



UAR NUMBER: 304.04

TITLE: Sick Leave Bank

ORIGINATOR(S):

Human Resources

INITIAL ADOPTION: 10/07/1992

REVISION DATE(S): 3/31/2009 (effective 1/01/2010); 07/09/2018; 04/08/2019

AUDIENCE: (SELECT ALL THAT APPLY)

FACULTY STAFF STUDENTS VENDORS OTHER (SPECIFY):

PURPOSE:

The purpose of the Morehead State University Voluntary Sick Leave Bank (Bank) Policy is to provide additional paid leave for employees who have exhausted their accrued sick and vacation leave benefits as the result of a serious health condition. The Bank serves as a depository into which participating employees may voluntarily contribute accrued sick leave for allocation to other participating employees. The purpose of the Bank is not intended to provide unlimited paid sick leave for any medical reason but to alleviate the hardship caused when employees lose compensation as the result of a serious health condition. This regulation follows the FMLA definition of serious health condition and includes time required to care for an immediate family member.

SCOPE:

Initial membership eligibility is for full time regular employees with a sick leave balance of at least six days on December 31 and participation in the Bank begins on January after the employee's original donation of two days, as defined by the employee's work day, of accumulated sick leave time to the bank. New full-time employees with a minimum of six months of service and a minimum of five (5) days of accumulated sick leave time can enroll voluntarily in the Sick Leave Bank after their employment of six months. If eligibility is not met at six months, then employee must wait until the next open enrollment to qualify for participation under the full time regular employee requirements.

Membership in the Bank is available to all Morehead State University full time regular staff and faculty employees who have leave balances.

DESCRIPTION (INCLUDE DEFINITIONS):

DEFINITIONS:

1. Serious health condition: is defined by the Department of Labor 29 CFR 825.114 as an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, or residential medical care facility; or (B) continuing treatment by a health care provider. The DOL's regulations further provide that "continuing treatment by a health care provider" must include either (1) a period of incapacity lasting more than three consecutive calendar days and treatment two or more times by a health care provider, or (2) treatment by a health care provider on one occasion resulting in a regimen of continuing treatment under the provider's supervision (see App. II, 29 C.F.R. § 825.114(a) (2) (i)). For purposes of this administrative regulation, the U.S. Department of Labor's definition of "serious health condition" will be used for full day absences and applies to this regulation.

2. Immediate family: or household is defined as an employee's spouse, children (son, daughter, step child or foster child), and parents are immediate family members for purposes of FMLA and this UAR. The term "parent" does not include a parent "in-law". The terms son, daughter, step son or daughter, or foster child do not include individuals age 18 or over unless they are "incapable of self-care" because of mental or physical disability that limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).

3 Licensed Health Care Provider: A trained health care provider practicing within the scope of his/her license.

4. Sick Leave Bank: A bank of leave days voluntarily donated by Morehead State University employees. The Sick Leave Bank provides paid sick leave to bank members who meet the eligibility requirements. It is administered by the Office of Human Resources.

PROCEDURE FOR WITHDRAWALS FROM THE BANK:

1. An employee or his/her designee must request sick leave from the Bank by completing an application and submitting it to the Office of Human Resources. An employee may apply for leave from the Bank but cannot receive more than 60 sick leave bank days in a rolling twelve month period.

2. Applications for sick leave bank time must be accompanied by a statement from a licensed health care provider that includes the beginning date of the condition, a description of the illness or injury, and a prognosis for recovery. Requests should indicate the estimated number of sick days required and information related to any pending disability claims and meet the requirements for serious health condition established by the U.S. Department of Labor FMLA.

3. Requests for withdrawal must be made by the member or his/her designee no later than five (5) working days after all leave time has been exhausted.

4. Sick leave may be used only during the term of an employee's period of appointment.

5. Any leave granted may be used only for the purpose requested on the application. Any unused portion will be returned to the Bank.

6. Leave may be used for the serious health condition of the employee, or to care for an immediate family member with a serious health condition.



APPROVED BY:

VICE PRESIDENT: _____ DATE: _____

APPROPRIATE INSTITUTIONAL REVIEW:  _____ DATE: April 8, 2019

PRESIDENT:  _____ DATE: 4-8-19

DESCRIPTION (CONTINUED):

7. Use of Sick leave Bank benefits is considered under the provisions of the FMLA and any use is included in the twelve weeks of leave provided under this Act, if applicable.

Enrollment in the Bank continues, provided two additional days of sick leave are donated each subsequent calendar year; Beginning with the fifth consecutive year of participation, the leave donation will be reduced to one day per year.

Eligibility for each subsequent year is contingent on whether or not the employee has the available leave to donate on December .

Eligibility is discontinued upon termination of employment, retirement, death, or failure to donate a leave day the following calendar year(s). No payment of benefits will be made to survivors.

Membership continues from year-to-year with annual reduction in sick leave until/unless the member submits a revocation form to discontinue membership.

Should the Bank reach a balance of sixty or fewer available days, a special contribution period may be opened. If any days remain in the Bank at the end of the calendar year, they will be carried over to the next calendar year.

Should membership lapse due to ineligibility or revocation, the employee must meet the criteria of initial enrollment if they elect to re-enroll in the Bank.

Members must waive all claims to sick leave voluntarily donated to the Bank, including any monetary or retirement-related value the days may hold.

The Bank is available to those employees who have exhausted all sick and vacation leave and who are not receiving disability or Workers' Compensation .

Once a serious health condition is certified, sick bank leave can be used intermittently when full day absences are required as long as physician's documentation is provided for the time and it does not exceed the twelve week limit.

To enroll, an employee must complete an application, and submit it to the Office of Human Resources.

Donated accumulated leave time contributed to the bank becomes the property of the University and may not be withdrawn, targeted for specific individuals, returned to an employee upon separation, retirement, or become part of the employee's estate upon his/her death.

Use of benefits from the Sick Leave Bank is considered under the provisions of the Family and Medical Leave Act (FMLA), and any use is calculated in the twelve weeks of leave provided under this Act.