

Please refer to Tennessee Board of Regents [Guideline P-061](#)

- I. **Purpose:** The purpose of the Staff 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, compensatory and annual leave, in accordance with Tennessee Board of Regents (TBR) and college leave policies.
- II. **Eligibility:** Participation in the Bank is available to regular full-time and regular part-time non-faculty employees. To be eligible to enroll, an employee must have a balance of eight (8) days (60 hours) (or equivalent, if regular part-time) 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) (or equivalent, if regular part-time) 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. Employees enrolled in the Faculty Sick Leave Bank who are appointed to a staff position without a break in service shall be eligible immediately for membership in the Staff Sick Leave Bank without an additional assessment and waiting period.. All records regarding prior Faculty Sick Leave Bank usage will be made available to the Staff Sick Leave Bank trustees.
- III. **Trustees:** The president appoints five trustees to administer the Staff Sick Leave Bank.
  - A. The five trustees will consist of a minimum of three support staff and two administrative staff who are Staff Sick Leave Bank members.
  - B. Initial appointments as a trustee are made by the president for three 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.
  - C. 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.
  - D. The trustees administer the Bank and approve or reject requests for withdrawal of leave from the Bank.

- E. 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 is maintained at all times. The assessment shall be based upon total membership and projected potential need. All members shall be assessed the same (or equivalent, if regular part-time) amount of sick leave hours. The trustees will have discretion in determining how many assessments are necessary to maintain the reserve's positive balance.
- F. The trustees will approve or reject all requests for Bank sick leave within ten (10) calendar days of receipt of the request.
- G. The decisions of the trustees cannot be appealed beyond the trustees in compliance with TBR guidelines on Staff Sick Leave Banks.
- H. 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. Physician/Surgeon Certification Form 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 disability and if 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, compensatory and annual leave must be exhausted.
- 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 12-workweek entitlement.

- E. Initial grants of Bank sick leave to individual Bank members will not exceed the hourly equivalent of 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:

- (1) the hourly equivalent of 60 days in any fiscal year, or
- (2) 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. .

- I. 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.

- J. Employees who are granted Bank sick leave will continue to accrue sick and annual leave and service credit for retirement and longevity purposes during the time they are on Bank sick leave. In addition, they will receive credit for any holidays that may occur during the Bank sick leave period.

- 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 by the trustees in order to maintain a minimum balance in the Bank's reserves. The minimum balance is set at 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 3 days.
- M. Employees who are unable to meet additional assessments charged by the Staff 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 Staff 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 Staff Sick Leave Bank will be dissolved if Pellissippi State is closed or if the Bank membership falls below 20 individuals at any time. 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 each has been assessed individually. If a member has ever withdrawn 22.5 (or equivalent, if regular part-time) or more hours of Bank sick leave, that member will not be credited any sick leave hours.

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