

**Oak Park Elementary
School District 97**

**SICK LEAVE BANK
GUIDELINES**

for the

**OPTA 2018-2022
Collective Bargaining
Agreement**

I. Purpose & Definitions

A. PURPOSE

The purpose of the Sick Leave Bank (SLB) is to provide additional sick leave days to teachers (as defined in the 2018-2022 Collective Bargaining Agreement) in the event a teacher or their immediate family member, as defined by Illinois School Code (Section 24-6), experiences an acute, catastrophic, or prolonged illness or injury that is considered life-threatening or could result in a serious residual disability.

B. DEFINITION OF BANK AND COMMITTEE

For purposes herein, "Bank" will refer to the Oak Park Teachers Association Sick Leave Bank, and "Committee" will mean the OPTA members selected by the OPTA Executive Board to manage the bank.

II. Membership

A. ELIGIBILITY

As defined in the OPTA Collective Bargaining Agreement all teachers will be funding the Bank, therefore all teachers will be eligible for membership in the bank beginning August 20, 2018 or, for those hired after that date, the teachers first official day of work for District 97. Any teacher shall be entitled to draw from the Bank, provided that all of the following conditions are met:

1. The teacher must exhaust all of their accumulated sick leave.
2. A teacher, or their immediate family member as defined in Section 24-6 of the Illinois School Code, must incur or experience an acute, catastrophic, or prolonged illness or injury that is considered life-threatening or could result in a serious residual disability.
3. The teacher has submitted certification from a physician of theirs, or if the request is for the care of an immediate family member; certification from their immediate family member's physician to substantiate their request to draw from the Bank. Certification must be submitted on the OPTA Sick Leave Bank Physician form.

Elective surgery or procedure does not qualify as a personal illness for purposes of drawing from the sick leave bank. An elective surgery/procedure is one that is not deemed medically necessary and/or can be reasonably delayed until a break in the teacher's work responsibilities (i.e. winter break, spring break, or summer break) without detriment to their health.

III. Sick Leave Bank Funding

A. INITIAL FUNDING

1. For the 2018-19 school year only, the District shall deposit 150 days into the Sick Leave Bank.
2. Except for those teachers who have submitted their irrevocable notice of intent to retire, all teachers employed for the 2018-19 school year shall donate one (1) day to the Bank.

B. CONTINUED FUNDING

1. Each newly hired teacher will donate one (1) day at the start of their first year in D97.
2. Donation by Retiring Teachers: Retiring teachers may donate any unused sick days to the Sick Leave Bank provided those days have not been used for TRS service credit and/or for which they have not otherwise been compensated. *(Please complete enclosed Retiree Donation Form)*
3. Should the number of days in the Bank fall below one-hundred eighty (180) days, staff will be notified via e-mail and each teacher shall contribute one (1) additional day.
 - i. If the Bank falls below 180 days during the school year and the teacher has no available days to contribute, the teacher will contribute the 1 day at the start of the following school year.

C. FUNDING PROVISIONS

1. Days donated may not be withdrawn and are recorded as consumed on the individual teacher's official District record of accumulated sick leave.
2. No teacher is required to pay back the number of sick days which are used for the qualifying illness, as granted by the Bank.
3. If a teacher returns sooner than expected or has unused sick days from the Bank in their account at the end of the school year, the days will be returned to the Bank.
4. The Bank balance (i.e. number of unused SLB days) shall accumulate and carry over from year-to-year.

D. HARDSHIP DONATIONS: Teachers may voluntarily donate sick days to the Bank for hardship cases, subject to the following limitations:

1. An individual teacher may not donate more than one (1) sick day per round of requests for hardship donations;
2. Each hardship case is limited to two (2) rounds of requests for sick leave donations; and
3. In order to donate a day, in a hardship case, a teacher must have a minimum of 5 accumulated sick leave days in order to donate to the SLB.

IV. Granting of Days from the Sick Leave Bank

1. Sick leave days from the Bank are available only in the event that a teacher or their immediate family member incurs or experiences an acute, catastrophic, or prolonged illness or injury that is considered life-threatening or could result in a serious residual disability. **Elective surgery or procedure do not qualify as a personal illness for purposes of drawing from the SLB.**
2. Sick leave days from the Bank will be effective only after the teacher has used all accumulated sick and personal leave days.
3. Sick leave days from the bank will be granted only for absences from working days as outlined by the Oak Park Elementary School District 97 School Calendar.
4. The maximum number of days that can be granted to any one teacher will be sixty (60) days per school year. In the event that the qualifying event results in the need for an absence of over 60 days, the SLB Committee may reach out to the SLB members for a special hardship donation.
5. If a teacher returns to work after five (5) or more consecutive days of illness covered at least in part by the SLB and then has further absences during the same school year related to the same condition, these absences will also be covered by the SLB, provided that they fall within the 60 day window of the initial absence.
6. Sick leave benefits for part-time teachers will be pro-rated accordingly. For example, a teacher who has 0.80 FTE status, may be granted a maximum of 48 days for a qualifying event.
7. All requests to draw upon the Bank, require a Medical Certification from the attending physician(s) certifying the existence of an illness or condition preventing the teacher from being in attendance at work and the required treatment for the qualifying illness, as well as the teacher's return-to-work date.
8. Days from the Bank may not be granted during a period of disability when money is paid to the member under Worker's Compensation Act. If determined after days are granted that the days qualify as Worker's Compensation, those days will be returned to the Bank.
9. A teacher will lose the right to utilize the benefits of the Bank by:
 - a. Termination of employment in District 97
 - b. Being on a contractual unpaid leave of absence or during the term of disciplinary suspension (Eligibility will resume when teacher returns from unpaid leave, provided that the teacher has contributed their initial day to the bank).
 - c. Providing false or misleading information to the SLB Committee.

V. Applying for Sick Leave Bank Days

1. Prior to applying for Sick Leave Bank for a qualifying illness, the teacher must submit the appropriate FMLA Paperwork to Human Resources, provided they are eligible. Please remember that qualifying for FMLA does not guarantee a grant from the Sick Leave Bank.
2. Whenever possible teachers should submit their Sick Leave Bank Request form prior to using all of their accumulated leave days, in an effort to avoid a lapse in days.
3. A teacher requesting days from the Bank must submit, via email or personal delivery, the OPTA Sick Leave Bank Request Form
4. The attending physician must submit the Medical Certification form, via email directly to the Sick Leave Bank Committee.
5. The Sick Leave Bank Committee will not consider an application that is incomplete.
6. If a teacher is critically ill and unable to file an application for Sick Leave Bank days, an OPTA Member may initiate the application process at the written request of the teacher or someone in the teacher’s family.

VI. Sick Leave Bank Governing Committee

- A. NAME: The governing committee, which will approve or deny all requests for sick leave bank days, will be called “OPTA Sick Leave Bank Committee.”
- B. COMPOSITION OF OPTA SICK LEAVE BANK COMMITTEE: The Committee shall consist of active OPTA members (3-5) who are employed by District 97, complete an application, and are selected by the OPTA Executive Board. The committee will remain in effect for the duration of the 2018-22 Collective Bargaining Agreement. The committee members will be appointed annually.
- C. DUTIES AND RESPONSIBILITIES OF THE SICK LEAVE BANK COMMITTEE: The Sick Leave Bank Committee shall be responsible for administering the Sick Leave Bank, which includes, but is not limited to:
 1. Making eligibility determinations;
 2. Determining the number of days granted to each applicant;
 3. Ensuring that days are granted in accordance with contractual guidelines;
 4. Maintaining Sick Leave Bank applications for up to three (3) years and shredding all confidential documents at the end of that time.
 5. Recording and reporting use of Sick Leave Bank days to Human Resources.

VII. Privacy of Members Applying for Application of the Sick Bank

All medical certifications and other documentation and information reviewed and discussed by the Sick Leave Bank Committee shall be considered confidential. Any decision rendered by the Sick Leave Bank Committee is final. A teacher may not appeal any decision of the Sick Leave Bank Committee.