

<b>Policy:</b> ISTC Sick Leave	<b>Number:</b> 610.01
<b>Date Revised:</b> 06/07/2019	<b>Supersedes</b>
<b>Cross Reference:</b> <i>Alabama Community College System Policy 610.01</i>	<b>Issued:</b>

Each full-time college employee shall earn one day of sick leave per month of employment. The Alabama Community College System policy defines sick leave as the absence from regular duty by an employee for one of the following reasons:

1. Person illness, pregnancy, and maternity leave or doctor's quarantine;
2. Routine physical examinations, dental appointments, eye exams, ect.;
3. Bodily injury which incapacitates the employee;
4. Attendance to an ill member of the family of the employee (husband, wife, father, mother, son, daughter, brother, sister) of the employee or on a person standing in *loco parentis*;
5. Death of a member of the family of the employee (husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, granddaughter, grandson, grandfather, grandmother, aunt, uncle); or
6. Illness or death of an individual not legally related to, but having a unique relationship with the employee. (Where unusually strong personal ties exist due to an employee's having support or educated by a person, or some relationship other than those listed, this relationship may be recognized for leave purposes).

After three (3) consecutive absences due to illness or after five (5) days of absence due to illness, within a thirty (30) calendar-day period, the President or designee may require that an employee furnish a medical certificate by a qualified physician acceptable to the institution. This is to be done at the expense of the employee.

Absences for sick leave must be requested, preferably in writing electronically or on the ISTC Sick Leave Request Form. When circumstances are known in advance, the sick leave request should be submitted prior to the absence, but no later than the end of the first day the employee returns to work.

According to Policy 610.01 of the Alabama Community College System (ACCS) Board of Trustees, ISTC has established a Sick Leave Bank for eligible employees. The two purposes of the Sick Leave Bank are (1) to provide a loan of sick leave days that must be repaid for its participating members after all accumulated sick and compensatory leave has been exhausted, and (2) to provide for donations of sick leave that are not required to be paid back in cases of "catastrophic illness" as defined by applicable law under certain conditions.

The Sick Leave Bank shall be operated, managed, and governed by a Sick Leave Bank Committee. The Committee will be elected and serve in accordance with Chancellor Procedures 610.01 of the ACCS Board of Trustees' policy. The ISTC SLB Committee shall annually elect, by majority vote, a chairperson. If a SLB Committee vacancy occurs, that member will be replaced by a vote of the SLB membership. The member receiving the most votes will fill the vacancy.

### SICK LEAVE BANK MEMBERSHIPS

Employee membership in the Sick Leave Bank shall be voluntary.

The annual enrollment period for participation and membership in the Sick Leave Bank will be August 1 – August 31 of each year for all employees.

A new employee may enroll in the Sick Leave Bank upon the application within the first thirty calendar days of employment, regardless of when hired.

To receive or gift Sick Leave Bank loans or donations as provided in this policy, employees must be members of the Sick Leave Bank.

To qualify for membership in the Sick Leave Bank, an employee must complete the approved ISTC enrollment and deposit at least two days of earned sick leave into the Sick Leave Bank. The days placed on deposit shall be available for loan to any participating member of the Sick Leave Bank who meets the conditions outlined in this policy.

During the applicable enrollment period (or upon employment of a new employee), the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account, to enable the employee to join the sick leave bank if the employee does not have the minimum number of sick leave days to allow the employee to join the sick leave bank.

Resignation from participation in the sick leave bank may only be made in writing on Committee's proper form with a copy to the President.

### SICK LEAVE LOANS

Sick Leave Bank loans are available to eligible members of the Sick Leave Bank for sick leave under certain conditions. These loans must be repaid. It is the requesting employee's obligation to make application for Sick Leave Bank benefits. In cases where the requesting employee has been incapacitated, his or her agent or representative, designated as such in writing, may apply to the Committee on behalf of the requesting employee. In case of mental incapacity of a contributor, the designated agent or representative must be a person who, by law, may serve in such capacity.

In order to be eligible to apply for a sick leave bank loan, a requesting employee must meet the following criteria:

- (1) The employee must be a current participating member of the Sick Leave Bank,
- (2) The employee must be utilizing the requested sick leave for permissible reasons,
- (3) The employee has fully exhausted all accrued and compensatory leave, and
- (4) The employee has fully completed ISTC's required Application for sick leave bank loans and returned that application to the Committee for consideration.

The Committee will review the application to ensure that the applying member meets the eligibility requirements listed for a loan from the Sick Leave Bank. The Committee will also determine whether to approve the application for loan and, if approved, the number of days to be loaned. The Committee has the discretion to deny an application for a loan or approve less days than requested. Factors to be considered include but are not limited to: need; circumstances of the illness or disability; years of service to the institution; availability of days in the bank; the ability of the applicant to repay the loan, and prior awards obtained from the sick leave bank.

No employee shall be allowed to owe more than fifteen (15) days to the sick leave bank, unless more than fifty percent (50%) of the members of the sick leave bank vote to extend the limit.

Sick leave days borrowed from the sick leave bank shall be repaid to the sick leave bank monthly as re-earned by the member.

Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay.

A member of the sick leave bank shall not be allowed to accumulate more days than allowed by Alabama Code § 16-1-18.1, including days in the sick leave bank.

Upon retirement or transfer of the sick leave bank member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit, as applicable.

At the discretion of the Committee, and upon the applicant's request, a loan may be granted retroactively to the fifteenth (15<sup>th</sup>) day of the absence.

#### CATASTROPHIC LEAVE (maximum of 360 hours)

Catastrophic leave from the Sick Leave Bank is available to eligible members of the Sick Leave Bank for catastrophic illnesses. A catastrophic illness is any illness, injury, or pregnancy or a medical condition related to childbirth, certified by a licensed physician causing the employee to be absent from work for an extended period of time. Certification of the need for catastrophic leave is required by a physician and must be updated monthly if requested.

Catastrophic leave comes from donations of leave from other Sick Leave Bank members. Catastrophic leave donations do not have to be repaid to the Sick Leave Bank. There is no guarantee that, if the Committee approves catastrophic leave request, that Sick Leave Bank members will donate any leave or sufficient leave to cover an employee's absence related to catastrophic illness.

No employee must donate any catastrophic days to the Sick Leave Bank to maintain membership in the Sick Leave Bank.

Employees may donate a specific number of days to the sick leave bank designated for a specific employee for use against catastrophic illness. Donating employees must fill out the approved ISTC forms before the donations can be granted to a particular employee. Donated days are not to be recovered or returned to the donor, except when an employee does not require all of the days donated, and only then will donated days revert to the credit of the employee who donated the days.

An employee may not donate more than 30 days to the Sick Leave Bank for any one employee's catastrophic leave.

Beginning January 1, 2019, no employee may be awarded more than forth-five (45) workdays of catastrophic leave during a five-year employment period.

To be eligible to apply or use catastrophic leave, an employee must meet the following criteria:

- (1) The employee must be a current participating member of the Sick Leave Bank,
- (2) The employee must be utilizing catastrophic leave for covered purposes (himself or other covered person listed in Alabama Code § 16-1-18.1,
- (3) The employee has fully exhausted all earned and accrued sick, personal, annual, and compensatory paid leave,
- (4) The employee must provide certified evidence by a licensed physician of an illness (defined as an unhealthy condition of the body or the mind, a sickness, or disease), or of an injury (defined as physical harm to a person), or of a medical condition related to childbirth that causes the employee to be absent from work for a period greater than fifteen (15) working days,
- (5) The employee has borrowed and used the maximum loan days allowed by the Committee from the Sick Leave Bank,
- (6) The employee has fully completed ISTC's required Application for catastrophic leave and returned that application to the Committee for consideration, and
- (7) The employee has submitted the Physician's Certification required by ISTC.
- (8) The employee has not yet received a return-to-work medical certification.

The Committee will review the application and documentation. If all the requirements are met, then the Committee has the discretion to approve catastrophic leave for the employee to the extent needed, up to a maximum of 360 hours. Upon approval, the Committee will advise the Sick Leave Bank members of the employee's approved request for catastrophic leave. Any catastrophic leave donations received by donating employees will be credited to the employee's leave account. Neither ISTC nor the Sick Leave Bank Committee has any obligation to solicit catastrophic leave donations for any employee or notify members of any employee's need for catastrophic leave. Upon the written request of an approved employee, the Committee may, no more than once per month, communicate by email to the Sick Leave Bank members to advise that the employee is authorized for catastrophic leave but has no further donations.

The Committee requires that an approved employee exhaust all sick leave, personal leave, annual leave, and compensatory leave days earned each month before utilizing donated days.

An employee may use donated catastrophic leave days to repay loan days that the employee owes to the Sick Leave Bank.

#### MISCELLANEOUS

The business office shall maintain records of all member contributions to the bank, withdrawals from the bank, and the bank's status. Reports shall be provided on a timely basis at the request of the Committee, the President, or the Chancellor.

The Committee shall investigate any alleged abuse of the bank, and on a finding of wrongdoing, the violator shall repay all of the sick leave credits drawn from the sick leave bank and be subject to appropriate disciplinary action as determined by the college.