

WEST CHESTER AREA SCHOOL DISTRICT
Human Resources Department

SICK LEAVE BANK IMPLEMENTATION

The West Chester Area School District, the West Chester Area Education Association, the West Chester Area Educational Support Personnel Association, the West Chester Area School Service Educational Support Personnel Association, Confidential Employees, Non-Bargaining Employees and Management Team agree to establish a committee to develop and implement a sick leave bank. The Committee shall be comprised of two (2) representatives from the West Chester Area School District, two (2) representatives from the West Chester Area Education Association, one (1) representative from the West Chester Area Educational Support Personnel Association, one (1) representative from the West Chester Area School Service Educational Support Personnel Association, and one (1) representative from either the Confidential or Non-Bargaining Employees. The Bank is to be administered by said committee with the President of the West Chester Area Education Association and the Director of Human Resources for the West Chester Area School District as co-chairpersons.

Charter Memberships required that an employee donate one (1) sick day by December 1, 2000. In the second year of the program, employees donated two (2) sick days by June 1, 2001. Renewal in the Bank is assumed, unless withdrawal in written form is given to the committee by the member.

A. Membership

1. The Sick Leave Bank is voluntary for all full-time and part-time employees, and only participating members may benefit from the program.
2. All new employees who wish to join the Sick Bank must donate one (1) day upon joining the bank and two (2) days the second year of their enrollment.
3. At any time when the number of available days in the Sick Leave Bank falls to a level equal to one half of the participants, each participating member must contribute one (1) day to the Sick Leave Bank within thirty (30) days after receiving notification of the same from the bargaining unit.
4. Employees deciding to participate in the program after the first of December must donate all sick days they would have been liable for from December 1 to a maximum of three (3) days. Employees who join the Sick Leave Bank after December 1, 2000, become eligible for benefits from the bank one (1) year from the date they became members of the Sick Leave Bank.

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5. Members may withdraw from membership in the Sick Leave Bank upon termination of employment with the West Chester Area School District. Days contributed by the member may not be withdrawn.

B. Qualifications for Use of the Sick Leave Bank

1. All accumulated sick leave, personal days, vacation days, and other paid days must have been used before an individual is eligible for any Sick Leave Bank days and only those who contribute can receive days from the Bank.
2. Written application for days is required by a member prior to the anticipated date of usage and must be accompanied by a statement from the treating physician or practitioner as to estimated time or period of recovery. In any case where clarity is needed by the Committee, a second opinion may be required of the member and will be the responsibility of the member.
3. A person who is on Worker's Compensation or any disability plan will not qualify.

C. Review of Cases

All cases shall be reviewed for final decisions by the Sick Leave Bank Committee. Disputes involving the Sick Leave Bank, shall not be subject to the grievance/ arbitration provisions of this Agreement. The Sick Leave Bank Committee may find it necessary to amend this Agreement if any part is held to be in violation of any state or federal law or by any decision of a court of competent jurisdiction.

D. Distribution of Days by the Sick Leave Bank

1. Under most circumstances, the Sick Leave Bank Committee may grant whatever the individual's physician recommends.
2. If need exists for leave beyond the days granted in Item (1), the "Request for Use Forms" shall be resubmitted to the Sick Leave Committee. This procedure can continue until a maximum of sixty (60) work days has been granted by the Bank. If more days are needed due to complications before recommended return to work, members of both Associations and other contributing members holding more than 90 days of accumulated leave, may donate one (1) additional day on an individual basis. The number of Bank days taken in one illness may not exceed the number needed to commence a disability plan nor may it exceed 150 days in any school year.

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3. The Sick Leave Bank Committee shall notify the Business Office of the participant and the number of sick leave days granted.
4. The Sick Leave Bank Committee may require a second medical opinion and, if requested, the opinion would be at the individual's expense.

E. Distribution of Forms

Copies of the "Request for Use Forms" shall be sent to:

1. West Chester Area School District Business Office
2. Sick Leave Bank Committee
3. Individual Requestor

F. Reporting Procedures

1. There shall be an accounting of the status and use of the Sick Leave Bank at the end of each contract year to be given to the Business Office.
2. This accounting shall be published within thirty (30) days through an Association Newsletter and District Publication to all members.

G. Association and Other Member Certifications

1. Upon receipt of a certified list of contributors from the Sick Leave Bank Committee, the employer shall deduct one (1) day of sick leave from the accumulated sick leave record of each contributor maintained by the employer.
2. In the event participants must contribute additional sick leave, the Sick Leave Bank Committee shall provide the employer with a certified list of contributors and the number of additional days contributed. The employer shall deduct the additional contributions from the accumulated sick leave record of each contributor maintained by the employer.

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3. The Sick Leave Bank Committee shall provide the employer with a certified list of contributors who joined the bank after the charter enrollment period and indicate the number of days required to be contributed. The employer shall deduct the required contributions from the accumulated sick leave record of each contributor maintained by the employer.

H. Benefits

An employee who is participating in the Sick Leave Bank shall be entitled to full contractual benefits during the period in which they are using sick leave days from the Bank.

I. Maintenance

All records pertaining to the operation of the Bank shall be maintained by the Sick Leave Bank Committee. Operating costs, if any, excluding the sick days banked, shall be shared by both Association members and the West Chester Area School District.

J. Hold Harmless

“The West Chester Area School District, Members of the Committee and other “parties” to the Agreement shall be defended and held harmless by the WCAEA and individual contributors to and beneficiaries of the plan against any and all claims, suits, orders or judgments brought against it, its officers, members, agents or employees, and liability of any and all kind whether noted in the Agreement or not, as a result of any action taken or not taken under the provisions of the Sick Leave Bank.”

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