

SICK LEAVE BANK ADMINISTRATIVE PROCEDURE

PURPOSE

It is the intent of the City of Miami Beach to establish a Sick Leave Bank for employees in the Unclassified and Others salary groups that wish to participate in the donation and distribution of leave following a serious personal or family illness or injury, once they have exhausted all appropriate leave available. Admission into the Sick Leave Bank will be during the annual benefit open enrollment period. The program will be administered by the Human Resources Department.

DEFINITIONS

Eligible Employee:

City of Miami Beach full-time or part-time employees who meet the following conditions:

- 1) He/she has regular status with accrued leave greater than 96 hours for full-time and 50 hours for part-time.
- 2) He/she is eligible to accrue leave.
- 3) He/she has accrued more than one year's sick leave that is available for the employee's use on the day that the contribution to the Bank is to be made.
- 4) An employee who enters the Drop Retirement Plan shall no longer be a member of the Sick Leave Bank.

Family and Medical Leave Act or "FML":

The Family and Medical Leave Act of 1993, 29 U.S.C. §2611 et. seq. FMLA is a labor law that entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons.

Immediate Family Member:

FMLA designates an immediate family member as a spouse, son, daughter, parent or next of kin relative, or a covered military service personnel who is recovering from a serious illness or injury sustained in the line of duty while on active duty.

Sick Leave Bank Committee:

The Sick Leave Bank Committee shall be made up of five (5) employees designated by the Human Resources Director to manage the Sick Leave Bank. The committee members shall have the authority to make rule changes when necessary to retain the solvency of the fund. They shall ascertain that the time is used by members solely for medically documented cases. They shall see that these rules are applied fairly and without discrimination. This Committee shall also review and make determinations regarding Hardship Leave Bank requests.

Unum:

Unum Life Insurance Company is responsible for managing the FML requests of all City employees.

POLICY

City employees can voluntarily elect to be a part of the Sick Leave Bank by donating sick leave hours and receiving sick leave hours from the Sick Leave Bank. Leave contributed to the bank will not be returned unless the program is discontinued at which time the return would be predicated on a prorated basis.

Sick leave hours are available for documented FML eligible illnesses or injuries of the employee or an Immediate Family Member, as certified by UNUM.

The Sick Leave Bank will be administered by the Human Resources Department Sick Leave Bank Committee.

The Sick Leave Bank is not intended to compensate any members for workers' compensation injuries or illnesses.

The Sick Leave Bank is not intended to compensate nor shall it be used for maternity leave, elective surgery or drug/alcohol rehabilitation.

A member of the Sick Leave Bank shall not be allowed to engage in any gainful occupation or other physical activities that may be detrimental to his/her recuperation.

Each member of the Sick Leave Bank shall be entitled to receive a maximum of 240 hours for any one illness or injury, per fiscal year. The hours received can be used consecutively, intermittently or in increments of a quarter hour (.25), as needed.

Members of the Sick Leave Bank will be required to sign form acknowledging receipt and acceptance of the rules as set forth in this Administrative Procedure.

PROCEDURE

Establishment of Sick Leave Bank

1. An initial contribution of eight (8) hours for full-time or four (4) hours of part-time leave to the Sick Leave Bank is required of all members. An employee may contribute a maximum of forty (40) hours of accumulated sick or vacation leave during a fiscal year.
2. When the Sick Leave Bank is reduced to the minimum balance established by the Committee, each member will be required to donate additional hours as may be necessary. Failure to donate additional hours when requested will result in membership termination. Members that are terminated may not re-enter the Sick Leave Bank until the next open enrollment period which will be August of each year with an October 1st effective date.

Sick Leave Bank Benefits

1. A member may apply for leave after completing five (5) pay periods as a member of the Sick Leave Bank.
2. An application for benefits shall not be submitted for any illnesses or disability which existed prior to membership.
3. Requests shall not be submitted nor considered for short term benefits resulting from common ailments; e.g. flu, cold, doctor or dentist appointments, maternity leave or elective surgery.
4. Applicants must deplete all accrued leave benefits prior to requesting Sick Leave Bank benefits.
5. Applicants must have made application for any available Short and/or Long Term Disability benefits for which they may be eligible.

6. Sick Leave Bank benefits may be used to provide assistance to a member during the required elimination period prior to the start of Long Term Disability benefits.
7. Benefits may be extended upon the recommendation of the Sick Leave Bank Committee.
8. The recipient employee shall notify their Department Director or designee when the status of the qualifying illness or disability has improved and the employee is able to perform in at least a limited duty capacity.
9. Sick Leave Bank benefits will not be granted nor continued to a member in the event of one of the following:
 - a. An employee is assigned to administrative leave or leave without pay.
 - b. When light (limited) duty is offered to and refused by the member and physical ability is not a contentious point.
 - c. An employee initiates litigation against the City relative to injury or illness, excluding petition for workers' compensation benefits.
 - d. When an employee is injured on duty and is subsequently denied disability leave benefits.

Request for Sick Leave Bank Hours

Applications for Sick Leave Bank hours shall be forwarded to the Sick Leave Bank Committee representative, with all of the required signatures and include the following:

- Applicant's name, department, division, and employee identification number
- Commencement date of illness or injury, and
- Confirmation email from Unum on certification of illness or injury.

The Sick Leave Bank Committee will process the request as following:

- Ensure all requirements are met and either approve or disapprove based on established criteria, and
- Advise requesting employee when a request is not approved and provide explanation why the request was denied, and
- Advise requesting employee when a request is approved.

Decisions of the Sick Leave Bank Committee are final and ~~not~~ cannot be grieved or appealed.

Approval or denial of Sick Leave Bank requests may be based upon: ~~but shall not be limited by the following factors:~~

1. The employee's attendance record;
2. Length of service;
3. Depletion of all sick leave, vacation and other hours;
4. Medically diagnosed with an unexpected, critical illness, in which a poor prognosis or long-term recovery is determined; and
5. Whether the employee will be able to return to full-duty status.

Once approved, allocations will be processed on an as-need basis throughout the course of the employee's leave.

Since employees receiving Sick Leave Bank benefits are in pay status, they accrue annual and sick leave. These accruals should be charged to the employee as accrued, thus decreasing the amount of benefits paid from the Sick Leave Bank.

An employee who separates from employment with the City with unused hours from the Sick Leave Bank is not paid for the unused hours. Unused hours shall be credited back to the Sick Leave Bank. If said employee is rehired, he/she will be considered a new employee and must accrue 96 hours for full-time or 50 hours for part-time before becoming eligible to join the Sick Leave Bank again.

The Human Resources Director will investigate alleged abuse of the Sick Leave Bank program and if abuse is found, the participating employee(s) are not allowed to donate or receive hours and the employee(s) may be subject to disciplinary action.

Individual Hardship Request:

A Hardship Leave Bank may be established for an employee who is not a member of the Sick Leave Bank, for the employee's own illness or injury or that of an Immediate Family Member. These requests will be considered Hardship Requests through a recommendation by the employee's Department Director. All requests will be reviewed by the Sick Leave Bank Committee and subject to the same factors for approval as the Sick Leave Bank.

In order to be eligible to receive a Hardship Leave donation, an employee must meet the criteria of an "Eligible Employee", as described in the definition section of this administrative procedure.

Once the Sick Leave Bank Committee approves the creation of a Hardship Leave bank, employees may donate accrued leave time to the designated employee with the hardship.

Donations of Excess Hours to the Sick Leave Bank:

Employees who have reached the annual maximum accrual of vacation leave may donate the leave to the Sick Leave Bank.

Employees who are separating their service with the City may donate excess hours to the Sick Leave Bank.

Any excess donated hours are non-refundable and will revert to the Sick Leave Bank. The donating employee understands and agrees that all donated hours shall reduce his/her final leave settlement.

Collective Bargaining Contingency:

As to employees in classifications governed by union contracts, implementation of this Administrative Procedure is contingent upon collective bargaining and approval by the ~~unions~~, unions; to the extent such approval is necessary.