

## **Education Support Professionals of Baltimore County Sick Leave Bank Rules**

### **Introduction**

Through negotiations between the Board of Education (BCPS) and the Education Support Professionals of Baltimore County (ESPBC) a sick leave bank managed by the bargaining unit was established.

The ESPBC Sick Leave Bank (ESLB) is a benefit provided to the employees it represents. All eligible employees are assessed a portion of their accumulated sick or rolled leave which is deposited to the bank so that other eligible employees, who have exhausted their sick leave due to illness or disability, may be absent without loss of pay.

All claim forms for sick bank days are evaluated on a case-by-case basis. This leave is intended to provide employees with additional leave time needed to allow them to return to work. The ESLB is not intended for employees who have applied for and complied with all requirements and deadlines of retirement agencies.

The purpose of this document is to outline the rules of the ESLB.

1. **ESLB Oversight Committee.** The ESLB Oversight Committee is composed of ESPBC members who will:
  - a. Determine the initial and subsequent employee annual sick leave assessment or contribution rates, as necessary. Initial and subsequent assessments will appear on the employee pay stubs when they occur. The employee sick leave contribution rates will be determined based upon the total number of hours held in the bank at the end of the fiscal year and the prior year's usage. The ESLB's balance will be maintained to ensure that employees approved to draw from ESLB may do so. Part-time employees' ESLB assessments will be based on their full-time equivalency (e.g., a 0.5 full time equivalency (FTE) employee's assessment will be half of a full-time employee in the bargaining unit).
  - b. Meet at least annually to review the ESLB's rules and procedures to make recommendations to these rules and procedures as necessary. The ESLB Oversight Committee and the Superintendent must approve any changes to the rules and procedures before they are disseminated to employees.
2. **ESLB Governing Committee.** ESPBC will establish it's the ESLB Governing Committee from its membership. The committee shall meet as necessary to:
  - a. Review and verify employee requests to draw from the ESLB. A majority of the Governing Committee members must agree to the employee's request to draw from the bank before the request is forwarded to the Office of Employee Absence and Risk Management for processing. The committee may require the employee to have a physical examination, at his/her expense, by a health care provider designated by the committee. The committee may also require a "paper review" of the employee's application and supporting documentation by a designated health care provider.

- b. Determine the approval or denial of such request and inform the employee and the Office of Employee Absence and Risk Management of its decisions.
  - c. The Governing Committee is responsible for the proper administration of the bank. This includes, but is not limited to, recording the minutes of ESLB meetings, and maintaining all records related to the applications, member contributions, and withdrawals.
3. **Office of Employee Absence and Risk Management.** The Governing Committee will send copies of the claim forms and its decisions to the Office of Employee Absence and Risk Management for processing.
4. **Eligibility.** After meeting the eligibility requirements, employees represented by ESPBC will be automatically enrolled in the ESLB at the beginning of the 12- and 10-month leave accounting year (i.e., in July and September, respectively). Members should contact the Office of Payroll with questions about ESLB membership. Newly eligible employees will be notified of their automatic enrollment at the start of their leave accounting year and their option to “opt out” of the ESLB. Information will be provided to employees regarding the completion of an opt-out form to be submitted to the ESPBC office if the employee chooses this option. Once the form is processed, ESPBC will notify the Office of Payroll.
  - a. Ten-month employees who have completed one year of continuous service and who have accumulated 20 days of sick leave will be automatically enrolled in the ESLB. Enrollment will occur in September.
  - b. Twelve-month employees who have completed one year of continuous service and who have accumulated 24 days of sick leave will be automatically enrolled in the ESLB. Enrollment will occur in July.
  - c. An employee’s personal representative or a member of his/her immediate family may submit an ESLB application if the employee’s condition is such that he/she is unable to do so.
  - d. Only the individual employee may use the ESLB for his/her personal illness or injury. Employees may not draw from the ESLB to care for an ill or injured family member.
  - e. Sick leave from the ESLB may not be granted when the employee has an active workers’ compensation case in accordance with the Master Agreement.
  - f. The ESLB may not be used to postpone a disability retirement, service retirement, or other available option if information has been received from a physician that the employee is unable to perform the essential functions of the employee’s position and unable to return to his/her position.

- g. Eligible employees may draw from the ESLB for a maximum of 1 year: 191 days for full-time 10-month employees and 245 days for full-time 12-month employees. The number of days will be prorated based upon the employee's FTE. The ESLB will not be charged for holidays, compensable non-duty weekdays, vacation days, or other days the employee does not normally work.
- h. In no case will granting of leave from the ESLB cause an employee to be paid more than his/her regular annual salary. Employees receiving ESLB benefits may not engage in other employment during the employee's scheduled work hours.
- i. Employees in the options process who do not choose an available option for which they are eligible and qualified and are recommended for termination for "failure to choose option" will not be eligible to withdraw from ESLB after the options deadline date.
- j. Employees who are re-hired must again meet eligibility requirements including accumulating the necessary personal illness leave balance to join the bank.

## 5. Definitions

- a. Illness- a catastrophic disease or period of sickness affecting the body or mind.
- b. Disability- a physical or mental condition that limits a person's movements, senses, or activities.

## 6. Cancellation/Opt-Out. Except for the initial year, sick leave contributions to the ESLB will remain in force and will not be returned even if an employee cancels his/her membership in the ESLB. Employees who cancel their ESLB membership in the fiscal year in which the initial assessment was made will have their sick leave assessment returned to them.

- a. An employee who is eligible for membership in the ESLB may opt out for any reason, by completing the opt-out form by contacting the ESPBC office between July 1 and September 30. The ESPBC office will share ESLB membership status with the Office of Payroll.
- b. Employees who opt out of the ESLB and have not previously withdrawn from the ESLB remain eligible for membership and may request to be re-enrolled after two years if they meet the eligibility requirements. Upon receipt of their written request to be re-enrolled and confirmation of eligibility, employees who have opted out will be re-enrolled at the beginning of their leave accounting year. Re-enrolled employees will be re-assessed an initial contribution.
- c. Anyone who previously used leave from the Unified Sick Leave Bank (USLB) prior to July 1, 2022, or ESLB after July 1, 2022, is not eligible to opt out of the ESLB.

7. **Withdrawals from ESLB.** Withdrawals from the ESLB will be in increments of 20 days per claim form. A “day” is defined as the number of hours of the employee’s regular scheduled workday.
- a. Employees from ESPBC must complete an ESLB claim form and send it to the ESLB Governing Committee within thirty (30) calendar days of the first date of the sick leave unless there are extenuating circumstances. Incomplete applications may delay approval of an employee’s request to draw from the ESLB.
  - b. All requests to draw from the ESLB must include the physician’s diagnosis, prognosis, International Classification of Diseases (ICD) code and anticipated date the employee may return to work. The physician, who is treating the employee for the ESLB-related illness/injury, must sign the form. Forms and requests received after the initial request need to include updated medical information, dates of disability and/or status, and may not be a duplicate of the previous form or the request may be denied.
  - c. If it is determined, upon review by the ESLB Governing Committee, that based upon the diagnosis provided, treatment by the appropriate specialist or provider is not occurring, benefits may be approved for the current application to allow the employee to obtain appropriate care but may be denied going forward if appropriate consultation and/or treatment is not obtained, and the application is not completed by an appropriate provider.
  - d. Under a qualifying illness or injury, sick leave from the bank may be used for medical, dental, or optical examinations, or treatments that are impossible to schedule on non-duty days or before/after the employee’s normally scheduled workday.
  - e. If an extension of ESLB leave is needed, employees drawing from the ESLB need to submit a request for an extension of the ESLB benefit prior to the expiration of the current request. The request for an extension should be filed not less than 5 days prior to the expiration of the current request.
  - f. If the employee does not use all the days granted from the ESLB, the unused days will be returned to the bank.
  - g. All ESLB withdrawals expire on the last duty day of the school year for 10-month employees and June 30 for 12-month employees. Employees who want to continue to draw from the ESLB must reapply.
  - h. Employees may not draw from the ESLB for any portion of child rearing leave.
  - i. The Governing Committee may approve the retroactive use of ESLB.
  - j. The ESLB’s balance will be carried over each fiscal year.

- k. At the start of their leave accounting year, employees must use their sick and rolled leave advance prior to drawing from the ESLB.
8. **Loss of Privilege to Draw from ESLB.** An employee who is a member of the ESLB will lose his/her right to draw from the ESLB when he/she is:
- a. Terminated or suspended from BCPS employment.
  - b. Failure to choose an option by the options deadline.
  - c. On an approved unpaid leave of absence.
  - d. Does not provide the medical documentation requested by the ESLB Governing Committee.
  - e. Employed by another employer other than BCPS, self-employed or engaging in other employment during the employee's normally scheduled BCPS work hours.
  - f. Approved for disability or service retirement, Social Security disability, Long Term Disability (LTD) or other comparable disability benefit.
  - g. The employee's misuse or abuse of ESLB Rules including falsification of documents.
  - h. Failure to comply or maintain compliance with retirement agencies' requests and deadlines.