

V:01:30 FACULTY SICK LEAVE BANK

PURPOSE

The purpose of the Faculty Sick Leave Bank is to provide emergency sick leave to members of the program who have experienced disability or quarantine resulting from personal catastrophic illness and/or unexpected medical emergencies and who have exhausted their sick leave and annual leave if applicable.

ADMINISTRATION

The President of Volunteer State Community College shall 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. In addition, one representative from the Office of Human Resources and one representative from the Office of Payroll Services shall serve as nonvoting ex-officio members.

Initially, two (2) of the trustees shall 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 term, discontinuation of employment, retirement, death, resignation, or removal by the president of a trustee from the trustee role shall be filled immediately by appointment by the president. All actions by the trustees shall require three (3) affirmative votes.

The trustees shall:

1. 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 Tennessee Board of Regents' guidelines/policies, college policy, appropriate record keeping and accounting principles, and statutory provisions.
2. 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. The supervisor may be requested to meet with the trustees before a final decision is made.
3. 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 is established through the assessment of bank membership and must 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, along with monitoring by the Office of Human Resources and Office of Payroll Services, shall have sole discretion in determining how many assessments are necessary to maintain the reserve's positive balance.

GUIDELINES

1. Participation in the sick leave bank will be available to regular full-time and regular part-time faculty employees whether serving in an academic, fiscal or modified year appointment.
2. An annual enrollment period shall be established by the trustees. 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 periods shall be made available during the annual benefit enrollment/transfer period each year. The Office of Human Resources shall notify all eligible employees of their eligibility status and the dates of the enrollment period. Enrollment forms and copies of the plan and its regulations shall be made available at this time also.
3. All eligible persons who elect to participate in the bank shall be assessed fifteen (15) sick leave hours by the trustees as the initial enrollment assessment. Donations of sick leave days to the bank are NONREFUNDABLE and NONTRANSFERRABLE with the following exception. In the event that dissolution of the bank becomes necessary because Volunteer State Community College is closed, or because membership in the bank falls below twenty (20) individuals, the total days on deposit shall be returned to the participating members at the time of dissolution and credited to their personal sick leave accumulation in proportion to the number of days each has contributed individually. Days returned and credited to an individual shall be rounded to the nearest one-half (1/2) hour or equivalent.
4. 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.
5. 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.
6. An employee must exhaust all accumulated sick leave and annual leave (if applicable), prior to receiving bank sick leave.
7. The following restrictions have been established on the number of hours that may be withdrawn by an individual bank member because of one (1) illness. Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent of twenty (20) days for which the applicant would have otherwise lost pay. The maximum number of days any participant may receive in any fiscal year is sixty (60). The maximum number of days any participant may receive as a result of any one illness, recurring diagnosed illness, or accident is sixty (60) days per fiscal year or ninety (90) days total per illness or accident.
8. In the event 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 or conservator or an individual acting under valid power of attorney. The bank

member's supervisor or VSCC Director of Human Resources may also initiate the request when necessary.

9. The application for sick leave shall require from a bank member a physician's statement certifying the illness or condition of the bank member requesting bank leave. Further documentation may be required upon request of the trustees. Refusal to submit the certification or documentation will result in denial of the request for bank sick leave.
10. Awards of bank sick leave shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.
11. Awards of sick leave from the bank shall not be made to any member on account of any elective surgery and/or complications of any elective surgery, illness or death of any member of the participant's family, or during any period the member is receiving disability benefits from social security, a state-sponsored retirement plan, or Board of Claims benefits. Any surgery not required or strongly recommended by the employees' primary physician is classified as elective surgery for this purpose.
12. A member shall lose the right to obtain the benefits of the bank by:
 - a. Termination of employment (including retirement)
 - b. Cancellation of participation
 - c. Refusal or inability to honor assessments made by the trustees
 - d. Being on non pay status for an approved leave of absence for reasons other than illness, injury, or disability.
13. 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. In addition, they will receive credit for any holidays that may occur during the bank sick leave period.
14. The trustees shall approve or reject all requests for bank sick leave within ten (10) working days of receipt of the request. In the event of holidays and/or circumstances beyond the institution or trustee's control, which might prevent the trustees from approving or rejecting a request, a decision will be made in a timely manner or by the next affected payroll cycle. 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 decision of the trustees shall not be appealed beyond that body.
15. All records and official forms of the bank and minutes of the trustee's meetings shall be maintained in the Office of Human Resources and/or Office of Payroll Services. All records shall be subject to audit by appropriate state officials.
16. New applicants for membership in the Faculty Sick Leave Bank must have a sick leave balance of nine (9) days or the equivalent of sixty seven and one half (67.5) sick leave hours before eligible to participate.

PROCEDURES

Application to participate in the Faculty Sick Leave Bank shall be made on forms prepared and approved by the Chairman of Trustees, and then filed with the Office of Human Resources.

All requests to draw upon the bank must be made upon a Sick Leave Bank Withdrawal Request Form (obtained from the Office of Human Resources and submitted to the Trustees within thirty (30) calendar days after the first date bank usage is requested. This request includes a physician's statement, verifying the nature of the illness or injury, and the inability of the employee to work. In extreme and unusual cases, exceptions may be approved.

TBR Source: 5:01:01:15: TBR Meeting, December 9, 1994; TBR Meeting, March 29, 1996 (Finance and Administration approval November 13, 1996); TBR Meeting, June 19, 1998; March 28, 2008. P-060: November 1, 1988, Presidents meeting, August 15, 1989, Presidents Meeting; November 12, 1996, Presidents Meeting; November 6, 2002, Presidents Meeting

VSCC Source: January 5, 2009, President's Cabinet