



Leave Policy- Sick Leave Banks

Responsible Official: Chief Operating Officer

Responsible Office: Human Resources

Policy Purpose

This policy specifies requirements, and procedures for the ETSU employee sick leave banks.

Policy Statement

ETSU has two sick leave banks, a faculty sick leave bank and non-faculty sick leave bank (collectively referred to as “ETSU Sick Leave Banks” for the purposes of this policy). The ETSU sick leave banks were established in accordance with state law. The ETSU sick leave banks contain sick leave hours that have been contributed by participants during initial enrollment and sick leave hours that have been assessed on an as-needed basis. The ETSU Sick Leave Banks provide additional sick leave hours to eligible participants for Approved Illness or Injury Events after a participant has exhausted all accumulated sick leave, annual leave, and compensatory time.

I. Participation.

An employee, who is eligible pursuant to the terms of this policy may participate in the applicable sick bank if the employee contributed two (2) sick leave days. The contribution of two sick leave days is the initial enrollment requirement.

Contributions of sick leave days are nonrefundable and nontransferable. Employees may also be subject to Periodic Assessments of sick leave hours. If an employee cannot or does not contribute to a Periodic Assessment, the employee will be removed from the sick bank. The employee may elect to rejoin the sick bank at a later date, but will be subject to initial enrollment requirements.

A. Eligibility to Participate in the Faculty Sick Leave Bank.

Faculty employees who are entitled to accrue sick leave under the terms of their employment and pursuant to the [Leave Policy- Sick Leave](#) are eligible to participate in the Faculty Sick Leave Bank.

B. Eligibility to Participate in the Non-Faculty Sick Leave Bank.

Non-faculty employees who are entitled to accrue sick leave under the terms of their employment and pursuant to the [Leave Policy- Sick Leave](#) are eligible to participate in the Non-Faculty Sick Leave Bank.

II. Requests for Sick Leave Hours from the Sick Leave Bank.

Participants of a particular sick leave bank, who have been in the sick leave bank for at least 30 calendar days, are eligible to apply for sick leave days from the bank; however, participants shall not be eligible for grants from the bank for Pre-existing Conditions, until six months following the initial enrollment date. Hours granted from the ETSU Sick Leave Banks will be prorated in accordance with the employee's percentage of employment.

Participants eligible for compensation under Worker's Compensation, short-term disability or long-term disability are ineligible to receive hours from the ETSU sick leave banks.

A. Limitations.

1. Fiscal Year Limitation.

The maximum number of days any participant may receive in any fiscal year is 60 days based on the employee's percentage of employment. However, the fiscal year limitation is also subject to the limitations described hereinbelow related to the injury/illness limitation and the lifetime limitation.

2. Injury/Illness Limitation.

The maximum number of days any participant may receive due to any one illness, recurring diagnosed illness, or accident is 90 days.

3. Lifetime.

The lifetime maximum number of days any participant may receive is 180 days.

4. Kids.

Sick leave bank may be granted for the illness of a minor child.

B. FMLA and Qualifying Events.

Grants of sick leave from the Bank will run concurrently with any FMLA or medical leave.

C. Termination of Membership.

Membership in the ETSU sick leave banks ends when any of the following situations occur:

1. Voluntary or involuntary separation from employment. The effective date of participation termination shall be the date of separation.
2. Voluntary cancellation of participation through a written notice to the Office of Human Resources. The effective date of participation termination shall be the date of the written communication from the participant.
3. Refusal to contribute to a Periodic Assessment. The effective date of participation termination shall be the date of refusal to participate in the Periodic Assessment.
4. Becoming ineligible due to a change in position status. The effective date of participation termination shall be the date of the position status changes.

III. Administration.

The Office of Human Resources, in collaboration with the Sick Bank Trustees, is responsible for administering the ETSU sick leave banks, including monitoring the number of available hours, maintaining the accounting for the balance of hours, and managing the Periodic Assessment Process. The decisions of the Sick Bank Trustees shall not be appealable beyond the Sick Bank Trustees.

A. Trustees.

Each Bank is overseen by trustees who are responsible for reviewing requests for sick bank hours, approving/disapproving requests, and establishing the need for Periodic Assessments. Each sick leave bank shall include five (5) Trustees appointed by the President or the President's designee Office of the President. The Trustees shall operate based on the respective sick bank by-laws which are updated periodically by Trustees as needed, subject to the approval of the Assistant Vice President of Human Resources and the President or the President's designee. A Chair and a Secretary shall be appointed by consensus of the trustees. These individuals are eligible for reappointment.

B. Trustee Qualifications.

The trustees shall be representative of a range of positions and departments across the campus. To serve as a trustee, the individual must be participant in the applicable sick leave

bank.

C. Term of Service.

A trustee is appointed for up to a three-year term and may be re-appointed for up to a three-year term. Any vacancy resulting from the expiration of a term, separation from employment, or removal shall be filled by the President or the President's designee.

Authority: Focus Act § 49-8-203, et seq; T.C.A. § 8-35-101 et seq.

Previous Policy: PPP-38 Faculty Sick Leave Bank, PPP-39 Non-Faculty Sick Leave Bank,

Defined Terms

A defined term has a specific meaning to this policy.

Approved Injury or Illness	Requests for sick leave from a bank must meet the same threshold as the requirements for FMLA-qualifying events pertaining to the illness or injury of the employee. Requests for the following events will not be granted leave from the sick leave bank: (1) illness or death of any member of the individual's family; (2) regular and/or follow up doctor's visits; (3) during any period when the individual is receiving disability benefits from Social Security; (4) a state-sponsored retirement plan; or (5) Board of Claims benefits. Participants may be required to provide proof that the above does not apply.
ETSU Sick Leave Banks	The Faculty Sick Leave Bank and the Non-Faculty Sick Leave Bank
Periodic Assessment	A necessary and reasonable assessment of a defined number of sick leave hours from every member of the sick leave bank to ensure the number of hours available for use by members is adequate.
Pre-existing Condition	condition which existed for which an employee received treatment or advice during the six-month period prior to the effective date of initial sick leave bank membership (verified via medical certification)

Policy History

Effective Date:

Revision Date:

Procedure

I. Sick Leave Bank Procedures.

A. Enrollment.

An employee may enroll at any time when the employee has at least two (2) days of sick leave available for contribution.

B. Periodic Assessment of Sick Leave.

The Office of Human Resources will notify the trustees of the applicable sick leave bank that an assessment is required and will notify the participants when a Periodic Assessments required to maintain a positive minimum balance in the applicable sick leave bank. Each sick leave banks should maintain a balance equivalent to one (1) day of leave for each member of the bank.

C. Required Forms and Documents.

Applications for sick leave from a sick leave are to be submitted to the trustees within thirty (30) calendar days of the first date sick leave is needed from the bank. If a participant is physically or mentally unable to make a request, a family member or agent may file the request. The trustees or the Office of Human resources may request additional relevant information and a sick leave bank request will not be approved until such information is provided. Required documents include:

1. Request for Bank Sick Leave (available from the Office of Human Resources)
2. Healthcare Provider's Information or FMLA Certification. The Office of Human Resources will maintain the private health care information. The trustees will receive redacted version of the documentation. The Healthcare Provider's Information includes:

- a. Nature and cause of the disability,
- b. Expected duration,
- c. Prognosis as to the ability to return to work, and
- d. Recurring disability diagnosis.

D. Supervisor Notification.

A participant's supervisor will be notified when an employee's Sick Leave Bank Request has been approved.

E. Records.

All official forms and records pertaining to the ETSU Sick Leave Banks, including minutes of the Trustee meetings, are maintained by the Chair and Secretary of each sick leave bank. Unredacted personal health information is maintained in the Office of Human Resources. All records are subject to audit by the State of Tennessee auditors. When an audit occurs, employees' names are redacted from the document for privacy. Any documentation given to the trustees by the employee will be sent to the Office of Human Resources for filing.

F. Timeline for Trustee Decisions.

The Trustees by 3/5's vote will act affirmatively or negatively on all applications with ten (10) calendar days of receipt of the request. The participant will receive a copy of the signed approved/disapproved request form as notification of the trustees' action. A copy of the decision is maintained in the Office of Human Resources.

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Related Form(s)