use further donations.
13. There is no guarantee that, if catastrophic leave requests are approved by the Committee, the sick leave bank members will donate any leave or sufficient leave to cover an employee's absence related to a catastrophic event.
14. Catastrophic leave is not available for on-the-job injuries.