

Argyle ISD



Sick Leave Bank
Procedures

Purpose of Sick Leave Bank

The purpose of the sick leave bank is to provide additional sick leave days to members of the bank in the event of a catastrophic illness or injury that force them to exhaust paid leave and would otherwise result in a loss of income. The sick leave bank is a collective deposit of local leave days received from enrolling employees and subsequent contributions from members. All days deposited in the bank become the property of the sick leave bank and are no longer available for use by the individual employee as accrued leave.

Establishment and Maintenance of the Sick Leave Bank

In order to establish the sick leave bank, a minimum of 25% of eligible employees must elect to become members of the sick leave bank during the first enrollment period. If the bank is depleted of leave without sufficient membership to sustain it, all membership and benefits will end. Leave deposited will be forfeited by the members.

Membership and Eligibility

Membership eligibility is limited to full-time employees of the Argyle Independent School District. An individual becomes a member by donation and in return is eligible to withdraw from the bank under the guidelines and rules of the bank. Full-time shall be defined as 35 hours of duty per week.

Eligibility for membership begins on the first official work day for eligible personnel. An employee must be able to earn at least two local leave days from the beginning of his/her employment to the end of the sick leave bank year to become a member.

Application for membership must be made during open enrollment period at the beginning of each school year or within 30 days of employment in order to be eligible for membership. The annual enrollment period for applications will be determined at the beginning of each school year.

There is no 30-day grace period for mid-year employees enrolling in the sick leave bank. Membership applications must be returned when completing on-boarding paperwork.

Sick Leave Bank Calendar Year

The sick leave bank calendar year shall be from September 1 through August 31 of each school year.

Definition of Catastrophic Illness

A catastrophic illness is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee, the employee's spouse, or the employee's child that requires the services of a licensed practitioner for a prolonged period of time that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. A catastrophic illness or injury must result in the employee's temporary incapacity to perform his/her job functions.

Only absences due to the employee or the employee's spouse or child's catastrophic illness or injury are covered by the sick leave bank.

Pregnancy and childbirth are not categorized as an illness or injury. However, it is recognized that a pregnant individual or the unborn child may become ill or injured during pregnancy. Only serious complications during pregnancy, that meet the definition of catastrophic, would afford a member benefits under the sick leave bank plan.

Contribution of Days:

For employees who elect to join the sick leave bank, the local leave day(s) will automatically be subtracted from the employee's sick leave balance. The donated day(s) become the permanent property of the bank and cannot be returned. Each deposit remains the property of the bank, even in the event of termination, resignation, or cancellation of the employee.

Unused bank days carry over to the next banking year.

2019-2020 School Year: Upon acceptance of his/her application, one local leave day will be automatically subtracted from the employee's sick leave balance.

2020-2021 and Beyond: Upon acceptance of his/her application, one local leave day will be automatically subtracted from the employee's sick leave balance.

If the sick leave bank is above two times the number of returning members, a day will **not** be subtracted from the sick leave of those who are continuing their membership **except** from those who received benefit days during the previous bank year. This benefit will only apply to individuals who have completed the enrollment application, who were members during the previous bank year, and who did not receive sick leave bank days during the previous bank year.

The decision on the Two Times Rule will be made by the sick leave bank committee within 30 days after the annual enrollment period ends. The calculation is made as follows:

- + Bank Balance on September 1
- Any Benefits not deducted on applications made by August 31st
- + Members who received benefits last term and must contribute
- + First time sick leave bank members of new bank year (counted September 30th)
- = Number used to determine activation of Two Times Rule

Withdrawal of Days

Only members of the bank, who are in good standing, are eligible to withdraw days. Days will not be granted for use by any non-member.

Days will be awarded only after the member has exhausted all accumulated state and local leave, including vacation days if applicable.

A member may apply for days after 10 consecutive days of absence for reasons that qualify as a catastrophic illness or injury and the member will have insufficient sick and personal leave to prevent loss of pay. Benefit days are retroactive to the first day of eligible absence once all criteria are met.

Benefit days will not be granted unless an actual absence from normal duty occurs. Benefit days will not be granted to cover absences for holidays, vacations, or other non-duty days.

Benefit days will not be granted for elective absences, elective surgical or medical procedures, or procedures that could be safely and reasonably postponed to extended school breaks.

If a member uses any days from the bank during a bank year, the employee will be required to become a member the next bank year whether or not the employee wishes to enroll. The required days for enrollment in the bank will be subtracted from the employee's sick leave balance during the member's next year of employment.

Request for Sick Leave Bank Days

The application for sick leave bank days must be submitted to the office of the Deputy Superintendent of Argyle ISD. If the member is too ill to complete the application, his/her building or area administrator may begin the process on the member's behalf.

The deadline for submitting the application to the office of the Deputy Superintendent is 30 days from the first date of absence pertaining to the sick leave bank request. An application is not considered complete until all information requested on the form has been submitted.

Each illness or injury must be applied for separately and each must meet the criteria for approval of benefits on its own merits. This may not apply, however, in certain circumstances such as recurring absences due to the same illness. See Guidelines for Benefits.

The sick leave bank committee will make the final determination of the eligibility of the member's request for days from the bank. If all criteria are met, the sick leave bank committee will approve a maximum number of days (up to 15) that the member may withdraw from the bank. In no circumstance may the member withdraw any days that exceed his or her actual absence for the period covered by the approved application.

Confidentiality

All medical information provided shall remain confidential. A member's name will be removed from applications before review by the committee. All requests for leave reviewed by the committee will be anonymous.

Procedures/Guidelines for Granting Benefits

1. The maximum number of days granted to any employee during any one bank year shall be 15 days. The maximum lifetime benefit shall be 45 days. A year for calculation purposes is 12 calendar months from the first sick day used from the sick leave bank.
2. A member who has not used the maximum yearly or lifetime benefit may apply for days for any absence that meets all regulations governing the withdrawal of days from the bank.
3. Leave from the bank may not be used for any disability or absence which is covered under the Workman's Compensation Act.

4. If a member does not utilize all approved benefit days, the number of unused days are returned to the sick leave bank and are restored to the member's annual and lifetime balance.
5. Employees that are on leave of absence at the beginning of the sick leave bank year will not be paid for any days awarded from the sick leave bank until the employee has returned to work for a minimum of 18 days. The employee may apply for and be awarded sick leave bank days for the absences at the beginning of the sick leave bank year, but the employee will not be paid for these days until they have returned to work for a minimum of 18 work days. (Could make exception for returning members)
6. Pre-existing Condition: Conditions for which a member received medical advice or treatment within the six months before enrollment will not be covered for the first year following his or her enrollment in the bank. Absences caused by conditions existing at the time of the application for membership will not usually be covered. However, upon approval of the sick leave bank committee members, members who present a physician verification that the condition was not active or was under control at the time of application for membership may have absences related to that condition approved for benefits.
7. Leave shall not be granted when a member is on a non-medical leave of absence or when a member is suspended from duty. Termination of employment from Argyle ISD terminates sick leave bank membership. The employee does not regain donated sick leave days that have been contributed to the bank.
8. In the event of a qualified employee's death during the application/approval process, days may be granted up to the day of his/her death not to exceed the maximum allowable sick leave bank days.
9. The treatment of the catastrophic injury or illness must be under the supervision of a licensed physician of record.
10. The physician must include a statement that the illness did not pre-exist before the initial date of the sick leave bank membership and give an estimated date eligible to return to work on a full-time basis.
11. Each application for a grant from the sick leave bank must include a new, up-to-date physician's statement on the appropriate bank form.
12. See Catastrophic Illness section for requests related to pregnancy and childbirth.
13. The approved days from the Sick Leave Bank must be used consecutively. The employee can request an extension but only up to the maximum allowed. The committee may grant an exception to this rule in the event of on-going, intermittent therapy related to a catastrophic illness or injury. This might occur during chemotherapy or dialysis.

14. Absences caused by conditions existing at the time of application for membership will usually not be covered. (See pre-existing)
15. Absences due to elective procedures or any procedure that could be scheduled at a time more compatible with the member's work responsibilities without detriment to his/her health is not covered.
16. In no case will the granting of sick leave days from the bank cause a member to receive more than his/her annual salary.
17. An employee cannot "cash in" sick leave bank days.
18. Sick Leave Request forms shall be marked for approval or denial based upon the decision of the sick leave bank committee. The sick leave specialist shall disperse copies of the forms to the applicant and the chair of the sick leave bank committee and retain the original. The applicant will be notified of any additional information needed in order to make a decision.
19. Days may not be granted for any non-member. Days may not be donated from or by the bank for use by any non-member.

Sick Leave Bank Committee

The governing body for the Argyle ISD sick leave bank shall be the sick leave bank committee. Membership on the committee is restricted to personnel who are members of the sick leave bank.

The Deputy Superintendent or designee shall serve as the advisor to the sick leave bank committee.

The sick leave bank committee shall consist of the following personnel:

- Deputy Superintendent (permanent advisor)
- Assistant Superintendent (permanent member)
- Campus Administrator
- High School Teacher
- Middle School Teacher
- Intermediate School Teacher
- Two Elementary School Teachers (one from each elementary campus)
- Exception: If a representative cannot be obtained from one of the above categories, then a member(s) can be added to serve at large.

Terms of Service

Committee representatives serve a minimum of two (2) years with terms beginning at the beginning of the cycle year. There are no term limits. If re-appointed, a representative may serve consecutive terms. A representative may not serve on the committee after ending employment with the district. A committee member may also be removed from the committee for failure to attend three (3) consecutive meetings.

Election Procedures

The sick leave bank committee shall be composed of members of the bank who have volunteered to be on the sick leave bank committee. If there are more volunteers than needed, we will vote through a survey, to select the final sick leave bank committee. Elections will be held through school district electronic mail.

Meetings

Meeting times and locations are determined by the committee members. Flexibility is necessary due to schedules of members and the filing of applications and appeals.

A simple majority of the total number of voting committee members shall be sufficient to conduct official business.

Duties and Responsibilities of the Sick Leave Bank Committee

1. Under HIPPA regulations, the applicant's individual health information must be protected in any form. As members of the sick leave bank committee, a member may not release any form of protected health information that one becomes privy to due to membership on the committee.
2. The committee shall review all applications for benefits and determine the maximum number of days to be approved, if any. Approval of the application and the number of days shall be by a simple majority of voting members casting a vote.
3. Tie votes shall be broken by the permanent advisors in attendance.
4. The committee shall specify the reason(s) if an application is rejected or not approved.
5. The committee shall be responsible for hearing all appeals of its decisions.
6. No committee member may vote on an application of any member of his/her family whether the relationship is by blood or marriage.

Vacancies

The committee has full authority to fill any vacancies that occur during a bank year whether the vacancy occurs by resignation or by failure of a committee member to attend three (3) consecutive meetings.

Notification and Appeals

A member shall be notified within ten (10) working days of the decision of the committee. The member has ten (10) working days to appeal any decision to the committee. All appeals must be submitted in writing to the Deputy Superintendent's office. Supporting documentation should be included. The sick bank leave committee will hear all appeals, review the original application and any new information provided by the member.

A member has the right to appear before the committee to present his/her case, or the committee may request that the member appear before the committee to substantiate his/her claim.

Examples: Surgical Benefits

Prior to any non-emergency surgery, Bank members are advised to have their physician complete the information on the application form to verify that the surgery cannot be scheduled during one of the longer school breaks of the Bank Year. Failure to obtain this information could lead to loss of benefits. Please refer to the following:

- Example: A ten (10) month employee is advised to have a surgical repair of the knee to increase its stability. The surgery could be scheduled during the summer break, in the opinion of the physician, without being detrimental to the employee's health or recovery. The employee would NOT be eligible for benefits.
- Example: A twelve (12) month employee is advised to have the same surgery as the employee above. This employee does not have a prolonged summer break and there would be no time during the year when a surgery would not interfere with his/her work. This employee would be eligible.

Examples: Obstetrical Benefits

Only complications during pregnancy, not of the pregnancy itself, would afford an employee benefits under the Sick Leave Bank plan. These would represent complications that do not result from the pregnancy itself but may be aggravated or provoked by the pregnancy. These would be the medical and surgical complications during pregnancy.

Without attempting to provide a complete list, some medical and surgical complications during pregnancy might include stroke, thyroid diseases, pituitary dysfunction, slipped disc, heart disease, liver disorders, etc. To help clarify please refer to the examples:

- Example: An employee discovers she is having twins and her physician advises her to discontinue working during the last two months of pregnancy in order to prevent early delivery. This absence would not be covered.
- Example: An employee is advised to stay in bed either at home or in the hospital for the last three months of her pregnancy because of signs of pre-eclampsia (high blood pressure, swelling, headaches). This is not an unusual complication of pregnancy and would not be covered by Sick Leave Bank benefits.
- Example: The employee above is on bed rest for possible toxemia, develops a blood clot in her leg. The benefits could begin with the diagnosis of the blood clot because this represents an illness or complication not arising from pregnancy itself.
- Example: The doctor recommends a Cesarean Section. This procedure is not unusual in pregnancies and would not be covered.
- Example: An employee decides to have a tubal ligation during the Cesarean Section and later develops a wound infection. None of the absences would be covered as she was already scheduled to be off duty. However, her absence had to be extended for two more weeks for wound treatment. The two week period would be covered.

Examples: Follow-up and Treatment

The committee will generally accept the recommendations prescribed by physicians, osteopaths, and dentists licensed to practice in the United States. Procedures recommended by practitioners of other disciplines and those without licenses to practice in the United States will not usually be accepted.

Many illnesses and injuries require follow-up and/or therapy after the initial treatment. Generally, these can be scheduled with a minimum of time off, such as three hours per week of physical therapy or office visits, to evaluate the progress after hospitalization. These would not generally be covered absences since these could usually be completed in two (2) or three (3) hours. The problem of over-scheduling appointments by physicians cannot be remedied by the Bank.

There are, however, other situations that require longer absences over periods of time because of the intensity or side effects of the therapies or treatments, or because of the distance the employee must travel to obtain the therapy. Examples of these may include kidney dialysis, major burn therapy, and chemotherapy. These might be considered by the Committee to be a continuation of the original condition which met the eligibility criteria. The total benefits for a school year or lifetime would remain unchanged, however, the Committee may elect to waive the ten (10) consecutive day rule to continue therapies for an illness or injury that qualified in the previous Bank Year.

Some follow-up treatments would be considered elective and would not be considered to be covered by Sick Leave Bank benefits. Some examples are below:

- **Example:** A scar revision for cosmetic purposes of an earlier covered surgery is not usually covered unless the second surgery was recommended or planned as part of the original surgery. The surgical site for removal of a malignant melanoma is allowed to heal with a plan to revise the scars as soon as it is healed would be covered. The closing of an ostomy is considered a continuation of the original surgery and is covered. Breast re-constructive surgery planned after the healing is complete would be covered; re-constructive surgery decisions made at a later date on the wish of the employee would not be covered.
- **Example:** A member decides to travel to Mexico to try experimental therapy for a chronic illness. This would not normally be covered unless the original recommendation for this therapy was made by a physician licensed to practice in the States.
- **Example:** An optometrist, licensed in the United States, recommends extensive vision therapy to improve reading ability and reduce eye fatigue. An optometrist is not a physician as determined by medical boards, and therefore, this application would be rejected.

Pre-existing Conditions:

Generally, a pre-existing condition will not be covered, but complications of that condition that represent a significant change will be. If the condition itself changes significantly from that at the time of enrollment in the Bank, then the application could be approved. The goal of the Sick Leave Bank is not to exclude members who have pre-existing conditions, but to provide its members with benefits for those unexpected events and illnesses.

- **Example:** A member with previously diagnosed diabetes is hospitalized to evaluate and establish better control of his condition. This would not be covered.
- **Example:** A member with previously diagnosed diabetes is hospitalized with complications of his diabetes, e.g., circulatory impairment to extremities, kidney failure, retinal detachment. These would be covered.
- **Example:** A member with previously diagnosed heart disease is advised to have bypass surgery. This has been recommended in the past, but the member decided against the surgery. This would not usually be covered, unless the member could demonstrate that the decision was made due to a significant change in his health.
- **Example:** A member with previously diagnosed heart disease has a heart attack. This is a new complication of an existing problem and would be covered.
- **Example:** A member with previously diagnosed cancer was told that the cancer had been removed but it did recur. This would be a covered condition.
- **Example:** A member with previously diagnosed cancer was told that the cancer would recur, would generally not be covered, unless the cancer was considered inactive at the time of enrollment as demonstrated by the general health of the member or statement of the physician.

ARGYLE ISD SICK LEAVE BANK BENEFITS
EMPLOYEE'S PERSONAL ILLNESS/INJURY APPLICATION

Return all information to: Argyle ISD Administration Building Attn: Chris Daniel, Deputy Superintendent
Email: cdaniel@argyleisd.com Office: 940-464-7241 Fax: 940-464-7297 800 Eagle Drive, Argyle, TX 76226

EMPLOYEE INFORMATION

Name: _____ Employee ID#: _____

Campus/Location: _____ Position: _____

Date of first absence: _____ Expected Return to Work Date: _____

Employee's Personal Injury/Illness (Specify medical condition). _____

I am applying for sick leave bank benefits and authorize the physician named below to release information concerning this injury/illness and my related absences to the Argyle Independent School District Sick Leave Bank representative.

Name of Physician: _____ Phone #: _____ Fax #: _____

Employee Signature: _____ **Phone #:** _____ **Date:** _____

Family Signature (if employee is unable to sign): _____ Relationship: _____

Apply as soon as possible to avoid any pay disruption. Eligibility is not determined until doctor's statement is received.

PHYSICIAN INFORMATION

Employee's injuries/illness DIAGNOSIS: _____

Date of earliest treatment/diagnosis: _____

Could the recommended treatment be scheduled during extended school breaks, such as summer break, winter break, or spring break, without being detrimental to the patient's health? Yes? ____ or No? ____

Was or will the employee be hospitalized? Yes? ____ or No? ____ If yes, how long? _____

Anticipated treatments or therapies (include type/date of surgery, if applicable): _____

Employee unable to work from: _____ through _____

Physician's Signature: _____ **Date:** _____ **Physician's Stamp Required:** _____

For District Use Only

Eligible Member? ____ Eligible Absence? ____ 10 consecutive days of absence for personal injury/illness? ____

Number of SLB days used this year: ____ (max 15) Number of SLB days used during a lifetime: ____ (max 45)

of Eligible Absences ____ less # of sick/personal days available ____ = # of SLB days available: ____

____ Approved by sick leave bank committee – Number of Days: _____

____ Not Approved or deferred – Reason: _____

Signature of Bank Officer: _____ Date: _____

**ARGYLE ISD SICK LEAVE BANK BENEFITS
CRITICAL CARE FOR FAMILY MEMBER APPLICATION**

Return all information to: Argyle ISD Administration Building Attn: Chris Daniel, Deputy Superintendent
Email: cdaniel@argyleisd.com Office: 940-464-7241 Fax: 940-464-7297 800 Eagle Drive, Argyle, TX 76226

EMPLOYEE INFORMATION

Name: _____ Employee ID#: _____

Campus/Location: _____ Position: _____

Date of first absence: _____ Expected Return to Work Date: _____

Critical Care (Name and Relationship of Family Member) _____

Describe the care you will provide to your family member: _____

I am applying for sick leave bank benefits and request that the physician named below release information concerning my family member's condition to the Argyle Independent School District Sick Leave Bank representative.

Name of Family Member's Physician: _____ Phone #: _____ Fax #: _____

Employee Signature: _____ **Phone #:** _____ **Date:** _____

Apply as soon as possible to avoid any pay disruption. Eligibility is not determined until doctor's statement is received.

PHYSICIAN INFORMATION

Family Member's DIAGNOSIS: _____

Date of earliest treatment/diagnosis: _____ Duration of Condition: _____

FOR ALL SURGERIES Date of Surgery: _____

Could the recommended treatment be scheduled during extended school breaks, such as summer break, winter break, or spring break, without being detrimental to the patient's health? Yes? ____ or No? ____

Was the family member hospitalized due to this diagnosis? Yes? ____ or No? ____ If yes, how long? _____

Will the family member be incapacitated for a single continuous period of time? Yes? ____ or No? ____

If yes, estimate the beginning and ending dates for the period of incapacity: _____ to _____

Physician's Signature: _____ **Date:** _____ **Physician's Stamp Required:** _____

For District Use Only

Eligible Member? ____ Eligible Absence? ____ 10 consecutive days of absence for personal injury/illness? ____

Number of SLB days used this year: ____ (max 15) Number of SLB days used during a lifetime: ____ (max 45)

of Eligible Absences ____ less # of sick/personal days available ____ = # of SLB days available: _____

____ Approved by sick leave bank committee – Number of Days: _____

____ Not Approved or deferred – Reason: _____

Signature of Bank Officer: _____ Date: _____