

BALTIMORE COUNTY PUBLIC SCHOOLS UNIFIED SICK LEAVE BANK RULES

Introduction

Through negotiations with the Board of Education, the AFSCME, ESPBC, CASE, and OPE bargaining units agreed to merge their sick leave banks into a single Unified Sick Leave Bank (USLB). The USLB is a benefit provided to employees. Eligible employees will be assessed a portion of their accumulated sick leave so that other eligible employees, who have exhausted their sick and urgent personal business leave, may be absent without loss of pay due to catastrophic illness, injury, or quarantine. Each unit's master agreement contains an article or section regarding the USLB's purpose, definition, eligibility requirements, governing committee, and appeals process. The language in each agreement is identical.

The purpose of this document is to outline the rules of the USLB. The first section delineates the roles and responsibilities of the USLB Oversight Committee, the bargaining unit USLB committees, and the Office of Risk Management. The second section addresses the USLB's general rules.

1. **USLB Oversight Committee.** A USLB Oversight Committee, composed of a representative from each of the participating bargaining units and staff from the Office of Risk Management, Office of Payroll and Office of Staff Relations, will:
 - a. Determines the initial and subsequent employee annual sick leave assessment or contribution rates, as necessary. Initial and subsequent assessments will appear on employee pay stubs when they occur. The employee sick leave contribution rates will be determined based upon the number of hours contained in the bank at the end of the fiscal year and the prior year's usage. The USLB's balance will be maintained to ensure that employees approved to draw from USLB may do so. Part-time employee USLB assessments will be based on his/her full time equivalency (e.g., a .5 employee's assessment will be half of that of a full time employee in his/her bargaining unit).
 - b. Meets at least annually to review the USLB's rules and procedures and to make recommendations for revisions to these rules and procedures as necessary. The USLB Oversight Committee and the superintendent must approve any changes to the rules and procedures before they are disseminated to employees.
 - c. Decides by a majority vote issues on which unanimous agreement does not exist. The seven (7) voting members include: 1 representative from each of the bargaining units (4 total), the BCPS manager of risk management (1), the BCPS manager of payroll (1) and the BCPS manager of staff relations (1).

- d. **Bargaining Unit USLB Governing Committees.** ESPBC AND AFSCME will establish its own USLB Governing Committee from its membership. Each committee shall meet as necessary to:
- 1) Review and verify employee requests to draw from the USLB. A majority of the bargaining unit's Governing USLB Committee must agree to the employee's request to draw from the bank before the request is sent to the Office of Risk Management. The committee may require the employee to have a physical examination, at his/her expense, by a health care provider designated by the committee. The committee may also require a "paper review" of the employee's application and supporting documentation by a designated health care provider.
 - 2) Recommend the approval or denial of such requests and inform the employee and the Office of Risk Management of its decisions.
 - 3) Review the decision of the manager of the Office of Risk Management regarding the approval or denial of the request to draw from the USLB.
 - 4) ESPBC and AFSCME Unit's USLB Governing Committee is responsible for the proper administration of its bank. This includes, but is not limited to, recording the minutes of USLB meetings and maintaining all records related to the bargaining unit's USLB (e.g., applications, member contributions, and withdrawals).
3. **Office of Risk Management.** The AFSCME and ESPBC USLB committees will send all employee applications to draw from the bank and its decisions to the Office of Risk Management for review. CASE and OPE employees will obtain the USLB application from the Office of Risk Management and submit all completed requests directly to the Office of Risk Management
- a. **Request Approved.** If the request is consistent with BCPS' sick leave policies and the rules of the USLB, the Office of Risk Management will approve the requests from the bargaining unit USLB committee or from the CASE or OPE employee and notify the bargaining unit's USLB committee for ESPBC and AFSCME, the designated contacts for OPE and CASE, and the Office of Payroll to pay the employee his/her regular salary.
 - b. **Request Denied.** If the Office of Risk Management denies the employee's request to draw from the USLB from the bargaining unit's USLB committee for ESPBC and AFSCME or from the CASE OR OPE employee, it will notify the bargaining unit USLB committee, designated contacts for CASE and OPE, and the employee of the decision and the reason(s) for the denial within 10 duty days.

- c. **Appeal.** The employee, or his/her representative, may appeal the decision of the Office of Risk Management. The appeal must be in writing and sent to the chief human resources officer within 10 duty days of the Office of Risk Management's decision to deny the request to draw from the USLB. The chief human resources officer will render a binding decision within 5 duty days of the receipt of the written request for appeal. However, additional time may be necessary to obtain supporting documentation, second opinions, or other data related to the employee's condition, diagnosis, and prognosis. The chief human resources officer will notify the Office of Risk Management, the employee, and his/her Bargaining Unit USLB Governing Committee, and/or the designated contacts for OPE and CASE of the decision. The employee will continue to be paid his/her regular salary pending the outcome of the appeal. The USLB will be charged for the days the employee is in pay status pending the outcome of the appeal.

The Office of Risk Management and the Office of Payroll are responsible for maintaining all records related to USLB (e.g., the number of applications, member contributions and withdrawals, assessments, etc.)

4. **Eligibility.** After meeting the eligibility requirements, employees represented by AFSCME, ESPBC, CASE, or OPE will be enrolled in the USLB at the beginning of the 12- and 10-month leave accounting year (i.e., in July and September, respectively). Newly eligible employees will be notified of their automatic enrollment at the start of their leave accounting year and their option to "opt out" of the USLB. Information will be provided to employees regarding the completion of an opt-out form to be submitted to the Office of Payroll if the employee chooses this option. Once the form is processed by the Office of Payroll, a copy of the form will be sent to the Office of Risk Management and risk management will notify the appropriate bargaining unit.
 - a. Ten-month employees who have completed one year of continuous service and who have accumulated 20 days of sick leave will be automatically enrolled in the USLB. Enrollment will occur in September.
 - b. Twelve-month employees who have completed one year of continuous service and who have accumulated 24 days of sick leave will be automatically enrolled in the USLB. Enrollment will occur in July.
 - c. An employee's personal representative or a member of his/her immediate family may submit a USLB application if the employee's condition is such that he/she is unable to do so.
 - d. Only the individual employee may use the USLB for his/her personal illness or injury. Employees may not draw from the USLB in order to care for an ill or injured family member.

- e. Sick leave from the USLB may not be granted when the employee has an active workers compensation case in accordance with language in bargaining unit agreements. Days charged to the USLB which are later determined to be compensable under a workers' compensation claim will be returned to the USLB.
 - f. The USLB may not be used to postpone a disability retirement.
 - g. Eligible employees may draw from the USLB for a lifetime maximum of 1 year: 191 days for full-time 10-month employees and 245 days for full-time 12-month employees. The number of days will be prorated based upon the employee's FTE. The USLB will not be charged for holidays, compensable non-duty weekdays, vacation days, or other days the employee does not normally work.
 - h. In no case will granting of leave from the USLB cause an employee to be paid more than his/her regular annual salary.
 - i. Employees in the options process who do not choose an available option for which they are eligible and qualified and are recommended for termination for "failure to choose option" will not be eligible to draw from USLB after the options deadline date.
 - j. Employees who are re-hired must again meet eligibility requirements including accumulating the necessary personal illness leave balance in order to join the bank.
5. **Cancellation/Opt Out.** With the exception of the initial year, sick leave contributions to the USLB will remain in force and will not be returned even if an employee cancels his/her membership in the USLB. Employees who cancel their membership in the fiscal year in which the initial assessment was made will have their sick leave assessment returned to them.
- a. An employee who is eligible for membership in the USLB may opt out for any reason by notifying the Office of Payroll in writing of his/her decision.
 - b. Employees who opt out of the USLB remain eligible for membership and may request to be re-enrolled as long as they meet the eligibility requirements. AFSCME AND ESPBC employees who have opted out of the USLB and want to be re-enrolled must send their written request to their bargaining unit's USLB Governing Committee. CASE and OPE employees who have opted out of the USLB and want to be re-enrolled must send their written request to their bargaining unit designated contacts. Upon receipt of their written request to be re-enrolled, employees who have opted out will re-enrolled at the beginning of their leave accounting year. Re-enrolled employees will be re-assessed an initial contribution.

- c. Anyone who has withdrawn from the USLB may not opt out of the USLB.
6. **Withdrawals from the USLB.** Withdrawals from the USLB will be in increments of 20 days per application. A “day” is defined as the employee’s regularly scheduled workday.
- a. Employees from ESPBC AND AFSCME must complete a Unified Sick Leave Bank Application form and send it to their bargaining unit’s USLB Governing Committee at least 10 duty days prior to the date they want to begin drawing from the bank. Employees from CASE and OPE must complete an USLB application obtained from the Office of Risk Management, and once completed, submit it to the Office of Risk Management at least 10 duty days prior to the date they want to begin drawing from the bank. Bargaining Unit USLB committees or the Office of Risk Management may grant an exception to the 10-day requirement in the case of an emergency (e.g., sudden onset of catastrophic illness or injury). Incomplete applications may delay an employee’s request to draw from the USLB.
 - b. All requests to draw from the USLB must include the physician’s or other health care provider’s diagnosis, prognosis, and anticipated date the employee may return to work. The physician or other health care provider, who is treating the employee for the USLB-related illness/injury, must sign the form. Requests received after the initial request need to include updated medical information, dates of disability and/or status, and may not be a duplicate of the previous form.
 - c. Under a qualifying illness or injury, sick leave from the bank may be used for medical, dental, or optical examinations, or treatments that are impossible to schedule on non-duty days or before/after the employee’s normally scheduled workday.
 - d. Employees drawing from the USLB may submit a request for an extension of the USLB benefit prior to the expiration of the current request. The request for an extension should be filed not less than 5 days prior to the expiration of the current request.
 - e. If the employee does not use all of the days granted from the USLB, the unused days will be returned to the bank.
 - f. All USLB withdrawals expire on June 30 or on the last duty day of the school year. Employees who want to continue to draw from the USLB must reapply.
 - g. Employees may not draw from the USLB for any portion of child rearing leave.
 - h. With the approval of the Office of Risk Management, a USLB Governing Committee may approve the retroactive use of the USLB.
 - i. The USLB’s balance will be carried over each fiscal year.

- j. At the start of their leave accounting year, employees must use their sick leave and urgent personal business advance prior to drawing from the USLB.
7. **Loss of Privilege to Draw from USLB.** An employee who is a member of the USLB will lose his/her right to draw from the USLB when he/she is:
- a. Terminated or suspended from BCPS employment.
 - b. On an approved unpaid leave of absence.
 - c. Does not provide the medical documentation requested by the employee's bargaining unit USLB committee or the Office of Risk Management.
 - d. Employed by another employer.
 - e. Approved for disability retirement, Social Security disability, or other comparable disability benefit.