

Lawrence County Government

Extended Illness Leave Bank Policy

OBJECTIVE:

To define guidelines by which sick leave may be voluntarily transferred to extended illness leave bank members who have suffered a continuing disability due to illness or injury.

POLICY:

The decision to donate sick leave to an extended illness leave bank member should be a choice made freely by each employee. No employee shall unduly influence another employee to donate leave.

A. Eligibility and Limitations

1. Catastrophic injury or illness is defined as a life threatening condition or combination of conditions affecting the mental or physical health of the employee or immediate family member or household. The catastrophic illness or injury must require the services of a physician.
2. Immediate family or household is defined as, husband, wife, mother, father, brother, sister, children, step-children, or any relative or person living in the employee's household for whom the employee has custodial responsibility or where such person is financially and emotionally dependent on the employee and where the presence of the employee is needed.
3. This Extended Illness Leave Bank is available to those employees who have completely exhausted all accumulated leave time (accrued sick leave and accrued leave) and who are not otherwise receiving any related compensable benefits such as disability, workers' compensation, or unemployment.
4. Eligibility for participation in the Bank begins upon the employee's original donation of at least 2 days, as defined by the employee's work day, of accumulated leave time to the bank. New full-time employees with a minimum of six (6) months of service and a minimum of five (5) days of accumulated leave time on the books can enroll voluntarily in the Extended Illness Leave Bank after their employment of 6 months. Except for new employees who sign up immediately after their probation period, there will be a 60 day waiting period for delayed entry into the Extended Illness Leave Bank program. Eligibility will continue, provided the employee donates at least one day of accumulated leave time each subsequent fiscal year; however, additional accumulated sick leave or accrued leave days may be donated as desired. To enroll, an employee must complete an application, and submit it to the Office of Accounts & Budgets.
5. Donated accumulated leave time contributed to the pool becomes the property of Lawrence County and may not be withdrawn, targeted for specific individuals, returned to an employee upon separation, retirement, or become part of the employee's estate upon his/her death.
6. Use of benefits from the Extended Illness Leave Bank is considered under the provisions of the Family and Medical Leave Act (FMLA), and any use is calculated in the twelve weeks of leave provided under this Act.

B. Donations

1. Any employee who wishes to transfer a portion of his/her accumulated sick leave time must sign a statement indicating the number of days to be transferred. Employees will be given an opportunity to donate accumulated leave time to the Bank annually. Donation forms shall be approved by the Extended Illness Leave Committee.
2. The minimum amount of accumulated leave time an employee may contribute is 1 day (as defined by the employee's work schedule). The donating employee must retain a minimum of five (5) accumulated leave days in their personal account at the time of the donation process.
3. Donations are to be taken from accumulated sick leave time. No transfer of funds shall occur, but the contributing employee's sick leave balance is reduced by the number of hours donated.

C. Withdrawals

1. An employee or his/her designee must request sick leave from the Bank by completing an application and submitting it to the Office of Accounts & Budgets. An employee may apply for leave from the Bank but cannot receive more than 90 sick leave days in a twelve month period.
2. All requests must be accompanied by a physician's certification statement which includes the beginning date of the condition, and a description of the illness or injury. All requests must indicate the number of sick leave days requested and information related to this request. Once medical certification is received, the employee is eligible to receive up to 30 consecutive days (240 hours) of leave for which he or she would otherwise be without pay. From this point forward, the employee will be

authorized to use donated leave in up to 30-day increments, with additional medical certification documenting the employee's continued disability required after each 30-day period until the maximum of 90-days is reached.

3. The Extended Illness Leave Committee will render a decision to the employee within five (5) working days after receipt of the request.
4. The amount, if any, of sick leave granted for each request will be determined by the Extended Illness Leave Committee, but cannot exceed one-third of the balance in the Bank or a maximum of 90 working days, whichever is less. Any unused sick leave granted in such instances returns to the pool.

D. Appeal Process

1. Reasons for denial - An employee requesting use of the Extended Illness Leave Bank may have his or her sick leave usage audited. The audit may cover the two years preceding the employee's request. Patterns of absence indicating abuse will be reviewed, noted, and considered. Patterns of abuse are most often indicated by frequency, duration and time of absences. Illnesses of 3 or more days will not be considered abuse unless a clear pattern is established.
2. In the event that an employee is denied entry into the bank or is denied benefits from the Bank, the employee may appeal the decision to the Insurance & Benefits Committee and two peers randomly selected from a list of volunteers of active Leave Bank participants. Formal written letters of appeal should be submitted directly to the County Executive. A formal response to such an appeal shall be issued within ten (10) working days of receipt.