

WTEA Sick Leave Bank Program

1. Purpose and Description

Pursuant to N.J.S.A. 18A:30-10 and N.J.S.A. 18A:30-11, the Board of Education (“Board”) hereby establishes a Sick Leave Bank Program (“Program”) for employees of the Washington Township Education Association (“WTEA”) to help defray the financial implications of a catastrophic health condition or catastrophic injury. The Board recognizes situations arise which necessitate an employee to be absent from work beyond the allotted and accumulated contractual sick, personal, and vacation days.

The Sick Leave Bank Program will consist of voluntarily donated personal days given by participating WTEA members to assist a fellow member suffering from a catastrophic health condition or catastrophic injury for which the employee has exhausted his/her benefit leave days, and the catastrophic health condition or catastrophic injury continues. The Sick Leave Bank Program will be administered by a committee comprising of three members selected by the Board and three members selected by the WTEA.

2. Definitions

- A. A catastrophic health condition or catastrophic injury shall be defined as a life-threatening condition or combination of conditions or a period of disability required by his/her mental or physical health or the health of the employee’s fetus and requiring the ongoing care of a licensed physician who provides written medical verification of the need for the employee’s absence from work for forty-five (45) or more consecutive workdays
- B. Medical verification shall be defined as written substantiation from a licensed physician which details the nature, severity, diagnosis, prognosis, and anticipated duration of the disability resulting from the serious health condition or injury.

3. Eligibility

- A. Recipient: An employee of the Board shall be eligible to receive donated personal leave days from the Program provided that he/she:
 - 1. Is a member of the WTEA; WTEA member shall be defined as any employee who is employed by the Board and for whom the WTEA negotiates on his or her behalf. A WTEA member shall include any Board

employee who belongs to the WTEA bargaining unit, including any “fee paying” individuals.

2. Has completed at least one year of continuous full-time employment with the Board;
3. Has exhausted all accrued sick, vacation, and personal days;
4. Suffers from a catastrophic health condition or catastrophic injury as defined in Section 2;
5. Has submitted acceptable medical verification as defined in Section 2;
6. Has an attendance record that reflects non-abuse of sick and personal days;
7. Is not eligible for workers’ compensation.
8. Has enrolled and donated at least one personal day each year to the existing WTEA Sick Leave Bank.

B. Donor: An employee of the Board shall be eligible to donate personal leave days provided that he/she:

1. Has completed at least one year of continuous full-time employment with the Board.

4. Procedures and Program Guidelines

- A. The Sick Leave Bank Program shall be administered by the Committee as defined in Section 1. The Committee shall administer the Sick Leave Bank Program consistent with this Policy.
- B. On or before July 31 of each school year, the WTEA Sick Leave Bank Coordinator shall each year, in writing, notify and invite all full-time WTEA members to enroll in the Program. The invitation shall include an enrollment form developed by the Committee. All WTEA members seeking to enroll in the Sick Leave Bank Program shall submit the enrollment form to the Committee on or before August 31 of each school year. WTEA members whose enrollment forms are not received by the Committee on or before the August 31 deadline shall not be accepted into the Sick Leave Bank Program for that school year. Full-time employees hired by the Board after August 31 shall not be eligible to enroll in the Sick Leave Bank Program until the following school year. No employee shall be required to participate in the Sick Leave Bank Program.

- C. Enrollment in the program requires the voluntary donation of at least one personal day, without reason, to the WTEA Sick Leave Bank, each school year. Additionally, and as needed, members enrolled in the program may donate additional personal days during the current school year.
- D. The Committee shall develop and maintain a written application form for employees to complete regarding a request for donated personal leave days. In the event the employee is unable to complete the application form, the employee's legal representative may complete the form on behalf of the employee. The completed application must be received by the Committee at least thirty (30) workdays prior to the requested date on which the donated personal leave days are to commence. The Committee may relax this deadline only upon an employee's showing of good cause (i.e., medical emergency).
- E. The Committee shall render a written recommendation approving, denying, or modifying the employee's request for donated personal leave days within twenty (20) workdays. The Committee's decision will be made by majority rule and shall be final and shall not be subject to grievance or arbitration. Applications ending in a tie vote will be denied. Denied applicants wishing to submit additional information must reapply by the timelines and procedures described in item 4-D, for reconsideration. Decisions by the Committees shall be made without prejudice or regard to race, gender, religious affiliation, sexual orientation, age, or disability.
- F. A WTEA Sick Leave Bank Coordinator will be appointed by the WTEA who shall arrange for the collection of the personal days using a form that requires the signature of each employee who wishes to donate a personal day, as well as a deadline for returning the completed form to the WTEA. The WTEA Sick Leave Bank Coordinator shall only begin the collection of personal leave days at the beginning of each school year and as needed during the course of the school year. Member's personal days without reason will be the first utilized for donation, but in extreme situations or if all personal days without reason have already been used by a member, then personal days with reason may then be donated.
- G. After the deadline for submission of the forms has passed, the WTEA Sick Leave Bank Coordinator will conduct a lottery to determine the order in which the donated days shall be utilized. The order will be listed on an Excel spreadsheet.
- H. The spreadsheet will be emailed to the Director of Human Resources. In addition, a printed version of the spreadsheet and the original donation authorization forms shall be forwarded to the Director of Human Resources.

- I. Upon receipt of the spreadsheet and the original donation forms, the Department of Human Resources will begin docking the donors' days and crediting them to the employee that has been authorized by the Committee to collect, in the order reflected on the spreadsheet. Email notification of the use of the days will be forwarded to each donor and the WTEA Sick Leave Bank Coordinator shall be copied on the email.
- J. No day of leave which is donated to the Sick Leave Bank Program by an employee shall be drawn by that employee or any other employee from the Sick Leave Bank Program unless authorized by the Committee in order to provide sick leave.
- K. A record of the donation authorization forms shall be maintained in the WTEA Office and a record of the personal day collection documents shall be maintained in the individual employee's personnel file at the Central Administration Office.
- L. Voluntarily donated personal days may only be used within one school year. For 12-month employee members of the WTEA, the school year shall be defined from September 1 to August 31 of the current school year. If additional days are needed for the following school year, the employee must reapply for another collection of days.
- M. Should **the member seek additional days** beyond what was **originally** requested, and **the member remains eligible for additional days from the Sick Leave Bank**, the member must submit a second request. In the event of a catastrophic end to the leave occur (death) and additional days remain, those days shall be credited back to the member who donated them as accrued sick time. The credit cannot be in the form of a cash reimbursement.
- N. By lottery order, unused donated days at the end of the school year, shall be credited back to the member who donated them as accrued sick time. The credit cannot be in the form of a cash reimbursement.
- O. This policy is not intended to supersede or deny the contractual rights of the Superintendent to exercise his discretion to grant paid leave to an employee who has exhausted his/her accrued leave.
- P. All benefits from the Sick Leave Bank Program are for future use. Donated personal leave days shall not be applied or transferred retroactively.
- Q. Personal leave days drawn from the Sick Leave Bank Program shall be treated for all purposes as if it were accrued sick leave time of the employee who receives it.

- R. The Committee shall maintain an up-to-date accounting, which includes at a minimum, balance of donated personal leave days available per approved member, number of donated personal leave days by members, and number of donated personal leave days received and used by a member approved to receive donated days from the Sick Leave Bank Program.
- S. At no time shall the Committee release an employee's information relating to the Sick Leave Bank Program without prior written consent of the employee or his/her legal representative.
- T. An employee requesting donated personal leave days shall provide the Committee with written authorization to receive personal health and medical information. The employee shall also provide the Committee with written authorization to speak to any treating physician(s) regarding the request.
- U. Recipient
- i. WTEA Members requesting consideration to draw from the Sick Leave Bank will not be eligible to withdraw additional days until all of their own sick, personal, and vacation time has been exhausted.
 - ii. Eligible members are limited to request no more than a 5-day donation for each year of employment with the School District (i.e. A WTEA Member beginning their 5th year of employment would be eligible to request for no more than 20 days of donation in recognition of their previous 4 years of employment in the School District. **If this member exhausts all 20 of those days and submits a request for donated days in his/her 6th year, the member would only be eligible for 5 days from the Sick Leave Bank Program.**
 - iii. Eligible members shall not receive and exhaust more than one-hundred twenty (120) days from the Sick Leave Bank Program.
 - iv. An employee who is covered by an individual disability insurance policy will receive only the difference between the amount paid by the insurer and his/her per diem rate paid by the district and no more. The employee shall provide the insurer's name and policy coverage. Should the employee fail or refuse to provide documentation, he/she shall be deemed ineligible for any benefit and shall forfeit all leave days donated to the Sick Leave Bank Program.

- v. No monetary value shall be placed on donated personal leave days awarded to an employee.
- vi. Upon the employee's return to work or separation from the Board, unused donated leave days will be returned and credited back to the sick leave bank.
- vii. An employee who receives donated personal leave days shall continue to accrue sick leave, personal leave, and vacation time while using donated leave time. However, the employee shall utilize any additional accrued sick leave, personal, or vacation time prior to using any donated personal leave days.
- viii. Upon retirement, the employee shall not be granted supplemental compensation for any unused personal leave days he/she received through the donated sick leave program.

V. Donor:

- i. All donations of sick leave days shall be confidential unless the Committee receives prior written consent from the donating employee.

5. Dissolution of the Sick Leave Bank Program

Either party has the right to dissolve this agreement with 60 days advanced written notice. Should the Sick Leave Bank Program be dissolved, all remaining donated personal leave days shall be returned to the donors as outlined in item "N" under the section Procedure and program Guidelines. During the dissolution period, no additional personal leave days shall be added or accepted. Upon exhaustion of all remaining donated personal leave days, the dissolution of the Sick Leave Bank program shall be complete.

Date: _____

Gerard Taraschi, WTEA President

Joseph Bollendorf, WTPS Superintendent

Shaun Giberson, WTEA Vice President

Margaret Meehan, WTPS Business Admin.

Revised 7/24/17