

## 3432.1 SICK LEAVE BANK

Unfortunately, some employees will suffer from catastrophic injuries and/or terminal, prolonged or recurring illness. This often necessitates an employee's prolonged absence from work, for which the employee has no available paid leave. The Point Pleasant Borough Board of Education recognizes that employees would like to voluntarily donate a portion of their accumulated sick days to employee(s) suffering from catastrophic injury, terminal, prolonged or recurring illness. As established in N.J.S.A. 18A:30-10, the purpose of the Sick Leave Bank shall be to enable employees of the Board of Education who are entitled to sick leave to draw needed sick days in addition to any days to which they are otherwise entitled. The sick leave days available to a Board employee from the Sick Leave Bank shall be leave days previously donated to the Bank by Board employees. Sick leave days drawn from the Bank shall be treated for all purposes as if they were accrued sick leave time of the employee who receives the donated days.

This policy and the conditions herein may only be amended by formal resolution of the Board of Education.

The Sick Leave Bank is a voluntary benefit available to all employees of the Point Pleasant Borough Board of Education who fall under the criteria listed below, with the exception of long-term substitutes and/or temporary employees.

### Criteria to Enroll in Sick Bank Initially

1. Has completed at least three (3) years of continuous service to the district in a paid status.
2. Has at least 20 accumulated sick days.

If an employee did not meet the above criteria when the Sick Leave Bank policy is adopted, they will have a sixty (60) day period from the date the Board of Education adopts the policy to appeal to the Committee to participate in the Sick Leave Bank.

Staff members that do not meet the above criteria and are denied in their appeal within the sixty (60) days from the adoption of the Sick Leave Bank policy, can opt in at the beginning of a school year when they do meet the above criteria.

### Factors To Award Sick Days

1. No employee whose employment record indicates improper use of sick days shall be awarded sick days from the Sick Leave Bank.



2. Membership in the Sick Leave Bank is voluntary.
  - a. An employee will exhaust all accrued, sick, vacation/non-work (if applicable) and personal days due to an illness or injury.
  - b. Each employee who joins the Sick Leave Bank shall make an initial contribution of one (1) sick day from his/her accumulated sick leave. Once contributed, the sick day shall not be returned.
  - c. If/when the number of days in the Sick Leave Bank falls below 150 days, one (1) additional day will be deducted from all staff members active in the Sick Leave Bank to maintain coverage within 30 days of announcing to the members that the Bank has fallen below 150 days. Any employee may choose to contribute up to two (2) days. This requirement shall not apply to an employee who is receiving Sick Leave Bank Days or is eligible to receive Sick Leave Bank Days as a result of a catastrophic injury, terminal, prolonged or recurring illness. Sick Leave Bank days accumulate and carry forward year to year.
  - d. Retiring employees may donate a maximum of ten (10) days to the Sick Leave Bank.

Sick leave from the Sick Leave Bank may be awarded to an employee only in cases of a catastrophic injury, terminal, prolonged or recurring illness. This policy excludes pregnancy, unless the employee develops a pregnancy-related illness or complications, elective surgery, and is not to be utilized when the employee is eligible for payment of his/her absences through worker's compensation, short-term or long-term disability or any other benefit which pays the employee partially or completely for the days on which he/she is absent. For the purposes of this policy, terminal illness is defined as a chronic disease or illness which, in the opinion of the employee's physician, may result in death or substantial disability. Catastrophic injury is defined as serious bodily injury which results in a substantial loss or injury of a bodily organ, member or function and which renders the employee incapable of performing his/her job. A medical note/letter from a physician is required certifying that the employee is suffering from a catastrophic injury, terminal, prolonged or recurring illness.

The Sick Leave Bank is not intended for employees to use to care for a family member.

In order to request the use of sick leave days from the Sick Leave Bank, an employee must complete and submit the following:

1. A written request submitted to the Superintendent of Schools for transmittal to the Sick Leave Bank Committee. The written request shall include:



- a. The initial date of the catastrophic injury, terminal, prolonged or recurring illness.
  - b. The projected loss of work time and/or projected date of return.
  - c. The date that the employee will exhaust all of their personal, sick and vacation/non-work days.
  - d. A physician's note/letter indicating that the employee has a catastrophic injury, terminal, prolonged or recurring illness as defined above and the anticipated duration of the leave.
  - e. The Board Physician will have the right to review the physician's note/letter.
2. The Superintendent shall forward the request and supporting documents to the Sick Leave Bank Committee. A meeting shall be scheduled with the Committee and the Committee will review the request and provide notification of the decision to the employee within seven (7) working days of the Committee's meeting.
  3. If the request is approved, the sick days will be added to the employee's allotment of days for use.

Requests should be submitted at least 30 days prior to the effective date. In cases where an illness or injury does not allow 30 days notice, the employee should submit the request as soon as reasonably possible. In the event an employee has previously exhausted all of his/her sick, personal and vacation days, an award of sick leave from the Sick Leave Bank may be retroactive, if requested by the employee and approved by the Committee.

The Committee may only award up to 30 sick leave days from the Sick Leave Bank to an eligible employee at one time. In the event the employee seeks additional days, second and subsequent awards may be made by the Committee, but each award of sick leave days may not exceed 30 days. Approval of initial and additional requests is at the discretion of the Committee. There is a limit of 90 sick leave days ("lifetime cap") that an employee may be awarded during his or her membership in the Sick Leave Bank and employment by the Board of Education.

Any unused sick leave days will be returned to the Sick Leave Bank upon the employee's return to work.

In cases in which sick leave days are requested, the Sick Leave Bank Committee shall require a physician's certificate demonstrating that the employee has suffered a catastrophic injury, terminal, prolonged or recurring illness, as defined above, in order for an employee to obtain sick leave, pursuant to N.J.S.A. 18A:30-4. All physician's certificates or other medical records or information produced pursuant to employee



authorization and obtained by the Committee shall be held in the strictest confidence and shall not be further disclosed by the Committee. These documents shall be placed and stored in the employee's district medical file.

Employees that qualify for Sick Leave Bank days shall incur all benefit related costs. This includes: Health Benefits, Prescription Drug Costs, Dental and Board Paid Disability Programs.

In accordance with N.J.S.A. 18A:30-10, the Sick Leave Bank Committee shall be comprised of three (3) members selected by the Board of Education and three (3) members selected by the majority representative or representative(s) of the employees.

The Sick Leave Bank Committee shall be comprised of the following persons:

1. The President of the Board of Education or his/her designee
2. The Superintendent or his/her designee
3. One (1) member unaffiliated with a collective negotiations unit
4. Three (3) members of the Point Pleasant Education Association (PPEA), and Point Pleasant Administrators Association as selected by the PPEA President and PPAA President

Meetings of the Committee shall be held on an as-needed basis, but with no less than seven (7) calendar day notice, unless an earlier meeting date is mutually agreed upon. Participation by Committee members during meetings may occur in person or by electronic communication, including telephone.

A quorum exists for the purposes of a Committee meeting when four (4) Committee members are present and eligible to vote. All decisions of the Committee must be made by a majority vote of the full Committee. In other words, four (4) affirmative votes are required for all actions of the Committee.

In each school year, employees may voluntarily elect to donate one (1) sick day to the Sick Leave Bank for the purpose of being eligible to continue the employee's income during a catastrophic injury, terminal, prolonged or recurring illness to the employee. This option is made available on the employee's annual school year employment contract. The employee must check off "YES" in order to voluntarily participate in the program. If neither option is checked, the employee shall be deemed as electing "NO" and shall not participate in the program that school year.

A written accounting of the number of days used, the number of individuals who utilized the days and the number of days remaining in the Sick Leave Bank shall be maintained by the Superintendent's Office.



The Committee will be required to submit an annual summary of the Sick Leave Bank activities to the Superintendent. The Superintendent will review the effectiveness of the Policy and will make a determination whether or not to continue the Sick Leave Bank.

Should the Superintendent determine at any point that the Sick Leave Bank program will no longer continue, all contributed sick days in the Sick Leave Bank will remain until they are exhausted and no further days will be added to the Sick Leave Bank.

Only staff members that contributed a sick day during the last submission will be eligible to draw from the Sick Leave Bank until all days are exhausted.

Adopted: January 28, 2019

