

CITY OF CHESAPEAKE, VIRGINIA

NUMBER: 2.13 (20.9)

ADMINISTRATIVE REGULATION

EFFECTIVE DATE: 02/02/05

**SUBJECT: DEPARTMENT OF HUMAN RESOURCES
SICK LEAVE BANK PROGRAM**

SUPERCEDES: 02/10/04

I. PURPOSE

To establish guidelines for the administration of a voluntary Sick Leave Bank Program that can provide disability income for employees who are unable to work due to a non-job related temporary disability or catastrophic medical condition and not eligible for Worker's Compensation or disability retirement benefits.

II. ELIGIBILITY

All full-time and regular part-time employees who have completed a minimum of six (6) months of employment and have a sick leave balance of six (6) days or the part-time equivalent are eligible to apply for Sick Leave Bank membership.

III. GENERAL PROVISIONS

- A. The Sick Leave Bank Program does not replace the City's existing sick leave provisions.
- B. The Program offers disability income benefits payable at the rate of 80% of the member's pre-disability daily rate of basic earnings.
- C. Membership in the Sick Leave Bank Program is voluntary.
- D. Employees must contribute one (1) day of sick leave to become a member of the Bank. Contributions to the Bank are irrevocable and cannot be returned if the employee cancels his/her participation in the Program.
- E. Participation in the Bank program does not guarantee that a member's Application for Withdrawal of Sick Leave Bank Days will be approved.
- F. Members must have a continuous medical absence for a minimum of 30 workdays to be eligible to receive Bank benefits. Members who work a 24-hour shift must have a continuous medical absence for a minimum of ten (10) workdays to be eligible to receive Bank benefits.
- G. The Medical Leave Review Committee is the reviewing authority for all requests submitted under this Program.

- H. Completed applications are confidential and maintained by the Department of Human Resources. Other departments are not authorized to review, copy or maintain employee medical information.
- I. The maximum number of Bank days that may be granted to a member during his or her employment with the City is based on length of service from date of hire, as specified in Section IV, C9.
- J. All accrued sick, annual, compensatory and overtime leave must be exhausted before Bank benefits can be used.
- K. Leave used under this Program will count towards the 12 weeks of Family Medical Leave (FMLA), when applicable.
- L. Members will not accrue any paid leave while receiving Bank benefits.

IV. APPLICATION PROCESS (Steps 1-10)

A. MEMBERSHIP

1. Eligible employees must obtain a Sick Leave Bank Application from the employee's departmental payroll clerk during the semi-annual open enrollment periods in June and December.
2. The employee must complete the Application and provide it to their departmental payroll clerk. The departmental payroll clerk will verify the employee's eligibility and forward eligible Applications to the Department of Human Resources.
3. The Department of Human Resources will validate the Application. Approved Applications will be returned to the departmental payroll clerk who will deduct one (1) day of sick leave (or the part-time equivalent) from the employee's sick leave balance to complete membership.

B. REQUESTING LEAVE

4. The member or designee must obtain an Application for Withdrawal of Sick Leave Bank Days (Part A and Part B) from the member's departmental payroll clerk.
5. The member must complete Part A of the Application and the health care provider/physician must complete Part B. Both Part A and Part B must be received by the Department of Human Resources to be considered as "complete" and ready for processing.

6. The Medical Leave Review Committee will render a decision on each Application within ten (10) workdays after the member’s 30 workdays of continuous medical absence ends.

Note: The Committee may request a second opinion by a provider/physician of the Committee’s choice at any time, at the member’s expense.

7. The Department of Human Resources will communicate the Committee’s decision to the member’s departmental payroll clerk who will then notify the member and the member’s immediate supervisor.

C. DEDUCTING LEAVE

8. Departmental payroll clerks will process and record the member’s use of approved Bank days.
 - Bank benefits will be payable at the rate of 80% of the member’s pre-disability daily rate of basic earnings.
9. The maximum number of Bank days the Committee may grant to a member during his or her employment with the City is based on length of service from date of hire, as outlined below:

Length of Service from Date of Hire	Maximum # of Hours Granted	
	8-hour and 10-hour employees	24-hour employees
6 months-4 years	400	560
5-9 years	800	1,120
10-14 years	1,200	1,680
15-19 years	1,600	2,240
20+ years	2,000	2,800

- Members who work an 8-hour or 10-hour workday will be entitled a maximum of 1,600 hours per absence or during a 12-month period. Members who work a 24-hour workday will be entitled a maximum of 2,240 hours per absence or during a 12-month period.
10. The member will be required to repay 50% of the Bank hours used under this Program. The repayment period shall begin ninety (90) calendar days after the employee returns to work. The member’s departmental payroll clerk will deduct ½ of the member’s monthly sick leave accrual rate to process repayment.

V. EXCLUSIONS, LIMITATIONS AND TERMINATION OF BENEFITS

- A. An application will be denied if it is incomplete, inaccurate, lacking supporting statements from a licensed healthcare provider/physician or the member fails to provide requested documentation.
- B. Failure to submit Part A of the Application for Withdrawal of Sick Leave Bank Days to the Department of Human Resources within sixty (60) days of continuous medical absence will disqualify the Member from receiving Bank benefits. Exceptions to this provision due to extenuating circumstances may be made by the Director of Human Resources. Exception requests must be presented in writing to the Director of Human Resources by the member prior to returning to work.
- C. The decision of the Medical Leave Review Committee is final.

The 30 workday waiting period will be waived for any subsequent continuous medical absence that is related to a condition where Bank days were previously awarded within the twelve (12) month period.

- D. Employees will not be eligible for the Program if any of the following occur:
- Suspension without pay;
 - Termination of employment;
 - Any abuse or misuse of the Program;
 - Exhaustion of Bank benefits;
 - Failure to provide required health care provider/physician certification; or
 - Confinement in a penal or correctional institution as a result of a conviction or other public offenses.
- E. Medical conditions resulting from any of the following will exclude the member from applying for Sick Leave Bank benefits:
- Work related accidents or illnesses for which Worker's Compensation or disability benefits are available;
 - Cosmetic surgery or any other medical care and/or treatment not deemed medically necessary by a licensed health care provider/physician;
 - Serving in the armed forces or war;
 - Intentionally self-inflicted injuries; or
 - Injuries occurring in the course of committing a felony, assault, insurrection, rebellion or participation in a riot.
- F. If the Committee reasonably presumes that a member may be eligible for disability retirement or Worker's Compensation, the Committee may request that the member immediately apply for such benefits. Failure to apply would disqualify the member from receiving Bank benefits.

- G. A member who voluntarily retires or terminates employment with the City prior to the established repayment of Bank days used will be required to make full restitution to the extent possible with the assessment of all leave balances. Extenuating circumstances for an exception to this provision must be presented in writing to the Director of Human Resources by the member prior to the member's termination.

VI. ADMINISTRATION

- A. The Department of Human Resources will administer the Sick Leave Bank Program. The Director of Human Resources is authorized to require a special assessment of one (1) day of sick leave from each participating member if the Bank balance falls below 50% of the total number of participating members.
- B. The Medical Leave Review Committee is comprised of a seven (7) member board; two (2) employees from each of the three (3) major occupational categories (i.e., Public Safety, Office Administration and Service/Maintenance) and the Director of Public Health. Committee members serve two (2) year terms and may be re-elected for no more than two (2) consecutive terms. If a Committee member vacates their seat, a replacement will be made using the most recent election results.
- C. The Department of Human Resources will report the status of the Bank at any time upon request of the Review Committee and will provide information to the Committee with respect to any member's contribution status or prior use of Bank benefits.

Dr. Clarence V. Cuffee, City Manager

Date