

Sick Leave Bank (Managerial Sick Leave Bank or MSLB)

Eligibility

An emergency sick leave bank is available to managers if they meet the following criteria for eligibility:

- The manager has been a state employee for two or more years;
 - The manager has elected to participate in the MSLB at the time the MSLB was established or at the time s/he became eligible to be a member of the MSLB;
 - The manager has exhausted all sick leave, personal leave, and compensatory time;
 - The manager has exhausted all vacation leave in excess of 60 days;
 - The illness is not covered by Workers' Compensation, or Workers' Compensation benefits are exhausted;
 - An acceptable medical certificate supporting the continued absence is on file; and
 - The manager has not been disciplined for sick leave abuse during the two-year period before he/she applies for the benefit. (Note: the Committee established to administer the sick leave bank may waive this requirement).
- Also see the "Sick Leave, Exhaustion of" section.

Benefits

Provided the fund is not depleted, the sick leave bank provides benefits to the manager that equal one-half day for each day of illness. Payments begin on the sixteenth day after paid leave or Workers' Compensation benefits are exhausted. Managers may draw on the bank once per fiscal year and cannot draw more than 200 one-half days per fiscal year of illness or injury.

Managers receiving benefits under this policy do not accrue vacation or sick leave during the period of benefits and are not eligible for holiday or other paid leave benefits.

The employing agency shall hold the position of any manager who is placed on sick leave bank for at least 42 calendar days, but may, in its discretion, hold the position for longer. The manager may also have re-employment rights under federal FMLA and/or state family/medical leave.

Contributions

The fund is established through contributions of hours from both the state and managers who participate. The state contributed 1,000 hours to the bank at its inception. Any manager who becomes eligible to use the sick leave bank by completing two years of employment and who chooses to participate contributes the hourly equivalent of one day toward the sick leave bank. If at any time the fund falls below 5,000 hours, the Committee established to administer the program will recommend a modification to the sick leave bank.

Management Committee

Eligible managers requesting use of emergency sick leave apply to a Management Committee established to administer the program. The Committee consists of two members, one appointed by the Commissioner of the Department of Administrative Services ("DAS") and one appointed by the Executive Chairperson of the Management Advisory Council ("MAC"). Determinations made by this Committee must be unanimous. The Committee has full authority to grant benefits and administer the program in accordance with the provisions of this policy. When a manager returns to work, or when the sick leave bank benefits have been exhausted, the appointing agency notifies the Committee, in writing, of the total number of hours used by the manager.

Time off without loss of pay or benefits are granted to committee members to attend meetings as necessary to administer this program. Actions or non-actions of the Committee are not subject to any appeal process. The Committee is not considered to be a state agency, nor is it a board or other subdivision of the employer. All actions are taken at the discretion of the Committee, and no request will be construed as a contested case.

Sick (Illness) While on Vacation

Managers who become sick while on vacation may have that time charged against accrued sick leave rather than vacation leave provided that the employee files an approved medical certificate with the agency justifying the change from vacation leave to sick leave. Sick leave while on vacation usage for collective bargaining employees is outlined in specific bargaining unit contracts and vary considerably from contract to contract.

Sick Leave, Exhaustion of

When a manager has exhausted all of his or her sick leave and is facing an extended illness or recovery, there are some options available to help keep the manager on the payroll for defined periods of time. These options must be accessed in order and some are available only to managers with a minimum number of years of state service.

1) The manager may use vacation or personal leave days that have been donated to him or her by other managers. These days are converted to sick leave. The manager may use the donated time as sick leave until it is exhausted. Donated vacation or personal leave time cannot be returned to the donating managers.

2) After a manager has a) exhausted all of his or her sick leave, b) used any vacation or personal leave that was donated to the manager by other managers and c) been off the payroll for 15 days, the Managers' Sick Leave Bank may be accessed provided the manager is eligible to participate in the MSLB. The use of this Sick Leave Bank may last for up to 200 half-days pay in a fiscal year. Note: a manager may retain up to 60 days of vacation leave time while using Managers' Sick Leave Bank benefits.

3) Following the foregoing, advance sick leave may be used if the manager is qualified. A manager with at least the equivalent of 5 years of full-time service may receive advance sick leave at the rate of 1 day for each year of service up to 30 days.

4) Extended sick leave for up to an additional 30 days is available if all of the foregoing options have been exhausted and the manager has at least the equivalent of 20 years of full-time state service.

Note: Both "advanced" and "extended" sick leave benefits that are used must be repaid with sick leave accrued by the manager after he or she returns to work.