

<b>System-wide Policy: HR0382 - Sick Leave Bank</b>	
<b>Version: 6</b>	<b>Effective Date: 10/01/2017</b>

## HR0382 – Sick Leave Bank

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### Objective:

To provide guidelines for establishing a sick leave bank for employee use only at any University of Tennessee campus or institute for regular employees who are eligible to accrue sick leave. The sick leave bank shall provide emergency sick leave to member employees who have suffered disability due to an unplanned personal illness, injury, or quarantine and who have exhausted their compensatory time and personal, sick, and annual leave balances.

### Policy:

#### Authorization to Establish a Sick Leave Bank

1. A petition to the chief administrator of a campus or institute, signed by at least 20 regular faculty or staff members who accrue sick leave, shall authorize the establishment of a sick leave bank for that campus or institute, or for campuses and institutes represented by one human resources office. **The bank is for the serious illness or injury of the employee only and not for the illness or injury of immediate family members.**
2. Within 30 days of receipt of the petition, the chief administrator shall appoint a minimum of five campus or institute sick leave bank trustees. One of the trustees shall represent the human resources function; one trustee shall represent the

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campus or institute business function. The other appointments shall represent different job classifications of employees, departments, and employee categories, including 12-month faculty. The trustees are appointed for three-year terms after initial appointments of staggered terms (one for three years, two for two years and all others for one year). The trustees shall meet within 10 days of their appointment and elect a chair. Trustees may be reappointed; vacancies for any reason shall be filled immediately by the campus or institute chief administrator.

3. The trustees shall be responsible for administration and implementation of the sick leave bank guidelines, membership and enrollment procedures, and reasonable assessment rules to maintain an adequate reserve. The trustees shall recommend to the chief administrator for approval a sick leave bank implementation date which shall be no later than 180 days after receipt of the petition by the chief administrator.
4. The campus or institute human resources or business office shall provide staff to maintain the bank, keep records of the sick leave days donated and taken, prepare reports, and keep minutes of the trustee meetings. The human resources office shall work with the academic affairs office to coordinate records as appropriate. The trustees will provide an annual report indicating the status of the sick leave bank membership, usage, and sick-day reserves to the chief administrator of the campus or institute and to the Senior Vice President and Chief Financial Officer.

**Enrollment/Cancellation of Membership**

5. No later than 30 days prior to the effective date of the bank, the trustees shall notify all employees who accrue sick leave of their eligibility to join the sick leave bank, and the effective date of the bank. The trustees shall inform all eligible employees of the initial three-day enrollment assessment to be deducted from the employee's sick leave balance. Employees will be given at least 45 days to enroll in the bank. Prior to the initial assessment, applicants must have a sick leave balance of at least six days in order to join the bank.

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6. After the initial enrollment, the trustees shall hold an annual enrollment period during the months of April, May, and June, to be effective July 1. This annual enrollment period and the enrollment procedures will be publicized annually by the trustees to all employees eligible to join. Employees who enroll at this time will have an initial enrollment assessment as established when the bank was created.
7. Any employee may cancel membership from the bank by written request as of June 30 of each year.
8. The right to membership or to apply for membership ceases with termination of employment, retirement, cancellation of membership, or refusal to comply with assessments.
9. If membership falls below 20 members and the sick leave balance is less than 20 days, the sick leave bank trustees may decide to dissolve the bank rather than making an assessment. If the bank is dissolved, any days on deposit shall be returned to the participating members at the time of dissolution and credited to their personal sick leave accumulation in proportion to the days each has contributed.
10. Membership in the bank shall remain confidential and be divulged only as necessary to maintain and administer the bank.
11. If an employee who is participating in the sick leave bank at one campus or institute is relocated or transfers, without a break in service, to another campus or institute that has a sick leave bank, membership will be transferred without transferring any hours.
12. If any employee who is participating in the sick leave bank terminates service from the university and is rehired by the university within that same enrollment year, that person will be reinstated back in to the sick leave bank at the time of rehire with no additional assessment. If that employee is rehired after one enrollment year, he/she the employee may rejoin the sick leave bank during the next open enrollment and incur a new enrollment assessment.
13. If a leave-accruing employee who is participating in the sick leave bank accepts a non-leave accruing position (such as 9-month faculty), that employee cannot remain in the sick leave bank. If the employee in the non-leave accruing position

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accepts a position that accrues leave, he or she may petition the sick leave bank for readmission without incurring a new assessment.

**Contributions/Assessments of Sick Leave Days**

- 14. All sick leave days contributed to the bank are non-refundable and non-transferable.
- 15. The trustees are authorized to make the necessary and reasonable assessments of the membership to maintain an adequate reserve of days based upon total membership and projected need. To maintain the bank, the balance of sick days in the bank should not fall below one day per member.
- 16. In the event of an assessment, the membership must be notified in writing at least 30 days prior to the effective date of the assessment. At the end of the 30-day notification period, transfers will be made from the sick leave balances of members to the bank, except in cases where members have notified the trustees of their unwillingness to honor the assessment.
- 17. Failure to comply with any assessments established by the sick leave bank trustees will result in cancellation of membership unless the member has made a current application for sick leave from the bank or is on leave with pay (sick leave) using an allocation from the bank. If a member has no accumulated sick leave at the time of the assessment, the first earned days shall be donated as they are accrued by the employee.
- 18. The number of days requested from each member may not exceed three days per assessment or six days in any fiscal year.

**Eligibility/Application for Sick Leave Days**

- 19. Members who have been in the sick leave bank for at least 30 calendar days are eligible to apply for sick leave days from the bank. However, grants from the bank for conditions determined to be pre-existing shall not be eligible for sick leave bank benefits until six months following the effective date of membership. Pre-existing shall mean a condition which existed for which an employee

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- received treatment or advice during the six month period prior to the effective date of initial sick leave bank membership (verified via medical certification).
20. Sick leave days may be requested from the bank only for the serious personal illness or injury of an employee. Bank sick leave days may not be granted for elective surgery, or illness of any member of the individual's family, or during any period an individual is receiving disability benefits from social security, a retirement plan, long-term disability, or during any period of time an individual is drawing or is eligible to receive workers' compensation benefits.
  21. All personal accrued leave (sick, annual, personal) must be used before receiving sick leave days from the bank. However, application may be made prior to that time and approval given contingent upon the employee's exhaustion of all accrued leave.
  22. A written application for bank sick leave days is required on a form provided by the campus or institute human resources office. At a minimum, the application shall include employee name, title, date of employment, reason for request, and number of sick leave days requested.
  23. If an employee is eligible but unable to apply due to physical or mental condition, any family member or other agent may apply on behalf of that employee.
  24. All initial applications for sick leave from the sick leave bank shall require a medical certification form completed by a medical provider. Any subsequent applications relating to the same injury or illness shall require a Supplementary Documentation for Continuing Disability Form completed by a medical provider from a follow-up treatment visit. Refusal to comply will result in denial of the pending request for use of sick leave days from the bank. The area human resources office will provide forms on request.

### **Granting Sick Leave Days**

26. Based on rules established herein, the campus or institute trustees shall act upon all applications for sick leave days from the bank within ten business days from receipt of the request. All actions by the trustees require three affirmative votes.

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27. The number of sick leave days granted may never exceed the number of days in the sick leave bank.
28. Each initial grant of sick leave days shall be limited to a maximum of 30 consecutively scheduled working days for each illness or injury. After the initial grant, an extension (or extensions) of up to 40 consecutively scheduled sick leave days may be granted per illness or injury. The total sick leave granted to any one member shall not exceed 90 days in a 12-month period for any one illness, recurring illness, or accident.
29. If sick leave from the bank is granted to an employee, the employee is considered to be in an active pay status during the use of that leave and all employment benefits apply including the accrual of annual and sick leave.
30. If any leave is granted but not used by the employee, the unused portion of the amount of sick leave transferred is returned to the sick leave bank. This would apply in the case of an employee's death or recovery from the illness or injury.
31. All leave granted will be at the discretion of the sick leave bank trustees. An employee may reapply for the sick leave bank by providing additional information. The trustees' decision is final.
32. The employee's department will assume the financial responsibility for sick leave bank days granted and must maintain an accurate record of the sick leave bank days taken by the employee.

**PROCEDURES:**

To view links to campus policies and procedures, click here:

<https://policy.tennessee.edu/campus-policies-procedures>

**Related Policies:** [HR0380 – Sick Leave](#)