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**ARTICLE XIX**  
***Employee Voluntary Sick Leave Bank and Voluntary Sick Leave Pool***

**A. Membership**

Any full time employee of the Board, having been employed by the School Board for at least one (1) year and having at least five (5) days accrued sick leave, may enroll in the sick leave bank by voluntarily contributing one (1) sick leave day to the bank between July 1 and December 31 of any school year.

1. An employee may not contribute more than one (1) sick leave day. Enrollment must be made on the prescribed form furnished by the Department for Human Resources.
2. Any sick leave day contributed pursuant to this section shall be removed from the personally accumulated sick leave balance of that employee and shall not be returned.
3. Membership in the sick leave bank shall be continuous from the initial enrollment until an individual member has withdrawn from the plan, has drawn from the bank (see E4), or has been paid all sick leave through participation in the DROP program.

**B. Establishment and Duration**

1. The Sick Leave Bank will not come into existence until at least 400 sick leave days have been contributed and will remain in existence until terminated by the majority vote of the Appeals Committee.
2. In the event the Sick Leave Bank is discontinued, distribution of remaining sick leave days will be in accordance with section (J) below.

**C. Replenishment Contributions**

Following establishment of the Sick Leave Bank, all participating members shall contribute one additional sick leave day, in order to continue membership, if the balance in the bank is diminished to 200 days. Participating employees will have ten (10) working days to return a notification of assessment form specifying contribution or withdrawal from bank. Assessment will be automatic if the form is not returned.

**D. Administration and Governance**

1. The Department for Human Resources will administer the Sick Leave Bank and a Sick Leave Bank Approval Committee will determine the validity of claims against the Bank.
2. A Sick Leave Bank Approval Committee will consist of six (6) members -- the Superintendent or designee, the President of SJEA or designee, and the President of SJESPA or designee and three others, one representative from each group. Any disputes or appeals arising from requests will be made to this committee. The Sick Leave Bank Approval Committee shall be the final authority on all disputes, appeals, or interpretations involving eligibility for benefits.
3. The Department for Human Resources will make available an annual report of usage of the Bank to the School Board and to participating members.

**E. Eligibility**

An employee is not eligible to apply for sick leave benefits under the provisions of the Sick Leave Bank on any preexisting condition for one year from the date of joining the Sick Leave Bank.

In the event of a catastrophic illness (which is to be considered a terminal condition) of which the employee has no control causing a participating employee to be absent from work for an extended period of time, the employee may receive paid leave as follows:

1. All accumulated sick, annual and compensatory leave of the employee must first be expended. Effective January 20, 2022, no unpaid leave is required prior to eligibility.
2. Applications must be made to the Department for Human Resources, including statements from two doctors attesting to the member's extended illness or accident. The statement must certify:
  - a. The nature of the illness or accident.
  - b. The probable date the member would be able to return to work.
  - c. Application must also provide for both committees' permission to investigate medical records and other information needed for review or appeal.
3. A participating member shall not be eligible to use sick leave from the Bank if the employee is receiving short term or long term disability benefits or is on leave for injury or illness in the line of duty, worker's compensation, eligible for medical retirement, or on other approved leaves except sick leave.
4. In the event a member draws from the Sick Leave Bank, that individual membership shall be suspended after drawing all days authorized from the Bank. Such individuals may reinstate membership by meeting qualifications in paragraph A above.

#### F. Benefits

Upon approval of application, a member will be allowed to draw up to a maximum of one hundred (100) continuous paid sick leave days (except as described in F(1) below) from the Bank, provided there remains sufficient leave days in the Bank.

1. All cases will be reviewed by the Sick Leave Bank Approval Committee when each twenty-fifth (25th) continuous day of benefits has been reached up to the maximum amount allowable. At this time the committee may request additional medical certification. Also, at this time, any sick leave which may have been accrued by the participant must then be used before resumption of drawing from the Sick Leave Bank.
2. The employee shall not have to pay back in any manner the number of days used from the Sick Leave Bank except as outlined in paragraph G below.

#### G. Participation Abuse

Alleged abuse of the Sick Leave Bank shall be investigated by the Sick Leave Approval Committee. If an employee is found to have abused the use of the Sick Leave Bank, the employee shall repay all sick leave credit (in dollars) drawn from the Sick Leave Bank, and after review by the Appeals Committee, be subject to such other disciplinary action as determined by the School Board.

#### H. Withdrawal from Participation

A participating employee who wishes to withdraw from participation in the Sick Leave Bank may do so, and withdrawal will be effective immediately upon receipt by the Department for Human Resources of written notification of the employee's intent to withdraw. Any previously contributed sick leave will become the property of the Sick Leave Bank.

I. When a member has been paid all accumulated sick leave due to entrance into the DROP Program, this member will be considered a new employee in regards to the Sick Leave Bank and may reenroll after one year of continuous service as outlined above. Members, who choose to receive percentage payouts during DROP enrollment, will remain a member of the Sick Leave Bank until all remaining leave time has been paid.

J. Discontinuance of Sick Leave Bank

If it becomes necessary to terminate the Sick Leave Bank per paragraph B above, unused sick leave in the Bank will be distributed in the following manner:

1. If the number of unused sick leave days in the bank equals or exceeds the number of members in the bank, each member will receive one (1) of the unused days to be credited to their personal accumulated sick leave account. Those days exceeding the number of members in the bank will be dispensed of at the sole discretion of the Board.
2. If the number of unused sick leave days in the bank is less than the number of members in the bank, each member will receive an equal share of the unused days to be credited to their personal accumulated sick leave account. Unused days will be credited in hours.
3. Any balance left will be disposed of at the sole discretion of the Board.
4. In no instance will the days credited back to members be greater than the number remaining in the bank.

Any member joining this Sick Leave Bank acknowledges that the limits of liability for any challenge to the Appeals Committee's decision is limited to the number of days the individual contributed to the bank.

K. Voluntary Sick Leave Pool

The intent of the "Voluntary Sick Leave Pool" (VSLP) is to allow St. Johns County School District employees to voluntarily donate their earned hours of leave for use by another employee as specified by the donor. Employees who have been employed one (1) year, in which they have earned sick leave, will qualify to donate leave hours. This program will be in addition to the "Sick Leave Bank" outlined in the negotiated agreements, which is intended for terminal conditions. Qualifying for this program is not predicated on membership in the "Sick Leave Bank."

An employee wishing to donate sick leave hours to an individual:

- Must have been consecutively employed for more than one (1) year in a position which earns sick leave.
- Must have a minimum of 160 hours of sick leave available at the time of donation.
- May donate up to 24 hours per contract year.

An employee who is in need of paid donated sick leave hours:

- Will not be allowed more than 100 days per year of approved leave.
- Must have been employee for one (1) full contract year.
- Effective January 20, 2022, no leave without pay is required.
- Must be on approved FMLA leave or Board approved medical leave of absence.
- Must be in a position which earns sick leave.
- Will not accrue sick leave days while being paid through the Voluntary Sick Leave Pool leave.

Miscellaneous:

- Donated hours which are not used; by the receiving employee will be transferred to the "Sick Leave Bank" for use in terminal conditions of members.
- Employees who have been paid out (through retirement or separation from employment with the District) all sick leave; must be in unpaid status equal to the number of hours they were previously paid out.
- The donated hours may only be used by the original recipient.
- The Pool will be managed by the HR Department.
- Proper forms will be developed by the District and used for the donated hours.

The donation of hours will remain anonymous, notwithstanding the Florida Sunshine Laws which may apply.