



## Employee Sick Leave Bank Guidelines

**PURPOSE:** The Sick Leave Bank (the “Bank”) grants paid sick leave to eligible members who are medically certified as unable to perform the duties of their position as a result of a personal illness, injury, accident, disability, medical condition, impairment, or quarantine and who have exhausted all their personal accrued leave including sick, compensatory, and annual leave balances.

The Bank is administered by a Board of Trustees (the “Board”) as established in T.C.A. § 8-50-903.

### I. ELIGIBILITY FOR ENROLLMENT AND MEMBERSHIP:

1. Current state employees may be eligible to enroll in the Bank if they are/have:
  - a. Entitled to accrue sick leave pursuant to T.C.A. § 8-50-802 and who are currently accruing leave.
  - b. Been employed by Tennessee state government for 12 full, consecutive months immediately preceding application for participation; and
  - c. A sick leave balance of no less than six (6) days as of October 31 of the current enrollment year.
2. Employee enrollment period for the Bank is from August 1<sup>st</sup> - October 31<sup>st</sup> of any year. Employees may apply for membership online in Edison via Employee Self Service. Employees without Edison access may alternatively contact their agency’s human resources office for assistance in enrolling in the Bank during open enrollment.
3. Any employee who elects to join the Bank will initially have the equivalent of four (4) days of sick leave deducted from his/her personal accrued leave balance and donated to the Bank. For every year thereafter, one (1) day of sick leave will be assessed on October 1<sup>st</sup> of each year. The Board may waive the annual leave assessment in any year by written notice to Bank members prior to October 1<sup>st</sup>.
4. If at any time the number of days in the Bank is less than one (1) per member, or at any time deemed advisable by the Board, the Board may assess each member one or more days of accumulated sick leave.
5. A member that accrues sick leave the month immediately preceding any assessment but fails to hold the required sick leave for the assessment, will be automatically removed from the Bank.
6. For a member that does not accrue leave in the month prior to any assessment, the first earned sick day(s) will be assessed upon accrual by the member. **The member must notify the Sick Leave Bank Administrator and the member’s agency’s human resources office upon accrual and hold the sick leave in his/her sick leave balance for assessment.** Failure to meet any annual or special assessment within one (1) year constitutes refusal to honor an assessment as outlined in Paragraph VI.1 below.
7. Initial, annual, and special assessments to the Bank are nonrefundable and nontransferable.

### II. ELIGIBILITY FOR APPLICATION AND GRANTS:

1. Members are eligible to apply for Bank benefits on February 1 following enrollment. Application for Bank grants must be made via Withdrawal Request Application within Edison accompanied by a complete and sufficient Medical Certification form. An employee is responsible for paying all costs associated with obtaining a medical certification from their healthcare provider. Application instructions may be obtained from your agency’s human resources office, the Department of Human Resources, or at the website <https://www.tn.gov/hr/employees1/sick-leave-bank.html>
2. Applications for Bank grants for pre-existing conditions will be denied until November 1 of the following year. “*Pre-existing*” means a condition that existed for which a member received treatment or advice during the 12-month period prior to the effective date of initial Bank membership.
3. If a member sustains a job or service-related injury or illness, s/he must first submit a claim for workers’ compensation (or the equivalent, if service related) and receive a determination prior to receiving grants from the Bank. If denied, the Bank will consider a request for Bank grants. The member has 30 business days after the denial of a workers’ compensation claim, in which to file an application with the Bank for Bank grants.
4. Members who received lost time and/or a settlement based on a workers’ compensation claim or any other employer provided benefits for job or service-related injuries or illnesses are not eligible for Bank grants for any claims involving the same injuries or illnesses.
5. Applications for grants from the Bank will be denied for the following:
  - a. elective surgery;
  - b. illness of any family member;
  - c. while the member is earning or receiving income from other employment;
  - d. during any period the member is receiving disability benefits from social security, or the state retirement plan; or
  - e. the member is receiving workers’ compensation benefits, state short term or long term disability insurance benefits, or any other employer provided benefits for job or service related injuries or illnesses that are also related to the request for grants from the Bank.
6. Grants from the Bank will not be approved until the member has exhausted all personal accumulated sick, compensatory, and annual leave and has been in a leave without pay status for five (5) consecutive days.

- a. Each subsequent application that is related to, resulting from, or recurring from a previously diagnosed condition for which the Bank granted sick leave benefits will not require the member to be in a leave without pay status.
  - b. For each new diagnosed personal illness, injury, accident, disability, medical condition, or quarantine, a member must be in a leave without pay status for five (5) consecutive days before Bank grants will be made.
7. The member must file all documents in a timely manner.
- a. Application eligibility date (“eligibility date”) is the date the member exhausts all personal accumulated sick, compensatory, and annual leave.
  - b. Application for Bank grants must be made with the Withdrawal Request Application form via Edison Employee Self Service and a complete and sufficient Medical Certification form must be submitted by the healthcare provider. All Withdrawal Request Applications must be completed by the member and forwarded to their agency’s human resources office. In the event that a member is physically or mentally unable or rendered incapable of submitting an application, a family member, agent, or advocate may file the request on the member’s behalf. The same application requirements apply to the family member, agent, or advocate. An application for Bank grants must be submitted no earlier than two (2) weeks prior to, but no later than 30 workdays after the eligibility date, absent any extraordinary circumstances. Application for grants from the Bank received later than the 30-workday period, where no extraordinary circumstances are found, will be denied. No further applications for sick leave during that period of absence from work for that specific illness/injury will be accepted.
  - c. A complete and sufficient Medical Certification form must be submitted with each Withdrawal Request Application. The Medical Certification form must be based on a treatment visit occurring within the timeframe as defined in 7.c. The Medical Certification form must include information resulting from a treatment visit with a healthcare provider and should occur as close as possible to the members “eligibility date.”
8. Medical Certifications:
- a. The initial Medical Certification form must be completed in its entirety by the current attending healthcare provider at the time of application.
  - b. All Medical Certification forms and/or any other medical records or information requested by the Bank or its staff must be forwarded directly to the Bank by the medical office or the official custodian of the medical records. Medical Certification forms or any other medical records or information received from anyone other than the medical office or the official custodian of the medical records will not be accepted by the Bank and may result in denial of the pending Bank grant request.
  - c. For any extension of Bank grants, a subsequent Medical Certification form must be completed by the healthcare provider and timely submitted. If the initial or any subsequent medical certifications are not submitted within the timeframe required or fails to be a complete and accurate medical certification, this could result in a delay or denial of Bank grants. The Medical Certification form must be based on all follow-up treatment visit(s) relating to the same injury or illness. If the SLB receives a complete and sufficient medical certification, the SLB will not ask the healthcare provider for additional information. However, if the SLB must clarify information contained on any medical certification, then the SLB Administrator, an employee of SLB, or legal counsel for SLB may contact the healthcare provider for clarification. If a medical certification is incomplete and/or insufficient, the Bank will provide the employee with seven (7) calendar days to correct or cure any deficiency. If the employee is unable to cure or correct within the prescribed time due to particular circumstances despite an employee’s good faith effort, the Bank may provide additional time.
  - d. The requested medical certification must be completed by a healthcare provider, which is defined as:
    - i. A Doctor of Medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices;
    - ii. A podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (with limitations) authorized to practice in the state and performing within the scope of his/her practice;
    - iii. A nurse practitioner, nurse-midwife, clinical social worker, or physician assistant authorized to practice in the state and performing within the scope of his/her practice; Any healthcare provider from whom the employer or the employer’s group health insurance benefits manager will accept a medical certification to substantiate a claim for benefits.
  - e. In the event a member dies while receiving grants from the Bank, a death certificate may be submitted in place of a subsequent Medical Certification form. Sick leave grants will be limited to 30 days or up to the date of death, whichever is less.

### **III. GRANTS FROM THE BANK:**

1. Bank grants shall not be more than 30 consecutive days for which the individual member would have otherwise lost pay. A member may receive a maximum of 90 days from the Bank, as a result of a personal illness, injury, accident,

disability, medical condition, or quarantine or a condition related to, resulting from, or recurring from a previously diagnosed condition for which the Bank granted benefits.

2. Bank grants shall not exceed 90 days within a 12-month period. The initial 12-month period starts on the date the member's sick leave grants first begin. A new 12-month period would begin the first time grants from the Bank begin again after completion of the previous 12 month period.
3. Bank grants terminate as of the date the member is released by their healthcare provider to return to work with or without restrictions. If the member's agency has a written policy that prohibits the member from returning to work with restrictions, the member may be eligible for continued bank grants, if all other eligibility requirements are met.
  - a. Bank grants do not preclude an agency from requesting a Fitness for Duty certification in order for the employee to return to work.
  - b. If an employee returns to work after receiving Bank grants and need to request a reasonable accommodation(s), an employee may contact their agency's human resource officer or Americans with Disabilities Act (ADA) coordinator.

#### IV. APPEALS:

1. The Board will hear all timely filed appeals regarding denials Bank grants.
2. Only members in good standing may appeal a denial of Bank grants. All appeals to the Board must be filed with the Employee Relations Division of the Department of Human Resources within 15 calendar days from receipt of a Sick Leave Bank Determination Form.
3. All decisions by the Board are final.

#### V. WITHDRAWAL, REMOVAL, OR LOSS OF MEMBERSHIP:

1. Bank membership and grants will immediately terminate as a result of:
  - a. Resignation or termination of employment with the State of Tennessee;
  - b. Transferring to any state agency or institution that does not accrue leave pursuant to T.C.A. § 8-50-802;
  - c. Changing to part-time employment status;
  - d. A member submitting a written request to the Board to cancel membership. Regardless of the date of receipt, all cancellations of membership are effective on the next June 30. Membership withdrawal results in forfeiture of all days contributed;
  - e. Refusal to honor any assessment, as may be required by the Board to maintain an adequate number of reserve days in the Bank; or
  - f. Retirement.
2. Upon a finding by the Bank Administrator of any material misrepresentation of facts by a member in making application for use of sick leave from the Bank, the Board may vote to expel and/or deny Bank grants to any member. Any member expelled from the Bank by the Board shall lose all present and future rights to membership, Bank grants and re-enrollment in the Bank.
3. Any member who receives Bank grants using any material misrepresentation of facts will be liable for the reimbursement of all salary and benefits expended by the Bank. **ALL MEMBERS CONSENT TO PAYROLL DEDUCTION FOR THE REIMBURSEMENT OF GRANTS FROM THE BANK PAID AS A RESULT OF ANY MATERIAL MISREPRESENTATION OF FACTS.**

#### VI. MISCELLANEOUS:

Sick leave used from the Bank will not constitute creditable service for sick and annual leave accrual or for longevity purposes.

FOR ADDITIONAL INFORMATION, CONTACT:

- State Employee Information Line - Statewide Toll Free – 1-800-221-SEIL (7345)
- Department of Human Resources, Sick Leave Bank– 615-741-5431
- Employee Sick Leave Bank Program website – <https://www.tn.gov/hr/employees1/sick-leave-bank.html>
- Sick Leave Bank FAQ website- <https://www.tn.gov/content/tn/hr/employees1/sick-leave-bank/slb-faqs.html>

