

## **Town of Phillipston Sick Leave Bank Policy**

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The Town maintains a Sick Leave Bank that is available to those employees who are eligible to accrue sick leave in accordance with town policy. The purpose of the Sick Leave Bank is to provide additional paid sick leave to eligible employees who have suffered a major medical emergency, whose other paid leave is exhausted, and who do not qualify for disability insurance or workers' compensation insurance. It is intended to be a final resort.

The Sick Leave Bank is administered by a Sick Bank Committee composed of the Chief Administrative Officer, the Town Treasurer, and a member to be appointed by the Selectboard, preferably with a medical background. This Committee may adopt guidelines for the Sick Leave Bank provided they are not inconsistent with this policy. Decisions of the Sick Leave Bank Committee are final. This bank of time will be tracked and maintained by the Town Treasurer. Contributed time will be taken from the employee's accumulated sick leave. For purposes of this policy one day equals eight hours.

Membership is voluntary. Within 30 days of the adoption of this policy current employees who are eligible may join by filing an application and donating three sick days. Thereafter, within 30 days of successfully completing their probationary period, new employees who are eligible may join by filing the application and donating three sick days. This is the only time an employee may join.

Each year thereafter, at the beginning of the fiscal year, members shall donate one additional sick day. Whenever the Sick Leave Bank balance falls to less than 20 days (160 hours) the Committee may require each member to contribute an additional day(s) to increase the balance. On no account will a member be required to donate more than three sick days per year or more than one-third of their accrued sick days, whichever is less.

Enrollment does not guarantee any grant of sick leave time. A member cannot request sick days within the first 90 calendar days after joining.

Members may cancel their membership by providing written notice by June 30. Once donated, sick days cannot be withdrawn if a member resigns from the Bank or leaves the town service.

Employees who separate from town service may donate up to 10 of their accrued sick days to the Bank. Donations are credited to the Bank and not to a particular person.

The Sick Leave Bank is intended for employees, not for family members. Employees who receive hours from the Sick Leave Bank will not accrue sick or vacation time or be paid for holidays while being paid wages based on Sick Leave Bank hours. Members may not receive hours from the Sick Leave Bank until they exhaust all their existing accrued sick, vacation, personal and compensatory leave. Additionally, employees collecting worker's compensation or disability benefits are not eligible to withdraw from the Sick Leave Bank. Employees who have not joined the Sick Leave Bank may not receive days from the Sick Leave Bank.

Members seeking leave time from the Sick Leave Bank will file a written request and submit it together with acceptable medical documentation regarding the requirements for their absence. All requests require a doctor's note detailing the nature of the illness or medical condition. The Committee may require a physical examination or confirmation of medical condition by a physician chosen by the Town.

Sick Leave Bank hours may be granted only for instances of serious illness or injury. Applications will be denied in the following instances:

- Elective surgery;
- Illness of any family member;
- Intentionally self-inflicted injuries;
- Injuries suffered as a result of secondary employment;
- While the employee is earning or receiving income from other employment;
- During any period the employee is receiving disability benefits from social security, or the state or county retirement plan;
- The member is receiving worker's 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 of time from the Bank; or
- Pre-existing conditions occurring during 12 months prior to joining the Bank. Pre-existing condition means an illness or injury the employee sought medical treatment for in the previous 12 months before participating in the Bank.

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.

Each initial leave grant shall not exceed 20 work days (160 hours) or 50% of the available Sick Leave Bank balance, whichever is less, per application. After submitting additional medical documentation a member may request an additional 20 work days (160 hours) or 50% of the available Sick Leave Bank balance, whichever is. The maximum number of days a member can receive per accident or illness is 40 work days (320 hours) per fiscal year. The maximum lifetime withdrawal amount is 80 work days (640 hours).

Bank days which are granted but unused revert to the Bank upon an employee's return to regular work schedule, retirement, resignation or other separation from employment or death whichever occurs first. No employee who is granted Bank days shall be allowed to redeem any unused portion of leave that was granted.

The Town considers the available Sick Leave Bank balance as having collective value to all members. The employee's leave records will be examined as part of the decision making process. A record of excess leave use over the course of the employee's service will be taken into account when considering a request for Sick Leave Bank hours, and may result in a decision to deny the request. If there are extenuating circumstances surrounding the employee's attendance history, the employee should present them with their application.

Prior to returning to work following use of the Sick Leave Bank, the employee will be required to submit a copy of their job description and Work Capacity Form to their treating physician, who must complete and return the form indicating the employee's fitness for duty.

Membership in and use of the Sick Leave Bank is considered personal medical information and therefore confidential.

*Approved by the Selectboard December 3, 2018*