



Montgomery County Education Association

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Sick Leave Bank Rules of Procedure

August 2016

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This pamphlet contains the *MCEA Sick Leave Bank's Rules of Procedure*. Please read all rules carefully as knowledge of these procedures may determine whether you are entitled to leave from the Sick Leave Bank.

The MCEA Sick Leave Bank is a cooperative effort of the Montgomery County Education Association and the Montgomery County Public Schools. The Bank, which has been in operation since 1971, is designed to assure that those in most need during a period of sustained disability would have paid leave available after their own sick leave had expired.

The Bank is operated by a Committee consisting of two MCEA representatives and one MCPS representative. The Bank's resources come from initial and continuing contributions of personal sick leave made by all members to the Bank. The MCEA/MCPS Sick Leave Bank Committee then dispenses, based upon proper submission and proper medical evidence, days of leave to Bank members. Unlike a commercial Bank or similar institution, members who receive days do not have to repay the Bank. In this respect, the Bank operates much like a long-term disability insurance plan, whereby the insured pays annual premiums for a benefit that, hopefully, need never be collected.

To join the Bank, you must complete and submit the MCEA Sick Leave Bank Enrollment Form. Effective July 1, 2013, all new employees in the MCEA Bargaining unit shall be automatically enrolled in the Sick Leave Bank. All new employees will be provided with a copy of the Sick Leave Bank Rules of Procedure and the SLB "Opt Out" form. A new member must submit the Cancellation Form to the SLB Committee within 30 days of their date of hire in order to cancel their membership for their initial year and receive a refund of their initial contributions.

These *Rules of Procedure* are organized as follows:

- I. In General
- II. Definitions
- III. Enrollment Process and Contributions
- IV. Requesting Bank Leave
- V. Limitations of Use of Bank Leave
- VI. Administration of the Bank

Among the most important rules are the following:

- ❖ Contribution Rates (Rule III.D.)
- ❖ Criteria for Receiving Bank Leave (Rules IV. C and F.)
- ❖ Timelines for Requesting Bank Leave (Rule IV.E.)
- ❖ Limitations on Use of Bank Leave (Rule V.)

The Bank Committee does everything in its power to give full and fair consideration to each request; however, the burden of complying with the Bank's rules and providing sufficient and current medical evidence of your disability lies entirely with the member. All decisions of the Committee are final and are not subject to appeal.

MCEA SICK LEAVE BANK

RULES OF PROCEDURE

It is the responsibility of the member to be aware of the operating *Rules of Procedure* of the Sick Leave Bank. Ignorance of the *Rules of Procedure* will not be accepted as an excuse for waiver of any rule. Further, it is the obligation of the member to provide sufficient evidence necessary for the Committee to grant leave.

I. In General

- A. The purpose of the Bank is to provide continued pay benefits to members of the Bank for qualifying, personal illness or medical procedure that is medically necessary as determined by the employee's health insurance plan, that is incapacitating to the point where one cannot perform their duties during regularly scheduled duty days. The waiting period must first be satisfied. The Bank is for personal illness suffered only by the contributing member. Personal leave does not have to be used in order to use the Sick Leave Bank.
- B. Any violation of these rules or abuse of Bank leave will be grounds for immediate cancellation of current leave and/or revocation of future Bank privileges.
- C. All Bank forms are available upon request at the MCEA Office.

II. Definitions

- A. **"Member"** – Contributors to the Sick Leave Bank who meet all eligibility requirements.
- B. **"Bank"** – MCEA Sick Leave Bank
- C. **"Bank Leave"** – Days that may be granted to members satisfying all applicable rules.
- D. **"Committee"** – MCEA/MCPS Sick Leave Bank Committee
- E. **"Day"** – The number of hours an employee is scheduled to work on a normal workday.
- F. **"Year"** – The work year for the position held by the Bank member as defined in Article 16 Section H of the *Agreement between the Montgomery County Education Association and the Board of Education of Montgomery County*.

- G. **“Compensable Days”** - Weekdays falling between the first and last day of the applicant’s work year.
- H. **“Fiscal Year”** – July 1 through June 30
- I. **“Bargaining Unit Member”** – Any employee of the Board of Education who is a member of the unit, excluding substitutes and home and hospital teachers.
- J. **“Hire Date”** – Member’s first duty day.

III. Enrollment Process and Contributions

- A. To be eligible to participate in the Bank, an employee must be a member of the MCEA Bargaining Unit. (Reciprocal agreements between MCEA, MCAAP, and SEIU Local 500 Sick Leave Banks allow members to transfer Bank privileges without additional contributions.)
- B. Effective July 1, 2013, all new employees in the MCEA Bargaining unit shall be automatically enrolled in the Sick Leave Bank. All new employees will be provided with a copy of the Sick Leave Bank Rules of Procedure and the SLB “Opt Out” form. A new member must submit the Opt Out form to the SLB Committee within 30 days of their date of hire in order to cancel their membership for their initial year and receive a refund of their initial contributions. Cancellation requests received after that date will be processed in accord with the provisions in Section F below.
- C.
 - 1. All current employees who join the Bank are required to satisfy a one-calendar-year waiting period. The one-calendar year waiting period will begin the date the Sick Leave Bank Enrollment form is received at the MCEA Office.
 - 2. New employees who are automatically enrolled in the Sick Leave Bank shall be eligible to apply for Bank benefits four calendar months following their hire date, as defined above. Any such individual who does not return to MCPS employment following their leave shall be required to repay to MCPS the per diem value of the leave days used so that MCPS can then restore the leave days to the Sick Leave Bank.
- D. The following contributions are automatically deducted by the Department of Financial Services upon approval by the Committee:
 - 1. Initial Contributions:

- a) full-time 12 month employees - 2½ sick leave days (20 hours)
 - b) full time 10 month employees – 2 sick leave days (16 hours)
 - c) part-time members’ contributions shall be prorated.
2. Continuing contributions shall be effective each July 1 and equal to one day unless an additional assessment is necessary.
 3. Should additional assessments be necessary, and a member has exhausted his or her sick leave, the Bank will defer its assessment for the individual until July 1 of the following year.
- E. Any member returning from extended leave will be automatically reinstated by the Division of Payroll, which will deduct the appropriate contribution.
- F. To cancel membership in the Bank for the following fiscal year, the Committee must receive the cancellation form on or before June 1. Sick Leave Bank benefits will terminate immediately upon cancellation and days contributed will not be returned.

IV. Requesting Bank Leave

- A. Applicants must be on an MCPS approved personal illness leave status in order to make application to the Sick Leave Bank.
- B. It is the responsibility of the member to obtain and submit a Sick Leave Bank Request Form and Physician’s Statement. The anticipated date of return must be completed by the doctor on the physician’s statement. An answer of “indefinite” or “unknown” is not acceptable and your form will be returned.
- C. The member must exhaust all but ten (10) of available sick leave days.
- D. The Sick Leave Bank will not be responsible for any overages incurred by the member.
- E. Timelines for Submitting a Request:
 1. A member has 30 calendar days to apply for use of the Bank. The 30 days will be calculated from the first day the member will lose pay due to the lack of sick leave. In reviewing requests for Bank leave, the Committee will count back 30 calendar days from the date the request is received at the MCEA Office and rule ineligible any days requested prior to that date.
 2. Requests for days involving cosmetic and elective surgery or procedures will not be granted unless they are medically necessary as determined by the employee’s health insurance plan.

4. Applicants may submit requests for extension of sick leave grants before their prior grants expire. (Use regular Sick Leave Bank Request Form accompanied by the physician's Statement.) Applicants may request extensions of Bank leave by submitting the request and physician's statement no later than 30 calendar days after the expiration of their previous grant.

F. Waiting Period

1. A Bank member shall be required to satisfy a nine-consecutive-compensable-day waiting period no more than once each fiscal year for the illness, injury or disability and a two-compensable-day waiting period for subsequent non-related illnesses, injuries or disabilities.

Explanation: The waiting period will be covered by the member's own sick leave account; or if the member has no sick leave, it will mean a loss of up to nine days without pay, depending upon the member's personal sick leave balance. For example, if a member is ill and disabled for 11 days but only has one day of sick leave, the member would receive pay for one of the nine days during the waiting period and would lose eight day's pay; and the Bank would cover the remaining two days, for a total of eleven days.

2. Additional requests to the Sick Leave Bank for a related illness, injury, or disability within the same fiscal year will not require any further waiting period.
3. The waiting period is satisfied only when the member uses one or more days of Bank leave.
4. Effective July 1, 2015, Sick Leave Bank members shall not be subject to an additional waiting period on July 1 if they are out on a continuous leave of absence through July 1 for the same medical condition.

- G. The Committee usually meets every other Tuesday during the school year (contact MCEA for a list of meeting dates). Applications must be in the MCEA Office by 5 p.m. on the Wednesday prior to the Tuesday meeting. Following Committee action, copies (of the Sick Leave Bank Request form only) shall be distributed to the member, the Division of Payroll, and MCEA.

H. Requests for Intermittent Leave

1. If a request is for other than consecutive days of Bank leave for the same illness, injury, or disability, the physician's initial statement must specifically note all dates that a member must be absent from work;

otherwise, a new physician's statement must be submitted for each separate period of illness, injury, or disability.

2. A return to work cancels any unused Bank leave unless the physician's statement of record provides for a modified work/leave status.
- I. A member may be required to undergo an additional medical review by a physician of the Committee's choice at any time at the member's expense. The physician's report must be sent directly to the Committee before it will act upon the member's request for Bank leave.

J. Psychiatric Disability

A member using the Bank for psychiatric disability must be under a registered psychologist's or psychiatrist's care. He or she must submit a treatment plan along with a list of medications to the Committee. Such a plan must provide satisfactory evidence that every reasonable effort is being made to recuperate and return to work in full health as soon as possible.

K. Medical Disability

A member using the Bank for medical disabilities must be under the care of a registered medical doctor. He or she must submit a treatment plan to the Committee. Such a plan must provide satisfactory evidence that every reasonable effort is being made to recuperate and return to work in full health as soon as possible.

V. Limitations on Use of Bank Leave

A. Disability Retirement

1. The Committee may notify a member who is requesting Bank leave that he or she must apply within 15 calendar days of notification for disability retirement benefits to qualify for additional leave. A member must pursue the earliest possible retirement date.
2. Members remain eligible for Bank leave during the time when they are applying for retirement, provided that a member complies with all requests for information in a timely fashion from the State Retirement System.
3. The member will be ineligible for Bank leave from the date the state retirement/pension system approves any (ordinary or accidental) disability retirement. The member must notify the Committee of such approval. If the Board of Trustees of the Maryland State Retirement and Pension System determines the employee is not disabled and is therefore able to

return to his/her regular duties, the member is no longer eligible for a Sick Leave Bank grant. When disability retirement is denied by the Retirement Systems, the Sick Leave Bank Committee must be notified immediately by the member.

4. Any Bank leave granted during the time when the member is applying for retirement will count toward all limitations of coverage described below.
5. A member will not be granted Bank leave to pursue a work-related accidental disability retirement unless he/she is advised by the Committee to do so.

B. Maximums

1. Bank leave shall not be granted in units of more than 30 days.
2. Members may be eligible for UP TO 180 days of Bank leave unless there is an earlier determination that the member will never return to work.
3. Upon exhaustion of these 180 days of Bank leave, members shall be eligible for additional Bank leave one calendar year after their return to active employment.
4. After satisfying this one-year waiting period of eligibility, a member shall be eligible for an additional 180 days of Bank leave.
5. In no event shall a member receive more than a lifetime total of 360 days of Bank leave while employed by MCPS.
6. Under sub sections (2-5) above, a member who has returned to active employment for more than one calendar year or its equivalent, after the use of the Bank, shall be eligible for up to 180 days of Bank leave in accord with these Rules and Procedures. Prior usage shall be applied against the member's lifetime maximum of 360 days, and in no event shall a member receive more than a lifetime total of 360 days of Bank leave.

C. Bank grants will not automatically be carried over from one fiscal year to another. All Bank grants will end June 30 or the last regular duty day of the fiscal year, whichever is sooner.

D. The Committee shall not grant leave to a member under investigation, on suspension, or after termination.

E. A day of emergency leave, e.g., snow day, will not extend the date of the Bank grant.

- F. Bank leave days will not be granted for work days during the summer which the member has the option of rescheduling in lieu of taking leave.

VI. Administration of the Bank

- A. The MCEA Sick Leave Bank Committee shall consist of two MCEA representatives and one MCPS representative who shall act on behalf of the Office of Human Resources to ensure that the Committee's actions are consistent with MCPS Policies, Regulations, and Procedures.
- B. The Committee shall review and act upon all requests to contribute to, withdraw from, and use the Bank.
- C. Subject to the approval of the MCEA Board of Directors and the MCPS Superintendent, the Committee shall develop its *Rules of Procedure* and give wide distribution to these rules. MCEA and MCPS shall share equally in the cost of producing the Bank rules and forms.
- D. The Committee reserves the right to make additional assessments as deemed necessary to maintain the solvency of the Bank.
- E. The MCEA shall maintain the Sick Leave Bank records of individual members.
- F. The MCPS Division of Payroll shall maintain records of all unit members' contributions, grants, and cancellations and report such status upon the request of the Committee.
- G. The Committee shall be responsible to MCPS and MCEA for the proper administration of the Bank, the maintenance of sick leave days in the Bank, and the submission to MCEA and the MCPS Office of Human Resources of periodic reports on the status of the Bank.
- H. The Committee shall not grant leave for the same period for which full Worker's Compensation, State Retirement, or Social Security Benefits are granted. The Committee shall not grant leave for the balance of time during the first year of Worker's Compensation leave under conditions whereby the member is only receiving the state portion of Worker's Compensation benefits due to his/her choice of physicians. All monies payable to the unit member through the Workers' Compensation Law of the State of Maryland, or resulting from a legal liability of a person other than the unit member must, under the right of subrogation, be transmitted to the Board by the unit member.
- I. The Committee shall not grant leave to a member on an approved leave of absence with the exception of personal illness leave.

- J. No member shall use the Bank for economic gain. Extenuating circumstances and/or other employment must be reported to the Committee, which will determine whether adjustments to the Bank grant are appropriate. Failure to notify the Committee of monies earned will disqualify the member from use of the Bank.