

## **CITY OF KNOXVILLE ADMINISTRATIVE RULES**

### **5.21 SICK LEAVE BANK**

#### **OBJECTIVE**

Occasionally city employees contract a catastrophic illness or injury and exhaust their leave balances. This policy is established to provide guidelines for the implementation and administration of a sick leave bank for contributing City of Knoxville employees to accommodate such disabling circumstances.

#### **ADMINISTRATION OF BANK**

The Sick Leave Bank shall be administered by a Committee of Trustees. The trustees shall be composed of seven (7) members and shall consist of the Finance Director, Civil Service Director, Risk/Benefits Manager, Law Director; and the remaining three appointments shall represent general government employees, fire uniformed employees, and police uniformed employees respectively. The appointments shall be on an annual basis with the Chair selected by the Mayor. Vacancies for any reason shall be filled immediately by the Mayor.

The trustees shall be responsible for the administration and implementation of the sick leave bank guidelines, membership and enrollment procedures, and reasonable assessment rules to maintain an adequate reserve. The Trustees will use *Black's Law Dictionary* as a guide in the determination of "catastrophic" as applied in these rules.

The Civil Service Department shall provide staff support to maintain the bank, keep records of sick leave days donated and taken, prepare reports, and keep minutes of the trustee meetings.

The trustees shall provide an annual report indicating the status of the sick leave bank membership, usage, and sick day reserves to the Mayor and members of the bank.

The trustees have the authority to waive sick leave bank provisions under unusual or extraordinary circumstances.

Throughout this policy, referral to sick leave days shall be defined as eight (8)-hour days.

#### **ENROLLMENT/CANCELLATION OF MEMBERSHIP**

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, the rules of membership, enrollment forms, the enrollment period, and the effective date of the bank. The trustees shall establish and inform all eligible employees of the initial enrollment assessment to be deducted from the employee's sick leave balance. The initial assessment shall be two (2) days. Employees will be given at least 45 days from the date of hire to enroll in the bank.

After the initial enrollment, the trustees shall hold an annual enrollment period to coincide with the City's annual enrollment for benefits. This annual enrollment period and the enrollment procedures will be publicized annually by the trustees to all eligible

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employees. Employees who enroll at this time will have an initial enrollment assessment as established by the trustees.

The enrollment authorization shall remain in effect for the current and subsequent years unless cancelled in writing. Any employee may cancel membership from the bank by written request. Membership withdrawal shall result in forfeiture of all days contributed.

The right to membership or to apply for membership ceases with termination of employment, retirement, cancellation of membership, or refusal to comply with assessments. Donations of sick leave to the bank are non-refundable and non-transferable except in the event of termination of the bank.

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 make an assessment. If the bank is dissolved, any days on deposit shall be credited to the participating members in a manner to be determined by the trustees upon dissolution of the bank.

### **CONTRIBUTIONS/ASSESSMENT OF SICK LEAVE DAYS**

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. If at any time the number of days in the bank is less than one per member, or at any time deemed advisable, the trustees shall assess each member one (1) day of accumulated sick leave. The number of days assessed to each member may not exceed 3 days per assessment or 6 days in any calendar year. The assessment of sick leave toward the sick leave bank does not count as usage of sick leave and will not be held against the employee as sick leave usage when calculating sick leave bonuses.

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.

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 sick leave with pay 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.

### **ELIGIBILITY/APPLICATION FOR SICK LEAVE DAYS**

Members who have participated in the sick leave bank and who meet all other requirements as contained in this policy are eligible to apply for sick leave days from the bank.

Bank sick leave days may not be granted for illness of any member of the individual's family or during any period an individual is receiving the following: disability benefits

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from social security, benefits from a retirement plan, or worker's compensation benefits or is eligible for long-term disability benefits from any source. Bank sick leave days may not be granted for purely elective surgery but may be granted in unusual cases where, in the judgment of the trustees, the surgery is justified.

All personal accrued leave (sick, annual, forfeited, and advanced annual leave) 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 and any advancement of leave.

A written application for bank sick leave days is required on a form provided by the trustees maintained in the Civil Service Department. At a minimum, the application shall include employee's name, title, date of employment, reason for request, and number of sick leave days requested. All requests to draw from the bank must be accompanied by a statement from the employee's physician certifying that leave is medically required by the specified illness or disability. Applications will require approval of the employee's director before being forwarded to the trustees for approval. 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.

### **GRANTING SICK LEAVE DAYS**

The trustees shall act upon all applications for sick leave days from the bank as soon as possible upon receipt of the request and all necessary documentation. All actions by the trustees require a majority of affirmative votes with a quorum of four (4) trustees required. Decisions of the trustees shall be final. Matters relevant to the administration and enforcement of this Sick Leave Bank Policy shall not be grievable under the City's grievance procedure as contained in the Civil Service Merit Board Rules and Regulations.

The number of sick leave days granted may never exceed the number of days in the sick leave bank.

Each initial grant of sick leave days from the bank shall be limited to a minimum of five (5) days and a maximum of twenty (20) consecutively scheduled working days for each illness or injury. After the initial grant, an extension (or extensions) of up to 40 sick leave days may be granted per illness or injury. The total sick leave granted to any one member shall not exceed 60 days per calendar year or 120 days maximum per employee's employment.

If sick leave from the bank is granted to an employee, the employee is considered to be in active pay status during the use of that leave and all employment benefits apply, including the accrual of annual and sick leave.

If any sick 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.