

**PROFESSIONAL/SUPPORT STAFF SICK LEAVE BANK  
AND TRANSFER OF ACCRUED ANNUAL OR SICK  
LEAVE**

The District recognizes the existence of circumstances under which non-job-related medical emergencies may exhaust accrued leave of employees. To provide some measure of relief in such situations, *two* mechanisms, a Sick Leave Bank and a Leave Transfer Option, are available to District employees. Sick leave will be any paid leave that the district, by policy, allows to be used for that purpose.

~~For the purposes of this policy, a “medical emergency” is defined as a medical condition of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the Sick Leave Bank and the Leave Transfer Option.~~

**I. Sick Leave Bank**

A Sick Leave Bank shall be maintained whereby an employee who suffers a long-term illness or disability or medical emergency which requires extended hospitalization or home confinement and for which no worker’s compensation benefits are available shall be eligible to apply for paid sick leave through the Sick Leave Bank after the employee exhausts all accumulated sick leave.

As it relates to the Sick Leave Bank, a “medical emergency” is defined as a medical condition of the *employee* that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the Sick Leave Bank and the Leave Transfer Option.

The parties acknowledge that it is in the best interest of both the District and the employees to limit payments from the Sick Leave Bank to those situations in which no alternative funding is available. To facilitate reaching this goal, all members of the Sick Leave Bank shall be required to attend a presentation on the benefit of acquiring disability insurance. The Union will encourage employees to obtain disability insurance. Should an employee be eligible for coverage by both the Sick Leave Bank and an insurer, the Sick Leave Bank will become the secondary income provider.

The Sick Leave Bank Committee shall be composed of three (3) employees appointed by the Federation and three (3) employees appointed by the District. Appointments shall be made annually. A chairperson shall be elected by the appointed members at its first meeting. Decisions shall be made by a majority vote of a majority quorum.

An employee may join the Bank by completing an application and contributing sick leave to the Bank. Contributions to the Bank are not refundable. Applications for

membership in the Bank will be accepted prior to October 1 of each year or within thirty 30 calendar days after an employee is hired, whichever is later.

An employee shall be eligible to withdraw from the Bank provided the employee has contributed at least one (1) day to the Bank.

An employee who has exhausted all accumulated leave shall be eligible to apply for sick leave from the Bank. If the employee's application for days is accepted, the Committee will reserve the right to determine the number of days awarded.

The maximum lifetime withdrawal from the Bank for any individual employee shall be forty (40) days. An employee shall not be required to be "in arrears" (i.e., pay being 'docked' after exhausting all accumulated leave) as a condition of being awarded paid leave days from the Sick Leave Bank.

If the total number of days in the Bank is reduced to one hundred eighty (180) days, the Committee will require members to donate an additional day to the Bank. All members will be provided written notice of the need for additional donations. Membership will be continued provided the member contributes the additional day. Previously donated days shall not be refunded to an employee upon termination of membership.

An employee who has applied to the Bank for sick days may attend the meeting at which the Committee will review the application. The employee may be accompanied at the meeting by a representative or the representative may attend alone on behalf of the employee. The Committee shall have the sole authority to either approve or disapprove applications for Bank benefits. The decision of the Committee shall be final.

All applications for days shall be considered accepted unless voted against by a majority of the Committee. Decisions of the committee shall not be subject to district grievance procedures. Failure of the committee to follow procedures set down in this article shall be grievable.

## **II. Leave Transfer Option** (*Pursuant to HB 403, State of New Mexico, 2015*)

Any full-time employee experiencing a medical emergency, regardless of membership in the Sick Leave Bank, may *solicit* accrued annual or sick leave from another employee, and any employee may donate, or *transfer*, accrued annual or sick leave to another employee/recipient experiencing a medical emergency who has solicited a donation of annual or sick leave. The maximum lifetime receipt of transferred or donated leave for any individual employee shall not exceed forty (40) days.

As it relates to the Leave Transfer Option, a "medical emergency" is defined as a medical condition of the employee, or the employee's immediate family, that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the Sick Leave Bank and the Leave Transfer

Option. “Immediate family” includes the employee’s spouse, son, daughter, mother, father, brother, sister, grandmother, grandfather, grandchild, aunt, uncle, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepson, stepdaughter, or a child who has been placed under the guardianship of the employee.

### **Advisory Committee**

In order to determine whether an employee is *eligible* to solicit paid leave from another employee through the Leave Transfer Option (i.e., the circumstances of the employee meet the definition of a medical emergency), the Superintendent shall appoint an Advisory Committee consisting of at a minimum, one health education professional, one support staff member, one licensed teacher and one professional supervisory person. The Advisory Committee shall review applications for the Leave Transfer Option and shall make recommendations to the Superintendent regarding a specific employee’s eligibility to proceed with soliciting leave from other employees. The Advisory Committee shall also make recommendations to the Superintendent regarding the number of transferred paid leave days that an employee could be awarded, as a result of a medical emergency, through solicitation. The Superintendent will make the final determination of an employee’s eligibility and the number of days that may be awarded. The decision of the Superintendent shall be final.

Leave Transfer Option Application forms, which include the process to be used by employees when soliciting leave and for employees donating leave, shall be available in the Human Resources Department at the Gadsden Administrative Complex.

### **Eligibility ~~for Use of~~ to Solicit Transferred Leave**

In order for an employee to be eligible to solicit accrued annual or sick leave from another employee when the medical emergency applies to the *employee*, the soliciting employee shall:

- Be a full-time employee (eligible to earn sick leave);
- Have a “medical emergency” as defined in this ~~policy~~ section;
- Have exhausted all earned/accrued leave of any nature or kind including compensatory time and be eligible for an unpaid leave of absence;
- Not be eligible at the time of request for disability benefits, including but not limited to Social Security;
- Submit a certified document by a health care provider that describes the nature, severity and anticipated duration of the emergency medical condition of the recipient and that includes a statement that the recipient is unable to work all or a portion of the recipient’s work hours; and any other information that the District may reasonably require; and
- Submit a Leave Transfer Option application to the Human Resources Department at least ten (10) days prior to the beginning of the applicant’s unpaid leave status, when practicable.

When the medical emergency applies to a member of the employee's *immediate family*, the soliciting employee shall:

- Be a full-time employee (eligible to earn sick leave);
- Have a "medical emergency" as defined in this ~~policy~~ section;
- Have exhausted all earned/accrued leave of any nature or kind including compensatory time and be eligible for an unpaid leave of absence;
- Submit a certified document by a health care provider that describes the nature, severity and anticipated duration of the emergency medical condition of the recipient's *immediate family member*, and any other information that the District may reasonably require; and
- Submit a Leave Transfer Option application to the Human Resources Department at least ten (10) days prior to the beginning of the applicant's unpaid leave status, when practicable.

### **Limits to Donations**

- The donated leave will be limited to annual leave or sick leave (sick leave will be any paid leave that the district, by policy, allows to be used for that purpose).
- Donations will be limited by organizational structure or unit. For the purposes of this policy, "organizational units" shall be defined as:
  - Unit 1) support staff employees;
  - Unit 2) licensed (certificated) professional educators;
  - Unit 3) central office and building level professional staff supervisory personnel.

Employees in Unit 1 may solicit, and receive, leave days from employees in all three Units; employees in Unit 2 may solicit, and receive, leave days from employees in Units 2 and 3 only; and employees in Unit 3 may solicit, and receive, leave days from employees in Unit 3 only.

- The person donating may only donate already accrued leave up to twenty (20) days and shall maintain in accrued leave at least twenty-eight (28) days of sick leave (or the equivalent) at the time of the donation.
- Donations will be by accrued days of leave, using either the donor's current daily wages or hourly wages earned for each donated day. The recipient shall receive the donation converted to the daily wages they currently earn.
- All donations shall be for the current contract year and shall not exceed that period based upon the current contract earnings of the person to whom the

donation is made.

- All donations shall be on behalf of a specific recipient.
- All unused donated leave shall revert to the donating employee(s) on a prorated basis.

### **Notice and Receipt of Donations**

- Notices of Need for Leave Donations will be posted by need (i.e., number of days needed) for licensed professional staff, central office/building level professional supervisory staff, and support staff and *shall include the name* of the individual soliciting the leave.
- Posting will be by placing the Notice of Need at the Central Office, and by the mailboxes used for staff members of the district.
- Forms will be provided on which donating employees may make their donations known to the district office.
- The District shall maintain records reflecting the identity of the donor and the recipient.
- In the Gadsden Independent School District, the maximum lifetime receipt of transferred or donated leave for any individual employee shall not exceed forty (40) days.

### **III. Maximum Lifetime Benefit from Sick Leave Bank and Leave Transfer Option**

Nothing in this policy shall prohibit a District employee from seeking relief from both the Sick Leave Bank and the Leave Transfer Option *provided* the total combined lifetime number of leave days granted to any individual employee does not exceed forty (40).

### **IV. When All Benefits Are Exhausted**

An employee who exhausts all accrued paid leave and benefits under the Sick Leave Bank and/or the Leave Transfer Option, and is unable to return to work because of the employee's sickness or disability or the sickness or disability of the employee's immediate family member, or is receiving disability benefits under the Worker's Compensation Act, shall be placed on an unpaid leave for a period not to exceed one (1) year. The employee may be asked to submit supporting documentation for the leave to the District.

*Adopted:* August 27, 2015

LEGAL REF.: To be announced

CROSS REF.: GBK - Staff Grievance  
GCC - Professional / Support Staff Leaves and Absences

**GADSDEN INDEPENDENT SCHOOL DISTRICT**

9/2/2015

## GDC - Support Staff Leaves and Absences