MONTGOMERY COUNTY GOVERNMENT
and UFCW LOCAL 1994
MUNICIPAL AND COUNTY GOVERNMENT EMPLOYEES ORGANIZATION (MCGEO)

SICK LEAVE BANK POLICY

The MCG/MCGEO Sick Leave Bank (SLB) is a cooperative effort of the UFCW Local 1994, Municipal and County Government Employees Organization (MCGEO) and the Montgomery County Government (MCG). The SLB is designed to assure that those employees in most need during a sustained period of illness or disability will have paid leave available after those employees have exhausted all other paid leave available to them and are expected to return to work status.

This policy is effective the beginning of each leave year. While this Policy is in effect, the Sick Leave Donor Program, as contained in Article 15.7 of the MCG/MCGEO Agreement, will not be in effect.

The SLB is overseen by the MCG/MCGEO Joint Sick Leave Bank Committee (Committee). The Committee consists of three MCG representatives and three MCGEO representatives. The SLB resources come from initial and continuing contributions of individual employee's sick leave.

To join the SLB employees need to do nothing. Members will automatically be enrolled in the SLB at the beginning of each leave year unless they opt out during the SLB opt out period. The SLB opt out period for the 2017 leave year will be **November 30 to December 30, 2016.**

Requests for sick leave are sent to the Office of Human Resources (OHR) Occupational Medical Services (OMS) SLB Administrator. In accordance with this Policy and Procedures, the SLB Administrator reviews applications for sick leave and determines whether SLB shall be granted to the employee, and, if so, how much leave. The SLB process is intended to give fair consideration to each request; however, the burden of complying with the SLB's procedures and providing sufficient medical documentation resides entirely with the SLB member.

Denials of requests for sick leave by the SLB Administrator may be appealed to the Joint SLB Committee in accordance with Section V.B. of the Procedures. All SLB Committee decisions are final and are not subject to appeal or any grievance procedure.

Employees must repay granted SLB leave to the SLB when the employee has not used all or part of the leave that was allocated to the employee.

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SICK LEAVE BANK (SLB)

PROCEDURES

I. General Provisions

A. The intent of the SLB is to provide continued salary to employees who are qualified members of the SLB for qualifying illness that is incapacitating to the point where one cannot perform his/her work duties during regularly scheduled workdays.

B. Members' contributions of sick leave become the property of the SLB. A contribution made in error will be returned to the member.

C. A SLB member must exhaust all sick, annual and compensatory (comp) time in order to access the SLB. However, if FMLA applies, then comp leave does not have to be exhausted.

D. SLB use is for use only for an employee's own qualifying illness or that of the employee's spouse, domestic partner, child, or parent.

E. It is the responsibility of the Member to be aware of these Procedures. Ignorance of the Procedures is not acceptable as the basis for any appeals.

F. It is the responsibility of the member to provide sufficient and acceptable documentation to the SLB Administrator and, as necessary, the Committee.

G. All SLB-related forms are available at: http://www.montgomerycountymd.gov/HR/OccupationalMedicalServices/MedicalLeave.html#1.

H. A member who is on SLB leave continues to earn leave during the period of absence at the same rate as if the member were not using SLB leave. Earned leave will be used each pay period as the member must maintain a zero balance of sick, annual, and comp leave.

II. Definitions

A. SLB Bank - The MCG/MCGEO Sick Leave Bank.

B. The County or MCG - Montgomery County Government.

C. SLB Administrator – The County-assigned person who is responsible for the initial review of an employee's request for SLB leave and who makes the initial determination whether the request will be approved or denied.

D. Member - A MCGEO bargaining unit employee who has qualified to be a participant in the SLB Bank by contributing to the SLB and remaining in good standing in accordance with these Procedures.

E. SLB Leave - Leave contained in the MCG/MCGEO Sick Leave Bank.

F. Committee - The Joint MCG/MCGEO Sick Leave Bank Committee that oversees and governs the SLB Bank.

G. Opt Out Period – The only period, other than when an employee obtains merit status, during which an employee may opt out of the SLB.

III. Enrollment Process and Contributions

A. To be eligible to participate in the SLB, an employee must be a member of the MCGEO bargaining unit. New employees become eligible for the SLB upon achieving merit status.

B. The initial leave contribution required for an employee to the SLB is eight (8) hours. This contribution may only be sick leave hours.

C. Each year the opt out period for the SLB shall be mid-November to mid-December or within thirty (30) calendar days of achieving merit status.

D. In order to stay in good standing in the SLB, an employee must contribute eight (8) hours of sick leave at the beginning of each leave year.

E. Part-time employees are eligible to participate in the SLB at a pro-rated contribution rate based on their budgeted hours worked.

IV. Requesting SLB Leave

A. Requests for SLB leave must be submitted to the OHR OMS SLB Administrator who will make the initial determination on the request. A denial of a request may be appealed in accordance with Section V.B.

B. Members must exhaust all annual, sick, personal, and compensatory leave in order to access the SLB leave. However, SLB hours can be used prior to exhausting compensatory time when FMLA is being used. Once the member exhausts his/her FMLA leave, the compensatory time must be exhausted before additional hours may be available from the SLB.

C. To receive sick leave from the SLB the member is responsible for obtaining and submitting a completed SLB Request Form and Medical Certification. The anticipated date of the member's return to work must be a specific date. The SLB request will denied if anything other than a date is used. For example, "unknown", "indefinite", "unable to determine", and other similar statements will cause the request to be denied. The SLB Request Form and the Medical Certification forms can be found at: http://www.montgomerycountymd.gov/HR/OccupationalMedicalServices/MedicalLeave.html#1.

D. A member may request SLB for personal qualifying illness or if the member is the primary caretaker for the member's spouse, domestic partner, child, or parents who has a qualifying health condition.

E. A qualifying illness must result in an employee being unable to work for more than seven (7) consecutive work days in order for the absence to be covered by the SLB.

F. The maximum of SLB leave that may be provided per leave year to a member is sixteen (16) weeks (or 640 hours based upon a 40-hour workweek). The maximum SLB that may be provided for a member to care for a member's spouse, domestic partner, child, or parent is 120 hours. **The SLB Committee may, in extenuating circumstances, grant additional SLB hours beyond the stated limits, but not to exceed an additional 160 hours.**

G. SLB leave shall be granted and used only in whole hours.

H. Any SLB leave that is granted to the member that is in excess of the actual leave used by the member shall be returned to the SLB.

I. Requests for SLB leave involving surgery or procedures that are cosmetic shall not be granted. Reconstructive surgery will be considered.

J. The SLB is intended for use by employees who are expected to return to work. SLB hours cannot be used after the employee's doctor or the County's EME determine that the employee is unable to return to work status at the County in their own or any occupation.

K. SLB members may utilize SLB intermittently for medically necessary follow-up doctor's appointment resulting from a verified illness or disability. SLB members who wish to utilize intermittent SLB hours due to a qualifying medical condition must:

1. Meet the seven (7) consecutive calendar days absence away from work requirement.
2. Exhaust all annual, sick, and comp leave (if FMLA applies, then comp leave does not have to be exhausted).

3. Have prior approved SLB hours in a block of hours for the same medical condition.
4. Submit medical certification that specifies the frequency, duration, and use of the intermittent SLB hours.

L. Intermittent SLB hours cannot be utilized for routine doctor's visits or follow-up appointments that are not directly related to the medical condition identified in the initial SLB Request Form and Medical Certification.

V. Administration of the SLB

A. The MCG/MCGEO SLB Committee shall consist of three representatives appointed by MCGEO and three representatives appointed by MCG. The Committee shall meet as necessary, but no less than once per calendar quarter, to administer the SLB. Committee decisions shall be determined by consensus.

B. The Committee reserves the right to review and act upon all requests pertaining to the SLB. Denials of requests for SLB leave may be appealed by the member to the Committee using the SLB Appeal Form. The SLB Procedures provides that the joint SLB Committee reserves the right to review and act upon all requests pertaining to the SLB. The following are the appeal procedures:

1. A member must file a Sick Leave Bank Appeal Form (form) with the Committee within fourteen (14) calendar days of receiving a SLB denial notice from the SLB Administrator.
2. The form can be found on the OHR OMS website at: http://www.montgomerycountymd.gov/HR/OccupationalMedicalServices/MedicalLeave.html#1.
3. Print the form and complete it in its entirety. The form requires the member to write a brief statement explaining the reasons why this appeal should be approved.
4. An incomplete form will be returned to the member and will cause a delay in processing the appeal. The SLB Committee may request additional clarifying information from either the member or OMS. The SLB Committee may extend the time for the member to resubmit a completed form up to seven (7) additional calendar days from the date received.
5. The member should include supporting documentation with the appeal form.
6. The appeal form and any supporting documentation must be sent to:

SLB Committee
Montgomery County Government
OHR OMS
101 Monroe Street, 7th Floor
Rockville, MD 20850
OR fax to 240-777-5186
OR scan and email to mcgeoslb@montgomerycountymd.gov

7. SLB committee decision shall be by consensus. The Committee will notify the member, in writing, of its decision (approved or denied) within seven (7) calendar days of the date the Committee received the completed form and documentation. **Appeals for additional SLB leave will not exceed an additional 160 hours of the maximum allotted hours.**
8. If the Committee approves the appeal, leave will be retroactively applied to the date the SLB member has reached leave without pay status.
9. The Committee's decision is binding and is not subject to any grievance procedure.
10. Questions and inquiries regarding the SLB can be sent to: mcgeoslb@montgomerycountymd.gov or you can call the SLB at 240-777-5137.

C. The Committee reserves the right to make a special assessment of eight (8) hours, one time each year, in the event that the SLB balance drops below 1,000 hours. If an employee does not have sufficient accrued sick leave at the time of the special assessment, the sick leave will be deducted from the subsequent pay period(s).

D. In the event the SLB balance has a surplus of hours at the end of each leave year, the balance will carry over to the following leave year.

E. Tracking contributions and SLB usage shall be done by the SLB Administrator with oversight by the Committee.

F. The Committee shall be responsible for the County and MCGEO for the proper administration of the SLB and occasional reports on the status of the SLB.

G. All parties to the SLB are required to operate in good faith and to protect the integrity of the SLB program.