

WCEA ESP SICK LEAVE BANK MEMBERSHIP (unit 3/4)

You may authorize a contribution of earned, unused sick leave at the rate specified by the Sick Leave Bank Committee per school year to the Wicomico County ESP Sick Leave Bank. Your authorization continues from year to year unless canceled with a written request for such bearing the member's signature.

Continuous authorization means that you will contribute the appropriate allocation of earned, unused sick leave each school year.

The earned, unused sick leave which you contribute will be deducted from your total number of accumulated sick leave days as of September 30th each year and will not be available for your use or returned to your credit for any other purpose.

It is the member's responsibility to be familiar with the approved WCEA ESP Sick Leave Bank Guidelines prior to requesting a grant.

CONTINUOUS AUTHORIZATION

I authorize a contribution of my unused, earned sick leave at the rate specified as of September 30th of each year to the Wicomico County Education Association ESP Sick Leave Bank until I cancel this authorization in written form, bearing my signature, with the Wicomico County Education Association. I understand that the allocation of sick leave which I contribute each year and the total number of sick leave days which I will contribute over a period of years will not be available or returned to me for any other purpose.

Employee's Name (PRINT)

(Unit 1 or 3/4)

(Date)

Employee's Signature

(School)

(Employee #)

***Please return this form to your Building Rep or pony to the WCEA office
By September 30th***

1302 Old Ocean City Road • Salisbury 21804 • 410-749-2491

OUR MISSION

The ESP Sick Leave Bank provides a resource of paid medical leave when your sick leave has expired due to a catastrophic personal illness or injury, or quarantine, that is prolonged & incapacitating to the extent that you are prevented from temporarily performing your professional duties. The committee objectively reviews each request in an effort to assist you while safeguarding the assets of the group at large.

HOW IT WORKS FOR YOU

- ❖ Members may be asked to contribute no more than one sick leave day per year.
- ❖ The ESP Sick Leave Bank is totally operated by the Wicomico County Education Association.
- ❖ The ESP Sick Leave Bank Committee will always maintain the highest degree of confidentiality.
- ❖ Members may petition for extensions on an already approved grant.
- ❖ This could be your family's safety net when the unthinkable is suddenly your reality.

WICOMICO COUNTY EDUCATION ASSOCIATION ESP SICK LEAVE BANK GUIDELINES

I. Statement of Intent

It is the intent of the Wicomico County Education Association ESP Sick Leave Bank Committee (hereinafter referred to as SLBC or Committee) to provide a resource of paid leave to members for catastrophic or incapacitating illness, injury or quarantine that is prolonged in nature and prevents the member from temporarily performing the duties of his/her position. The Sick Leave Bank is available to members only after the member has exhausted all accumulated sick, personal and annual leave. The Committee's purpose is to objectively review each request in an effort to assist the individual while safeguarding the total assets available to the membership at large.

II. Eligibility

A. Membership

1. Members of the bargaining unit (Unit 3/4) on active duty in Wicomico County will be eligible to contribute to the Sick Leave Bank (SLB) during the enrollment period. The enrollment period shall be September 1 to September 30 of each year.
2. Only members can receive grants from the SLB for their personal illnesses and/or injuries.
3. Membership will be granted to those who correctly complete the designated form and submit it to the Association by the specified date, and who are approved by the Committee.
4. Request for re-enrollment from an employee who has previously used the resources provided by the SLB and then withdrawn membership will be reviewed on an individual basis with extreme prejudice.
5. Yearly membership renewals and the required contribution shall be automatic unless otherwise requested by the member in accordance with stipulated procedure. (See II.C).
6. New employees may join the Bank when the designated form is completed and submitted to WCEA within thirty (30) calendar days of employment (Article 9.05C of the negotiated Agreement).

B. Cancellation

1. Membership may be cancelled in writing by the member at any time.
2. The cancellation must be received in the WCEA office on the proper form.
3. Cancellation is effective upon receipt by WCEA.
4. If a member cancels in the middle of the year, his/her contribution or any portion thereof will not be returned to that member.

C. A member shall lose the right to utilize a grant of the SLB for the following reasons:

1. termination from employment by the Wicomico County Board of Education.
2. suspension without pay from the Wicomico County Board of Education.
3. cancellation of SLB participation by the member on the proper form at any time.
4. while on approved leave of absence for other than personal illness/injury.
5. failure to apply for disability retirement in accordance with the rule stated herein.
6. any abuse or misuse of the rules and procedures established by the SLBC.
7. holding a job while accepting benefits from the SLB.
8. failure to apply for Workers' Compensation for any occupational condition, ailment or injury arising out of and in the course of employment.
9. supplying the SLBC with fraudulent information or failure to notify the committee of unanticipated monies received will result in a loss of the right to utilize any benefits of the SLB.
10. Failure to disclose the date of preexisting conditions in grant applications.

III. Policies

- A. The Bank will only review requests from members who suffer from a catastrophic or incapacitating personal illness, injury or quarantine that is prolonged in nature but is not a condition that permanently prevents the member from performing the duties of his/her position as certified by the proper medical professional.
- B. Members must use all accumulated sick, personal and annual leave before applying for leave from the Bank.
- C. Normal pregnancy and elective surgery will not ordinarily fall under the definition of incapacitating, catastrophic or prolonged personal illness for purposes of qualifying for a grant from the Bank.
- D. The first twenty (20) consecutive duty days per incapacitating illness or disability must be covered by the employee's own accumulated sick leave, personal leave, annual leave, or leave without pay. Any subsequent grants for the same illness, in that school year, will be treated as a continuation of the disability.
- E. Bank grants will be awarded in units of 20 duty days to members with full access. Members who have not held membership for two consecutive years will be awarded grants in units of 10 duty days for time lost to those preexisting conditions.
- F. Unused SLB days will be returned to the Bank.
- G. The SLB may only be used for the contributor's own personal illness. It may not be used for illness of other members of the contributor's family or by the contributor remaining away from his/her duties in order to assist a member of his/her family who is ill.
- H. Sick Leave from the SLB may not be granted for the period of disability when monies are paid to the Unit 3/4 member under the special paid leave sections of the current *Negotiated Agreement*, including Unit 3/4 members injured on the job. In cases when a member requesting leave from the SLB may be eligible for Worker's Compensation benefits, the member requesting the sick leave shall initiate timely action through the Worker's Compensation Commission or lose all rights to SLB coverage for absences related to that illness or injury. In cases when a member applies for and is eligible for Worker's Compensation benefits, leave from the SLB will be adjusted so that when combined with the Worker's Compensation benefits it equals but does not exceed the member's regular net salary. In this case the SLB shall not be charged more than ¼ day for each full day the member is paid.
- I. No person is eligible for more than a total of two hundred eighty (280) days from the WCEA SLB for the entire length of the member's employment with the Wicomico County Board of Education.
- J. The Sick Leave Bank Committee reserves the right to require an applicant to obtain a second opinion. Said medical review by a physician or psychiatrist of the Committee's choice may be requested at any time at the member's expense. This report is to be sent directly to the Committee before the Committee may act upon the Unit 3/4 member's application for a grant from the Bank.

- K. In case a contributor's incapacity is of such a nature that (s)he can not personally apply for a grant, the application may be submitted by his/her authorized agent with Power of Attorney.
- L. Applicants may submit requests for extensions before the grant expires using the stipulated forms and in accordance with the Procedures of the SLB.
- M. If an applicant is denied membership or use of a grant from the SLB, (s)he may appeal to the Sick Leave Bank Review Board within twenty (20) consecutive duty days from the date of the SLB action.
- N. All forms will be made available to the membership at the WCEA office, the BOE, and individual schools.
- O. A member who is receiving benefits from the Sick Leave Bank may not report for work at a second job. To do so shall result in the immediate termination of the benefits of the SLB. The SLBC shall notify the Human Resources Department of the WCBOE of such a termination.
- P. A return to work, *for any professional task* cancels any unused bank leave unless the physician's statement of record provides for a modified work/leave status.
- R. A member using the Bank for psychological disability must be under a registered psychiatrist's care. (S)he must submit a treatment plan to the Committee. Such a plan must provide satisfactory evidence that every reasonable effort is being made to restore the member to full mental health and to return to work as soon as possible.
- S. Alterations in the scheduled work year due to weather or other crises will not affect the grant.
- T. Members shall be permitted to apply for leave from the Bank after January 1, 2000. The maximum number of sick days that can be granted in any one fiscal year will be the remaining number of duty days a member is scheduled to work. In no case will the granting of leave from the Bank cause a member to receive more than his/her annual salary.
- U. The existence of the SLB and participation by Unit 3/4 member in the Bank does not negate or eliminate any other sick leave policies of the WCBOE nor does it in anyway negate the rights of individual Unit 3/4 members who participate in the Bank to other sick leave benefits. While a member is out on a grant from the SLB, (s)he shall continue to accrue annual leave and experience credit.
- V. Use of terms "indefinite or "unknown" will be unacceptable on the form requesting a grant.
- W. Bank grants will not be automatically carried over from one fiscal year to another. All Bank grants will end as of June 30 or the last duty day of the school year and must be renewed through the SLBC.

IV. Procedures.

- A. Each separate application for a grant from the Bank must include a new physician's statement on the appropriate WCEA Sick Leave Bank form. The physician's statement must confirm the cause of illness or confinement and certify the inability to perform assigned duties. The form must be personally signed by the physician and completed in lay language. Any member submitting a request to draw from the SLB must have made his/her contribution for the fiscal year in which the request is made.
- B. In cases where the Committee rejects an application for a grant from the Bank or for an extension of such a grant, the applicant may ask to address the Review Committee. The Review Committee will consist of the members of the SLBC and two additional members of WCEA to review the applicant's grant and any additional information within twenty duty days from the date of the SLBC's action. The President will preside over the meeting without voting rights.
- C. Disability retirement. When the Sick Leave Bank Committee may reasonably presume that an applicant for a grant or an extension of a grant may be eligible for disability retirement benefits, if available, from the Maryland State Retirement System (MSRS) or Social Security Administration, the Committee shall request that the grant applicant apply for disability benefits. Failure on the part of the grant applicant to submit a complete Disability Retirement Application, including medical information provided by the applicant's physician, within 20 calendar days of such a request will disqualify the grant applicant for further Sick Leave Bank payments. Any request for additional medical information from the retirement system must be supplied within 20 calendar days or the member's entitlement to Sick Leave Bank payment will automatically cease. The Committee may grant up to a 10 day extension based on evidence that the physician could not provide the information within the initial 20 day period.

If disability retirement is denied by the MSRS Board of Trustees, the member shall be obliged to file an appeal within 20 calendar days and the Committee shall refer the member to a physician of the Committee's choice to obtain a medical prognosis as to whether the member will be able to return to his/her duties. If this report indicates that the member will not be able to resume his/her regular duties, the Committee will require that the member maintain the appeal of the ruling of the retirement system denying disability retirement using the report of the physician as the basis for the continued appeal. If such report indicates that the member may be able to ultimately return to his/her regular duties, the member may dismiss the appeal. When MSRS Board of Trustees approves disability retirement, any grant from the WCEA Sick Leave Bank that has been approved shall continue until the commencement of the disability retirement.

V. Grant Requests

- A. The initial grant application for use of the Sick Leave Bank requires a waiting period of 20 consecutive duty days *per illness* before the first Bank day may be taken
- B. It is the responsibility of the member to obtain and submit a Sick Leave Bank request form for both the initial and any extensions to the grant.
- C. Applicants may submit a request for an extension of the sick leave grant ten days prior to the expiration of the previous request. Each subsequent request must be accompanied by a new signed physician's Statement covering that period. It is the applicant's responsibility to make such requests with a conscious regard to the time factor involved in processing the request. Approved grants are not retroactive. They begin and end on the date established by the Committee except as identified under IV C.
- D. Beginning with enrollment that commences in September 2002, employees enrolling in the SLB who have previously deferred membership will have restricted access to the resources provided for any preexisting conditions. During their first year of membership, members who had deferred enrollment will not be issued grants for time lost due to a condition that was present prior to membership. During the second consecutive year of enrollment, the member is entitled to 50% of the benefits for time lost due to medical conditions existing prior to membership in the SLB. The third consecutive year of enrollment in the SLB will entitle the member to full access to the resources.