

Tennessee State University Non-Faculty Sick Leave Bank Operating Plan

1.0 Introduction

In accordance with TCA, Sections 8-50-925 and 8-50-926, the following operating plan shall be followed in the formation and operation of the Non-Faculty Sick Leave Bank at Tennessee State University. The Non-Faculty Sick Leave Bank was established to provide additional sick leave to members who, due to serious illness or injury, have exhausted all of their personal sick leave and annual leave. The Non-Faculty Sick Leave Bank shall operate in accordance with TBR and University policies governing the use of employee leave. The establishment of the sick leave bank required a minimum of 20 eligible employees who agreed to be assessed 22.5 hours of accrued sick leave hours to a common pool and approval by the University President.

2.0 Eligibility

Participation in the sick leave bank is available to regular full-time and regular part-time clerical and support and administrative employees who are past their initial 6 month new employee (initial hire) probationary period. To enroll, an employee must have a sick leave balance that equals the equivalent of six (6) days of accumulated leave. . Employees with pre-existing illnesses are eligible for enrollment, but their participation will be restricted to a maximum number of hours that can be withdrawn due to a reoccurrence of a pre-existing condition.

Members who are terminated and rehired with a break in service shall be entitled to resume membership in accordance with the provisions for accruing leave and longevity credit. An employee who transfers with no break in service from another TBR, University of Tennessee institution or state agency and participated in the previous employer's sick leave bank is immediately eligible for membership in accordance with the receiving institution's sick leave bank by-laws. If membership is requested at the time of the transfer, the employee shall designate the required minimum assessment. Employees who are unable to meet additional assessments charged by the Non-Faculty Sick Leave Bank since its establishment shall lose the right to request bank sick leave. in accordance with Section 4.7 of this operating plan. There is no provision for transferring sick leave bank membership from institution to institution, i.e., hours donated to the sick leave bank of the previous employer cannot be transferred to the receiving institution.

3.0 Administration

The President appoints five trustees to administer the sick leave bank plan according to the plan of operation.

3.1 Trustees

The five trustees must consist of a minimum of three clerical and support employees. The remaining trustees may be members of the administrative staff.

A. Initial appointments were as follows: two trustees served for one year, two trustees for two years, and one trustee for three years. Thereafter, all appointments are for three years. Current trustees are eligible for reappointment. Any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the President of a trustee from the trustee role shall be filled immediately by appointment by the President. A chairperson shall be elected by the trustees. Upon expiration of the chairperson's term as trustee, an election will be held to elect a new chairperson. A chairperson may be reelected.

B. The trustees shall approve or reject requests for withdrawal of leave from the bank. They shall adopt reasonable rules for assessment of sick leave hours in order to maintain an adequate reserve of sick leave hours for bank members. The reserve shall only be established through the assessment of bank membership and shall maintain a positive balance at all times. All members shall be assessed the same amount of sick leave hours. The trustees shall have sole discretion in determining how many assessments are necessary to maintain the reserve's positive balance.

All actions by the trustees require three (3) affirmative votes for approval. In the event of the absence of a Trustee, the alternate member of the Board of Trustees shall assume the right to vote. If enough Trustees are not present to constitute a 3 member quorum, votes shall be deferred until enough members are present to constitute a quorum.

In the event that the participation in a vote by a member of the Board of Trustees shall constitute a conflict of interest or the appearance of a conflict of interest, that Trustee shall be recused and the alternate member will substitute during the discussion and vote.

4.0 Sick Leave Bank Plan

The plan of operation includes the following provisions:

4.01 An employee must have been a member of the bank for sixty (60) calendar days prior to applying for withdrawal of bank sick leave. Additionally, a bank member must obtain and attach a request for sick leave with their supervisor's signature before the request for bank leave can be submitted to the trustees. A physician's statement must accompany the request and must include the following information:

- A. Nature and cause of the disability
- B. The expected duration
- C. Prognosis as to ability to return to work

D. The date that the illness was first diagnosed and a determination if this is a recurring disability.

Refusal to submit the physician's statement will result in denial of the request for bank sick leave.

4.02 A bank member's sick leave, annual leave and comp time, if applicable, must be exhausted prior to receiving bank sick leave.

4.03 Bank sick leave shall not be used for:

A. Elective surgery

B. Worker's compensation claims

C. Illness or death of any member of the individual's family

D. A period during when the individual is receiving disability benefits from social security or a state-sponsored retirement or disability plan.

Approved bank sick leave will run concurrently with FMLA leave for an eligible employee who has not already exhausted the 12 work week entitlement.

4.04 Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent of twenty (20) days. Subsequent grants of bank sick leave shall not exceed the hourly equivalent of sixty (60) days in any fiscal year. The maximum number of bank sick leave hours a member may receive for any one illness, recurring diagnosed illness, or accident is the hourly equivalent of ninety (90) days.

A bank member may be eligible to receive sick leave which has been donated by other employees if he/she has made application for bank sick leave and the necessity for bank leave is substantiated by the trustees. Should bank leave be denied, the bank member shall be eligible to receive donations from other employees pursuant to TBR policy 5:01:01:15.

Sick leave granted but unused during the period of the approved request will be returned to the sick leave bank. Sick leave donated directly by individuals that is not used by the recipient during the period of disability will be returned to the donor.

4.05 When a bank member is physically or mentally unable to apply for bank sick leave, the immediate next-of-kin may make a request for bank sick leave 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.

4.06 At any time the trustees may request from a bank member a physician's statement certifying the illness or condition of the bank member requesting bank leave. Refusal to submit the certification will result in denial of the request for bank sick leave.

4.07 A bank member shall lose the right to request bank sick leave upon termination of employment, retirement, cancellation of bank membership, refusal to submit a physician's statement, refusal to honor the trustees' assessment, and upon going on a leave of absence in a non-pay status for reasons other than illness, injury or disability. A bank member's inability to honor the trustees' assessment will result in temporary loss of the right to withdraw bank sick leave. This right will be restored upon transfer of the individual's personal sick leave assessment to the sick leave bank.

4.08 A bank member may cancel his or her membership at any time during the year upon written notification to the trustees. Employees who were members of the sick leave bank in good standing at the time of the request to cancel membership may reapply for membership during the annual enrollment period. In such a case, the member will not have to provide another initial assessment of sick leave. However, if additional leave assessments were instituted by the trustees during the period of time that the employee had cancelled membership, they must contribute the cumulative total of assessments made during that period before membership will be restored.

4.09 Assessed sick leave is non-refundable upon cancellation of membership and non-transferable upon transfer to another TBR institution or technology center, UT, or State agency.

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

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

4.12 The operation of the non-faculty sick leave bank shall exist separately from the regular sick leave accrued to individuals' personal accounts with respect to approvals and appeals. The decisions of the trustees shall not be appealable beyond the trustees in compliance with TBR guidelines on non-faculty sick leave bank. If a request for sick leave bank usage is denied by the trustees, the member may have the option to request an appeal of the decision to the trustees if additional information can be provided that may affect the outcome of the decision.

4.13 All official forms and records pertaining to the sick leave bank and formal minutes of the trustees' meetings will be maintained in the Human Resource Office. All records shall be subject to audit by appropriate state officials.

4.14 The initial enrollment period began with notification to employees of the bank's establishment on July 1, 2009. This enrollment period lasted forty-five (45) calendar days, until August 14, 2009. Subsequent annual enrollment periods will run concurrently with the University's Annual Enrollment Transfer Period, usually October 15 to November 15. Enrollment forms and guidelines will be made available to eligible employees along with notification of the bank's establishment during the initial enrollment period, and during each subsequent annual enrollment period.

4.15 The effective date of the bank was July 1, 2009.

4.16 All eligible employees who elect to join the bank shall be assessed a number of sick leave hours equivalent to three (3) days as the initial enrollment assessment. The assessment of sick leave shall be deducted from the individual's personal accumulated sick leave. To be eligible, employees must have a balance of six (6) days of available leave.

4.17 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 modification 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, a maximum of three (3) days will be assessed for any one assessment.

4.18 A restriction on pre-existing illnesses limits the number of hours that may be withdrawn for a particular pre-existing condition to the equivalent of forty-five (45) days during the first 12 months of membership for any one pre-existing condition. The trustees will determine that an illness was pre-existing if a physician's first diagnosis of the illness was made prior to the date of application for sick leave bank membership. In the event that an employee withdraws bank membership, and later reapplies for membership, the date used for determination of a pre-existing condition will be the date of reapplication.

4.19 The following official forms will be used to operate the sick leave bank:

- A. Official Sick Leave Bank Election Form (Petition)
- B. Enrollment Form
- C. Request for Bank Sick Leave
- D. Notice to Sick Leave Bank Member of Assessment of Sick Leave Days

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

4.21 Pursuant to TBR Policy 5:01:01:18, Human Resources Procedures in the Event of a Declared Emergency, during an Emergency Declaration, employees who are members of their local sick leave bank, and who have exhausted all leave time and are in a period of unpaid leave, may be able to request a withdrawal from their local sick leave bank depending upon the availability and approval of the local Sick Leave Bank Trustees. Employees requesting access to the Sick Leave Bank must be able to document, through physician records, a period of illness during their period of unpaid leave. If the Sick Leave Bank Trustees determine that the numbers of hours on deposit are not sufficient to meet the approved requests, they may suspend operation of the sick leave bank until the Emergency Declaration has passed. Sick Leave Bank members may not be assessed for further hours until the Emergency Declaration has been lifted.

5.0 Amendments

Amendments to these guidelines may be made by an affirmative vote of three trustees and approval by the President.

6.0 Dissolution of the Bank

The sick leave bank shall be dissolved if the institution is closed or if the bank membership falls below twenty (20) individuals. Upon dissolution for insufficient membership, the total hours on deposit shall be returned to participating members at the time of the dissolution and credited to their personal sick leave accumulation in proportion to the number of hours each has been assessed individually.