

ARTICLE XXXVI

SICK LEAVE BANK

36.01 Sick Leave Bank Committee (SLBC)

A sick leave bank shall be established for participating employees. Such bank shall be administered by a committee composed of nine (9) persons, three of which are selected by FCEA, three selected by FESPA and three appointed by the Superintendent. The SLBC shall insure adherence to all procedures, rules, laws and regulations in effect and with the terms of this contract as ratified or amended.

36.02 Definition of Leave Day

As used in this article, one day of leave shall mean the equivalent in required work day hours.

36.03 Membership

Any employee who has been employed a minimum of one (1) year in Flagler County and who has an accumulation of a minimum of eight (8) days of sick leave on record shall be eligible for membership in the bank.

Such membership and participation shall, at all times, be voluntary. Each participating employee shall contribute one (1) day of earned sick leave by October 1. This day shall not be returned to the employee unless the bank fails to come into existence in accordance with the following rules. No further contributions to the bank shall be necessary except as provided below for the replenishment of the bank.

36.04 Procedures and Audit

The SLBC shall consult with and comply with procedures developed between the Human Resources Department and Finance Department regarding the identifying and recording of contributions.

These Departments will provide the Association with verification of Sick Leave Bank enrollment to the extent practicable by October 15. Such record keeping and procedures shall be audited by these Departments to insure compliance with regulations. The SLBC will make available to all participants and the School Board an annual report of the usage and status of the Sick Leave Bank.

36.05 Sick Leave Bank Rules

- (1) The Sick Leave Bank shall have a minimum of two hundred (200) days on deposit before being activated. At no time shall the balance of days on deposit fall below zero (0).
- (2) When the balance of days on deposit falls below one hundred (100) days, all participating members shall contribute one (1) additional day in order to replenish the bank to the level established in (1). Exception: Sick Leave Bank members who have no accumulated sick leave shall be required to contribute the additional day as soon as a sick leave day is available under normal earning of sick leave.

Any employee not contributing under this provision shall be considered to have dropped his/her membership and shall not have his/her previously contributed days returned. The one (1) day contributed under this section (2) shall not be returned to the employee unless the bank fails to be reactivated. Failure to reactivate with the 200 day minimum in (1) shall result in the bank being suspended. Reactivation from suspension could occur only under procedures in 36.03. Membership.

- (3) Use and Application
 - (a) Sick leave drawn from the bank by participating members must be used for said members' prolonged personal illness, accident, or injury. Such

things as Elective Surgery or Cosmetic Surgery shall not be covered. An illness or injury shall be considered prolonged (1) where there is no reasonable expectation that the employee will be physically able to return to employment within 3 months of the date of application to draw Sick Leave Bank days, or (2) where due to unexpected complications, the injury or illness causes the member to be physically disabled for three (3) or more months after the requirements of (3) (b) and (3) (c) below are met.

- (b) No member shall be eligible to use the bank until he/she has exhausted all accumulated sick leave and annual leave on record.
- (c) Any member wishing to use the bank must have been a member of the bank for at least thirty (30) working days before contraction of the illness unless waived in the case of extreme emergency by the SLBC. In addition, the member must have been absent for a minimum of ten (10) consecutive work days without pay.
- (d) Any member applying for days from the Sick Leave Bank must have filed an application with the Board for Extended Sick Leave that has been received by the Personnel Office and approved pending board action. Written notification to the Sick Leave Bank Committee will be made within three (3) working days of the Personnel Office approval or disapproval.
- (e) Any member applying for days from the Sick Leave Bank must file an application with the committee. This application must be accompanied by a form filled out by the doctor which certifies the illness or disability and the length of anticipated physical disability. The member must certify in the application the date leave began, the date sick

leave will be exhausted, the date on which the Sick Leave Bank is requested, and the necessity for the extended leave. The committee reserves the right to request a second medical opinion at the cost of the applicant. All medical and application records shall be held in confidence by the SLBC.

- (f) No member shall be permitted to use the Sick Leave Bank if he/she is on injury or illness in the line of duty leave or drawing workers' compensation.
- (g) No member shall be eligible to draw more than thirty (30) days from the bank during any school year.

(4) Abuse

- (a) If a member is found to have abused the use of the Sick Leave Bank, he/she shall repay the days drawn from the bank and be subject to such other disciplinary action as determined by the School Board.
- (b) A member may be required by the Sick Leave Bank Committee to provide copies of medical reports filed with the Superintendent's office in accordance with the Leaves Article concerning the applicant's condition requiring sick leave bank days. Strict confidence will be maintained.
- (c) The Sick Leave Bank Committee reserves the right of periodical medical review of the applicant's condition which may include a second opinion.

(5) Withdrawal From Sick Leave Bank

Employees wishing to withdraw membership in the Bank shall not have their contributed sick leave days returned.

36.06 Hold Harmless

The Association and members of the bargaining unit shall indemnify and save the Board harmless against and from any and all claims, demands, suits, or other forms of liability that may arise out of or by reason of action taken, or not taken, by the Board for the purpose of granting this procedure for employees to use this Sick Leave Bank.