



Category
<b>NON-FACULTY SICK LEAVE BANK – 5:01:01:22</b>
Approval
<b>Corresponding Policies:</b> TBR Policies <a href="#">5:01:01:00</a> ; <a href="#">5:01:01:07</a> ; <a href="#">5:01:01:15</a> ; <a href="#">P-061</a>
<b>Leadership Council Approved:</b> March 2, 2017
<b>Effective Date/Approved:</b> March 2, 2017
<b>Revised:</b> October 23, 2012; March 2, 2017
<b>Responsible Party:</b> Chairperson of Non-Faculty Sick Leave Bank

**I. PURPOSE**

The purpose of the Non-Faculty Sick Leave Bank is to provide emergency sick leave to members of the program who have suffered an unplanned personal illness, injury, disability, or quarantine and who have exhausted their personal sick and annual leave (and compensatory time, if applicable).

**II. ADMINISTRATION**

- A. The President of the Motlow State Community College shall appoint five (5) non-faculty sick leave bank trustees.
- B. At least three (3) of the appointees shall be clerical and support.
- C. 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. Trustees shall be eligible for reappointment.
- D. Any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the President of a trustee from the trustee role shall be filled immediately by appointment by the President.
- E. At their first meeting, the trustees will elect a chairperson. All actions by the trustees shall require three (3) affirmative votes.
- F. The following will apply to the trustees of the non-faculty sick leave bank in accordance with TBR Guideline P-061, Formation and Operation of Staff Sick Leave Bank:
  - 1. The Trustees shall be responsible for preparation of the sick leave bank plan for operation. The plan is subject to the Motlow State Community College President's review to ensure its compliance with these guidelines, TBR policy, institution policy, appropriate recordkeeping and account principles, and statutory provisions.
  - 2. The Trustees shall administer the bank and approve or reject requests for withdrawal of leave from the bank. The bank member's supervisor shall be informed of any request for bank leave, prior to approval by the trustees.

3. The Trustees shall adopt reasonable rules for the assessment of sick leave hours by participants in order to maintain an adequate reserve of usable days for bank members. This reserve shall be established through the assessment of bank membership and shall maintain a positive balance at all times. The assessment shall be based upon total membership and projected potential need. All members shall be assessed the same amount of sick leave hours. The trustees shall have sole discretion in determining how many assessments are necessary to maintain the reserve's positive balance.

### III. GUIDELINES

- A. Participation in the sick leave bank will be available to regular full-time and regular part-time, non-faculty, exempt and non-exempt employees whether serving in an academic, fiscal or modified fiscal-year appointment (MODFY). A minimum of 20 eligible employees are required for establishment of the bank.
- B. All eligible employees electing to participate in the bank shall initially have the equivalent of three (3) days of sick leave deducted from their accumulated sick leave balance and transferred to the bank. Eligible employee electing to participate shall sign up within forty-five (45) days from the date membership materials are initially made available to them, and during the month of October in subsequent years. Donation of sick leave days to the bank are nonrefundable and nontransferable with the following exception. In the event that dissolution of the non-faculty sick leave bank becomes necessary because the institution is closed, or because membership in the bank falls below twenty (20) individuals, the total days 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 days each has contributed individually. Days returned and credited to an individual shall be rounded to the nearest one-half (1/2) hour or equivalent.
- C. Applicants for membership in the Non-Faculty Sick Leave Bank must have a sick leave balance of twelve (12) days or the equivalent, depending on the employee's percentage of employment to full-time employment, before becoming eligible to participate.
- D. 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.
- E. An employee must exhaust all accumulated sick leave and annual leave, if applicable, prior to receiving bank sick leave.
- F. 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.
- G. A restriction is established on the number of hours which may be withdrawn by an individual bank member on account of one (1) illness; particularly an illness known at the time he or she elected to join the bank. Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent of twenty (20) 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. A bank member may be eligible to receive sick leave which has been donated by other employees if she/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.
- H. 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.

- I. 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 bank leave. Refusal to submit the certification will result in denial of the request for bank sick leave.
- J. A bank member shall lose the right to request bank sick leave upon termination of employment, retirement, cancellation of bank membership, refusal or inability to honor the trustees' assessments, and going on leave of absence (in a non-pay status) for reasons other than illness, injury, or disability.
- K. 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 cancellation of membership and nontransferable upon transfer to another TBR institution or technology center, UT or State agency.
- L. 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.
- M. Grants of bank sick leave shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.
- N. The trustees will approve or reject all requests for bank sick leave within ten (10) calendar days of receipt of the request. The operation of the non-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.
- O. 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. All records shall be subject to audit by appropriate state officials.
- P. The following official forms, as attached, will be used for the sick leave bank: (a) Enrollment form, (b) Sick Leave Bank Request Form, and (c) Notice of Assessment. Formal minutes shall be made of the sick leave bank trustees meetings and shall be maintained as a part of the official bank records.

#### **IV. PROCEDURES**

All procedures of the non-faculty sick leave bank shall be in compliance with the Tennessee Board of Regents Guideline P-061: Formation and Operation of Staff Sick Leave Banks, and shall be within the plan of operation guidelines established by the Trustees of the Motlow State Community College Non-Faculty Sick Leave Bank.

- A. All official forms for application to participate in the non-faculty sick leave bank shall be submitted to the Human Resources office.
- B. All requests to draw upon the bank must be made upon a Sick Leave Bank Request Form and submitted to the trustees within thirty (30) calendar days of the first date bank usage is requested. A physician's statement verifying the nature of the illness or injury, and inability of the member to work must accompany the application form. In extreme and unusual cases, exceptions may be approved.

Motlow State Community College  
SICK LEAVE BANK ENROLLMENT FORM

Name \_\_\_\_\_ SSN or Banner ID \_\_\_\_\_

Position Title \_\_\_\_\_

- REGULAR FULL-TIME EMPLOYEE
- REGULAR PART-TIME EMPLOYEE

A copy of the sick leave bank plan and regulations have been made available to me. I am aware of the contents and that any assessments made of my accrued sick leave by the trustees of the bank shall be nonrefundable and nontransferable.

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Motlow State Community College  
SICK LEAVE BANK REQUEST FORM

Member Name: \_\_\_\_\_

Department: \_\_\_\_\_

No. of Hours Requested: \_\_\_\_\_

Effective Dates of Leave: (1 day = 7.5 Hours)

From \_\_\_\_\_ To \_\_\_\_\_

Reason for Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Member Signature

Notice to Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

**This section to be completed by Human Resources Office:**

Accrued Sick Leave Hrs. \* \_\_\_\_\_ Accrued Annual Leave Hrs. \* \_\_\_\_\_

Human Resources Officer: \_\_\_\_\_ Date: \_\_\_\_\_

\*Must be equal to zero as of effective date bank leave would begin\*

Trustees' Action:

- ( ) Approved
- ( ) Disapproved

Chairperson's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Motlow State Community College  
Non-Faculty Sick Leave Bank  
Notice of Assessment

As a member of Motlow State Community College's Sick Leave Bank, you are hereby notified of an assessment of \_\_\_\_\_ hours from your accrued personal sick leave balance effective\_\_\_\_\_. This assessment is made in accordance with the statutory provisions and institutional or area school regulations governing the sick leave bank's membership. Once authorized by you this assessment of hours is nonrefundable and nontransferable.

\_\_\_\_\_ Date: \_\_\_\_\_  
Trustee Chairperson Signature

Member Name \_\_\_\_\_

Member Authorization:

\_\_\_\_\_ Date: \_\_\_\_\_  
Member Signature

Once authorized by member, this notice of assessment must be forwarded to Human Resources ASAP.