

## **GUIDELINES FOR BIRDVILLE INDEPENDENT SCHOOL DISTRICT EMPLOYEE SICK LEAVE BANK**

### **SECTION I**

#### **PURPOSE AND DEFINITION**

A. Purpose

The purpose of the Sick Leave Bank is to provide additional sick leave days to members of the Bank who in the event of a catastrophic illness or injury have exhausted all paid leave days. The request for additional days may only be made when a member has exhausted all accumulated comp time, state, local, and vacation leave days.

B. Definition of Catastrophic

According to Board Policy DEC (Local), a catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee, or employee's immediate family, that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death.

C. Definition of Immediate Family

Immediate family shall be defined as the employee's spouse; son or daughter, including biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*; and parent including stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee as a minor.

### **SECTION II**

#### **MEMBERSHIP**

A. Eligibility

Any employees eligible to earn sick leave benefits in the Birdville Independent School District may join the Sick Leave Bank. Sick leave bank days withdrawn shall be the same as the members' sick leave eligibility (four-hour workers shall be entitled to "four-hour-day" withdrawals, etc.)

B. Procedure for Joining the Sick Leave Bank

1. Any employee who is eligible to join the Sick Leave Bank may do so by contributing three (3) days of accrued or anticipated local sick leave. An employee desiring to join during the current plan year must be able to earn at least three (3) days of sick leave from the time of his/her employment until the end of the plan year.

2. The enrollment period for current employees will coincide with the employee annual benefit enrollment for all benefits and will be effective September 1<sup>st</sup>. Three (3) local sick leave days shall be available on September 1<sup>st</sup> for enrollment. New employees hired prior to the opening of the plan year will submit an enrollment application within their 30 day benefit enrollment period. The plan will be effective the first day of the month following their 30<sup>th</sup> calendar day of employment. Three (3) local sick leave days shall be available on the effective date.
3. Personnel employed during the plan year shall be eligible to join the Sick Leave Bank the first day of the month following their 30<sup>th</sup> calendar day of employment. Three (3) local sick leave days shall be available on the effective date.
4. Employees desiring to join the Bank shall complete the membership application form and submit it to the executive officer. The executive officer, or designee, shall verify the employment eligibility and, upon approval of the application, send the information to the payroll department.

### **SECTION III**

#### **REGULATIONS CONCERNING CONTRIBUTION OF DAYS**

- A. To become a member of the Bank, an employee must contribute three (3) days from his/her accrued or anticipated local sick leave. These days will be subtracted from the member's local sick leave record. The three (3) local sick leave days shall be available on the effective date.
- B. The three (3) days donated become the property of the Birdville ISD Sick Leave Bank. All donations will remain in force and cannot be returned upon cancellation of membership.
- C. For Bank purposes, the plan year will be from September 1 through August 31.
- D. If a member uses three (3) or more days from the Bank during the year, he/she will be required to donate an additional three (3) days the following year to maintain membership in the Bank. If a member uses fewer than three (3) days during the year, he/she will only be required to donate the actual number of days used. The maximum number of days to be repaid to the Bank in any year shall be three (3). The required number of donation days shall be available on the effective date.
- E. If a member fails to pay back the required number of days, he/she will forfeit membership in the Bank. The member may rejoin during the following enrollment period, but must contribute an additional three (3) days to the Bank.
- F. If the number of available days in the Bank falls below two times the number of members in the Bank on September 30<sup>th</sup> of any given year, members will be required to contribute one (1)

additional leave day effective October 2<sup>nd</sup> of that year. If the Bank falls below one times the number of current members, an additional two (2) days must be contributed. New members will only be required to donate a maximum of three (3) days for the current school term.

- G. If a member decides to cancel his/her membership in the Bank, the three (3) days contributed for membership remain the property of the Bank. If at a later date this individual wishes to rejoin the Bank, he/she may do so only during the next annual enrollment period by again donating three (3) local sick leave days.

## SECTION IV

### REGULATIONS CONCERNING GRANTING OF SICK LEAVE DAYS FROM THE BANK

- A. Granting of days from the Sick Leave Bank:
  - 1. Sick leave days from the Bank are available only in the event of a catastrophic illness or catastrophic injury. Pregnancy is not covered by the Sick Leave Bank; however, complications arising from pregnancy that require an extended hospitalization may be considered by the Governing Board on an individual basis. Complications arising during childbirth may also be considered by the Governing Board on an individual basis.
  - 2. When it becomes apparent that a member will exhaust all accumulated state, local, and vacation leave days, all comp time, and all paid leave options, then and only then may a request be submitted. Days may be used from the Bank **only after** the member has exhausted all accumulated comp time, state, local, and vacation leave days.
  - 3. Bank days shall be granted for an absence from work of five (5) or more consecutive days. The only exception shall be intermittent leave for treatments of critical illnesses such as chemotherapy, radiation, dialysis and the like.
  - 4. Sick leave bank days shall be granted only for absences from working days and will not be granted for holidays, vacation days, or other such days for which the member is not compensated.
  - 5. No member shall be granted benefits from the Sick Leave Bank for an elective procedure or any procedure that could be scheduled without detriment to the member's health, at a time more compatible with the member's work responsibilities.
  - 6. The maximum total number of sick leave bank days that may be granted to a member during the year (September 1 to August 31) will be thirty (30) business days. The maximum number of sick leave bank days that may be granted to a member during the year to care for an immediate family member will be twenty (20) business days. The maximum lifetime benefit shall be ninety (90) business days.

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7. A member shall only be reimbursed for the amount actually docked from their paycheck. Reimbursement for docked days will only be made in the member's regular payroll check after the Governing Board's approval of requested days.
8. The Bank may be used by the individual member for his/her personal illness or injury and/or may be used in order to assist a member of his/her immediate family who is ill.
9. Sick leave days from the Bank may not be granted for a period of disability when monies are paid to the member under the Workers' Compensation Act.
10. All unused sick leave days in the Bank at the end of the plan year (September 1) shall be carried over to the next plan year (September 1 through August 31).
11. A member will lose the right to utilize the benefits of the Bank only by:
  - a. Termination or suspension of employment in Birdville ISD.
  - b. Cancellation of participation by the member on the proper form at any time.
  - c. Being on an approved leave of absence.
  - d. Failure to pay back the required number of days.
  - e. Abuse of the system as determined by the Governing Board.
12. The Governing Board may consider extenuating circumstances when granting days from the Bank.
13. These guidelines may be amended upon recommendation of the Governing Board with the approval of the Superintendent or designee.
14. A member shall be notified within five (5) business days of the decision of the Committee. The member has ten (10) business days to appeal any decision to the Committee. All appeals must be in writing and sent to the executive officer. Supporting documentation should be included. The executive officer will then notify the appeals committee and a meeting will be called to review the original application and any new information and documents. The appeals committee will consist of the Director of Human Resources (or designee), Director of Health Services (or designee), and Executive Director of Student Services (or designee).

**SECTION V**  
**PROCEDURE FOR APPLYING FOR SICK LEAVE DAYS**

- A. Should the member have a catastrophic illness or injury necessitating the need for additional days after all accumulated state, local, and vacation leave days have been used, the member may submit a request for days from the Bank. Forms are available on the district website.
- B. A member requesting days from the Bank must submit the following information to the

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executive officer within thirty (30) business days after returning to duty.

1. Completion of the attending physician's statement which includes:
    - a. Identification of the nature of the illness and/or extent of injury;
    - b. Date of initial onset of this particular condition;
    - c. Anticipated date eligible to return to work on a full-time basis;
  2. Dates of absences from work for the illness or injury; and
  3. Anticipated days, if any, for follow-up examinations.
- C. If the employee is eligible for FMLA, the Governing Board will accept the FMLA form as supporting documentation from the attending physician in lieu of the standard Sick Leave Bank form.
- D. If a member is critically ill and unable to file an application for sick leave days from the Bank, the school principal, immediate supervisor, or department head may initiate the application form at the request of the member or someone in the member's family.

**SECTION VI**  
**GOVERNING BOARD**

- A. Name
1. The governing board, which will approve or disapprove all requests for sick leave bank days, shall be called the Birdville ISD Sick Leave Bank Governing Board.
- B. Composition of Membership of Governing Board
1. Membership of the Governing Board shall be composed of:
    - a. Voting Members, elected by the current members of the Governing Board
      - (1) Two (2) teacher representatives from elementary schools
      - (2) Two (2) teacher representatives from middle schools
      - (3) Two (2) teacher representatives from senior high schools
      - (4) One (1) representative from secretarial/bookkeeper/clerical personnel
      - (5) One (1) representative from educational assistant personnel
      - (6) One (1) representative from food service personnel
      - (7) One (1) representative from building and grounds personnel
      - (8) One (1) representative from administration (central office/campus level)
      - (9) One (1) representative from the transportation personnel

Campus representative election requests shall be coordinated for equal representation from the district's campus feeder systems as follows:

- Three (3) representatives from Haltom feeder
- Two (2) representatives from Birdville feeder

Two (2) representatives from Richland feeder

Exception: If a representative cannot be obtained from one of the above categories, then a member(s) can be added to serve at-large.

- b. Non-voting members
  - (1) The Executive Director of Finance and Federal Programs shall be the executive officer and shall be a non-voting member of the Governing Board.
  - (2) The Governing Board will elect a chairperson with non-voting status, except in case of a tie vote.
  - (3) The Director of Health Services shall serve as a non-voting member.
  - (4) The Benefit Specialist shall serve as a non-voting member.
  
- 2. Term of Office
  - a. A member of the Governing Board shall serve for two (2) years beginning September 1 and ending August 31. A member, if re-elected, may serve a maximum of two (2) consecutive terms.
  
  - b. Terms expiring odd number years
    - (1) One (1) elementary representative
    - (2) One (1) middle school representative
    - (3) One (1) senior high representative
    - (4) Building and grounds representative
    - (5) Secretarial/clerical/bookkeeper representative
    - (6) Transportation representative
  
  - c. Terms expiring even number years
    - (1) One (1) elementary representative
    - (2) One (1) middle school representative
    - (3) One (1) senior high representative
    - (4) Administrative representative
    - (5) Food service representative
    - (6) Educational assistant representative
  
- 3. Election procedure
  - a. A request for nominations to fill open positions for the Governing Board will be submitted to the Principals/Department Leaders no later than July of each year.
  
  - b. In the event no one files as a candidate for one or more of the positions on the Board, the Board shall fill such positions to serve at-large.
  
  - c. Elections for expiring terms shall be held at the August meeting. Only current

members of the Governing Board shall be eligible to vote.

C. Duties and responsibilities of the Governing Board

1. At the first meeting of the year for the newly elected board members, the Governing Board shall select a chairperson and secretary.
2. All applications for sick leave bank days shall be reviewed individually by the Governing Board in a called meeting. When necessary, review and approval of an application may be done via e-mail.
3. A member may be requested to appear before the Governing Board to substantiate

his/her case.

4. The Governing Board shall determine the number of days approved up to thirty (30) days and reserves the right to approve, disapprove, or modify the days requested.
5. A member may appeal the decision by writing a letter to the executive officer requesting to appear in person before the Governing Board.
6. All decisions regarding the Sick Leave Bank may be appealed in accordance with DEC(LOCAL), beginning with the Superintendent or designee.
7. Vacancies on the Governing Board that may arise during the plan year will be filled by appointment by the remaining members of the Governing Board. The selection will be made from the group which was represented by the member resigning.
8. The executive officer of the Governing Board, or their designee, shall submit all approved sick leave days to the payroll department.
9. All medical information provided to the Sick Leave Bank Governing Board shall be confidential. All Governing Board members shall acknowledge their duty to protect the confidentiality of the information presented.
10. All decisions of the Governing Board shall require the affirmative vote of a majority of the voting members present at the meeting.
11. The executive officer shall prepare a report regarding the current status of the Bank upon the request of the superintendent or at the direction of the school board.
12. A Governing Board member absent from three consecutive meetings without notification of good cause may be removed from the board.