



# Eastern Kentucky University

## Policy and Regulation Library

Human Resources Regulation: 8.2.9HRR

Responsible Office(s): Office of Human Resources

Effective: December 10, 2020

Next Review Date: December 10, 2025

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### Sick Leave Bank

#### Statement

The purpose of this policy is to provide the means for all eligible University employees to have access to extended sick leave in the event they are personally subject to a Qualifying Medical Event and face a hardship due to inadequate accumulated leave time. It is not intended to encourage or reward the abuse or inappropriate use of sick leave. The Sick Leave Bank Committee will make the approval or disapproval of sick leave awards for illness or injury from the Sick Leave Bank.

#### Entities Affected

All eligible University employees who have suffered a Qualifying Medical Event and have legitimately exhausted all of their accumulated sick and vacation leave.

#### Procedures

##### I. Eligibility

In order to be eligible for Sick Leave Bank benefits, the faculty or staff member must be a regular, full-time employee who is eligible to accrue University sick leave. New employees become eligible after **one year** of continuous regular service.

Prior to utilizing the Sick Leave Bank, the employee must exhaust any and all of the following benefits, if available and appropriate.

- Accrued Sick Leave
- Accrued Vacation Leave
- Floating Holiday

Sick Leave Bank benefits are not available to University employees who:

- Are currently receiving long-term disability payments;
- Are currently receiving Social Security disability payments; or
- Are currently receiving Worker's Compensation disability payments.

Contributing to the Sick Leave Bank is not a requirement to apply for benefits. This benefit will, if approved by committee, provide a Short Term Disability (STD) plan for a minimum of five working days and a maximum of up to 60 working days in any twelve month period. The twelve month period is calculated from the first day in which Sick Bank hours are awarded.

In order to be considered for benefits from the Sick Leave Bank, the employee must have suffered a Qualifying Medical Event requiring the services of a licensed medical practitioner. On rare occasions, Sick Leave Bank awards may be granted for the care of a spouse, parents, or dependents on a case by case basis.

## **II. Contributing to the Sick Leave Bank**

The Sick Leave Bank will be funded via the voluntary contribution of sick leave days from eligible employees. Employees will be given an opportunity to contribute a minimum of one day and a maximum of five days to the Sick Leave Bank every twelve months. Separating or retiring employees may contribute a maximum of 20 days in anticipation of separation or retirement.

Employees must have a sick leave balance of 11 days or more at the time of their contribution in order to donate time to the Sick Leave Bank. The contributing employee is required to retain at least 10 of their own sick leave days in their balance following contribution to the Sick Leave Bank.

When the declining balance in the Sick Leave Bank reaches 500 hours, employees will again be given an opportunity to contribute to the Sick Leave Bank. Once an employee contributes to the Sick Leave Bank, the donated sick leave will not be restored to the individual employee's sick leave balance. Contributing employees may not designate a particular employee to receive their donated sick leave as this program is for any and all qualified employees who may be subject to a Qualifying Medical Event.

## **III. Drawing from the Sick Leave Bank**

Reasons for denying sick bank time may include, but not limited to: elective medical procedures, including cosmetic procedures; illnesses and injuries that do not require medical treatment; or minor illnesses and injuries that are temporary in nature.

Requests for Sick Leave Bank assistance must be made using the Sick Leave Bank Request Form and be accompanied by a written statement from a licensed medical practitioner stating the beginning date of the condition, a description of the illness or

injury, a prognosis and date the employee may be able to return to work. The Sick Bank Committee will review prior sick and vacation usage when making their decision.

Employees who are granted sick leave from the Sick Leave Bank will not be required to pay back that sick leave to the bank, unless it is determined that the individual has misrepresented their medical condition or falsified the Sick Leave Bank Request Form. Any unused award will be returned to the Sick Bank at the end of the leave for approved illness or injury.

The salary level of the donor or the recipient will not be a factor in the committee's award determinations, as the intent of the Sick Leave Bank is to provide leave pay at the affected employee's regular rate of pay. An employee receiving sick leave from the Sick Leave Bank will continue to be paid from their budgeted account.

The Sick Leave Bank Committee will make the approval or disapproval of sick leave awards for illness or injury from the Sick Leave Bank. The maximum amount of sick leave granted an employee from the Sick Leave Bank cannot exceed one-third of the pool balance or 60 working days, whichever is less.

#### **IV. Termination of the Sick Leave Bank**

In the event the Sick Leave Bank is terminated, it will remain in effect and available until the total days on deposit are exhausted.

#### **V. Appeals**

Should an employee disagree with the decision of the Sick Bank Committee, they may submit a letter of appeal to the Office of Human Resources. The Executive Director of Human Resources and Institutional Equity shall review all letters of appeal and render a final decision.

### **Definitions**

- **Sick Leave Bank:** A pool of sick days that has been established by employees who have contributed a minimum of one day and maximum of five days to the Sick Leave Bank. Employees contributing to the sick leave bank must retain a sick leave balance of 10 days or more at the time of their contribution.
- **Qualifying Medical Event:**
  - **Catastrophic illness/injury:** The determination of whether an employee's medical condition qualifies as a catastrophic medical condition will be based upon the documentation provided by the employee's licensed health care provider that the employee suffers from an extreme injury or impairment (physical or mental) which leaves the person completely incapacitated and requires continuing treatment/supervision by a health care provider, and which is likely to cause the employee to take a prolonged leave without pay

or to terminate employment with the University. While a comprehensive list of specific medical conditions that would qualify an employee for catastrophic medical leave is not provided in this policy, the medical conditions listed here could be so extremely serious as to qualify for the leave. This list should not be considered as all-inclusive or a guarantee of leave approval because each request is reviewed and considered on its own merits. Catastrophic injuries or illnesses that rise to the level of a Qualifying Medical Event could include, but are not limited to:

- Cancer
  - Stroke
  - Serious heart conditions
  - Organ failure/transplant
  - Fetal endangerment
    - Bed rest
  - Coma
- Recovery from labor and delivery or complicated pregnancy

A condition, which is short term in nature, such a cold, flu, other virus similar in nature, or minor injury, is not deemed catastrophic.

- **Separating or Retiring Employee:** An employee who has submitted a notice of resignation or notice of retirement.
- **University:** Eastern Kentucky University

## Responsibilities

- The Sick Bank Committee
  - The Committee shall consist of five members of the University community. The make-up of the Committee should fairly represent the differing employee classification (exempt/non-exempt) as well as include representation from the different functional areas (Facility Services, Academic, Administration, etc.).
  - The committee shall fairly and equitably apply the definition of “catastrophic” in their review of Sick Leave Bank requests, while respecting the parameters surrounding Sick Leave Bank awards as identified in this policy.

## Violations of the Policy

Violations of this policy will be handled under normal University procedures.

## Regulation Adoption Review and Approval

Regulation Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
December 10, 2020	Board of Regents	Approved
August 1, 2002	Board of Regents	Approved