

40.15 Sick Bank Program

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1. Purpose. To establish an employee contributed Serious Health/Non-Industrial Injury Sick Bank (the "Sick Bank") to be used for Eastern New Mexico University-Roswell's (ENMU-Roswell) employees who have exhausted all their accrued medical and annual leave time.

2. Policy. ENMU-Roswell will establish and maintain a policy to assist employees who have exhausted all their accrued medical and annual leave time. This policy will allow employees to recover from a serious health/non-industrial injury or illness is one that requires either inpatient care or continuing treatment by a health care provider for a serious health/non-industrial injury or illness

2. Definitions:

A. A serious health/non-industrial injury or illness is one that requires either inpatient care or continuing treatment by a health care provider for a serious health/non-industrial injury or illness. Health care provider is defined in the policy statement. The Sick Bank is not intended to cover a short-term illness for which treatment and recovery are very brief. The Sick Bank is not intended to cover normal pregnancies, including natural and cesarean birth methods; elective surgeries; routine medical and surgical procedures; or any other medical condition that does not meet the definition of a serious health/non-industrial injury or illness as defined above.

B. Health care provider is defined in the Family and Medical Leave Act of 1993, (P.L. 103-3 February 5, 1993). A health care provider is (1) a doctor of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or (2) any person determined by the state to be capable of providing health care services.

C. Immediate family means a parent, grandparent, spouse, child or sibling as prescribed under the institution's Leave with Pay Policy.

D. The Sick Bank Administrator is the Director of Human Resources. The Director of Human Resources will review all requests for Sick Bank time for approval or disapproval.

3. Eligibility:

A. Any ENMU-Roswell employee in an eligible employee category in which medical or sick leave is accrued may apply to use sick leave from the Sick Bank, subject to the provisions in the program.

B. The employee must have exhausted all accrued leave time.

C. The employee who requests withdrawal from the Sick Bank must be in good standing with ENMU-Roswell which is determined by their continuation employment letter or contract of appointment.

4. Regulations:

A. The Sick Bank does not provide for the first 30 days of serious health/non-industrial injury or illness. The first 30 days are the responsibility of the employee and are covered by the employee's accrued sick and annual leave. i.e.: sick and annual leave are exhausted, further leave will be charged as leave without pay.

B. An employee may draw a maximum of 90 business days from the Sick Bank for a serious health/non-industrial injury which requires either inpatient care or continuing treatment by a health care provider.

C. An employee who volunteers to transfer accrued sick leave time to the Sick Bank must do so in eight hour increments equaling not less than one day and no more than five days per fiscal year. To contribute to the Sick Bank a transfer of medical leave request must be submitted to the Sick Bank Administrator.

D. Donations to the Sick Bank are voluntary and are not retrievable.

E. Employees who contribute to the Sick Bank may not designate a specific person to receive their contributions.

F. Only one withdrawal from the Sick Bank is allowed each fiscal year unless the maximum of 90 days was not used in the same fiscal year as the request. An employee is not required to contribute to the Sick Bank in order to apply to use leave from the Sick Bank.

G. An employee who contributes to the Sick Bank is not required to request use of leave from the Sick Bank. Employees are not required to pay back sick leave withdrawals granted from the Sick Bank.

H. In the case of an employee's serious health condition, an employee will not be permitted to return to work until clearance for reinstatement is obtained by the Sick Bank Administrator.

5. Withdrawal of Time From The Sick Bank:

A. An eligible employee may apply to the Sick Bank Administrator for permission to draw time from the Sick Bank. An employee can petition to use the Sick Bank for their own serious health/non-industrial injury of their immediate family.

B. Applications to use the Sick Bank will be processed on a first-come, first-serve basis.

C. All request forms for leave from the Sick Bank shall be accompanied by a serious illness/non-industrial injury statement and the appropriate duration of the absence. The privacy of all employee requests will be protected as provided by New Mexico law.

D. If it is determined the employee is eligible to participate in the Sick Bank, the Sick Bank Administrator shall determine the exact amount of time an eligible employee may draw from the Sick Bank and shall approve the transfer of time from the Sick Bank to that employee.

E. Approval or disapproval of any application shall be made within 10 business days from the date of receipt of the application.

F. The employee may use sick leave assigned for the Sick Bank in the same manner as accrued sick leave and shall be treated in the same manner and shall be entitled to accrue the same benefits as an employee who uses such accrued sick leave.

G. If an employee does not agree with the Sick Bank Administrator's determination, a formal appeal may be submitted in writing to the ENMU-Roswell President as follows:

1. The employee will present their appeal to the ENMU-Roswell President who will act upon recommendation within five business days.
2. The decision of the ENMU-Roswell President will be based upon the same record and the recommendation of the Sick Bank Administrator unless the ENMU-Roswell President receives relevant information subsequent to the decision of the Sick Bank Administrator.
3. Such information may be taken into consideration if the official parties have the opportunity to respond to the information submitted.

6. Termination of Sick Bank Leave.

- A. When an employee using Sick Bank hours returns to duty, any unused hours revert to the Sick Bank.
- B. When a recipient's employment terminates, any unused hours revert to the Sick Bank.
- C. When an employee has received 90 days from the Sick Bank, the employee may apply for unpaid leave as prescribed in the institution's Leave Without Pay Policies.