

# **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. **Enrollment** - 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. **Receive grants** - Only members can receive grants from the SLB for their personal illnesses and/or injuries.
3. **Membership approval** - 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. **Re-enrollment** - Request for re-enrollment from an employee who has previously used the resources provided by the SLB and then withdrawn membership will be reviewed on an individual basis with extreme prejudice.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. **Membership renewal** - 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** - 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. **In writing** - Membership may be cancelled in writing by the member at any time.
2. **Receipt by - WCEA** The cancellation must be received in the WCEA office.
3. **Effective date** - Cancellation is effective upon receipt by WCEA.
4. **Contributions** - If a member cancels during the school year, their contribution or any portion thereof will not be returned to that member.

### **C. Termination grant utilization rights**

A member shall lose the right to utilize a grant of the SLB, and unused SLB days will be returned to the SLB, for the following reasons:

1. A return to work, ***for any professional task*** unless the physician's statement of record provides for a modified work/leave status.
2. Ending of the fiscal year. All SLB grants will end as of June 30 or the last duty day of the school year and must be renewed through the SLBC.
3. Termination from employment by the Wicomico County Board of Education.
4. Suspension without pay from the Wicomico County Board of Education.
5. Cancellation of SLB participation by the member at any time.
6. While on approved leave of absence for other than personal illness/injury.
7. Failure to apply for disability retirement in accordance with the rule stated herein (IV. C. Procedures)
8. Any abuse or misuse of the rules and procedures established by the SLBC.
9. Holding a (second) job while accepting benefits from the SLB.

10. Failure to apply for Workers' Compensation for any occupational condition, ailment or injury arising out of and in the course of employment.
11. 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.
12. Failure to disclose the date of preexisting conditions in grant applications.

### **III. Policies**

#### **A. Application for SLB grants:**

1. **SLB for personal illness** - The SLB may only be used for the member's own personal illness. It may not be used for illness of the member's family members or by the member remaining away from their duties in order to assist a family member who is ill.
2. **Pregnancy/elective surgery** - 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.
3. **Psychological disability** - A member using the Bank for psychological disability must be under a registered psychiatrist's care. They 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.
4. **Forms** - All forms will be made available to Unit 3/4 bargaining unit members at the WCEA office, the BOE, and individual schools.
5. **Terms on grant form** - Use of terms "indefinite or "unknown" will be unacceptable on the form requesting a grant.
6. **Authorized Agent** - In case a member's incapacity is of such a nature that they cannot personally apply for a grant, the application may be submitted by their authorized agent with Power of Attorney.
7. **Obtain and submit request** - It is the responsibility of the member to obtain and submit a SLB request form for both the initial and any extensions to the grant.

#### **B. Review applications and award SLB grants:**

1. **Request review** - 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 their position as certified by the proper medical professional.
2. **Second Opinion** - 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.
3. **Waiting period -20 days-** The first twenty (20) consecutive duty days **per incapacitating illness** or disability must be covered by the member's own accumulated sick leave, personal leave, annual leave, or leave without pay. If more than 20 days of accumulated leave is available, as specified in III.B.4, these excess days need to be used first before a SLB grant application. Any subsequent grants for the same illness will be treated as a continuation of the disability and therefore a member does not have another waiting period of twenty (20) days, but must exhaust their own leave as stated in III.B.4.
4. **Use of accumulated leave** - Members must use all accumulated sick, personal and annual leave before applying for leave from the Bank.
5. **Start date grant** - Approved grants are not retroactive. They begin and end on the date established by the Committee except as identified under IV C. Grants will not be approved for intermittent leave.
6. **Size of Bank grants** - Bank grants will be awarded in units of 20 duty days to members with full access.

7. **Extensions** - Members 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.
8. **Maximum number of days** - 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 their annual salary. No person is eligible for more than a total of two hundred eighty (280) days from the WCEA-ESP SLB for the entire length of the member's employment with the Wicomico County Board of Education

**C. Other compensation, work year, rights while using SLB:**

1. **Other compensation** - 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.
2. **Work year schedule** - Alterations in the scheduled work year due to weather or other crises will not affect the grant.
3. **Rights while using the SLB** - The existence of the SLB and participation by Unit 3/4 members 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, they shall continue to accrue annual leave and experience credit.

**IV. Procedures.**

- A. **Physician statement** - Each separate application for a grant from the SLB must include a new physician's statement on the appropriate WCEA-ESP SLB 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 their contribution for the fiscal year in which the request is made.
- B. **Appeals** - In cases where the Committee rejects an application for membership of the SLB, a grant from the SLB, or for an extension of such a grant, the member 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 WCEA President will preside over the meeting without voting rights.
- C. **Disability retirement** - When the SLB 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 member apply for disability benefits. Failure on the part of the member to submit a complete Disability Retirement Application, including medical information provided by the member's physician, within 20 calendar days of such a request will disqualify the member for further SLB grants. Any request for additional medical information from the retirement system must be supplied within 20 calendar days or the member's entitlement to SLB grants 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 their duties. If this

report indicates that the member will not be able to resume their 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 their regular duties, the member may dismiss the appeal. When MSRS Board of Trustees approves disability retirement, any grant from the WCEA-ESP SLB that has been approved shall continue until the commencement of the disability retirement.

## **V. Restricted access to SLB grants**

### **Preexisting conditions**

- During their first year of membership members will not be issued grants for time lost due to a condition that was present prior to membership (preexisting condition).
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- The second consecutive year of enrollment in the SLB will entitle the member to full access to the resources.

Last update March 31, 2021