 CITY OF SUFFOLK	ADMINISTRATIVE PERSONNEL POLICIES	Page: 1 of 3
	SICK LEAVE BANK POLICY	Date: 07/01/2023
		Supersedes: 1/1/2014

## I. PURPOSE


- A. The purpose of this policy is to establish guidelines for the administration of a Sick Leave Bank which will be available for city employees who are faced with catastrophic medical problems, or temporary illness which renders them incapable of working and have exhausted all of their accrued leave, including all accrued compensatory time.

## II. ELIGIBILITY


- A. Only full-time employees that are entered into VRS Plan 1 or 2 who have been employed for at least one year, and have eighty (80) hours of sick leave on record, may participate in the Sick Leave Bank.

## III. OPERATING GUIDELINES

- A. Membership in the Sick Leave Bank is open to all eligible employees on a voluntary basis. A minimum of 200 of the eligible employees must agree to participate in order for the Sick Leave Bank to remain in existence. Should the Sick Leave Bank fail to have the minimum required membership as of January 1<sup>st</sup> of each year, it will be dissolved and the days remaining in the Sick Leave Bank will be distributed pro rata (not one to one) to all current participating employees.
- B. An eligible employee may enroll in the Sick Leave Bank during any benefit open enrollment period (for a Jan 1<sup>st</sup> effective date). All new members must make a contribution of eight (8) hours of accumulated sick leave, with the exception of sworn fire suppression and rescue employees who must make a contribution of sixteen (16) hours of accumulated sick leave. As receiving payment of 25% of his or her unused sick leave hours as provided in Section 66-280(a)(6) of the Code of the City of Suffolk, retiring employees may donate any unused sick leave hours in excess of 25%. Donations made by retiring employees shall have no monetary or retirement value. Donations will be made in whole day units.
- C. All members of the Sick Leave Bank will be automatically enrolled each year and must be required to donate an additional eight (8) hours of accumulated sick leave January 1<sup>st</sup> of each year, with the exception of sworn fire suppression and rescue employees who must make a contribution of sixteen (16) hours of accumulated sick leave.
- D. All members of the Sick Leave Bank will be assessed an additional eight (8) hours of sick leave at such time as the bank is depleted to 1600 hours, unless a member chooses not to participate further in the Sick Leave Bank. Sworn fire suppression and rescue employees must make a contribution of sixteen (16) hours of accumulated sick leave. Members desiring to terminate membership at this time must submit the proper form to the Human Resources Department within five (5) business days of notification of the additional leave contribution requirement.
- E. Members may discontinue participation in the Sick Leave Bank by filling out a form as provided by the Human Resources Department. Employees may terminate membership only during the annual open enrollment period (for a Jan 1<sup>st</sup> effective date). Donations are irrevocable. An employee's membership in the bank automatically ends upon termination of employment. Upon termination of membership, an employee will not be permitted to withdraw his/her previously contributed days nor will payment of benefits be made to survivors upon the member's death. Leave donated has no monetary value or retirement related value.

 CITY OF SUFFOLK	ADMINISTRATIVE PERSONNEL POLICIES	Page: 2 of 3
	SICK LEAVE BANK POLICY	Date: 07/1/2023 Supersedes: 01/01/2014

- F. Days withdrawn from the Sick Leave Bank must be used for the employee's personal illness only. Days drawn from the Sick Leave Bank will be paid at 100% of the withdrawing employee's then current rate of pay. If an employee is receiving short-term disability income, the sick leave bank will only pay the employee 40%.
- G. A member is eligible for sick leave bank withdrawals after 30 days of leave due to an illness AND the member has exhausted all of their sick leave, annual leave, personal leave, and compensatory time. This requirement may be met in those cases in which 30 days of absence, although not consecutive, are for the same illness.
- H. A member or his/her designee must complete a Request Form for Sick Leave Bank withdrawal to the Human Resources Department for consideration. Included with the Request Form will be a signed waiver of privacy and a signed physician certification of disability. Physician certifications provided for use under the Family Medical Leave Act (FMLA) this requirement. Failure to submit a signed waiver of privacy and any requested physician's certification of disability may result in denial of Sick Leave Bank benefits.
- I. Requests for withdrawal must be made by the member or his/her designee no later than five (5) business days after all leave time has been exhausted,
- J. Action will be taken by the Human Resources Department pursuant to each request within five (5) business days following receipt of the Request Form. For the purpose of this procedure, the term "business days" shall be understood to mean consecutive Mondays through Fridays, excluding holidays and closures set by the City.
- K. Days drawn from the Sick Leave Bank for any one period of eligibility must be consecutive or drawn for absences resulting from the same illness or disability; otherwise, members must return to work and reestablish eligibility to draw from the bank.
- L. A maximum of 480 hours may be withdrawn from the Sick Leave Bank by a member within a rolling twenty-four (24) month period. Members will be ineligible for additional hours twenty-four (24) months from the date upon which the 480 hours of Bank leave is paid to the member.
- M. Any Bank granted may be used only for the purpose requested on the application and any unused portion will be returned to the Sick Leave Bank.
- N. Participation in the Sick Leave Bank does not guarantee approval for withdrawing from the bank.
- O. Withdrawals from the Sick Leave Bank may not be used for illness which may qualify the member for Worker's Compensation benefits or long term disability benefits.
- P. The provisions of the Sick Leave Bank will be administered by the Human Resources Department. The Director of Human Resources will recommend and implement supplemental rules and policies considered appropriate for the operation of the bank. Any additional rules or policy so developed must be approved by the City Manager and will be provided to Sick Leave Bank members.
- Q. The City intends to continue the Sick Leave Bank, but it reserves the right to institute a termination or modification thereof unilaterally and without prior notice. However, all existing and pending disability withdrawals will be honored by the Sick Leave Bank to the extent Sick Leave Bank days remains available. Should the Sick Leave Bank be terminated, all

 CITY OF SUFFOLK	ADMINISTRATIVE PERSONNEL POLICIES	Page: 3 of 3
		Date: 07/01/2023
	SICK LEAVE BANK POLICY	Supersedes: 01/01/2014

unused sick leave will be distributed pro rata, (not one to one), among the current members as of that date.

- R. An employee receiving leave from the Sick Leave Bank is still eligible to receive their normal leave accrual according to City Policy. Any accrued leave will be used first prior to the usage of the Sick Leave Bank.

#### IV. FAMILY MEDICAL LEAVE

- A. Any withdrawal of Sick Leave Bank days granted under the Sick Leave Bank Policy shall count towards an employee's utilization under the FMLA. If an employee uses all of his/her Family Medical Leave and is unable to return to work, separation from employment may occur resulting in discontinuation of leave bank payments.
- B. Employees may receive Sick Leave Bank hours only for periods of absence that are covered under FMLA medical certifications.

#### V. OTHER EMPLOYMENT

- A. Employees may not work a second job while drawing leave from the Sick Leave Bank.

#### VI. EXCLUSIONS/DISQUALIFICATIONS

A. Disability relating to the following will be excluded:

1. Fraud, abuse, or misrepresentation in requesting days from the Sick Leave Bank;
2. Failure to provide required health care provider/physician certification;
3. Confinement in a penal or correctional institution as a result of conviction or other public offenses;
4. Active duty in Armed Forces; and
5. Approval of disability retirement benefits, Social Security benefits or Long Term Disability.

#### VII. Fraud, Abuse or Misrepresentation Investigation

- A. Any fraud, abuse or misrepresentation of the Sick Leave Bank shall be investigated by the Human Resources Department and upon a finding of intentional wrong doing on the part of the member, the member shall repay all sick leave days withdrawn from the Sick Leave Bank and shall be subject to other disciplinary actions, including involuntary termination.

#### VIII. Appeals Process

- A. In the event that an employee is denied membership into the Sick Leave Bank or a member is denied benefits from the Sick Leave Bank, he/she may submit a written appeal to the Director of Human Resources within ten (10) business days of receiving the denial. A written response shall be issued within ten (10) business days from the date of the appeal.

Signature:   
Email: jstallings@suffolkva.us

Signature:   
William Hutchings (Jul 24, 2023 09:06 EDT)  
Email: whutchings@suffolkva.us

Signature:   
Al Moor (Jul 24, 2023 09:14 EDT)  
Email: amoor@suffolkva.us