

PERSONNEL PROCEDURE 20-1

SUBJECT: Sick Leave Bank Procedure

PURPOSE: To provide a mechanism whereby employees may participate in a sick leave bank.

APPLICABILITY: This procedure applies to regular, full-time employees of the City of Clarksville.

REFERENCES: City Code Title 1.5, Chapter 6, Section 1.5-602

POLICY STATEMENT: The Sick Leave Bank (the "Bank") grants paid sick leave to employees who are medically certified as unable to perform the essential functions of their jobs as a result of a personal illness, injury, accident, medical condition, or quarantine and who have exhausted all of their personal sick, compensatory, and annual leave balances.

ELIGIBILITY FOR ENROLLMENT AND MEMBERSHIP:

1. All regular, full-time employees who are entitled to accrue sick leave pursuant to City Code Title 1.5, Chapter 6, Section 1.5-602, who have been employed by the City of Clarksville for 12 (twelve) full months immediately preceding application for participation, who are currently accruing leave, and who have a sick leave balance of at least 6 (six) days as of November 30 of the current enrollment year are eligible to enroll in the bank.
2. Eligible employees electing to join the Bank must do so during the month of December of any year by submitting a Sick Leave Bank Application (Appendix A), to the Benefits Section in the Human Resources Department.
3. Any employee who elects to join the Bank will initially have the equivalent of 4 (four) days of sick leave deducted from his or her personal accumulation and donated to the Bank. Thereafter, 1 (one) day of sick leave per year will be assessed each December. The City of Clarksville may waive this assessment in any year by written notice.
4. If at any time the number of days in the Bank is less than 1 (one) per member, or at any time deemed advisable, 1 (one) or more days of accumulated sick leave will be transferred from each member to the Bank.
5. A member that accrues leave the month immediately preceding any assessment, but fails to hold the required sick leave for the assessment, will be removed from the Bank and previous assessments will be forfeited.
6. For a member that does not accrue leave in the month prior to any assessment, the first earned sick day(s) will be assessed upon accrual by the member.

7. Initial, annual, and special assessments to the Bank are non refundable and non transferable.

ELIGIBILITY FOR APPLICATION AND GRANTS:

1. Application for sick leave grants must be made via Withdrawal Request Application (Appendix B), and medical certification of the qualifying event.
2. Applications for grants from the Bank for pre-existing conditions will be denied until December 1 of the following year. "Pre-existing" means a condition that existed for which a member received treatment or advice during the 12 (twelve) month period prior to the effective date of initial Bank membership.
3. Applications for grants from the Bank will be denied for the following:
 - a) Elective surgery;
 - b) illness of any family member;
 - c) routine prenatal care, and post normal child birth (ie; maternity and paternity leave);
 - d) while the member is earning or receiving income from other employment;
 - e) during any period the member is receiving disability benefits from social security, TCRS;
 - f) the member is receiving On-the-Job Injury benefits, short or long term disability insurance benefits, or any other employer provided benefits for job or service related injuries or illnesses.
4. Grants from the Bank will not be approved until the member has exhausted all accumulated sick, compensatory, and annual leave.
5. The member must file all documents in a timely manner.
 - a) Application eligibility date ("eligibility date") is the date the member exhausts all accumulated sick, compensatory, and annual leave.
 - b) Application for sick leave grants must be submitted to the Benefits section in the Human Resources Department with the Withdrawal Request Application and medical certification of the qualifying event. In the event a member is physically or mentally unable to submit an application, a family member or agent may file the request on the member's behalf.
 - c) Application for sick leave grants must be completed, and submitted by the member, no later than two weeks prior to the need, absent any extraordinary circumstances as determined by the Benefits section in the Human Resources Department. Applications for grants received later than two weeks prior, where no extraordinary circumstances are found, will be denied. No further application for a sick leave grant during that period of absence from work for that specific illness/injury will be accepted.
6. Medical Certification
 - a) Medical certification of the qualifying event must be presented with the Withdrawal Request Application and include the total time (or estimated time per the medical provider) the member will be away from the workplace.

b) All medical certification and/or any other medical records or requested information must be forwarded directly to the Benefits section in the Human Resources Department.

GRANTS FROM THE BANK:

1. Sick leave grants from the Bank shall not be more than 90 days for which the member would have otherwise lost pay. A member may receive a maximum of 90 days from the Bank as a result of a personal illness, injury, accident, disability, medical condition, or quarantine per 12 month period. Unused requested leave will be transferred from the member to the Bank (ie; member requests 30 days but is released from medical care, and returns to work after 20 days, the unused 10 days will be transferred from the member to the Bank.) Granted leave for any one qualifying event must be for consecutive time off. Intermittent leave does not qualify.
2. Grants of sick leave from the Bank shall not exceed 90 days within a rolling 12 month period. The initial 12 month period starts on the date of the first Bank approval.
3. Grants from the Bank terminate as of the date the member is released to return to work with or without restrictions. Unused requested Bank hours will be transferred from the member to the Bank upon return to work certification from their medical provider.

WITHDRAWAL, REMOVAL, OR LOSS OF MEMBERSHIP:

1. Sick Bank membership and grants will terminate as a result of:
 - a) Changing to a part-time employment status;
 - b) Written requests to cancel membership must be submitted to the Benefits Section in the Human Resources Department. All cancellations of membership requests are effective on the last day of the month that the request was received in Human Resources. Membership withdrawal results in forfeiture of all days contributed.
 - c) Refusal to honor any assessment as may be required to maintain an adequate number of reserve days in the Bank; or
 - d) Separation of service by resignation, dismissal, death, or retirement
2. Upon a finding of any material misrepresentation of facts by a member in making an application for use of sick leave from the Bank, the member may be denied Bank membership. Any member denied Bank membership based on misrepresentation of facts will lose all present and future rights to membership, grants of sick leave, and re-enrollment in the Bank. Previous Bank contributions will be forfeited.

RESPONSIBILITIES:

1. Benefits section in the Human Resources Department:
 - a) Notify the Payroll Department of Sick Bank new members. Authorize four days of sick leave to be deducted from the new member's sick leave and transferred to the Bank. Open enrollment is December 1-31 each calendar year.
 - b) Notify the Payroll Department, each December 1, of existing Bank members donating one day of their sick leave to the Bank.
 - c) Assist members in preparing and submitting the Withdrawal Request Application and obtaining medical certification.
 - d) Approve the Withdrawal Request and verify medical certification.
 - e) Notify the Payroll Department of the details of the approved request so that the transfer can be processed.
 - f) Maintain all Withdrawal Request Applications and medical certifications in member's health file.
 - g) Notify the affected Department as mandated (FMLA, TML, etc).

2. Payroll Department
 - a) Transfer certified member's time as certified and approved.

3. City Departments
 - a) Assist employees as needed.
 - b) Send all requests, and medical documentation, to the Benefits section in the Human Resources Department.

Future revisions to this policy may be made, and approved, by the Mayor, Human Resources Director, Risk Manager, and Benefits Manager.

OFFICIAL DOCUMENT

APPROVED BY CITY COUNCIL: November 5, 2020



WILL WYATT, HUMAN RESOURCES DIRECTOR