

# AUSTIN PEAY STATE UNIVERSITY

## FACULTY SICK LEAVE BANK GUIDELINES

A. AUTHORIZATION: Pursuant to Chapter 447 of the Public Acts of 1983 as amended as Public Chapter 1009 of the Public Acts of 1998, the following policy shall be followed in the formation and operation of the faculty sick leave bank at Austin Peay State University.

B. ESTABLISHMENT: A sick leave bank is established when a group of employees agree to be assessed a specified number of accrued sick leave hours for a common pool. Such assessment of sick leave shall be deducted from the individual's personal accumulated sick leave and shall be nonrefundable. From this pool the members may withdraw an amount of hours greater than their individual assessments upon request to and approval from the trustees of the sick leave bank. To form a sick leave bank, a minimum of 20 employees who are eligible to participate in the bank must petition the University President to authorize and direct the establishment of the bank. The petition shall include a declaration that each petitioner intends to participate.

C. ELIGIBILITY: Participation in the sick leave bank will be available to regular full-time employees who hold faculty rank, whether serving in an academic or fiscal year appointment, and to regular part-time instructional staff.

D. TRUSTEES: The president of the institution or director of the area school will appoint five (5) sick leave bank trustees upon receipt of the petition. At least three (3) of the appointees shall be faculty who devote a majority of their time to classroom instruction. The remaining trustees may be members of the institution's or school's administrative staff. All trustees must be members of the bank.

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. Any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the president/director of a trustee from the trustee role shall be filled immediately by appointment by the president or area school director. All actions by the trustees shall require three (3) affirmative votes.

The trustees shall:

1. Meet and elect a chairperson from the trustees. Upon expiration of a chairperson's term as a trustee, an election will be held to elect a new chairperson.
2. Be responsible for preparation of the sick leave bank plan for operation. The plan is subject to the president's review to ensure its compliance with Board policy, university policy, appropriate recordkeeping and accounting principles, and statutory provisions.
3. Administer the bank and approve or reject requests for withdrawal of leave from the bank. The request for bank leave must be submitted to the trustees; the bank member's supervisor shall be informed of any request for bank leave, prior to approval by the trustees.
4. 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 only 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.

E. SICK LEAVE BANK PLAN: The plan of operation consists of the following provisions:

1. 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.
2. An employee must exhaust all accumulated sick leave and annual leave, if applicable, prior to receiving bank sick leave.
3. 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.
4. Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent of twenty (20) consecutive 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.

5. 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, conservator or an individual acting under valid power of attorney, or an individual designated by the bank member.
6. Members requesting leave from the bank must submit a written statement from a competent medical authority specifying that the member is unable to work and the length of time the member is expected to be disabled. Refusal to submit the statement will result in denial of the request for bank sick leave.
7. 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 trustee's assessments, and going on leave of absence (in a non-pay status) for reasons other than illness, injury, or disability.
8. 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 Tennessee Board of Regents institution or area school, UT or State agency/
9. 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.
10. Grants of bank sick leave shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.
11. The trustees will approve or reject all requests for bank sick leave within ten (10) calendar days of receipt of the request. Every effort will be made to render an earlier decision if possible. The operation of the faculty sick leave bank shall exist separately from the regular sick leave accrued to individual's personal accounts with respect to approvals and appeals; the decisions of the trustees shall not be appealed beyond that body.

12. All records and official forms of the sick leave bank and minutes of the trustee meetings shall be maintained in the Human Resources office. All records shall be subject to audit by appropriate state officials.
13. The initial enrollment period shall last for a minimum of forty-five (45) calendar days from the date that eligible employees are notified of the bank's establishment. Subsequent annual enrollment period will be held in January each year. The Human Resources Office shall notify all eligible employees of their eligibility status and the dates of the enrollment period.
14. All eligible persons who elect to participate in the bank shall be assessed three (3) days from their personal sick leave account as the initial enrollment assessment. Subsequent assessments will be determined by the trustees but will not exceed three (3) days for any single assessment.
15. The following official forms, as attached, will be used to operate the sick leave bank: (a) Official Sick Leave Bank Election Form (Petition), (b) Enrollment Form, (c) Request for Bank Sick Leave, and (d) Notice to Sick Leave Bank Member of Assessment of Sick Leave Days. Formal minutes shall be made of the sick leave trustees meetings and shall be maintained as a part of the official bank records.

F. SCHEDULE REQUIREMENTS: The following time schedule shall be followed in establishing the sick leave bank:

Petition Received by President	Within thirty (30) calendar Days of receipt of the petition, the president shall appoint the trustees.
Trustee's Responsibilities	Within ten (10) calendar days of appointment, the trustees shall hold their first meeting and elect a chairperson; and  Within sixty (60) calendar days of appointment, the trustees shall submit the proposed sick leave plan

of operation to the president.

Notice to Employees

At least thirty (30) calendar days before the effective date of the sick leave bank, the trustees shall notify all eligible employees of the establishment of the bank and its date of effectiveness.

Effective Date

The president, upon approval of the trustees' plan of operation, shall determine the date on which the sick leave bank becomes effective. This date shall be no later than 180 calendar days after the date of receipt of the original petition.

- G. DISSOLUTION OF THE BANK: The sick leave bank shall be dissolved if the institution or school is closed or if the bank membership falls below twenty (20) individuals. The total hours 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 hours each has been assessed individually.