

TABCO SICK LEAVE BANK

BALTIMORE COUNTY PUBLIC SCHOOLS TEACHERS ASSOCIATION OF BALTIMORE COUNTY

Statement of Intent

The purpose of the Sick Leave Bank is to provide sick leave to contributors to the bank after the member's accumulative personal illness (which includes family illness) leave has been exhausted.

Rules

1. The definition of sick leave covered by this bank shall be that leave which is granted to a teacher who because of catastrophic personal illness, injury or quarantine is unable to perform the duties of his or her position. In accordance with article 12.17.1 of the Master Agreement, other excused absences (e.g doctor's appointments *impossible to schedule on non-duty days or hours*) related to the qualifying illness or injury may be granted with proper documentation submitted within one week after the appointment.
Sick leave from the bank may not be granted for the period of illness when monies are paid to the teacher under Worker's Compensation Law.
 2. The bank shall not be applicable for elective surgery which may be safely deferred until a vacation or recess period.
 3. The bank may be used only by the individual contributor for his or her personal illness.
 4. The bank may not be used to care for other members of the contributor's family.
 5. Only accumulated personal illness leave or rolled leave may be contributed to the bank. Vacation and urgent personal leave may not be contributed.
 6. Enrollment applications to join the bank must be submitted between July 1 to September 30. Teachers returning from leave will be permitted to contribute to the bank on approval of the Sick Leave Bank Committee. New teachers will not be eligible to join during the first school year in which they are employed, and, if laid off, may contribute within the first thirty (30) days after the effective day of reassignment. *New teachers hired after January 1 of any given year will not be eligible to join the bank until they have taught one full year and during the open enrollment period.* A new teacher who was a BCPS employee in another bargaining unit in Baltimore County and who was a member of a sick leave bank in the other unit at the time of receiving a teacher's contract shall be eligible to join the bank immediately. A new teacher who was a teacher in another Maryland school system and who transfers in twenty-five (25) or more days of personal illness leave to BCPS shall be eligible to join the Bank based on approval by BCPS Department of Human Resources. Teachers returning to the system shall be eligible to join the bank immediately if they are eligible to receive previously earned accumulated sick leave and if the amount of previously earned accumulated sick leave is at least fifteen (15) days.
 7. All employees on active duty in the Baltimore County Public Schools for whom TABCO is the exclusive bargaining agent are eligible for membership in the TABCO Sick Leave Bank (SLB).
 8. The initial assessment to the bank will be made at the time of joining the bank. The initial contribution rate of assessment for **FULL-TIME SICK BANK** members shall be based on the following:
 - 0 to 120 days of accumulated sick leave -- 1 1/2 days
 - 121 to 180 days of accumulated sick leave -- 1 day
 - 181 or more days of accumulated sick leave -- 1/2 day
- CONTRIBUTIONS FOR PART-TIME EMPLOYEES SHALL BE PRO-RATED IN ACCORDANCE WITH ARTICLE 16.13 OF THE MASTER AGREEMENT.**
9. Future contributions will be based on need as agreed upon by the Board of Directors of the Association and the Superintendent.
 10. SLB members must use all accumulated sick leave and rolled leave before applying for leave from the bank. The total time a ten month member may draw on the sick leave bank is 191 days and the total time a twelve month member may draw on the sick leave bank is 245, not including holidays, CNDWD, vacation days and the other days the teacher does not normally work.
 11. A member of the bank will lose the right to use the benefits of the bank only by:

- a. termination or suspension of employment from BCPS.
 - b. cancellation of participation by the member on the proper form only during open enrollment period July 1 to September 30.
 - c. while on **ANY** approved leave of absence (including a child rearing leave).
 - d. transfer to a position of another unit within the school system.
 - e. fraud
12. The existence of the bank and participation by a teacher in the bank does not negate or eliminate the rights of individual teachers who participate in the bank to other sick leave benefits as specified in the Master Agreement.
 13. All donations will remain in force and cannot be returned even upon cancellation of membership in the bank.
 14. After a member's sick leave is exhausted, the bank can be used on the fourth duty day of absence during the member's illness. The three (3) day deductible will apply to each illness but will be waived for relapses of the same illness. The maximum number of sick days that can be granted in any one (1) fiscal year will be the remaining number of duty days a member is scheduled to work plus included holidays and CNDWD or vacation days they would normally accrue during this period. In no case will the granting of leave from the bank cause a member to receive more than his or her annual salary.
 15. The number of accumulated sick leave bank days available to a member will not be calculated to include the number of days that the member has contributed to the bank.
 16. A member who is eligible for disability retirement or service retirement may not use the sick leave bank to postpone that retirement. Once an individual is ineligible to return to work, as declared by a medical doctor, the individual has twenty (20) work days to file for a disability or service retirement. Failure to do so will preclude any further bank usage by the individual. It is the employee's responsibility to notify TSLB of their decision.
 17. All unused sick leave days in the bank at the end of a fiscal year shall be carried over to the next fiscal year.
 18. Any unit member submitting a request to draw from the bank must have made his or her proper contributions for the fiscal year in which the request is made.
 19. A maximum six-weeks postpartum period will be granted for absence for maternity for non-cesarean deliveries and eight weeks postpartum will be granted for cesarean deliveries starting the day after the birth of the baby.
 20. Days will not be granted for any portion of a Child Rearing Leave. However, days may be granted prior to the birth of a child for compelling medical reasons.
 21. When using sick leave bank for follow-up appointments or treatments for illnesses previously covered by the bank, the following will apply: time used will be assessed in 1 hour increments.

Procedures

1. Requests to join the bank must be made on a TABCO Sick Leave Bank Membership Application Form by the individual member. Membership shall be continued from year to year UNLESS cancelled in writing by the unit member only during open enrollment July 1 to September 30.
2. Unit members must request all appropriate forms from the TABCO office.
3. All requests to draw from the bank must be made on the approved form and submitted to the Approval Committee within thirty (30) calendar days of the first date bank usage is requested or as soon as possible when the member needs to use the bank. Exceptions may be considered by the Approval Committee based on medical necessity.
4. The Sick Leave Bank Approval Committee will review the request to draw from the bank and will notify the applicant of its decision within 15 work days of the date of the request.
5. Any recommendation for action must have the support of at least two (2) members of the committee in order to be forwarded to the appropriate Board of Education administrator.

6. All requests to draw from the bank must include the treating physician's statement on the Sick Leave Bank claim form. For illnesses of medical and psychological nature, the treating physician (i.e. medical specialist not the general practitioner especially when dealing with illnesses of psychological nature) must include the diagnosis, treatment plan, prognosis and return to work date and must be signed by the treating physician of record. This information shall be treated in a confidential manner. Forms that are incomplete, fraudulent or contain inaccurate information will be denied or returned to applicant for correction.
7. An applicant may be required to undergo, at his or her expense, a medical review by a physician approved by the Approval Committee. TABCO may assume out-of-pocket expenses for a medical review for an Association member (excluding any insurance deductible that must be met by the applicant). The physician's report should be sent to the Approval Committee before the committee determines an extension of use of the bank. Review of the request may be waived by the committee if the applicant has been confined to a hospital or other medical facility throughout the prior twenty (20) days he or she has used the bank.
8. If a member of the bank becomes incapacitated, an application may be submitted to the committee by his or her agent or a family member acting on his or her behalf. The committee may require proof of power of attorney.
9. Days granted from the bank shall be made in increments of no more than twenty (20) duty days. Days may be granted based on current workplace disability guidelines for disability duration.
10. Requests to extend one's use of the bank should be made prior to the expiration of their grant. Such applications shall be made on the approved form.
11. If the committee denies a request to draw from the bank, the applicant may appeal the decision in writing to the TABCO Board of Directors of the Teachers Association of Baltimore County **within 15 calendar days of the date of the denial.**
12. Applicants for the SLB will be notified of action taken by the Approval Committee on their request upon the return of the form from the appropriate Board of Education Administrative Office.
13. The Approval Committee shall maintain the records of all applications, withdrawals and the status of the bank for a period of 3 years.
14. Upon request, the Office of Payroll will provide information to the SLB Committee regarding the bank's membership, assessments, usage, and balances.
15. The Sick Leave Bank Approval Committee shall be responsible to the Baltimore County Public Schools and TABCO for the proper administration of the bank. The committee will submit regular reports on the status of the bank to the TABCO Board of Directors.
16. Sick leave days granted will not be carried over from one fiscal year to another. All bank grants will end as of June 30 or the last duty day of the school year and must be renewed through the Approval Committee.
17. If a member of the bank does not use all of the days granted from the bank, the unused days will be returned to the bank.
18. These rules and procedures are to be reviewed annually by representatives of the BCPS and TABCO
19. Subject to the other provisions of the Sick Leave Bank Approval Committee, days may be granted to cover all or any portion of the six weeks postpartum period of a woman who has elected to utilize the provisions of the Family Medical Leave Act of 1993.

Tslbrules/procedures

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