

## Memorandum of the Faculty Senate

**To:** Dr. Glenda B. Glover, President

**CC:** Dr. A. Mosley, Interim VP of Academic Affairs; Ms. Cynthia Brooks, VP Budget, and Finance; Ms. Linda Spears, Associate VP of Budget and Finance and Director of HR; Dr. John Miglietta, Professor, College of Liberal Arts; Dr. Carrie Hurst, Associate Professor, College of Business; Dr. John Kelley, Associate Professor, College of Life and Physical Sciences

**From:** Dr. Achintya Ray, Chair of the Faculty Senate

**Date:** 3/28/2018

**Re:** Final Approval of the Charter & Governance Policy of the Faculty Sick Leave Bank

*Achintya Ray*  
3/28/2018

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The Faculty Sick Leave Bank policy was approved in 2016. According to the Faculty Sick Leave Bank Policy, *“The purpose of the Faculty Sick Leave Bank is to provide emergency sick leave to members of the program who have suffered an unplanned personal injury, disability or quarantine and who have exhausted their personal sick and annual leave.”*

The following members have been appointed to be the founding members of the Board that governs the Faculty Sick Leave Bank

1. Ms. Cynthia Brooks, VP Budget, and Finance. (3-year term)
2. Ms. Linda Spears, Associate VP of Budget and Finance and Director of HR (2-year term)
3. Dr. John Miglietta, Professor, College of Liberal Arts (1-year term)
4. Dr. Carrie Hurst, Associate Professor, College of Business (2-year term)

5. Dr. John Kelley, Associate Professor, College of Life and Physical Sciences (1-year term)

The Board elected Dr. John Miglietta to be the inaugural Chair.

The Board governing the Faculty Sick Leave Bank, after an extensive discussion, approves the following charter and governing policy for the Faculty Sick Leave Bank. This charter has also been approved by the Executive Committee of the Faculty Senate and by the Faculty Senate.

A Presidential signature at the end of this memorandum will signify the acceptance of the charter for full and immediate implementation.

## **FACULTY SICK LEAVE BANK: CHARTER AND GOVERNING POLICY**

### **PURPOSE**

*The purpose of the Faculty Sick Leave Bank is to provide emergency sick leave to members of the program who have suffered an unplanned personal illness, injury, disability or quarantine and who have exhausted their personal sick and annual leave.*

### **ADMINISTRATION**

The Faculty Sick Leave Bank shall be administered by five (5) Trustees appointed by the president of Tennessee State University. **At least three** (3) of the appointees shall be from among the tenured and tenure track faculty who shall devote a majority of their time to classroom instruction. All appointments shall be for three (3) year terms after an initial appointment of one (1) year for two Trustees, two (2) years for two Trustees and three (3) years for one Trustee. The Trustees will elect a chairman at their first meeting. Trustees shall be eligible for reappointment and any vacancy resulting from expiration of a term, retirement, resignation, discontinuation of employment or death shall be filled immediately by the president in consultation with the Executive Committee of the Faculty Senate.

### **GUIDELINES**

All regular full-time employees of Tennessee State University who hold faculty rank, whether serving in an academic or fiscal year appointment, and all regular part-time instructional staff shall be eligible to participate in the Faculty Sick Leave bank; however, a minimum participation of twenty (20) employees shall be required to establish the Bank.

*John Miglietta*  
3/28/2018

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The TSU President or designee shall appoint a Committee of Trustees in consultation with the Executive Committee of the Faculty Senate to carry out this policy and the procedures contained herein. The Trustees shall be comprised of at least three full-time tenured and tenure-track faculty members at TSU.

Applicants to the membership of the Faculty Sick Leave Bank must have at least six (6) sick leave days accumulated at the time of their application. Those electing to participate in the Bank shall initially have the equivalent of three (3) days of sick leave deducted from their accumulated sick leave and transferred to the Bank.

Anyone electing to participate shall sign up within forty-five (45) days from the date membership materials are initially made available to the faculty and during the month of October of that and succeeding years when enrollments for other benefits like health insurance are customarily open.

Donations of sick leave days to the Bank are nonrefundable and nontransferable with the following exception.

In the event that dissolution of the Bank becomes necessary because the institution or branch is closed, or because membership in the Bank falls below twenty (20) individuals, the total days on deposit shall be returned to the participating members at the time of dissolution and credited to their personal sick leave accumulation in proportion to the number of days each has contributed individually.

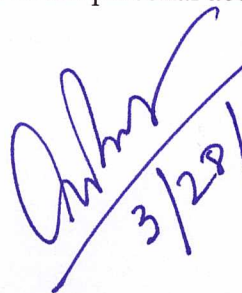
Days returned and credited to an individual shall be rounded to the nearest one-half (1/2) day or equivalent.

A Bank member may cancel his or her membership at any time upon written notification to the trustees.

Assessed sick leave days shall be nonrefundable upon cancellation of membership and nontransferable upon transfer to another Locally Governed Institution (LGI), Tennessee Board of Regents institution, UT or State agency.

Members of the Bank shall be eligible to make application to the Bank for sick leave only after having been a member of the Bank for thirty (30) calendar days.

A participant shall not receive any sick leave from the Bank until after having exhausted all accumulated sick and annual leave accumulated in the personal account of the participant.

  
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Leave grants from the Bank, approved by the Trustees, shall not be more than twenty (20) consecutive days for which the individual applicant would have otherwise lost pay.

Applicants may submit requests for extension of such leave grants before or after their prior grants expire. The Trustees will consider such applications on a case by case basis and provide written notification once they reach a decision.

The maximum number of days any participant may receive in any fiscal year is sixty (60). The maximum number of days any participant may receive as a result of any one illness, or recurring diagnosed illness or accident is ninety (90) total.

In the event a member is physically or mentally unable to apply for bank sick leave, the immediate next-of-kin may make a request to the Sick Leave Bank on his or her behalf.

If there is no next-of-kin available, this request may be made by the legally appointed guardian or conservator or an individual acting under valid power of attorney. The Trustees of the Sick Bank should craft a form in consultation with the Human Resources Department to facilitate this application process.

If the Trustees may require a certificate of condition from a licensed physician approved by the Board of Trustees from any member requesting grant of sick leave. Refusal to comply will result in denial of the pending request for use of sick leave days from the Bank.

Grants of bank originated sick leave shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.

Grants of sick leave from the Bank shall not be made to any member on account of any elective surgery, or illness or death of any member of the participant's family, or during any period the member is receiving disability benefits from Social Security, a state-sponsored retirement plan, or Board of Claims benefits (worker's compensation).

A member shall lose the right to obtain the benefits of the Bank by:

- Termination of employment (including retirement).
- Cancellation of participation.
- Refusal or inability to honor assessments made by the Trustees.
- Being on approved leave of absence in a non-pay status for reasons other than illness, injury or disability.

  
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Employees who are granted bank sick leave shall continue to accrue sick leave and annual leave, if applicable, and service credit for retirement and longevity purposes, during the time they are on the Bank originated sick leave.

Also, they will receive credit for any holidays that may occur during the bank sick leave period.

Faculty leaving the university may elect to donate all or part of their accrued sick leave to the Faculty Sick Leave Bank. The Board of Trustees of the Faculty Sick Leave Bank will also develop an appropriate form and policy to govern the voluntary donation of sick leaves from a retiring or departing faculty member.

The trustees will approve or reject all requests for bank sick leave within ten (10) calendar days of receipt of the written formal request.

The operation of the Faculty Sick Leave Bank shall exist separately from the regular sick leave accrued to individual's personal accounts with respect to approvals and appeals; the decisions of the Trustees shall not be appealed beyond that body.

Records and official forms of the Bank and minutes of the Trustees meetings shall be maintained by the Faculty Sick Bank Board of Trustees. Some records as appropriate may be maintained by the Human Resources Department with copies provided upon request to the Office of the Vice President of Academic Affairs.

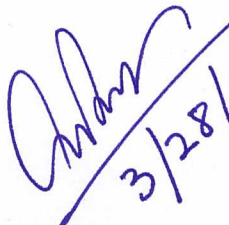
All records shall be subject to audit by appropriate state officials.

Subsequent assessments will be made in order to maintain a minimum balance in the bank's reserves. This minimum balance is set at sixty (60) days and is subject to modifications by the Trustees.

The amount of subsequent assessments will depend upon the balance in the bank's reserves, the number of members and the projected need. However, no more than three (3) days will be assessed for any one assessment. Notification will be provided at least 30 calendar days prior to the assessment.

Amendments to these guidelines may be made by an affirmative vote of at least three trustees, a majority of the faculty senate, and approval by the President.

The chair of the Board of Trustees shall forward the amendment proposal to the Faculty Senate for consideration. The Faculty Senate shall hold a vote within 180 (one hundred and eighty days) to confirm or deny the request made by the Board of Trustees. Upon an affirmative vote

  
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by the Faculty Senate, the proposal shall be forwarded to the University President for final approval.

**PROCEDURES**

Application to participate in the Faculty Sick Leave Bank shall be made on forms prepared and approved by the Faculty Sick Bank Board of Trustees.

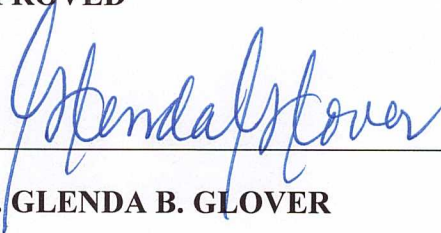
All requests to draw upon the Bank must be made through a Faculty Sick Leave Bank Request Form and submitted to the Trustees within thirty (30) calendar days of the first date bank usage is requested.

A licensed physician's statement, verifying the nature of the illness or injury, and the inability of the employee to work, must accompany the application form.

In extreme and unusual cases exceptions may be approved.

Materials submitted will be maintained by the Faculty Sick Bank Board of Trustees. Some records as appropriate may be maintained by Human Resources.

**APPROVED**



**DR. GLENDA B. GLOVER**

**PRESIDENT, TENNESSEE STATE UNIVERSITY**

