

Please refer to Tennessee Board of Regents Guideline P-060

- I. Purpose: The purpose of the Faculty Sick Leave Bank is to provide additional sick leave to members who have suffered a serious health condition as defined by the Department of Labor and who have exhausted all their personal sick leave and annual leave, if applicable, in accordance with Tennessee Board of Regents (TBR) and college leave policies.
- II. Eligibility: Participation in the Bank is available to regular full-time employees who hold faculty rank, whether serving in an academic or fiscal year (July 1 – June 30) appointment. To be eligible to enroll, an employee must have a balance of eight (8) days (60 hours) accumulated sick leave.
 - A. Those eligible to participate in the Bank may apply for membership during Annual Enrollment and have three (3) days (22.5 hours) deducted from their accumulated sick leave and transferred to the Bank. Eligibility to apply for sick leave bank hours becomes effective January 1 following Annual Enrollment.
 - B. Sick Leave Bank absences will be charged at 7.5 hours per day. (Pursuant to Tennessee Board of Regents Guideline, P-062, Faculty Sick Leave, all faculty have responsibilities for a minimum of 37.5 hours of any week in which Pellissippi State is in session.)
 - C. Employees enrolled in the Staff Sick Leave Bank who are appointed to a faculty position without a break in service will be eligible immediately for membership in the Faculty Sick Leave Bank without an additional assessment and waiting period. All records regarding prior Staff Sick Leave Bank usage will be made available to the Faculty Sick Leave Bank trustees.
- III. Trustees: The president appoints five (5) trustees to administer the Faculty Sick Leave Bank.
 - A. The five (5) trustees will consist of a minimum of three (3) faculty who are sick leave bank members and devote a majority of their time to classroom instruction. The remaining trustees may be members of the administrative staff.

Initial appointments as a trustee are made by the president for three (3) year appointments. Trustees are eligible for reappointment. The president will appoint another trustee to fill any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the president. A chairperson will be elected by the trustees within ten (10) days of their appointment. Upon expiration of the chairperson's term as trustee, an election will be held to elect a new chairperson. A chairperson may be re-elected.
 - B. If a trustee has a need to request sick leave from the Bank, the trustee will recuse him/herself from the committee and the president will appoint an ad hoc member to serve in the trustee's absence. The trustees will administer the Bank and approve or reject requests for withdrawal of leave from the Bank.
 - C. The trustees will adopt reasonable rules for assessment of sick leave hours in order to maintain an adequate reserve of hours for Bank members. The reserve is established through the assessment of Bank membership and the trustees must ensure a positive balance at all times. The assessment shall be based upon total membership and projected potential need. All members shall be assessed the same amount of sick leave hours. The trustees will have

discretion in determining how many assessments are necessary to maintain the reserve's positive balance.

- D. The trustees will approve or reject all requests for Bank sick leave within ten (10) calendar days of receipt of the request.
- E. The decisions of the trustees cannot be appealed beyond the trustees in compliance with TBR guidelines on Faculty Sick Leave Banks.
- F. All action by the trustees requires three (3) affirmative votes for approval. All actions by the trustees must remain confidential. The trustees must abide by a confidentiality code that prohibits discussion regarding any meeting, request, action, illness, etc., outside of the committee members, except for those who have a legitimate need to access the information, e.g., Human Resources or Payroll staff. Failure to maintain confidentiality will lead to immediate removal from the committee and may result in disciplinary action. A trustee must not engage in discussions with employees (outside of the committee) that may lead to inference that certain requests will be approved. All questions, discussions, etc., to a trustee should be referred to the committee chair for consideration by the trustees as a group.

IV. Plan: The plan of operation includes the following provisions:

- A. An employee must have been a member of the Bank for thirty (30) calendar days prior to applying for withdrawal of Bank sick leave. Additionally, a Bank member must first have his or her supervisor's approval for sick leave before the request for Bank leave can be submitted to the trustees. Certification by the treating physician must accompany the request and must include the following information regarding the serious health condition:
 - 1. nature and cause of the disability
 - 2. the expected duration of the disability and if the employee can work part-time and percentage of time employee can work
 - 3. prognosis as to ability to return to work and specific physical limitations
 - 4. when first treated

Refusal to submit a completed and detailed physician's certification will result in denial of the request for Bank sick leave.

- B. A Bank member's sick leave and annual leave, if applicable, must be exhausted prior to receiving Bank sick leave.
- C. Bank sick leave is for a serious health condition only and will not be used for:
 - 1. routine maternity leave following childbirth
 - 2. elective surgery – For purposes of the Sick Leave Bank, elective surgery is defined as not deemed medically necessary.
 - 3. illness or death of any member of the individual's family
 - 4. a period during which the individual is receiving disability benefits from social security or a state-sponsored retirement plan

The list above is not intended to be all-inclusive, but rather, examples of types of requests that would not be appropriate for Bank sick leave.

- D. Approved Bank sick leave will run concurrently with Family and Medical Leave (FMLA) for an eligible employee who has not already exhausted the twelve (12) workweek entitlement.
- E. Initial grants of Bank sick leave to individual Bank members will not exceed the hourly equivalent of twenty (20) consecutive days for which the applicant would have otherwise lost pay. Applicants may submit requests for additional leave grants when their prior grants expire. Total grants of Bank sick leave will not exceed the hourly equivalent of sixty (60)

days in any fiscal year, or ninety (90) days for any one illness, or recurring diagnosed illness or accident. Sick leave will not be approved retroactively beyond one pay period.

- F. When a Bank member is physically or mentally unable to apply for Bank sick leave, the immediate next-of-kin may make a request for Bank sick leave on his or her behalf. If the employee does not have a next-of-kin, the request may be made by the legally appointed guardian or conservator or an individual acting under valid power of attorney.
- G. A Bank member may be eligible to receive sick leave that has been donated by other employees if he/she has made application for Bank sick leave and the necessity for leave is substantiated by the trustees. Should Bank leave be denied, e.g., exhaustion of hours available to one employee, the Bank member may be eligible to receive donations from other employees (see [06:07:15, Transfer of Sick Leave Between Employees](#)).
- H. A Bank member will lose the right to request Bank sick leave upon:
 - 1. termination of employment
 - 2. retirement
 - 3. cancellation of Bank membership (Assessed sick leave is non-refundable upon cancellation of membership and non-transferable to another TBR college or technology center, The University of Tennessee or a state agency.)
 - 4. refusal to submit a completed and detailed physician's certification
 - 5. refusal or inability to honor the trustee's assessment (The right to withdraw Bank sick leave hours will be restored once the employee has the sick leave hours required by the trustees for an assessment and upon transfer of the individual's assessed sick leave hours to the Bank.)
 - 6. going on a leave of absence in a non-pay status for reasons other than illness, injury or disability
 - 7. Upon a finding by the committee of any material misrepresentation of facts by a member in making application for use of sick leave from the Bank, the committee may vote to expel and/or deny grants of sick leave to the member. Any member expelled from the Bank by the committee shall lose all present and future rights to membership, grants of sick leave, and re-enrollment in the Bank. Any member who receives grants from the Bank through the use of any material misrepresentation of facts will be liable for the reimbursement of all salary and benefits expended by the Bank. All members consent to payroll deduction for the reimbursement of grants from the bank paid as a result of any material misrepresentation of facts.
- I. Employees who are granted Bank sick leave will continue to accrue sick leave and annual leave, if applicable, and service credit for retirement and longevity purposes during the time they are on Bank sick leave. In addition, if applicable, they will receive credit for any holidays that may occur during the Bank sick leave period.
- J. The operation of the Faculty Sick Leave Bank will exist separately from the regular sick leave accrued to individuals' personal accounts with respect to approvals and appeals.
- K. All official forms and records pertaining to the Sick Leave Bank and minutes of the trustees' meetings will be maintained in the Human Resources office. All records will be subject to audit by appropriate state officials.
- L. When necessary, subsequent assessments will be made in order to maintain a minimum balance in the Bank's reserves. This minimum balance is set at sixty (60) days and is subject to modification by the trustees. The amount of subsequent assessments will depend upon the balance in the Bank's reserves and the number of members in the Bank. The maximum number of hours that may be assessed at one time is limited to three (3) days.

- M. Employees who are unable to meet additional assessments charged by the Faculty Sick Leave Bank after its establishment shall lose the right to request Bank sick leave, in accordance with Section IV.J.5. and Section IV.I.
- N. The following official forms will be used to operate the Faculty Sick Leave Bank:
1. [Sick Leave Bank Enrollment and Assessment Form](#)
 2. [Sick Leave Bank Request for Leave](#)
 3. Sick Leave Bank Physician/Surgeon Certification Form
- V. Dissolution of the Bank: The Faculty Sick Leave Bank will be dissolved if Pellissippi State is closed or if the Bank membership falls below twenty (20) individuals at any time other than May through October. Upon dissolution for insufficient membership, the total hours on deposit will be returned to participating members and credited to their personal sick leave accumulation in proportion to the number of hours available and the number of hours each member was assessed. If a member has ever withdrawn 22.5 or more hours of Bank sick leave, that member will not be credited with a proportion of the sick leave hours.

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