

**Issued:** December 4, 2017  
**Responsible Executive Vice President and Chief Operating and  
Official:** Financial Officer  
**Responsible Human Resources  
Office:**

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**Policy Statement**

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The University of Memphis staff and faculty sick leave banks are established for all regular full-time and part-time University employees. Only faculty may belong to the faculty sick leave bank; all other employees may belong to the staff sick leave bank. Members of each sick leave bank voluntarily agree to be assessed a specific number of accrued sick leave hours to be deposited in a common pool assigned to each bank. Assessments shall be deducted from the individual's personal accumulated sick leave balance and shall be nonrefundable.

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**Purpose**

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The sick leave banks provide paid sick leave to eligible members of the program who have suffered a serious personal illness or injury, and have exhausted their personal sick and annual leave.

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**Procedures**

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**Procedures**

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**Eligibility**

Participation in the faculty or staff sick leave bank is available to regular full-time and regular part-time employees whether serving in an academic, fiscal, or modified fiscal year appointment (MODFY).

**Enrollment and Assessment**

Employees may enroll at any time provided they have a minimum of 45 accrued sick leave hours or equivalent prorated hours for

employees on part-time schedule. Membership is based on date of receipt of enrollment forms and upon confirmation of eligibility and assessment of hours. Employees who elect to participate in the sick leave bank shall initially be assessed 22.5 sick leave hours or the equivalent prorated hours for employees on part-time schedules. Enrollment forms should be submitted to the University Benefits Administration Office in Human Resources.

### **Sick Bank Trustees**

The President or designee shall appoint five sick leave bank trustees for each sick leave bank. At least three of the appointees to the Faculty Sick Leave Bank shall be faculty who devote a majority of their time to classroom instruction.

The remaining trustees may be members of the staff. At least three of the appointees to the staff sick leave bank shall be non-exempt employees. The remaining trustees may be exempt employees.

In each sick leave bank, two trustees will be appointed for one year, two trustees for two years, and one trustee for three years. Trustees shall be eligible for reappointment. The President or designee shall immediately fill any vacancy resulting from separation of employment, retirement, death, or removal by the President or designee of a trustee from the trustee role. All actions by the trustees shall require three affirmative votes.

The trustees for each sick leave bank shall:

- Meet and elect a chairperson from the trustees.
- Be responsible for preparation of the sick leave bank plan for operation. The plan is subject to the president's or designee's review to ensure its compliance with these guidelines, Board policy, appropriate record keeping and accounting principles, and statutory provisions.
- Adopt reasonable rules for the assessment of sick leave hours to maintain an adequate reserve of usable hours for sick leave bank members based upon total membership and projected potential need.
- Administer the sick leave bank and approve or reject requests for withdrawal of leave from the sick leave bank. The request for sick leave bank hours must be submitted to the trustees through the University Benefits Administration Office in Human Resources.
- The trustees shall approve or reject in writing all requests for sick leave bank hours within five business days of receipt of the request. The operation of the sick leave bank shall exist separately from the regular sick leave accrued to an individual's personal account. With respect to approvals and appeals, the final decision is determined by the trustees. Formal minutes shall be made of the sick leave bank trustee meetings and shall be maintained as a part of the official sick leave bank records. All records and official forms of the sick leave bank and minutes of the

trustee meetings shall be maintained in the University Benefits Administration Office in Human Resources.

## **Sick Leave Bank Plan**

The sick leave bank plan provisions are as follows:

- An employee must have been a member of the sick leave bank for 90 calendar days prior to applying for withdrawal of sick leave bank hours.
- Sick leave bank hours will not be granted to new members the first 12 months of membership if the leave is for absence due to a pre-existing illness or condition.
- An employee must exhaust all accumulated sick leave and annual leave, if applicable, prior to receiving sick leave bank hours.
- During maternity leave, requests for additional leave from the sick bank may only be made during the period of disability.
- Sick leave bank hours run concurrently with FMLA when applicable.
- Sick leave bank hours shall not be used for elective surgery, illness or death of any member of the individual's family. Or during any period when the individual is receiving disability benefits or Board of Claims (Workers' Compensation) benefits.
- Primary consideration for requesting sick leave from the bank will be given to those members on 100% medical leave. However, exceptions may be made for members who are on partial disability due to treatment related leave. For example, should an employee be going through a treatment such as chemotherapy or physical therapy and require partial time off from work, the employee would be eligible for leave from the bank. However, regular and/or follow up doctor's visits will not count as partial disability and will not be considered for leave from the bank.
- Use of sick leave bank hours will be granted to eligible members of the program who have suffered a serious personal illness or injury, and have exhausted their personal sick and annual leave. Sick leave bank time may not be used for purposes inconsistent with being on sick leave, i.e., recreation, vacation, etc. Violations may result in the voiding of previously granted sick leave bank time at the trustees' sole discretion and may result in disciplinary actions up to and including termination of employment.
- Sick leave bank hours granted to individual applicants shall not exceed twenty (20) consecutive work days for which the applicant would have otherwise lost pay, and the procedure for requesting additional sick leave days to a maximum of sixty (60) days in any fiscal year, or ninety (90) days for any one (1) illness, or recurring diagnosed illness, or accident.
- When a sick leave bank member is physically or mentally unable to apply for sick leave bank hours, the immediate next-of-kin may make a request for sick leave bank hours on his or her behalf. If there is no next-of-kin available, this request may be made by the legally appointed guardian or

conservator or an individual acting under a valid power of attorney.

- The trustees may request from a sick leave bank member a physician's statement certifying the illness or condition of the member requesting sick leave bank hours. Refusal to submit the certification will result in denial of the request for sick leave bank hours.
- Sick leave bank hours cannot be granted upon termination of employment, retirement, cancellation of sick leave bank membership, refusal or inability to honor the trustees' assessments, and/or going on leave of absence in a non-pay status for reasons other than illness, injury, or disability.
- A sick leave bank member may cancel his or her membership at any time upon written notification to the University Benefits Administration Office in Human Resources. All sick leave days contributed to the bank are nonrefundable and non-transferable.
- Employees who are granted sick leave hours shall continue to accrue sick leave and annual leave, if applicable, and service credit for retirement and longevity purposes during the time they are receiving hours from the sick leave bank. Also, they will receive credit for any holidays that may occur during the sick leave bank period.
- Grants of sick leave bank hours shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.
- An annual enrollment period shall be established by the trustees. The trustees shall notify all eligible employees of their eligibility status and the dates of the enrollment period. Enrollment forms and copies of the plan and its regulations shall also be made available at this time.
- All completed official forms shall be forwarded to the University Benefits Administration Office in Human Resources for action and should be maintained in the employee's official personnel file.

### **Dissolution of the Bank**

A sick leave bank shall be dissolved if the sick leave bank membership falls below 20 individuals. The total hours on deposit shall be returned to the participating members at the time of the dissolution and credited to their personal sick leave accumulation in proportion to the number of hours each has been assessed individually.

### **Bank Reserves**

Reserves for each sick leave bank shall be established only through the assessment of new and current membership and shall maintain a positive balance at all times. In order to protect the solvency of the plan, an annual assessment of a minimum of four (4.0 hours) of sick leave per member or the equivalent based on part-time or nonstandard work schedule may occur.

The annual assessment may be waived by the trustees if the sick leave bank balance is greater than 10,000 hours.

**Funding Sick Leave Bank Hours**

The sick leave banks contain only hours, not funds. Therefore, the home department of the employee who receives sick leave bank hours is responsible for paying the employee while on sick leave bank time. Departments will not be required to pay employees while out on leave, if sick leave bank hours are unavailable.

**Other sick leave donations**

Employees enrolled in the Optional Retirement Plan (ORP) who are leaving the university may elect to donate all or part of their accrued sick leave. Faculty employees can only donate to the Faculty sick leave bank and Staff employees can only donate to the Staff Sick Leave bank. The Sick leave Donation Form should be completed and processed within the employee's last payroll cycle.

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**Related Forms**

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**Sick Bank Enrollment Forms** <http://www.memphis.edu/benefits/pdf/slbenroll.pdf>

**Sick Bank Cancellation Form** [http://www.memphis.edu/benefits/pdf/slb\\_cancel.pdf](http://www.memphis.edu/benefits/pdf/slb_cancel.pdf)

**Sick Bank Donation Agreement** <http://www.memphis.edu/benefits/pdf/donate.pdf>

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**Revision Dates**

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HR5026 - Supersedes UM1609 March 22, 2018  
UM1609 - Revised December 4, 2017  
UM1609 - Revised May 22, 2017  
UM1609 - April 30, 2014  
UM1609 - Issued: November 22, 2004 supersedes procedures  
2D:05:01K, 2D:05:01K

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**Subject Areas:**

Academic	Finance	General	Human Resources	Information Technology	Research	Student Affairs
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