

# Formation & Operation of Faculty Sick Leave Banks : P-060

## Topics

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### Topics

- Purpose
- Authorization
- Establishment
- Eligibility
- Trustees
- Sick Leave Bank Plan
- Schedule Requirements
- Dissolution of the Bank
- Exhibits

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## **Guideline Area**

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Personnel Guidelines

### **Applicable Divisions**

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TCATs, Community Colleges, Universities, System Office

### **Purpose**

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The purpose of this guideline is to establish the procedure for the formation and operation of faculty sick leave banks at institutions governed by the Tennessee Board of Regents.

### **Guideline**

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#### 1. Authorization

1. Pursuant to T.C.A. § 8-50-925, the following guideline shall be followed in the formation and operation of sick leave banks at all institutions governed by the Tennessee Board of Regents System.

1. This guideline will be implemented in accordance with TBR Policy 5:01:01:00 - Employee Classification.

#### 2. Establishment

1. A sick leave bank is established when a group of employees agree to be assessed a specified number of accrued sick leave hours for a common pool.

1. Such assessment of sick leave shall be deducted from the individual's personal accumulated sick leave and shall be nonrefundable.

2. From this pool, the members may withdraw an amount of hours greater than their individual assessments upon request to and approval from the trustees of the sick leave bank.

3. There can be no more than one faculty sick leave bank per institution.

1. To form a sick leave bank, a minimum of 20 employees who are eligible to participate in the bank must petition the president/director or designee of the institution to authorize and direct the establishment of the bank.

1. The petition shall include a declaration that each petitioner intends to participate.

#### 3. Eligibility

1. Participation in the Faculty Sick Leave Bank will be available to regular full-time employees who hold faculty rank, whether serving in an academic or fiscal year appointment.
  2. Employees previously enrolled in the Staff Sick Leave Bank who are appointed to faculty positions with no breaks in service shall be eligible immediately for membership in the Faculty Sick Leave Bank with no additional assessment or waiting period required. Regarding transfers, no hours will be transferred between Staff and Faculty Sick Leave Banks.
  3. In addition, Members who are terminated and rehired with a break in service within a twelve (12) month period, following their enrollment shall be entitled to membership with no additional assessment. Employees rehired after one enrollment year will incur a new assessment during the annual enrollment period.
  4. A faculty member who transfers with no break in service from another TBR institution, the University of Tennessee, or state agency, and participated in the previous employer's sick leave bank is immediately eligible for membership in accordance with the receiving institution's sick leave bank plan. If the institutional sick leave bank plan allows, and if membership is requested at the time of the transfer, the faculty member shall donate the required minimum assessment.
  5. Employees who are unable to meet additional assessments charged by the Faculty Sick Leave Bank shall lose the right to request bank sick leave, in accordance with Section V.A.11.
  6. All records regarding prior usage of bank sick leave may be made available to the Faculty Sick Leave Bank trustees.
4. Trustees
1. The president/director or designee of the institution will appoint five (5) sick leave bank trustees upon receipt of the petition.
    1. At least three (3) of the appointees shall be faculty who devote a majority of their time to classroom instruction.
    2. The remaining trustees may be members of the institutions administrative staff.
  2. Initially, two (2) of the trustees will be appointed for one (1) year, two (2) trustees for two (2) years, and one (1) trustee for three (3) years.

1. Trustees shall be eligible for reappointment.
2. Any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the president/director or designee of a trustee from the trustee role shall be filled immediately by appointment by the president/director or designee of the institution.
3. All actions by the trustees shall require three (3) affirmative votes.
3. The trustees shall:
  1. Meet and elect a chairperson from the trustees.
  2. In coordination with Human Resources, be responsible for preparation of the sick leave bank plan of operation. The plan is subject to the president's/director's or designee's review to ensure its compliance with these guidelines, board policy, institution or appropriate recordkeeping and accounting principles, and statutory provisions.
  3. In coordination with Human Resources, administer the bank and approve or reject requests for withdrawal of leave from the bank. The request for bank sick leave must be submitted to the trustees. The institutional sick leave bank plan of operation may allow the bank member's supervisor to be informed of any request for bank leave, prior to approval by the trustees.
  4. Adopt reasonable rules for the assessment and/or reassessment of sick leave hours by participants in order to maintain an adequate reserve of usable days for bank members. This reserve shall only be established through the assessment and/or reassessment of bank membership and shall maintain a positive balance at all times. Any assessments shall be based upon total membership and projected potential need. All members shall be assessed the same amount of sick leave hours upon initial assessment and during any special reassessment. The trustees shall have sole discretion in determining how many assessments and/or reassessments are necessary to maintain the reserve's positive balance.
  5. Keep all related information confidential.
5. Sick Leave Bank Plan

1. The plan of operation prepared by the trustees shall include but not be limited to the following provisions:
  1. An employee must have been a member of the bank for thirty (30) calendar days prior to applying for withdrawal of sick leave bank hours.
  2. An employee must exhaust all accumulated sick leave and annual leave, if applicable, prior to receiving bank sick leave.
  3. Bank sick leave shall not be used for: elective surgery, illness or death of any member of the individual's family or during any period when the individual is receiving disability benefits from social security, a state-sponsored retirement plan or Board of Claims benefits. Approved bank sick leave will run concurrently with FMLA leave for an eligible employee who has not already exhausted the twelve (12) workweek entitlement.
  4. A restriction may be established on the number of hours that may be withdrawn by an individual bank member on account of an illness known at the time he or she elected to join the bank.
  5. Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent of twenty (20) consecutive days for which the applicant would have otherwise lost pay. Subsequent grants of bank sick leave shall not exceed the hourly equivalents of sixty (60) days in any fiscal year, or ninety (90) days for any one illness, or recurring diagnosed illness, or accident.
  6. A member is limited up to a maximum of ninety (90) days from the sick leave bank as a result of a personal illness, injury, accident, disability, medical condition, quarantine or a condition related to, resulting from, or recurring from a previously diagnosed condition for which the bank granted sick leave. Grants from the sick leave bank shall not exceed ninety (90) days within a twelve (12) month period. The initial twelve (12) month period starts on the date the member's sick leave grants first begin and extends twelve (12) months forward from that date. A new twelve (12) month period would begin the first time sick bank grants begin again after completion of the previous twelve (12) month period.

Grants from the sick leave bank terminate as of the date the member is released to return to work with or without restrictions.

1. The institution's sick leave bank plan of operation may impose a lifetime maximum of sick leave bank grants.
2. A bank member may be eligible to receive sick leave that has been donated by other employees if s/he has made application for bank sick leave and the necessity for bank leave is substantiated by the trustees. Should bank sick leave be denied, the bank member shall be eligible to receive donations from other employees as provided in TBR Policy 5:01:01:15 - Transfer of Sick Leave Between Employees.
7. When a bank member is physically or mentally unable to apply for bank sick leave, the immediate next-of-kin may make a request for bank sick leave on his or her behalf. If there is no next-of-kin available, this request may be made by the legally appointed guardian or conservator or an individual acting under valid power of attorney.
8. At any time the trustees may request from a bank member a physician's statement certifying the illness or condition of the bank member requesting leave. Refusal to submit the certification will result in denial of the request for bank sick leave. The institution's sick leave bank plan of operation may require all members to submit supporting documentation when requesting bank sick leave.
9. A bank member shall lose the right to request bank sick leave upon termination of employment, retirement, cancelation of bank membership, refusal or inability to honor the trustee's assessments, and going on leave of absence (in a non-pay status) for reasons other than illness, injury, or disability.
10. A bank member may cancel his or her membership at any time upon written notification to the trustees. Assessed sick leave days shall be nonrefundable upon cancelation of membership and nontransferable upon transfer to another TBR institution, UT or State agency.
11. Employees who are granted bank sick leave shall continue to accrue sick leave and annual leave, if applicable, and service credit for retirement and longevity purposes,

during the time they are on bank sick leave. Also, they will receive credit for any holidays that may occur during the bank sick leave period.

12. Grants of bank sick leave shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.
13. The trustees will meet either in person, by email, or by conference call, to approve or reject all requests for bank sick leave within ten (10) calendar days of receipt of the request. The number of calendar days to approve or reject sick leave bank requests will be established by the institutions' sick leave bank plan of operation. Unless otherwise specified in the institution's sick bank plan of operation. The operation of the Faculty Sick Leave Bank shall exist separately from the regular sick leave accrued to individuals' personal accounts with respect to approvals and appeals; the decisions of the trustees shall not be appealed beyond that body.
14. All records and official forms of the sick leave bank and minutes of the trustee meetings shall be maintained in the institution's human resources office, or in the appropriate office as determined by the director of the college of applied technology. All records shall be subject to audit by appropriate state officials.
15. An annual enrollment period shall be established by the trustees. The initial enrollment period shall last for a minimum of forty-five (45) calendar days from the date that eligible employees are notified of the bank's establishment. Subsequent annual enrollment periods shall not exceed one (1) calendar month. The trustees or designee shall notify all eligible employees of their eligibility status and the dates of the enrollment period. Enrollment forms and copies of the plan and its regulations shall be made available at this time also.
16. All eligible persons who elect to participate in the Faculty Sick Leave Bank shall be assessed a number of sick leave hours by the trustees—up to maximum hourly equivalent of three (3) days (22.5)—as the initial enrollment assessment.
17. The following official forms, as Exhibits, will be used to operate the sick leave bank:
  1. Official Sick Leave Bank Election Form (Petition): Exhibit 1

2. Enrollment Form: Exhibit 2
  3. Request for Bank Sick Leave: Exhibit 3
  4. Notice to Sick Leave Bank Member of Assessment of Sick Leave Days: Exhibit 4
18. Formal minutes shall be made of the sick leave bank trustees' meetings and shall be maintained as a part of the official bank records.

#### 6. Schedule Requirements

1. The following time schedule shall be followed in establishing the sick leave bank, and addressed within the institutional sick leave bank plan of operation:
  1. Petition Received by the President/Director or designee:
    1. Within thirty (30) calendar days of receipt of the petition, the president/director or designee shall appoint the trustees.
  2. Trustees Responsibilities
    1. Within ten (10) calendar days of appointment, the trustees shall hold their first meeting and elect a chairperson.
    2. Within sixty (60) calendar days before the effective date of the sick leave bank, the trustees shall notify all eligible employees of the establishment of the bank and its date of effectiveness.
  3. Effective Date
    1. The president/director or designee, upon approval of the trustees' plan of operation, shall determine the date on which the sick leave bank becomes effective.
    2. This date shall be no later than one hundred eighty (180) calendar days after the date of receipt of the original petition.

#### 7. Dissolution of the Bank

1. The sick leave bank shall be dissolved if the institution or college of applied technology is closed or if the bank membership falls below twenty (20) individuals.
2. The total hours on deposit shall be returned to the participating members at the time of the dissolution and credited to their personal sick leave accumulation in proportion to the number of hours each has been assessed.

For additional information, see <https://policies.tbr.edu/guidelines/formation-operation-faculty-sick-leave-banks>.