*Dale County Board of Education*

*Sick Leave Bank and Catastrophic Leave Guidelines*

*Dale County Board of Education*

*Contents*

*Sick Leave Bank Guidelines Pages 1-6*

*Catastrophic Guidelines Pages 7-8*

*Code of Alabama 16-22-9 Attached*

*Code of Alabama 16-1-18.1 Attached*

*Sick Leave Bank Forms Attached*

*Dale County Board of Education*

*Sick Leave Bank and Catastrophic Leave Guidelines*

**Purpose**

 The Dale County Sick Leave Bank (SLB) is established to provide a loan of leave days for its participating members after their accumulated sick and personal leave days have been exhausted. It is the purpose of the SLB to allow any school employee who earns sick leave and who wishes to participate to also have access to the catastrophic leave provisions as established by the law.

**Definitions**

 Employee – Any person employed by the educational authority on a full-time or part-time basis.

 Chief Executive Officer – The superintendent of any public county or city school system; the President of the Alabama Institute for the Deaf and Blind; the President of any two-year school or college under the auspices of the State Board of Education; the President of the Alabama Agricultural and Mechanical University; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science; and Alabama A & M University; the Secretary of the Senate; the Clerk of the House of Representatives; the Lieutenant Governor; the Speaker of the House of Representatives.

**The Sick Leave Bank (SLB)**

 **Committee**

 Composition. The SLB Committee shall consist of six members. The Chief Executive Officer shall appoint one representative on the committee, subject to board approval, as the designated representative of the Dale County Board of Education. The remaining five shall be employees of the Dale County Board of Education who shall be elected by the members of the Dale County SLB. Elections are held by secret ballot each year during the month of December. The Chief Executive Officer’s representative shall be responsible for conducting the election in a fair and equitable manner, ensuring the confidentiality of the secret balloting process.

Terms of Office. The board appointed representative shall serve three (3) consecutive years. The elected committee representatives for the SLB Committee will serve a minimum of one year and a maximum of five years consecutively. Terms shall begin on January 1 and end December 31.

Administration and Policies.The SLB Committee is charged with administration, operation, and the establishment of policies of the SLB.

The Committee shall also take any other actions deemed necessary for the effective and efficient operation of the SLB consistent with these guidelines. Upon the request of 10% or more of its full-time certified and full-time support personnel, a local board of education will establish a sick leave bank plan for each of the two groups either jointly or separately. The SLB committee will write the guidelines for the operation of the sick leave bank(s). The committee may adopt appropriate and beneficial guidelines in addition to the regulations contained in Section 16-22-9, as long as the additional guidelines do not conflict with this section of the law.

Guidelines. The SLB Committee shall have the exclusive responsibility of writing the guidelines and administrative procedures of the sick leave bank, including the catastrophic leave provisions of this section.

2

It shall also be the committee’s duty to develop all necessary forms for the orderly operation and administration of the sick leave bank and catastrophic leave provisions of this section and to ensure the orderly transfer and acceptance of catastrophic sick leave days from one sick leave bank to another.

**Duties of the SLB Committee:**

 Officers. The SLB Committee chair is appointed by the Dale County Board of Education upon recommendation of the Superintendent and will serve for 3 (three) years consecutively. The remaining 5 (five) members will be elected by members of the SLB, by secret ballot, during the month of December to start the year of service January 1 ending December 31.

 Meetings. Meetings of the SLB committee shall be scheduled on a regular basis as determined by the Committee. Additionally, a meeting may be called by the Chairperson or by a majority of the committee.

 Decisions and Votes. In no case shall a policy or decision be implemented without the majority consent of the representatives of both employer and employee members of the SLB Committee.

 Forms. THE SLB Committee is charged with the responsibility of development and distribution of the necessary forms so that all eligible employees shall have reasonable access to the forms. Forms shall be available at the Dale County Board of Education Central Office and in the principal’s office of each school. The following forms are available:

Application for SLB Participation

 Application for SLB Loan

 Application for Catastrophic Leave

 Application for Catastrophic Leave Transfer

 Physician’s Certification of Illness

 Physician’s Certification of Catastrophic Illness or Injury

 Resignation from the Sick Leave Bank

3

 Loans from the SLB. The SLB Committee shall review all applications for loans from the SLB and make appropriate decisions on approval of such loans, except as provided for pertaining to catastrophic leave.

 Abuses. Any alleged abuse of the SLB shall be investigated by the Committee and, on a finding of wrong doing; the violator shall repay all of the sick leave credits drawn from the SLB and be subject to appropriate disciplinary action by the Dale County Board of Education.

 **Eligibility and Participation**

 Participation. Participation in the SLB shall be voluntary\*; however any member wishing to resign from the SLB may do so only at the end of the school year or upon departure from the school system.

 Donor & Beneficiary. Membership Required. Both the donor employee and the beneficiary employee must be members of the SLB.\*

 Eligibility & Membership. Any employee of the Dale County Board of Education who earns sick leave is eligible to join the SLB. Any eligible employee who completes a SLB authorization form and contributes or commits the designated number of days to the SLB shall be a member.

 Requisite Number of Days. To be a member of the SLB, the employee must contribute five (5) sick leave days to the SLB.

 Enrollment Period. The contribution of leave days into the SLB must take place during a definite enrollment period which shall be from teacher institute day through September 30 and from January 1 through January 15 inclusive. Those new employees who do not have the necessary five days to contribute to the SLB for the initial membership shall be credited with the days upon employment in order to join the SLB. The SLB Committee shall have the authority to re-open the bank to non-participating employees as deemed necessary.

4

 Maximum Borrowable Days. No employee shall be allowed to borrow or owe a number of days which is in excess of ten days more than the employee has on deposit in the SLB unless a majority of the participating members of the SLB vote to extend said limit.\*

 Exhaustion of All Leave. To be eligible for a loan from the SLB, a participating member must have exhausted all accumulated leave in his or her personal account.\*

 Deposited Days Counted Towards Maximum Accumulation. The days which a contributing employee has placed in the SLB are to be counted towards the accrued total number of sick leave days. {Section 16-1-18.1, Code of Alabama 1975}

 Recording & Reports. The Dale County Board of Education payroll shall maintain records of all contributions to and withdrawals from the SLB, and the status of the Sick Leave Bank. Reports shall be provided on a timely basis at the request of the SLB Committee or the Dale County Board of Education.

 Application for Loan. All requests for SLB loans must be accompanied by loan application and physician’s statement. {Section 16-1-18.1 Code of Alabama 1975} In cases where the member has been incapacitated, his or her designated agent may apply to the SLB Committee on the member’s behalf, except as provided in the catastrophic leave provisions of these guidelines. All requests for SLB loans must be in whole-day increments.

 Retroactivity. Upon the request of the applicant and the discretion of the SLB committee, loans may be granted retroactively to the first day of the absence.

 Physician’s Statement. The SLB committee shall require a statement from the beneficiary employee’s physician certifying the nature of the illness or disability as a prerequisite for awarding a loan. The form adopted by the SLB Committee shall be made available to the physician for his statement.

5

 Repayment of Loaned Days. Members of the SLB who borrow from the SLB shall be required to repay the SLB as he or she accrues days. An individual cannot leave the school system without repaying any outstanding debt of leave days to the SLB, except as provided by the catastrophic provisions of these guidelines. If the employee has no sick leave days remaining, then his or her final check shall be garnished at the prevailing rate of pay for the number of days owed to the SLB.\* Such monies collected from former members of the SLB by the Dale County Board of Education shall be used to replace the number of days borrowed from the SLB. If a member of the SLB has days borrowed and is on sick leave and cannot return to work due to permanent disability, the employee or his or her designee may request a donation of days under the catastrophic sick leave provisions of the law and these guidelines; in such case, the donated days shall be used to repay the SLB and the beneficiary employee’s last paycheck shall not be garnished provided there were enough donated days to cover the absenses.

 Retirement. Any member who is retiring may withdraw his or her donated days from the SLB for retirement credit as provided in Section 16-25-11.1, Code of Alabama 1975.

 Use of Days. Days may be borrowed from the SLB to attend to covered individuals as required and provided in Section 16-1-18.1, Code of Alabama 1975.

 Resignation. Resignation from the SLB must be made by submitting the official forms to the SLB Committee according to the stipulated timeline. If a member resigns from the SLB, any days which the member has on deposit shall be re-credited to the employee’s personal sick leave account.

 Disagreements & Appeals. Any individual who disagrees with the initial decision of the SLB Committee may appeal the decision, in writing, for reconsideration to the SLB Committee. The committee shall have the authority, but shall not be required, to put the issue to a vote of the full membership of the SLB. The final decisions of the SLB Committee shall be binding on all parties.

6

CATASTROPHIC SICK LEAVE GUIDELINES

1. Membership in SLB is Required. To donate or receive catastrophic sick leave days, the employee must be a member of the Sick Leave Bank (SLB).\*

2. Prerequisite of Receipt of Days. In accordance with the Code of Alabama, Section 16-22-9, when an SLB member or other covered individual is suffering a catastrophic illness or injury, the member, upon depleting all sick leave and other earned leave, shall be eligible to receive sick leave days from other members of any sick leave bank to cover the period of time during which the employee cannot be at work.\* However, before receiving any catastrophic sick leave days from any other member, the beneficiary employee must have borrowed the maximum number of days allowed from the SLB without the required vote of the general membership of the SLB (not to exceed 10 days). The beneficiary employee must use any sick leave days, personal leave days, and vacation days which are earned each month before utilizing donated days.

3. Terms and Definitions. The employee receiving donated catastrophic sick leave days shall be known as the “beneficiary employee” and the employee donating catastrophic sick leave days shall be known as the “donor employee”. The term “catastrophic illness or injury” shall be defined as required in Section 16-22-9, Code of Alabama 1975.\*

4. Repayment not required. The beneficiary employee shall not be required to repay the used donated days to the sick leave bank for catastrophic leave days.\*

5. Eligibility of Donor. Any member of the Dale County SLB or any other public education SLB in the state may donate sick leave days to the beneficiary employee.\*

6. Limit of Days by Donor. No employee may donate more than 30 sick leave days to any one SLB member per their lifetime.

7

7. Application for Days. A letter of request by the employee to receive a catastrophic sick leave donation is desirable but in cases where the employee is physically unable or incapacitated, a letter of request by the member shall not be necessary; however, before donations to any beneficiary employee will be deposited into the sick leave account of the employee, certification of the illness by the employee’s physician must be on file. The SLB Committee shall authorize a standard form for certification by a licensed physician as required in Section 16-22-9, Code of Alabama 1975.

8. Coordinator. The SLB Committee may appoint a “Catastrophic Sick Leave Coordinator”. If a coordinator is appointed, it shall be the responsibility of the coordinator to make recommendations as to the number of days which a beneficiary employee may need to have donated and to monitor the situation with the beneficiary employee to assist the employee in receiving an adequate number of sick leave days during the illness. The Coordinator shall take care to monitor and ensure that no abuse occurs in the transfer of sick leave days due to catastrophic circumstances. The SLB Committee may appoint any member of the Sick Leave Bank for this purpose.

9. Voluntary Donations. Donation of days to a beneficiary employee shall be solely at the discretion of the participating member of the SLB.\* An employee donating catastrophic sick leave days shall be made to understand that the days so donated shall not be repaid if used by the beneficiary employee.\* However, any days donated for catastrophic purposes which are not used by the beneficiary employee shall revert to the donor employee.\* If donated days are partially but not completely used, the days shall revert to the donor employee(s) in a proportionate manner. However, the SLB Committee shall be the final authority in determining the reversion of days. Any such reversion of unused donated days shall not occur until the expiration of 30 days after the beneficiary employee has returned to work.

\*Required by General Statute, Code of Alabama

8