



## **854 Faculty Sick Leave Bank**

**Approved by President**

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**Sidney A. McPhee, President**

**Effective Date: , 2023**

**Responsible Division: Business and Finance**

**Responsible Office: Human Resource Services**

**Responsible Officer: Assistant Vice President, Human Resource Services**

### **I. Purpose**

This policy establishes criteria for operation of the faculty sick leave bank at Middle Tennessee State University (MTSU or University).

### **II. Authorization**

Pursuant to T.C.A. § 8-50-925, the following policy shall be followed in the operation of the faculty sick leave bank at MTSU. This policy will be implemented in accordance with [Policy 804 Employment Classification](#).

### **III. Eligibility**

- A. Participation in the Faculty Sick Leave Bank will be available to regular full-time employees who hold faculty rank, whether serving in an academic or fiscal year appointment.
- B. Employees previously enrolled in the Staff Sick Leave Bank, who are appointed to faculty positions with no breaks in service, shall be eligible immediately for membership in the Faculty Sick Leave Bank with no additional assessment or waiting period required. Regarding transfers, no hours will be transferred between Staff and Faculty Sick Leave Banks.
- C. Members who are terminated and rehired with a break in service within a twelve (12) month period, following their enrollment, shall be entitled to membership with no additional assessment. Employees rehired after one (1) enrollment year will incur a new assessment during the annual enrollment period.

- D. A faculty member, who transfers with no break in service from another state agency and participated in the previous employer's sick leave bank, is immediately eligible for membership in accordance with MTSU's sick leave bank plan. If MTSU's sick leave bank plan allows, and if membership is requested at the time of the transfer, the faculty member shall donate the required minimum assessment.
- E. Employees who are unable to meet additional assessments charged by the Faculty Sick Leave Bank shall lose the right to request bank sick leave, in accordance with Section V.I.
- F. All records regarding prior usage of bank sick leave may be made available to the Faculty Sick Leave Bank trustees (Trustees).

#### **IV. Sick Leave Bank Trustees**

- A. The President or designee shall appoint five (5) sick leave bank trustees.
  - 1. At least three (3) of the appointees shall be faculty, who devote a majority of their time to classroom instruction.
  - 2. The remaining trustees may be members of MTSU's administrative staff.
- B. The sick leave bank trustees will be appointed for three (3)-year terms.
  - 1. Trustees shall be eligible for reappointment.
  - 2. Any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the President or designee of a trustee from the trustee role shall be filled immediately by appointment by the President or designee.
  - 3. All actions by the trustees shall require three (3) affirmative votes.
- C. The trustees shall:
  - 1. Meet and elect a chairperson from the trustees.
  - 2. In coordination with Human Resource Services, be responsible for preparation of the sick leave bank plan of operation. The plan is subject to the President's or designee's review to ensure its compliance with this policy, appropriate recordkeeping, accounting principles, and statutory provisions.
  - 3. In coordination with Human Resource Services, administer the bank and approve or reject requests for withdrawal of leave from the bank. The request for bank sick leave must be submitted to the trustees. MTSU's sick leave bank plan of operation

may require the bank member's supervisor to be informed of any request for bank leave, prior to approval by the trustees.

4. Adopt reasonable rules for the assessment and/or reassessment of sick leave hours by participants in order to maintain an adequate reserve of usable days for bank members. This reserve shall only be established through the assessment and/or reassessment of bank membership and shall maintain a positive balance at all times. Any assessments shall be based upon total membership and projected potential need. All members shall be assessed the same amount of sick leave hours upon initial assessment and during any special reassessment. The trustees shall have sole discretion in determining how many assessments and/or reassessments are necessary to maintain the reserve's positive balance.
5. Keep all related information confidential.

## **V. Sick Leave Bank Plan**

The plan of operation prepared by the trustees shall include, but not be limited to, 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 sick leave bank hours.
- B. An employee must exhaust all accumulated sick leave and annual leave, if applicable, prior to receiving bank sick leave.
- C. Bank sick leave shall not be used for: elective surgery, illness or death of any member of the individual's family except as provided in Section V.F., or during any period when the individual is receiving disability benefits from social security, a state-sponsored retirement plan, or Board of Claims benefits. Approved bank sick leave will run concurrently with FMLA leave for an eligible employee, who has not already exhausted the twelve (12) work week entitlement.
- D. A restriction may be established on the number of hours that may be withdrawn by an individual bank member on account of an illness known at the time he/she elected to join the bank.
- E. Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent of twenty (20) consecutive days for which the applicant would have otherwise lost pay. Subsequent grants of bank sick leave shall not exceed the hourly equivalents of sixty (60) days in any fiscal year, or ninety (90) days, for any one illness, or recurring diagnosed illness, or accident.

F. A member is limited up to a maximum of ninety (90) days from the sick leave bank as a result of the following:

1. Personal illness, injury, accident, disability, medical condition, quarantine, or a condition related to, resulting from, or recurring from a previously diagnosed condition for which the bank granted sick leave.
2. Illness of the member's minor child.

Grants from the sick leave bank shall not exceed ninety (90) days within a twelve (12) month period. The initial twelve (12) month period starts on the date the member's sick leave grants first begin and extends twelve (12) months forward from that date. A new twelve (12) month period would begin the first time sick bank grants begin again after completion of the previous twelve (12) month period. Grants from the sick leave bank terminate as of the date the member is released to return to work with or without restrictions.

1. The sick leave bank plan of operation may impose a lifetime maximum of sick leave bank grants.
2. 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 bank leave is substantiated by the trustees. Should bank sick leave be denied, the bank member shall be eligible to receive donations from other employees as provided in [Policy 825 Leave Policies](#), Transfer of Sick Leave Between Employees section.

G. 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/her behalf. If there is no next-of-kin available, this request may be made by the legally appointed guardian or conservator or an individual acting under valid power of attorney.

H. At any time, the trustees may request from a bank member a physician's statement certifying the illness or condition of the bank member requesting leave. Refusal to submit the certification will result in denial of the request for bank sick leave. The sick leave bank plan of operation may require all members to submit supporting documentation when requesting bank sick leave.

I. A bank member shall lose the right to request bank sick leave upon termination of employment, retirement, cancelation of bank membership, refusal or inability to honor the trustee's assessments, and going on leave of absence (in a non-pay status) for reasons other than illness, injury, or disability.

J. A bank member may cancel his/her membership at any time upon written notification to the trustees. Assessed sick leave days shall be nonrefundable upon cancellation of membership and nontransferable upon transfer to another State agency.

- K. Employees who are granted bank sick leave shall 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. Also, they will receive credit for any holidays that may occur during the bank sick leave period.
- L. Grants of bank sick leave shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.
- M. The trustees will meet either in person, by email, or by conference call, to approve or reject all requests for bank sick leave within ten (10) calendar days of receipt of the request. The number of calendar days to approve or reject sick leave bank requests will be established by the sick leave bank plan of operation. The operation of the Faculty Sick Leave Bank shall exist separately from the regular sick leave accrued to individuals' personal accounts with respect to approvals and appeals; the decisions of the trustees shall not be appealed beyond that body.
- N. All records and official forms of the sick leave bank and minutes of the trustee meetings shall be maintained in the Human Resource Services office. All records shall be subject to audit by appropriate state officials.
- O. Annual enrollment periods shall not exceed one (1) calendar month. The trustees or designee shall notify all eligible employees of their eligibility status and the dates of the enrollment period. Enrollment forms and copies of the plan and its regulations shall be made available at this time also.
- P. All eligible persons who elect to participate in the Faculty Sick Leave Bank shall be assessed a number of sick leave hours by the trustees, up to maximum hourly equivalent of three (3) days (22.5 hours), as the initial enrollment assessment.
- Q. The following official forms will be used to operate the sick leave bank:
  - 1. [Faculty Sick Leave Bank Application For Membership](#)
  - 2. [Faculty Sick Bank Application](#)
  - 3. [Sick Leave Donation Agreement](#)
- R. Formal minutes shall be made of the sick leave bank trustees' meetings and shall be maintained as a part of the official bank records.

## **VI. Dissolution of the Bank**

- A. The sick leave bank shall be dissolved if MTSU is closed or if the bank membership falls below twenty (20) individuals.
- B. The total hours on deposit shall be returned to the participating members at the time of the dissolution and credited to their personal sick leave accumulation in proportion to the number of hours each has been assessed.

Forms:

[Faculty Sick Leave Bank Application For Membership](#)

[Faculty Sick Bank Application](#)

[Sick Leave Donation Agreement](#)

Revisions: none.

Last Reviewed: March 2022.

References: Policies 804 Employment Classification; 825 Leave Policies; T.C.A. § 8-50-925.