

Extended Sick Leave Bank/Donation Policy

1.0 PURPOSE:

To establish guidelines for the administration of a Sick Leave Bank which allows eligible employees to borrow extended sick leave or to receive sick leave donations.

2.0 ELIGIBILITY:

Full-time and probational employees who are unable to work in any capacity due to long-term, non-job-related injuries, temporary disabilities and/or illnesses, or a Bank member who is the primary care giver to an eligible family member. Employees applying for extended sick leave or donations must be in need of a minimum of 40 consecutive hours of leave. Bank member's leave balance must not exceed the maximum set forth in Section 9.3. NON-BANK MEMBERS MUST EXHAUST ALL LEAVE BEFORE REQUESTING DONATIONS AND/OR EMERGENCY MEDICAL LEAVE.

3.0 DEFINITIONS:

For the purposes of this policy, the following definitions shall apply:

3.1 SLB: Sick Leave Bank. The collective hours available to award to members.

3.2 SLB Member: A contributing participant in the SLB, eligible to request extended sick leave, family sick leave, emergency medical leave, and donations.

3.3 ESLB: Extended Sick Leave Board. This board is

appointed by the City Manager and makes all decisions concerning the granting of leave under this policy, whether such leave constitutes extended sick leave hours or leave donations.

- 3.4 Emergency Medical Leave: A grant of 40 hours leave to an employee due to a sudden or unexpected medical emergency which requires the employee to obtain immediate medical attention or care due to an illness or disability. Scheduled appointments and scheduled surgeries are not applicable under this section. A member must have less than forty (40) hours of all available leave in order to apply for Emergency Medical Leave.
- 3.5 Sick Leave Donations: Voluntary sick leave donations from the employee population, authorized by the Bank, to assist 1) a member who has been granted the maximum amount of leave in a twelve month period; 2) a member whose extended sick leave request has been denied (not modified) by the Board, or, 3) an employee who is not a Bank member. (See Section 3.7 and 5.0 relating to Non-Bank Members).
- 3.6 Family Sick Leave: Leave granted to a SLB member for the purpose of providing medical care or assistance to an eligible family member. This leave is over and above the five (5) days sick leave allowed by City policy for an employee to care for a family member.
- 3.7 Non-Bank Members: Full time employees who are not

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members of the Sick Leave Bank. (These employees are eligible for donations and/ or, 40 hours of emergency medical leave and must meet separate eligibility criteria as listed in Section 5.0.

4.0 MEMBERSHIP IN THE BANK:

4.1 Membership in the Extended Sick Leave Bank entitles an employee to apply for extended sick leave, emergency sick leave, and family sick leave.

4.2 Employees must be Bank members prior to requesting leave under this policy, except as provided in Section 4.0.

4.3 All eligible employees may enroll in the Sick Leave Bank during semi-annual membership drives by completing the "Request for Membership" form and sending it to Department of Human Resources, Employee Relations Division. By signing and submitting this form, the employee understands and agrees with the following:

A. Membership in the SLB does not guarantee that requested sick leave from the Bank will be approved.

B. Enrollment is permitted only at the time of an announced membership drive which will occur a minimum of twice per calendar year.

C. The member will transfer sixteen (16) hours of sick leave to the SLB as a membership fee.

D. The member will be required to repay Extended Sick

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Leave at the rate of 50% of the hours granted.

- E. The member may be required on an annual basis to transfer eight (8) hours to the Bank in order to maintain the solvency of the Bank. This provision may be waived if Bank contributions are adequate. Failure to meet levy requirements will result in automatic termination of the employee's membership in the Bank.
- F. Leave transferred to the SLB becomes the property of the SLB and will not be returned to the employee upon termination of membership from the SLB for any reason, termination of employment, or upon dissolution of the Bank.
- G. At the time of request for membership, the employee must have a minimum balance of forty (40) hours of accrued sick leave.
- H. A member who resigns from the SLB, or whose membership is terminated for failure to meet levy requirements, must wait a minimum of six (6) months prior to applying for readmission at the next open enrollment and must again transfer sixteen (16) hours of sick leave. Members not meeting the levy requirements will be considered automatically terminated from Bank membership.
- I. Membership requests and voluntary withdrawals of

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membership are automatically accepted and do not require approval by the ESLB.

J. Elective, cosmetic surgery is not covered under this policy.

5.0 NON-MEMBERSHIP IN THE BANK:

5.1 Employees who are not Bank members are eligible to request leave donations and emergency medical leave through donations. (See Section 12.0 for Emergency Medical Leave).

5.2 Employees who request leave donations must complete an application for submittal to the ESLB. By making application to the Bank, the employee agrees to and understands the following:

1. ALL leave must be exhausted before a non-Bank member is eligible for leave donations or emergency medical leave.
2. Non-Bank members are not eligible for extended sick leave, or family sick leave (except the five (5) days allowed by the City's Sick Leave Policy, or unpaid leave under the Family and Medical Leave Act).
3. Elective, cosmetic surgery is not covered under this policy.
4. Donations do not need to be repaid.
5. An employee who applies for leave donations must

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solicit his or her own donations. If the employee is unable to secure the donations, his or her supervisor will provide assistance. If the hours cannot be located, the supervisor will contact the Employee Relations Division for assistance.

6. Leave donations are not guaranteed by the Board even if the requesting employee has solicited hours from other employees.

6.0 MAXIMUM HOURS ALLOWED BY THE BANK

1. 320 hours per application for ESL or donations
2. 1040 hours per year for ESL or donations
3. 480 hours per year for Family Sick Leave (members only)
4. 40 hours for emergency medical leave

7.0 TIMING OF APPLICATION FOR EXTENDED SICK LEAVE/DONATIONS:

Employees may request extended sick leave (or donations) fifteen (15) calendar days prior to reaching the maximum allowable balances.

8.0 PROCEDURES FOR APPLYING TO THE BANK:

- 8.1 An application must be completed and submitted to the member's immediate department director or designee, who will add his or her recommendations. The form will then be sent to the Department of Human Resources, Employee Relations Division. The member must provide a medical summary from his/her attending physician which identifies the medical problem and the estimated time period of

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total disability, including any restrictions. The physician's medical summary form must be submitted directly to Occupational Health Services. The Board cannot consider an application unless medical information is available.

8.2 All employees applying to the Bank agree to permit the ESLB to review leave records, the official personnel file, performance evaluations and pertinent medical information.

8.3 The ESLB Chairperson will convene a meeting and each application will be evaluated using the same criteria as described above.

9.0 EXTENDED SICK LEAVE

9.1 Extended sick leave may be requested by members who need at least 40 consecutive hours.

9.2 The member is required to repay 50% of ESL hours granted.

9.3 Bank members may have up to 40 hours of sick leave, and up to one hundred and twenty (120) hours of annual leave when he/she submits an application to the Bank. All compensatory time must be exhausted. There is no guarantee that an employee will not have to use his or her "reserved leave" to avoid leave without pay if the Board does not approve all the hours requested.

10.0 FAMILY SICK LEAVE

10.1 Family sick leave may be requested by SLB members when

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needed to provide care/assistance to an eligible family member. (Non-Bank members are not eligible to receive extended sick leave, or donations, for family sick leave, however, they may use unpaid leave under the Family and Medical Leave Act.)

- 10.2 An eligible family member is defined as: spouse, parent, spouse's parent, son, daughter, brother, sister, grandparents, great-grandparents, step-grandparents, step-grandchildren, grandchildren, step-children, step-parents, guardian, or any person who can be demonstrated as living in the same household as the employee.
- 10.3 Family sick leave IS NOT the same as leave provided under the Family and Medical Leave Act (FMLA). The FMLA allows an employee to request up to twelve (12) weeks of unpaid leave to care for the serious medical condition of a spouse, child, self, or to adopt a child.
- 10.4 A member must exhaust the five (5) days of family sick leave allowed under the Sick Leave Policy before he or she is eligible to request additional family sick leave.
- 10.5 A member who has sufficient sick leave may convert his or her sick leave to Family Sick Leave, but must obtain approval from the Bank.
- 10.6 A member with a sick leave balance of forty (40) hours or less may apply for Family Sick Leave hours from the Bank instead of converting his or her own sick leave. Hours

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granted from the Bank must be repaid as set forth under this Policy.

10.7 Medical information must be provided to the ESLB which identifies a diagnosis and a prognosis for the family member. The amount of medical information requested shall be in the sole discretion of the Board.

10.8 The maximum amount allowable for family sick leave is four hundred and eighty (480) hours per calendar year.

11.0 LEAVE DONATIONS:

11.1 Leave donations may be requested by any full-time employee, whether a Bank member or not, provided he or she meets the eligibility criteria as set forth in this policy.

11.2 Employees will be required to solicit leave donations on his/her behalf. In the event the employee is unable to solicit donations, his or her supervisor will assist with soliciting donations. Should the supervisor be unable to secure leave donations, the Employee Relations Division must be contacted for assistance.

11.3 Leave donations are not guaranteed to be approved by the Board even if the employee has already solicited the requested hours from fellow employees.

11.4 Leave donations will be processed in the order received.

Leave donations in excess of the allowable maximum will be returned to the donating employee without any leave

transfer taking place.

12.0 EMERGENCY MEDICAL LEAVE

Leave for a "medical emergency" may be requested by an employee when he or she has less than forty (40) hours of sick leave and sustains a medical emergency as defined in Section 3.4. The employee, or his/her department, should contact the Chairperson of the ESLB via the Department of Human Resources, Employee Relations Division for medical emergency leave. Based on approval by the Chairperson and two other Board members, up to forty (40) hours emergency medical leave can be granted. No emergency sick leave may be granted without the approval of the ESLB. Emergency medical leave does not need to be repaid unless additional extended sick leave hours are granted for the same condition. Emergency medical leave hours which are approved for non-Bank members must be donated by fellow employees.

13. SPECIAL LEVIES:

When the ESLB members are of the opinion that the leave balance in the SLB is insufficient, the Board may request voluntary sick leave donations to the Bank, to supplement any assessment, as described in Section 4.3 (E).

14.0 APPEALS:

The ESLB's decision may, within five (5) working days upon receipt, be appealed to the City Manager for a review of the decision for consistency with this policy.

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ADDENDUM

SECTION 14.0 APPEALS:

Effective immediately, an employee who is dissatisfied with the decision of the Extended Sick Leave Board may initiate one appeal to the Board.

In order to appeal, the applicant must submit additional medical information and must address the reason for his or her appeal, in writing, within five (5) working days upon receipt of the decision letter, to the Chairperson of the Extended Sick Leave Board, in care of Human Resources/Employee Relations.

There shall be no further appeal beyond the Extended Sick Leave Board.

Approved by the City Manager 12/15/95

15.0 REPAYMENT AS RELATED TO RESIGNATIONS:

If an employee voluntarily terminates his or her employment with the City of Virginia Beach after receiving extended sick leave hours, but prior to his or her repayment of fifty (50) percent of the hours used, the equivalent monies will be deducted from the employee's final paycheck. If there are insufficient monies in which to collect the fifty percent equivalency and the employee returns to City employment, the monies will be collected upon reemployment/reinstatement.

16.0 RECORD KEEPING AND REPORTS:

The procedures for reporting and recording leave granted through the Sick Leave Bank will be administered by the Department of Human Resources, Employee Relations Division.

The ESLB will provide periodic reports to the Director of Human Resources and the City Manager, and will make recommendations for revisions as needed.

The City Manager may revise or revoke this policy at any time.