

Town of Oak Bluffs

SICK LEAVE BANK POLICY

1. PURPOSE

The purpose of this sick leave bank is to provide at no additional cost to the Town, additional sick leave to certain employees who are absent from work for prolonged periods due to personal illness, or injury which does not qualify, for worker's compensation benefits. Participation in or of the bank is wholly and entirely voluntary. This Sick Bank policy is for regular employees covered under the Personnel By-laws and AFSCME Unit A and B Contracts. This policy does not in any way prohibit or replace an employee's right for leave under FMLA, PLA, WC or any other Federal, State and Local law that may be applicable.

2. MANAGEMENT

- I. The Sick Leave Bank will be administered by a committee consisting of three members; one member from each unit. Selection to the committee shall be by solicitation of interest from employees to volunteer and selection by lottery if there are multiple employees from each unit. In the event of less than three members, the Assistant Town Administrator shall serve as an alternate. Members of the committee must be contributors in the Sick Leave Bank and will serve a term of three years.
- II. The Assistant Town Administrator and the Committee shall ensure that in the operation of the sick leave bank, the confidentiality of personal data is protected in accordance with applicable laws.
- III. The Assistant Town Administrator shall ensure that adequate and accurate records are kept and filed. Minutes will be kept as to all decisions made and the minutes shall be kept on file in the Human Resources Office.
- IV. Duties performed as a member of the Committee shall be in addition to all other assigned duties and responsibilities and shall not entitle a member to any additional compensation or benefits.
- V. The Committee shall consider all applications submitted to it for sick leave and shall determine the amount, if any, of sick leave to be granted from the bank. A majority vote of the Committee shall be necessary for granting sick leave bank days and the Committee shall review the facts surrounding the request including reviewing the employee's attendance records.
- VI. If the decision of the Committee is not favorable, the employee may appealed to the Personnel Board for review. The decision of the Personnel Board shall be final and binding and not subject to further review.
- VII. The Committee shall promptly report to the Select Board any fraudulent application for, or use of granted sick leave bank, which comes to its attention.

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3. ESTABLISHMENT OF THE SICK BANK

- I. Regular full time and part time (20 hours or more per week) employees who are eligible to earn sick leave credits may make voluntary contributions to the sick leave bank.
- II. Qualified employees, wishing to participate must make an initial contribution of 2 sick leave days and then one day per year thereafter at the start of the fiscal year (on July 1st).
- III. Human Resources will in June/ July of each year send a renewal form to all eligible employees to indicate their desire to continue or be included in the sick leave bank.
- IV. All contributions of sick leave hours must be from earned sick leave standing to the credit of qualified employees as of July 1st and may not be borrowed against anticipated future earnings.
- V. If the sick leave bank is exhausted and in addition to the annual contribution, the Committee may, with the approval of the Town Administrator, deduct an additional sick leave day from participants in the bank.
- VI. Any employee who has contributed to the sick leave bank may stop participation in the bank at any time. However, all contributions are to be considered property of the bank. If a member wishes to stop participating, a written notice must be given to the Human Resources Office.
- VII. The Personnel Board may, by a majority vote of all active participants dissolve the sick leave bank. In such instances, credits previously awarded by the Committee and legitimately relied upon by an employee shall be allowed to stand. All other credits in the bank shall be considered rendered to the Town if the bank is dissolved.

4. GUIDELINES TO WITHDRAW FROM THE SICK LEAVE BANK

- I. Sick Leave Bank days may be granted only for instances of serious illness, injury, complications of pregnancy, or quarantine of the individual employee.
- II. Members of the Bank shall be eligible to make application to the Bank for sick leave only after having been a member of the Bank for ninety (90) calendar days.
- III. An employee who anticipates that they will exhaust all their accumulated sick, comp, personal and vacation leave, and has one week or less of accrual time remaining can complete the withdrawal request application. Medical certification will be required by the attending physician to be submitted directly to the Human Resources Office.
- IV. Applications for withdrawal are available from the Human Resources Office or Personnel Department Webpage on <https://www.oakbluffsma.gov/158/Personnel-Department>

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- V. Applications for grants from the Bank will be denied for the following:
- a. elective surgery;
 - b. illness of any family member;
 - c. intentionally self-inflicted injuries;
 - d. for injuries suffered as a result from secondary employment;
 - e. while the employee is earning or receiving income from other employment;
 - f. during any period, the employee is receiving disability benefits from social security, or the state retirement plan;
 - g. the member is receiving workers' compensation benefits, or any other employer provided benefits for job or service related injuries or illnesses that are also related to the request for grants from the Bank; or
 - h. pre-existing conditions occurring during 12 months prior to joining the Bank, pre-existing meaning an illness or injury the employee sought medical treatment for in the previous 12 months before participating into the sick bank.
- VI. A participant shall not receive any sick leave from the Bank until after having exhausted all accumulated sick leave, personal leave, and compensatory time and having one regular week or less of accrual time available.
- VII. Minimum grant of leave from the Bank for temporary illness shall be three (3) days. Sick bank leave can be applied to intermittent work schedule.
- VIII. Leave grants shall not exceed four regular work weeks days per application. Employees may apply to the Committee for an extension for up to a further four weeks with supporting medical certification, and subject to balance of the sick leave bank.. The maximum number of days a member may receive per accident or illness is twelve regular work weeks. In addition, a member may not withdraw leave grants exceeding eight regular work weeks in a fiscal year. In the event an employee is physically or mentally unable to make a request to the Committee, a representative may file the request.
- IX. An employee who has been granted sick leave bank time and returns to work prior to using all their granted time shall have any unused sick leave time reverted back to the sick leave bank.
- X. The Committee may establish regulations restricting the number of days which may be withdrawn from the bank by an employee or by the account of one illness, particularly any known illness existing at the time the employee elected to participate in the bank.

All questions regarding procedures and policy can be directed to the Human Resources Office:
508-693-3554 ext: 149.