

CITY OF COLONIAL HEIGHTS

SICK LEAVE BANK POLICY

RULES AND REGULATIONS

I. STATEMENT OF INTENT

Pursuant to City Code §51-56.1, it shall be the policy of the City of Colonial Heights to offer a Sick Leave Bank to its employees a Sick Leave Bank which will provide disability income for those certain City employees who have catastrophic medical problems, but are not eligible for Workers' Compensation or retirement benefits.

II. ELIGIBILITY FOR PARTICIPATION

- A. ~~All full-time employees who have completed one (1) full year of employment will be eligible to participate in the Sick Leave Bank. Full-time employees must have a sick leave balance of ten (10) days in order to join the bank.~~ Participation in the Sick Leave Bank is open to all full-time employees who are Virginia Retirement System Plan 1 or Plan 2 employees and who have completed at least one year of service with a minimum sick leave balance of 10 days.
- B. Employees meeting the requirements specified above shall be eligible to ~~join~~ enroll in the ~~Bank~~ program on ~~July~~ January 1 of each year.

III. REQUIREMENTS FOR PARTICIPATION

- A. ~~Participation in the Sick Leave Bank is voluntary. Only those employees who make voluntary contributions to the Bank will be permitted to participant in the plan. Participation does not guarantee approval of a request to withdraw from the Bank.~~ Participation in the Bank shall be voluntary, and only those employees making contributions shall be eligible to receive any benefits from the program. Participation in the program, however, shall not be construed as automatic approval of a participant's request to withdraw from the Bank.
- B. In order to participate in the Bank, each employee will be required to contribute one (1) day of accumulated sick leave to the Bank. Participation will begin as of the date of contribution. Sick Leave contributions to the Bank are irrevocable and cannot be returned if the employee cancels his participation in the ~~plan~~ program.
- C. Each ~~July~~ January 1, participating employees will be required to contribute one (1) day. The Department of Finance will determine the need and extent of future contributions. It is empowered to suspend the contribution requirements of current participants when Bank days exceed two hundred percent (200%) of the number of

participating employees. At the same time, it is empowered to require a special assessment of one (1) day from each participating employee if the Bank balance falls below fifty percent (50%) of the number of participating employees.

IV. ELIGIBILITY FOR BENEFITS

- A. Provided the employee is a participant in good standing of the Sick Leave Bank, he or she, or someone on his or her behalf, must submit the appropriate request form for a Sick Leave Bank withdrawal to the ~~Review Committee~~ Department of Human Resources. Included with the request form ~~will~~must be a physician's certification of disability.
- B. ~~Action will be taken by the Review Committee~~ The Director of Human Resources pursuant to will review each request and submit a recommendation to the City Manager to approve, disapprove, or modify a request within ten (10) working days following the expiration of a thirty (30) workday waiting period per continuous disability absence. The thirty (30) workday waiting period will begin on the first day the employee is absent from work as a result of the illness or injury.
- C. The ~~Review Committee~~ City Manager or Director of Human Resources may request a second physician's certification from a physician of the ~~Committee's~~ City's choice at any time and at the employee's expense. Certification from a ~~Committee-selected~~ City-selected physician will be required after fifty (50) Sick Leave Bank days are used in any one (1) continuous period of disability. The physician ~~would~~ must make his report directly to the ~~Committee~~ Director of Human Resources. The report is to include the nature, extent, and anticipated duration of the disability. Additional physician certification may be required by the ~~Committee~~ City Manager or Director of Human Resources as necessary.
- D. Failure to submit any requested physician's certification of disability may result in denial of Sick Leave Bank benefits.
- E. Eligibility for approved Sick Leave Bank benefits is contingent upon the exhaustion of all individually accrued sick leave days, all annual leave days, and all compensatory and overtime leave days.
- F. Only a five (5) workday waiting period is required when the disability is related to a ~~previous~~ disability for which the participant has used approved Sick Leave Bank days during the preceding thirty (30) day period ~~has been approved by the~~ Committee.

V. DISABILITY BENEFITS

- A. The maximum number of workdays which can be drawn by an employee from the Sick Leave Bank during his or her ~~career~~ continuous full-time employment is based on length of service and reflected ~~in the following~~ as follows:

<u>Length of Service</u>	<u>Maximum Days</u>
1 – 4 years	50 days
5 – 9 years	100 days
10 – 14 years	150 days
15 – 19 years	200 days
20 or more years	250 days

- B. No employee will be entitled to draw more than one hundred (100) days for one (1) absence from work or during a twelve (12) month period.
- C. Each sick leave day utilized from the Bank will be payable at the rate of eighty percent (80%) of the employee’s pre-disability daily rate of basic earnings.
- D. An employee who is approved for disability retirement benefits from the Virginia Retirement System (VRS) or social security is ineligible to draw from the Sick Leave Bank.
- E. Sick leave drawn from the Bank will be repaid by the employee who used the sick leave from the Bank on a schedule ~~established~~ recommended by the Review-Committee Director of Human Resources for approval by the City Manager. The maximum repayment schedule will be six (6) days per year.
- F. An employee who voluntarily retires or terminates employment prior to established repayment of Sick Leave Bank days used shall be required to make full restitution with available leave balances. If there are ~~E~~ extenuating circumstances for an exception, the employee must be present them in writing to the Director of ~~Finance~~ Human Resources prior to the employee’s termination.

VI. EXCLUSIONS, LIMITATIONS, AND TERMINATION OF BENEFITS.

- A. Disabilities resulting from the following ~~will be~~ are excluded from eligibility for Sick Leave Bank benefits:
1. ~~Any~~ Occupationally-related accident or illness for which Workers’ Compensation benefits are payable.
 2. Intentionally self-inflicted injury.
 3. Injury occurring in the course of committing a felony or assault battery.
 4. Service in the armed forces.

5. War, insurrection, rebellion, or active and illegal participation in a riot.
 6. Cosmetic surgery or treatment, or surgery or treatment not deemed necessary by a physician.
- B. No Sick Leave Bank benefits will be payable for that portion of any period of disability when the disabled employee is confined in a penal or correctional institution as a result of conviction for a ~~criminal or other public offense~~ crime.
- C. The granting of Sick Leave Bank days for any period of disability caused by nervous or mental diseases or disorders, alcoholism or drug addiction or chemical dependence will be limited to a total period of sixty (60) days annually unless the participating employee is confined in a legally ~~constituted~~ licensed treatment facility ~~hospital~~.
- D. A participating employee will immediately lose the right to use Sick Leave Bank benefits because of the following:
1. Termination of employment with the City;
 2. Suspension without pay;
 3. Voluntary ~~cancellation~~ termination of participation in the Bank;
 4. Failure to make required contribution or provide required physician certification;
 5. Any abuse or misuse of the Sick Leave Policy, as the City Manager determines in his sole discretion; and
 6. Exhaustion of maximum Sick Leave Bank days.

VII. PRE-EXISTING CONDITIONS

For employees eligible to participate in the Sick Leave Bank, disabilities arising within the first year of participation and attributable to a pre-existing condition will be excluded from the Bank.

VIII. ADMINISTRATION

- A. The Sick Leave Bank will be administered by the ~~Finance~~ Department of Human Resources. ~~The Director of Finance will recommend such rules and policies, notwithstanding those provided herein, considered appropriate for the operation of the Sick Leave Bank. Any additional rules or policy so developed must be approved by the City Manager.~~
- B. ~~A six (6) member Review Committee will be selected by the members from a list which is developed by the Department of Finance. The Review Committee will be comprised of one (1) member from the Police, Fire, Recreation, Public Works, Finance and General Services Departments. This committee~~ The Director of Human Resources shall have the responsibility of reviewing all requests from participants in the Bank. The review process will include verifying the validity of

the requests *to assure consistency with City sick leave and other leave policies and with this policy*, recommending approval or denial of the requests *to the City Manager*, and communicating the *City Manager's* decision to the employee. ~~and the Director of Finance. Members of the Review Committee will service two (2) year terms and can be reelected.~~

- C. ~~The Review Committee will interact as necessary with the Department of Finance in the operation of the Sick Leave Bank. The Department of Finance will receive and review the decisions of the Review Committee to assure consistency with City sick leave and other leave policies and with the rules and regulations of the Sick Leave Bank. The The Department of Finance will be notified by the Review Committee *Department of Human Resources when a to effect sick leave request is approved by the City Manager. This notice will include effective dates and a schedule for repaying sick days to the Bank to enable the Department of Finance to effect to process approved payments, and to account for Sick Leave Bank grants, and to monitor the status of the Bank.*~~
- D. All requests for Sick Leave Bank benefits, *participation in the Bank, and termination of participation* shall be made on authorized forms *that the Human Resources Director shall prepare; and completed forms shall be* submitted to the ~~Review Committee~~ *Department of Human Resources*. Applicants may submit requests for ~~an extension~~ *use of additional Sick Leave Bank days* before the expiration of their current requests.
- E. If the ~~Review Committee~~ *Director of Human Resources* may reasonably presume that an applicant for Sick Leave Bank benefits may be eligible for disability retirement, or any other disability or loss of time benefits, the ~~Review Committee~~ *Director of Human Resources* will request that the applicant apply for such benefits. Failure to apply would disqualify the applicant for Sick Leave Bank benefits.
- F. Each request for Sick Leave Bank benefits shall be made on the appropriate form including a signed physician certification confirming the cause of the illness or accident and certifying the existence of a disability which prevents the participating employee from performing assigned duties.
- ~~G.~~ All forms for application for participation in the Bank, requests for withdrawal of Bank days, and cancellation of participation will be available in the Department of Finance.—
- H. G. The Department of Finance shall maintain records of all participating employee contributions, withdrawals, and the status of the Bank.
- ~~I.~~ The Department of Finance shall report the status of the Bank at any time upon the request of the ~~Review Committee~~ and shall provide information to the

~~Committee with respect to any participating employee's contribution status or prior use of Bank benefits.~~

- J. H. The contribution of sick leave days by participating employees will be in whole days and the use of Bank days will be in whole days payable at the rate of eighty percent (80%) of eligible daily earnings.

IX. TERMINATION OR MODIFICATION OF THE SICK LEAVE BANK

The City has every ~~intent~~ intention to continue the Bank as a an employee benefit, but if for any reason it becomes necessary to terminate or modify the Bank, ~~or any part of the Bank~~, the City reserves the right to make such termination or modification unilaterally and without prior notice. However, all existing and pending disability withdrawals will be honored by the Bank to the extent Sick Leave Bank days remain available. Should the Sick Leave Bank be terminated, all unused sick leave days will be distributed to the then current participating employees based on the number of years each has participated in the Bank.

X. FINANCING

~~The participating employees will bear the benefit cost of the Bank through their annual contribution of sick leave days provided to them at no cost by the City under the current sick leave accrual plan. The City will bear the necessary administrative cost of the Sick Leave Bank.~~