

SEIU LOCAL 500 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.

A. In General

1. The purpose of the Bank is to provide continued pay benefits to members of the Bank for qualifying, personal illness that is incapacitating to the point where one cannot perform their duties during regularly scheduled duty days. Personal sick leave must first be exhausted, and the two-day waiting period must be satisfied. The Bank is for personal illness suffered only by the contributing member.
2. 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.
3. All Bank forms are available upon request at the SEIU LOCAL 500 Office.
4. Compliance with MCPS leave requirements is the responsibility of the member, not the Sick Leave Bank Committee.

B. Definitions

1. **"Member"** - Contributors to the Sick Leave Bank who meet all eligibility requirements.
2. **"Bank"** - SEIU LOCAL 500 Sick Leave Bank
3. **"Bank Leave"** - Days that may be granted to members satisfying all applicable rules.
4. **"Committee"** - SEIU LOCAL 500/MCPS Sick Leave Bank Committee
5. **"Day"** - The number of hours an employee is scheduled to work on a normal workday.
6. **"School Year"** - The fiscal year (July 1-June 30) of the Board of Education of Montgomery County.
7. **"Compensable Days"** - Workdays falling between the first and last day of the applicant's work year.
8. **"Bargaining Unit Member"** - Any employee of the Board of Education who is a member of the bargaining unit.

C. Enrollment Process and Contributions

1. To be eligible to participate in the Bank, an employee must be a member of the SEIU LOCAL 500 Bargaining Unit. (Reciprocal agreements between SEIU LOCAL 500, MCAASP, and MCEA Sick Leave Banks allow members to transfer Bank privileges without additional contributions.)
2. Unit members enroll in the Sick Leave Bank either by (1) electing not to opt-out of the Bank when they are new employees; or (2) submitting a completed enrollment form with the SEIU Local 500, and authorizing donation of the required contribution of the employee's available sick leave.
3. After joining the Sick Leave Bank, members may draw from the Bank no earlier than 1 year

- after date of hire, or 6 months after completing the probationary period of employment, whichever is later.
4. Permanent or conditional employees who enroll in the Sick Leave Bank will have a waiting period of six months before the unit member can use the Sick Leave Bank.
 5. The following contributions are automatically deducted by the Employee and Retiree Service Center (ERSC).
 - a. Initial Contributions: 2 days of the member's working hours.
 - b. Continuing contributions shall be effective each July 1 and equal to one day of the member's working hours, unless an additional assessment is necessary.
 - c. 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.
 6. Any member returning from extended leave will be automatically reinstated by the ERSC, which will deduct the appropriate contribution.
 7. 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.

D. Requesting Bank Leave

1. Applicants must be in an MCPS-approved personal illness leave status in order to make application to the Sick Leave Bank.
2. 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.
3. The member must exhaust all available (earned and advanced) sick leave.
4. The Sick Leave Bank will not be responsible for any overages incurred by the member.
5. Requests for time involving cosmetic and elective surgery or procedures will not be granted.
6. 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 SEIU LOCAL 500 Office and rule ineligible any days requested prior to that date.
7. 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.
8. Waiting Period
 - a. A Bank member shall be required to exhaust all advanced and accrued sick leave and to satisfy a two-consecutive-compensable-day waiting period no more than once each fiscal year for the illness, injury or disability.
 - b. 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.

- c. The waiting period is satisfied only when the member uses one or more days of Bank leave.
- 9. The Committee usually meets every other Tuesday during the school year (contact SEIU LOCAL 500 for a list of meeting dates). To be considered at a meeting, applications must be received in the SEIU Local 500 office by the preceding Wednesday.
- 10. Requests for Intermittent Leave
 - a. 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, to the extent medically feasible, 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. In the event that the nature of the member's illness, injury, or disability, or the treatment of it, does not allow specific leave dates to be foreseen, the physician must so state. The Committee may request supplemental physician information for each separate period of illness, injury, or disability.
 - b. A return to work cancels any unused Bank leave unless the physician's statement of record provides for a modified work/leave status.
- 11. Where reasonable, 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.
- 12. **Psychiatric Disability** - A member using the Bank for psychiatric disability must be under a psychologist's or psychiatrist's care. 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.
- 13. **Medical Disability** - A member using the Bank for medical disabilities must be under the care of a 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.
- 14. **Role of the Sick Leave Bank Committee** - The Sick Leave Bank Committee reviews all documentation provided by the member to ensure compliance with the Rules, and to judge the adequacy of documentation supporting the request. Concerning matters of medical or psychiatric disability, it is NOT the role of the Sick Leave Bank Committee to substitute its judgment for that of the appropriate medical professionals.

E. Limitations on Use of Bank Leave

- 1. **Disability Retirement**
 - a. If there is evidence, based on information from the physician, that the employee may never return to work, 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.
 - b. 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 retirement/pension system administrators.
 - c. The member will be ineligible for Bank leave from the date the retirement/pension

system approves any (ordinary or accidental) disability retirement. The member must notify the Committee of such approval. If disability retirement is denied by the retirement/pension system, the Sick Leave Bank Committee must be notified immediately by the member, in any event, no later than 15 calendar days after the employee receives the notification of denial of disability retirement. Following denial of disability retirement, all rules of the Sick Leave Bank continue to apply to the member's grant request.

- d. Any Bank leave granted during the time when the member is applying for retirement will count toward all limitations of coverage described below.
- e. 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.

2. Maximums

- a. Bank leave shall not be granted in units of more than 45 days.
- b. Members may be eligible for UP TO 90 days of Bank leave per school year, unless there is an earlier determination that the member will never return to work. Upon exhaustion of these 90 days of Bank leave, members shall be eligible for additional Bank leave after returning to active employment for 100 consecutive work days.
- 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. A day of emergency leave, e.g., snow day, will not extend the dates of the Bank grant.

F. Administration of the Bank

- 1. The SEIU LOCAL 500 Sick Leave Bank Committee shall consist of two SEIU LOCAL 500 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. Either SEIU Local 500 or MCPS may appoint an alternate representative for the Committee, who may participate in discussions about cases, but may vote only in the absence of a regular Committee member.
- 2. The Committee shall review and act upon all requests to contribute to, withdraw from, and use the Bank.
- 3. Subject to the approval of the SEIU LOCAL 500 Executive Board and the MCPS Superintendent, the Committee shall develop its Rules of Procedure and give wide distribution to these rules.
- 4. Local 500 and MCPS reserve the right to make additional assessments as deemed necessary to maintain the solvency of the Bank.
- 5. SEIU LOCAL 500 shall maintain the Sick Leave Bank records of individual members.
- 6. ERSC shall maintain records of all unit members' contributions, grants, and cancellations and report such status upon the request of the Committee.
- 7. The Committee shall be responsible to MCPS and SEIU LOCAL 500 for the proper administration of the Bank, the maintenance of sick leave days in the Bank, and, upon request, the submission to SEIU LOCAL 500 and the MCPS Office of Human Resources of periodic reports on the status of the Bank.
- 8. 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. The member must inform the Bank of any Workers' Compensation benefits received for time covered by the Bank, no later than 15 days after the member receives notification of the benefits.

9. The Committee shall not grant leave to a member on an approved leave of absence with the exception of personal illness leave.
10. No member shall use the Bank for economic gain. Extenuating circumstances must be reported to the Committee, which will determine whether adjustments to the Bank grant are appropriate.

G. Appeals

1. If the Committee denies a request for a grant from the Sick Leave Bank, or an extension of a grant, the applicant may appeal the decision in writing to the SEJU Local 500 Executive Board, which will decide whether to request the superintendent or designee to consider the appeal.
2. If the decision of the Committee is overruled by the MCPS Office of Human Resources, the applicant may appeal his/her grant request to the SEIU Local 500 Executive Board, which will decide whether to request the superintendent or designee to consider the appeal.
3. Appeals must be requested within 14 calendar days after the applicant receives notice of the Sick Leave Bank Committee's decision.