Northeast Alabama Community College
Guidelines of the Sick Leave Bank

I. Purpose and Management
   A. The purpose of the Northeast Alabama Community College (NACC) Sick Leave Bank shall be to provide a loan of sick leave days for its participating members or catastrophic leave after a member’s accrued and compensatory leave has been exhausted, if warranted as determined by a Sick Leave Bank Committee.
   B. The bank shall be operated, managed, and governed by a Sick Leave Bank Committee subject to the guidelines pursuant to Alabama Code § 16-22-9 and any procedures established by the Chancellor of the Alabama Community College System.
   C. The Sick Leave Bank shall allow full-time and part-time employees to deposit an equal number of days (not to exceed five days) of his or her earned leave into the sick leave bank.
   D. The deposited days shall be available for loan to any participating member of the NACC Sick Leave Bank whose accrued or compensatory leave has been exhausted and who has met loan qualifications as outlined within these guidelines.
   E. The Office of Human Resources shall maintain records of all member contributions to the bank, withdrawals from the bank, and the status of the bank. Reports shall be provided on a timely basis at the request of the Committee, the President, or the Chancellor.
   F. Questions regarding SLB guidelines should be directed to the Chair of the Sick Leave Bank.

II. Sick Leave Bank Committee
   A. The Sick Leave Bank Committee (hereinafter referred to as the “Committee”) shall consist of five members. One member shall be the President or designee. Four members shall represent the participating members of the Sick Leave Bank and be elected by secret ballot vote of the Sick Leave Bank members at the beginning of each leave year.
   B. The election shall be conducted by the President’s Office.
   C. Members will serve terms of one year, with no member serving longer than five consecutive years.
   D. The term of office for these four Committee members shall be one year. See Ala. Code 16-22-9(c). No representative on the Committee shall serve longer than five (5) consecutive years. See Ala. Code 16-22-9(f). If a vacancy occurs during the one-year term which needs to be filled, the remaining Committee members (inclusive of the President) shall vote on a person to fill the vacancy and whoever receives the most votes may fill the seat.
   E. A quorum shall consist of 2/3 of the total membership of the Committee.
   F. The President or President’s designee shall be appointed as the Chair of the Committee. The President shall appoint one of the other Committee members to take minutes of meetings and all Committee action.
   G. In the event of any election tie, the President or his designee has the authority to break the tie.
   H. Committee meetings may be scheduled as determined by the Committee, or as set by the President, or by the written request of three consenting Committee members to the President.
III. Duties of the Committee

A. The Committee shall establish procedures providing for the uniform administration of the sick leave bank. [Ala. Code 16-22-9(d)(f).]


C. The Committee shall develop all necessary forms for the orderly operation and administration of the sick leave bank. [Ala. Code 16-22-9(d)(g)(2)].

D. The Committee shall maintain copies of its guidelines, administrative procedures, and forms and immediately provide those upon adoption to the President’s Office.

E. The Committee shall review all applications for loans from the sick leave bank and make appropriate decisions on request for approval of such loans. The Committee has the discretion to deny an application for a loan or approve fewer days than requested. Factors to be considered include, but are not limited to: need, circumstances of the illness or disability, years of service to the institution, availability of days in the bank, the ability of the applicant to repay the loan (if applicable), and prior awards obtained from the sick leave bank.

F. Nonsynchronous meetings will be conducted using the following criteria:
   1. The chair of the Committee shall serve as the presiding officer of electronic meetings.
   2. A proposed timeline for discussion and/or voting shall be established by the chair at the beginning of the meetings.
   3. Upon completion of an e-meeting, the secretary shall distribute copies of all transactions to every member of the committee.

G. It is the exclusive responsibility of the Committee to modify and to oversee the administrative processes of the guidelines as established by the SLB.
   1. All guideline and procedure changes and/or additions must be approved by the membership through a secret ballot vote and receive a 2/3 majority approval of the membership.
   2. Such guideline and procedure changes/additions must be filed with the President’s Office within 15 calendar days after their adoption.
   3. The President must approve guideline changes prior to implementation.

H. The Committee shall authorize and distribute forms for use in contributing to the SLB, applying for loans from the SLB, and resigning from participation in the SLB. These forms may be obtained by contacting the Office of Human Resources.

I. Original records and transactions pertaining to the SLB shall be maintained by the Committee Chair, with copies provided to the business office and the Office of Human Resources.

J. The Committee shall have the authority to require an additional deposit of days from existing members in order to maintain membership in the bank and/or take any other actions consistent with these guidelines and/or ACCS Board Policy deemed necessary for the effective and efficient operation of the SLB.

K. The Committee shall maintain accurate records of contributors eligible to participate in the bank.

L. At the beginning of each leave year, the Committee will invite all eligible employees to join the sick leave bank. All forms pertaining to the SLB may be obtained at any time on the NACC website.
M. NACC Sick Leave Bank Guidelines and decisions of the Committee shall adhere to the ACCS Board of Trustees Guidelines for Policy 610.01: Leaves With Pay.

N. Alleged abuse of the bank shall be investigated by the Committee and, on a finding of wrongdoing, the violator shall repay all of the sick leave credits drawn from the SLB and possibly be subject to appropriate disciplinary action as determined by the President.

O. An employee who receives a loan must follow the institutional procedures for requesting the leave. Only the President can approve leave. The Sick Leave Bank Committee has no authority to grant leave.

IV. Eligibility and Participation
A. Membership in the SLB is voluntary.
B. To be eligible for participation in the SLB, an employee must meet the following criteria.
   i. Be a full-time or part-time employee of the college (Salary schedules A, B, C, D, E, and H)
   ii. Contribute five days to the Sick Leave Bank
   iii. Complete an Application for Participation in the Sick Leave Bank form
C. Days contributed to the Sick Leave Bank are counted toward the maximum cumulative total of days allowable under law (Section 16-1-18.1).
D. At the beginning of each leave year, or upon employment of a new employee, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee’s account, in order to enable the employee to join the Sick Leave Bank if the employee does not have the minimum number of sick leave days to enable the employee to join. Ala Code 16-22-9(g)(9). This type of application must be approved by the Sick Leave Bank Committee
E. Only those employees participating in the Sick Leave Bank are eligible to make an application for a loan of sick leave days and/or contribute days to be used as catastrophic sick leave. Contribution of days for membership in the Sick Leave Bank must have been authorized prior to requesting a loan and/or donating days to be used as catastrophic sick leave.

V. Guidelines: Loans, Loan Repayment, Appeal Procedures
A. Loan
   1. Members of the Sick Leave Bank are responsible for reviewing and understanding the guidelines for loans and loan repayment.
   2. It is the eligible member’s responsibility to make loan requests when he/she deems it necessary. No loan requests shall be initiated by the Committee.
   3. Any member borrowing from the SLB must agree to comply with all rules and regulations of the ACCS Board of Trustees and the rules promulgated by the Committee regarding sick leave loans.
   4. Only members of the Sick Leave Bank who have exhausted all accrued and compensatory leave in his/her personal account may complete the form Application for Loan to request a loan from the SLB. The form is to be submitted to the SLB Chair.
   5. In cases where the member has been incapacitated, his or her agent or representative (designated as such in writing) may apply to the Committee on behalf of the member. In case of mental incapacity of a
member, the designated agent or representative must be a person who, by
law, may serve in such capacity.
6. No employee shall be allowed to have an outstanding balance of over 15
days during a leave year, unless more than fifty percent of the
membership votes in favor of a loan extension. No more than a five-day
loan extension shall be granted by the membership.
7. If an employee has met the 15 day maximum limit of days loaned
through the sick bank, a request for a loan extension of five or fewer
days must be made in addition to the initial loan application. The
employee or, if incapacitated, his/her agent/representative, must make
his/her request in writing, noting in detail why the extension is necessary.
The Committee will inform the membership of the loan extension request
and survey each member for approval/disapproval of the loan extension.
Over 50% of the members must approve the loan extension.
8. After an Application for Loan has been received by the Committee Chair,
he/she will convene a meeting of the Committee. The Committee will
review the application, make a decision to approve or disapprove the
loan request, and determine the number of days to be loaned based on,
but not limited to the following factors: (1) the applicant’s need; (2) the
circumstances of the illness or disability; (3) years of service to the
College; (4) the availability of days on deposit in the bank; (5) the
applicant’s ability to repay the loan; and (6) prior awarded loans.
9. At the discretion of the Committee, and upon the request of the applicant,
a loan may be granted retroactively to the fifteenth day of the absence.
10. The Committee may require a statement from the applicant’s physician
certifying the circumstances of the illness or disability as a prerequisite
for awarding a loan. If the Committee wishes to receive this statement,
the Committee Chair will contact the employee or his/her representative.
The employee or his/her representative must submit the requested
information to the Chair within ten days.
11. If an employee is able to return to work before using all days borrowed
from the SLB, only those days used must be repaid. Any remaining days
loaned by the bank will be cancelled.
12. If a member borrowing sick leave later qualifies to receive catastrophic
sick leave, donated catastrophic sick leave days may be used to repay
days owed to the SLB to the credit of the affected member.

B. Loan Repayment
1. Sick leave days borrowed from the Sick Leave Bank shall be
repaid monthly as re-earned by the borrowing member.
2. A Loan Repayment Schedule must be completed by the SLB Chair,
agreed to by the borrowing member, and approved by
the Sick Leave Bank Committee. The Committee Chair will
submit copies of the repayment schedule to the Business Office and to
the Office of Human Resources.
3. The loan repayment schedule will be effective at the time of the loan
approval.
4. If the loan cannot be repaid as scheduled, the Sick Leave Bank
Committee will determine if the repayment schedule may be modified
upon written request by the borrowing member.
5. Upon the resignation, transfer, or termination of an employee who
has an outstanding loan of sick leave days, the value of the loan shall be
deducted from the final paycheck at the employee’s prevailing rate of
pay. If portions of the loan remain outstanding after separation, the
employee is responsible for paying the remaining value to the institution.
[Ala. Code 16-22-9(g)(3)].

C. Appeal Procedures
1. Any applicant who disagrees with the decision(s) made regarding his/her
loan application, loan repayment schedule, etc., may appeal the
decision(s) by submitting an appeal request in writing to the President.
2. The President shall have the authority to affirm, reverse, modify, or
remand such decisions made by the Committee, and shall provide a
written, dated report of his/her findings to the Committee members
within fifteen days of his/her receipt of the appeal.
3. The President’s decision is final.
4. The Committee will provide a copy of the President’s findings to the
appealing member.

VI. Catastrophic Sick Leave
A. To meet qualifications for receiving catastrophic sick leave, an employee must be
suffering from a catastrophic illness which is defined as any illness, injury, or
pregnancy or medical condition related to childbirth, certified by a licensed
physician, which causes the employee to be absent from work for an extended
period of time. Catastrophic leave cannot be used to extend maternity leave or
payback a loan for maternity leave unless there is a documented medical reason.
B. Beginning January 1, 2019, no employee may be awarded more than forty-five
(45) work days of catastrophic leave during any five-year period of employment.
C. An employee must apply for catastrophic leave in the form required by the
Committee and is subject to all applicable procedures and guidelines adopted by
ACCS and the Committee. In order to apply for Catastrophic Leave: (a) an
employee must be a member of the sick leave bank at the time the catastrophic
event occurs in order to be considered for catastrophic leave, (b) an employee
must have exhausted all accrued and compensatory leave available, (c) the
employee must provide certified evidence by a licensed physician of an illness
(defined as an unhealthy condition of the body or the mind, a sickness, or
disease), or of an injury (defined as physical harm to a person), or of a medical
condition related to childbirth that causes the employee to be absent from work
for a period greater than fifteen (15) work days, and (d) the employee must have
applied, borrowed, and used the maximum number of sick leave days loaned by
the Committee.
D. The Committee determines whether a request for catastrophic leave will be
approved or denied and, if approved, for how many days up to the maximum.
Factors to be considered in making these decisions include, but are not limited to:
need, circumstances of the illness of disability, years of service to the institution,
availability of days donated, whether it is a personal event to the employee, and
prior awards of loans or catastrophic leave.
E. Employees must be a member of the sick leave bank to donate or receive
catastrophic leave.
F. A donating employee shall not be required to donate a minimum number of
catastrophic days to the sick leave bank.
G. If catastrophic leave is approved by the Committee, the Committee shall notify
members of the applying employee’s request and approval for catastrophic leave

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one time. The Committee has no further obligation to continue requesting donations on the applying employee’s behalf. The Committee may but is not required, no more than once per month, to communicate by email to the members to advise that the employee is approved for catastrophic leave and could use further donations.

H. There is no guarantee that, if catastrophic leave requests are approved by the Committee, the sick leave bank members will donate any leave or sufficient leave to cover an employee’s absence related to a catastrophic event.

I. Catastrophic leave is not available for on-the-job injuries.

J. With regard to catastrophic sick leave, members of the SLB, at their discretion, may complete the form Donation of Sick Leave Days for a Catastrophic Illness to donate a specific number of days to the Sick Leave Bank to be designated for a specific employee for use against a catastrophic illness. The Committee Chair shall inform the donating employees in writing that the donated days are not to be recovered or returned to the donor unless they are not used by the recipient employee.

K. Each member of the Sick Leave Bank may donate no more than 15 sick leave days to the Sick Leave Bank for the catastrophic sick leave of any one employee during a 12-month period, and no more than 30 sick leave days in total for the catastrophic sick leave of any one employee.

L. Donated days shall become available for use by the recipient employee, as designated by the donating employee, who shall not be required to repay the days.

M. The recipient employee may use catastrophic sick leave days for himself or herself or for other covered persons as provided in Code of Alabama 16-1-18.1.

N. An employee who receives catastrophic sick leave donations must follow the institutional procedures for requesting the leave. Only the President can approve leave. The Sick Leave Bank Committee has no authority to grant leave.

O. The Sick Leave Bank is authorized to donate sick leave days to another sick leave bank for use by a particular employee who is suffering a catastrophic illness. An employee must be a member of the Sick Leave Bank to donate or receive catastrophic sick leave days. To ensure the orderly transfer and acceptance of catastrophic sick leave days from one sick leave bank to another, only a uniform form provided by the State Board of Education may be used.

VII. Resignation from the Sick Leave Bank

A. A member may resign from the SLB at any time during a leave year.

B. To resign from the SLB, a member must complete the form Notice of Resignation from the Sick Leave Bank. A copy of this form will be provided to the business office. If a member fails to officially resign from the Sick Leave Bank by completing the form, the employee’s participation will be terminated upon his/her last working day at the college. The employee’s sick leave days on deposit will be returned to his/her personal sick leave account.

C. Upon retirement or transfer of a SLB member, days on deposit with the SLB shall be withdrawn and transferred with the employee or made accessible for retirement credit as applicable.

D. Upon a member’s resignation from the SLB, any outstanding debt or leave days must be repaid to the SLB. If the employee has no sick leave days or an insufficient number of sick leave days remaining in his/her account, then his/her final check shall be reduced in accordance with the prevailing rate for the number of days owed to the bank after all accrued days are taken into account. Monies
collected from former members of the bank by the college shall be used to replace the number of days borrowed from the bank. The “prevailing rate” is the current salary rate of the member owing the sick leave. (See Opinion of Attorney General to Honorable Roy Johnson, October 24, 1985.) If portions of the loan remain outstanding after separation, the employee is responsible for paying the remaining value to the institution. [Ala. Code 16-22-9(g)(3)].

E. In the event of the death of a member of the Sick Leave Bank who shall have died owing a number of sick days beyond that which he/she shall have accrued, the Committee may, by a 2/3 majority vote of the membership, forgive the indebtedness, with final approval by the President.

VIII. Sick Leave Donations from Retiring Employees
A. Members of the Sick Leave Bank retiring from the institution may donate unused sick leave to the Sick Leave Bank.
B. Donated days may be granted only to those individuals seeking catastrophic sick leave.
C. The use of days donated from retirees must receive the majority approval of the Committee.
D. No individual may receive more than five days from the retiree donations to use for catastrophic sick leave.