

# KANAWHA COUNTY BOARD OF EDUCATION POLICY

## SICK LEAVE BANK

Series: G79

Reference: West Virginia Code §§18A-4-10(d)

Issued: 12.13.2007

Revised:

Revision Number:

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**79.01 Purpose:** The purpose of the Sick Leave Bank is to provide sick leave to employee contributors to the Bank after their accumulated sick leave (including vacation days) has been exhausted to less than five (5) days due to a catastrophic medical emergency.

**79.02 Eligible Employees:** Permanent regular employees, professional and service, of Kanawha County Schools shall be eligible to participate in the Sick Leave Bank. Substitute employees are not eligible to participate in the Bank. Membership in the Bank is strictly voluntary and no employee shall be coerced or compelled to contribute.

The Sick Leave Bank shall be used only by the individual employee contributor for his/her catastrophic medical emergency. The Sick Leave Bank shall not be used for illnesses of other members of the employee contributor's family.

**79.03 "Catastrophic medical emergency" definition:** A medical or physical condition that: (1) incapacitates an employee; (2) is likely to require the prolonged absence of the employee for at least twenty or more total working days; and (3) will result in substantial loss of income to the employee due to exhaustion of all accrued sick leave or ineligibility to receive sick leave.

**79.04 Days Donated:** Employees choosing to enroll in the Sick Leave Bank shall be required to donate two (2) sick leave days per school year. These days shall be deducted from the employee's available sick leave days. Vacation days can not be contributed. Personal "without cause" leave days shall not be used if sufficient sick days are otherwise available.

An approved donated day will be credited to the receiving employee as one full sick leave day and may not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee.

**79.05 Worker's Compensation:** The Sick Leave Bank may not be used by employee contributors disabled by an injury that is covered by Worker's Compensation.

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**79.06 Withdrawal:** In order to receive days from the Sick Leave Bank, employees must contribute to the Bank. No days will be withdrawn from the Bank until an employee has fewer than five (5) sick leave days (including vacation, personal “without cause” or any other days) and has been absent from work a minimum of five (5) consecutive work days. In order to receive days from the Bank, an employee must apply to the bank within thirty working days of eligibility.

Days withdrawn from the Bank do not have to be repaid by the individual using them. Days must only be used for an absence due to the purpose for which the leave was transferred. Any transferred days remaining when the catastrophic medical emergency ends revert back to the Bank.

**79.07 Enrollment:** Employee enrollment in the Sick Leave Bank shall be made between May 15 and October 1. Enrollment decisions made between May 15 and June 30 will be effective for the new school year. The opportunity to participate in the Sick Leave Bank shall be available to all eligible employees each year within the specified dates. In the initial year of establishment of the Bank, enrollment shall be made within sixty days from passage of the policy by the Board of Education. Employees hired after the closing of the enrollment period will not be eligible to participate until the next school year. An employee’s membership will automatically continue from year to year unless the employee elects to withdraw from participation by October 1.

**79.08 30 Day Limit:** Days granted from the Bank, as approved by the Committee, shall be not exceed thirty (30) total days per school year per eligible employee.

**79.09 Termination:** Upon the termination of employment or the voluntary withdrawal from the Bank, the employee contributor shall not be permitted to withdraw donated days from the bank. All days donated to the Bank will remain the property of the Sick Leave Bank.

**79.10 Other Benefits:** The existence of the Sick Leave Bank and participation by an employee in the bank does not eliminate any other sick leave policies of Kanawha County Schools, nor does it in any way eliminate the rights of individual employees who participate in the Bank to other sick leave benefits. However, Bank days may not be used to qualify for or add

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to service for any retirement system or extend PEIA insurance coverage. Days paid by the Bank will count toward the elimination period of the disability plan provided by the Board.

**79.11 Form:** Contributions to the Sick Leave Bank must be made on an Employee Contribution Form completed annually by the employee.

**79.12 Processing:** The Sick Leave Bank Committee will approve all requests for donations before they are forwarded to the Accounting Department. The Committee will meet, process all donation requests, and respond in writing within ten (10) working days of receipt of the application. Approval requires the concurrence of at least five (5) of the seven (7) members. Members shall maintain in strictest confidence any and all transactions for use of the Sick Leave Bank. The form will contain a release signed by the employee to authorize the sharing of personal medical information to the extent needed to evaluate and manage the request. The sole function of the Committee is to determine if the applicant meets the criteria as established by this policy. The Committee may request the assistance of the KCS Medical Consultant in evaluating the employee's medical condition to determine eligibility.

**79.13 Physician's Statement:** Each employee requesting a withdrawal of sick days from the Bank shall be required to submit a Sick Leave Bank Physician's Statement form signed by the treating physician describing the illness with a prognosis for a date to return to work and verifying the inability of the employee to work due to the catastrophic medical emergency.

**79.14 Appeal:** Should an employee's request be denied and the employee wishes to appeal the Committee's decision, the employee may appeal the decision to the Superintendent of Schools. The employee may be asked to be evaluated by a physician of the Superintendent's choice at the employee's expense. The decision of the Superintendent shall be final.

**79.15 Incapacitation:** In case an employee contributor has been incapacitated and cannot complete the application process, the application may be submitted to the Committee by a member of the employee's family.

**79.16 Committee Membership:** The Sick Leave Bank Committee will consist of seven (7) employees of Kanawha County Schools. These

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individuals will be selected annually by the group they represent which includes the following:

1. Administrative Assistant for Human Resources or his/her designee.
2. Teacher representative from American Federation of Teachers – Kanawha.
3. Teacher representative from Kanawha County Education Association.
4. Service Personnel representative from Kanawha County School Service Personnel Association.
5. Elementary Principal representative from Kanawha County Elementary Principals Association.
6. Secondary Principal representative from Kanawha County Schoolmasters Association.
7. Lead School Nurse.

**79.17 Carryover:** Days remaining in the Bank at the end of each fiscal year shall be carried over into the next fiscal year, and these days shall remain the responsibility of the Committee.

**79.18 No Effect on Attendance/Incentive Plans:** Donation to the Sick Leave Bank will have no effect on the employee's eligibility for any incentive plan for unused sick leave, nor will the donation be counted as an unauthorized absence under any attendance policy.