

HOBBS MUNICIPAL SCHOOLS
SICK LEAVE BANK HANDBOOK

SECTION I - Purpose and Definition

A. Purpose

The purpose of this Sick Leave Bank is to provide additional sick leave days to members of the Bank in the event of an unexpected critical illness, surgery, or a temporary disability due to an injury that requires extended hospitalization or home confinement of the employee. Days may be requested from the Bank only after the member has exhausted all accumulated Sick, Personal, and Vacation (when applicable) days.

B. Definition of Sick Leave Days for Members

Sick leave days from the Bank are days granted to a member who, through a catastrophic unexpected critical illness, surgery, or a temporary disability due to an injury, is unable to perform the duties of his/her position.

C. Definition of Sick Leave for Immediate Family Members

Unexpected critical illness, surgery, or a temporary disability due to an injury that requires extended hospitalization or home confinement of the Member's immediate family (spouse, child or parent) will be considered on a limited and individual basis.

Approval for family situations will only be made if the employee is the only one who can take care of that family member. Days may be requested from the Bank only after the member has exhausted all accumulated Sick, Personal, and Vacation (when applicable) days.

SECTION II - Membership

A. Eligibility

All full-time, regular employees, ten (10), eleven (11), and twelve (12) month personnel, of the Hobbs Municipal Schools shall be eligible for membership. (An employee who works a minimum of fifteen (15) hours or more per week is considered full-time for purposes of these guidelines.)

B. Procedure for Joining the Sick Leave Bank

1. Any employee who is eligible to join the Sick Leave Bank may do so by contributing two (2) days of earned local sick leave. An employee desiring to join during the current school year's enrollment period must have a balance of at least three days of local leave.
2. The enrollment period will be August 1st through September 30th of each school year or thirty (30) days after initial employment.
3. Employees desiring to join the Bank shall complete the proper Authorization Form in the Human Resource Office. The application will be verified for employment eligibility by the Assistant Superintendent of Personnel and, upon approval, will be processed by payroll.

SECTION III - Contributions of Sick Leave Days

A. Regulations Concerning Contribution of Days

1. The two (2) days donated become the property of the Hobbs Municipal Schools Sick Leave Bank. All donations will remain in force and cannot be returned.
2. For Bank purposes the school year will be from July 1st to June 30th. If a member uses two (2) or more days from the Bank during this period, he/she will be required to donate an additional two (2) days of anticipated earned sick leave days the following school year in order to have continuing membership in the Bank. If the member uses fewer than two (2) days, he/she will donate the number of days actually used the following year.
3. If a member chooses not to pay back the required number of days he/she will lose his/her membership permanently.
4. Annually, thereafter, if the Bank falls below two times (2X) the number of participating members on September 30th, continuing participants must contribute one (1) extra day. If it falls below one (1X) the number of members, he/she must contribute two (2) days. (New members who join in August/September will donate a maximum of two (2) days for the current school year and are not expected to contribute additional days that year.)
5. If a member decides to cancel his/her membership in the Bank, the days contributed in the Bank for membership remain the property of the Bank. If, at a later date, this individual wishes to rejoin the Bank, he/she may do so only during the enrollment period by again donating two (2) days.

6. Employees who have accrued the maximum number of sick leave days (184), donate an additional ten (10) days.
7. Employees who retire from the District will automatically donate all unused sick days to the Sick Leave Bank. If retiree returns to work as a full-time employee of the Hobbs Municipal Schools within fifteen (15) months, the donation would be reversed.

SECTION IV - Regulations Concerning Granting of Sick Leave Days From the Bank

A. Granting of Days from the Sick Leave Bank

1. Pre-existing conditions known to exist by the employee on or before the date of joining the Sick Leave Bank will not be covered under the provisions of the Sick Leave Bank, except under the following guidelines:
 - a. If any sick leave days have been incurred for an illness, surgery or injury during the 90 days before the date the employee joined the Sick Leave Bank, the employee may not request additional days from the Bank until that condition has caused no use of sick leave for 90 days after joining.
2. Sick Leave Days from the Bank are available only in the event of a catastrophic unexpected critical illness, surgery, or temporary disability due to an injury. Days cannot be used for an illness, surgery, or temporary disability due to an injury which results from a condition which was known to the member on the date he/she first became a member of the Sick Leave Bank. The Sick Leave Bank, in general, does not cover pregnancy. Complications arising from childbirth may be considered by the Governing Committee on an individual basis. The Sick Leave Bank does not cover substance abuse treatment, codependency treatment, and mental health treatment.
3. Days from the Bank shall be granted only for illness, surgery or temporary disability due to an injury which necessitates an absence from work of five (5) consecutive days or longer.
4. Sick Leave Bank days shall be granted only for absences from working days and will not be granted for holidays, vacation days, or other such days for which the member is not paid.
5. The maximum of Sick Leave Bank days that may be granted to an employee during the year (September 1st through August 31st) will be thirty (30) days for each approved illness.
6. If a member who has received 30 days from the Sick Leave Bank returns for a minimum of ten (10) days and then is ill again with the same or different illness,

he/she may apply to the Sick Leave Bank for additional days, not to exceed sixty (60) days per year. Each separate illness applied for must meet the initial criteria of just cause. The minimum of “ten (10) days return to work” can be waived for specific cases as deemed necessary by Governing Committee. The Governing Committee will consider actual number of remaining days available that year in making their decision.

7. A member shall only be reimbursed for the amount of actual days used. Reimbursement will be made ONLY in the member’s regular payroll check after the Committee’s approval of requested days.
8. Only the individual member for his/her personal illness, surgery, or injury may use the Bank. Approval for immediate family member’s illness, surgery, or injury will be considered on an individual basis.
9. Sick leave days from the Bank may not be granted for a period of disability when monies are paid to the member under Workers’ Compensation Act, liability/lawsuit award, disability income protection or disability retirement. If the employee receives reimbursement from another source after granting days from and use of the Sick Leave Bank days, the employee agrees to repay the school district for the days awarded at the employee’s daily rate.
10. All unused sick leave days in the Bank at the end of each school year (June 30th) shall be carried over to the next school year (July 1st through June 30th).
11. A member will lose the right to utilize the benefits of the Sick Leave Bank by:
 - a. Termination of employment or while on suspension from employment with the Hobbs Municipal Schools.
 - b. Cancellation of participation by the member on the proper form at any time.
 - c. Being on approved leave of absence.
 - d. Choosing not to pay back required number of days.
12. Maximum total number of days to be granted annually will be 110 days. Additional days must be approved by the Superintendent of Schools.

SECTION V - Procedure for Applying For Sick Leave Days

- A. Should a member have an unexpected critical illness, surgery or injury necessitating the need for additional days after all accumulated sick, personal and vacation (if applicable) leave days have been used, the member may submit a request for days from the Bank.
- B. A member may request days from the Bank at any time, but must submit to the Human Resource Office no later than fifteen (15) days after returning to full-time duty, forms containing the following information:

1. A signed Member's Statement attesting to the fact that the condition, which necessitated the request for days from the Bank, was unknown to the employee at the time he/she became a member of the Bank or met the pre-existing limitations.
2. Completion of the approved attending Physician's Statement which includes:
 - a. Identification of the nature of the illness, surgery, and/or extent of injury.
 - b. Date of initial onset of this particular condition.
 - c. Date or anticipated date returned to work on a full-time basis.
 - d. Statement from the attending physician that the condition is not a pre-existing condition or that it met the pre-existing condition limitation.
 - e. Personal signature of attending physician (no rubber stamp).
 - f. Physician's Official I.D. number.

The Committee will not honor any physician's statement unless it is on the official Sick Leave Bank Physician's Statement form issued by Hobbs Municipal Schools.

3. An Employee Application for Benefits which includes dates of absences from work for the illness, surgery, or injury and anticipated days, if any, for follow-up examinations.
- C. Forms for the above purposes have been prepared and are available from the Personnel Office.
 - D. The Governing Committee will refuse to consider an application that does not contain the required information.
 - E. If a member is critically ill or injured and unable to return to work, application for sick leave days from the Bank may be made on behalf of the member or other designated representative and submitted to the Governing Committee.
 - F. A member may be required to undergo a medical review by a second opinion physician of the Committee's choice at any time. The medical review will be at the expense of the Hobbs Municipal Schools upon approval of the Superintendent of Schools.

SECTION VI - Governing Committee

A. Name

The Governing Committee, which will approve or deny all requests for Sick Leave Bank days shall be called the “Hobbs Municipal Schools Sick Leave Bank Governing Committee”.

B. Composition of Membership of Governing Committee

1. Full-time employees who have been employed by the school district for at least three (3) consecutive years may serve on the Governing Committee. All Committee Members must be members of the Sick Leave Bank.
2. Membership of the Governing Committee shall be composed of:
 - a. Voting Members:
 - (1) two licensed teacher representatives (one NEA-Hobbs member, one HACT member)
 - (2) one representative from Administration
 - (3) one classified member from NEA-Hobbs representative.
 - (4) one classified representative from non-bargaining unit.
 - b. Non-Voting Members:
 - (1) the Assistant Superintendent for Personnel shall serve as Executive Officer.
 - (2) A Health Services representative (i.e. Head School Nurse) will serve in an advisory capacity.

C. Duties and Responsibilities of the Governing Committee

1. At the first meeting of the year, the Committee shall select from its group a chairperson, vice-chairperson, and secretary. The secretary should record accurate minutes for future decision and to maintain consistency.
2. All applications for Sick Leave Bank Days shall be reviewed individually by the Committee in a called meeting.
3. A member may be requested to appear before the Committee to substantiate his/her case.
4. The Governing Committee shall determine the number of days approved up to thirty (30) and reserves the right to approve, deny, or modify the days requested.
5. A member may appeal the decision of the Committee by writing a letter to the Executive Officer requesting to appear in person before the Governing Committee.
6. The decision of the Governing Committee is FINAL.

7. The Executive Officer of the Governing Committee will process all approved sick leave days for members to the payroll department.

SECTION VIII - Final Decisions

A. Procedures for Deciding Any Questions Not Covered Therein

Any questions concerning membership, regulations, or application for sick leave days that arise after adoption of this plan and not specifically covered therein, shall be submitted to the Governing Committee of the Sick Leave Bank. The Governing Committee will make a recommendation to the Superintendent of Schools for a final decision.

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