

SHOSHONE COUNTY  
SICK LEAVE BANK POLICY  
Amended: 10-17-2017

PURPOSE

The purpose of the Sick Leave Bank shall be to provide **full-time regular and part-time regular employees** who qualify by membership in the Bank with the additional sick leave days needed at half the rate of their hourly wage for a maximum of 12 weeks in a 12-month period, to recover from a temporary non-occupational illness/disability. The Bank shall not be used as a reserve for time lost due to short term illness/accident of less than ten (10) working days; for time lost due to illness in the family; bereavement; for occupational illness/disability; for any purpose other than the personal illness of the employee.

ADMINISTRATION

The Sick Leave Bank shall be governed by the Shoshone County Board of Commissioners and administered by the Sick Leave Council in conformance with the regulations set forth in this policy. The Sick Leave Council shall be composed of ten members, one from each of the following departments; Clerk, Treasurer, Assessor, Sheriff, Prosecuting Attorney, Public Works, Solid Waste and Road Districts #1, #2, #3. In the event that a council member cannot attend a meeting, the Sick Leave Council will recognize a substitute to attend the meeting.

The Council members shall be elected by Department employees from each of the above departments on October 1 of each year. Retiring officers must stay in as representative for one (1) year.

Mid-term vacancies shall be filled by election from the department employees from the department they are employed in and the Appointee shall fill that vacancy.

The Sick Leave Council Members will elect a chairperson. The Sick Leave Council shall annually review and/or revise this policy. Any changes, additions or deletions to the Sick Leave Bank Policy shall be approved by the Board of County Commissioners by Resolution.

The Council members serve with the understanding that all information that each member receives by and because of his/her status as a Council member is confidential and may not be disclosed to any person outside of the Council meetings. Disclosure of confidential information may result in removal from office and possible disciplinary proceedings being instituted against him/her. All Council members are required to sign a Confidentiality Agreement prior to being allowed to serve on the Council.

### ELIGIBILITY FOR MEMBERSHIP

Membership in the Sick Leave Bank shall be extended to any **full-time regular and part-time regular employees** of Shoshone County who has donated one (1) day of personal sick leave at the formation of the Sick Leave Bank.

Thereafter, membership shall be extended as follows:

1. Membership in the Sick Leave Bank will be extended to new employees within thirty (30) calendar days after initial employment by Shoshone County and upon the donation of one (1) day of sick leave within sixty (60) days of employment.
2. Open enrollment in the Sick Leave Bank will be extended to any employee, who has previously waived enrollment and is currently accruing benefits, in the month of September each year. Eligibility for Bank benefits will be effective October 1 for that same year, except for the initial policy year. The enrollment form, a copy attached and incorporated herein, authorizing the transfer of a personal sick leave day to the Bank fund must be signed and returned to the Payroll Department of the Clerk/Auditors office before the employee becomes a member of the Sick Leave Bank.

### MEMBERSHIP

Employees who donate one (1) day of accumulated personal sick leave to the Sick Leave Bank upon formations of the Bank or during the enrollment period, as specified in "Eligibility for Membership", shall be members of the Bank and be eligible for its benefits. A list of current Sick Leave Bank members shall be published by the Clerk/Auditors office and given to the Sick Leave Council on a monthly basis unless no changes have occurred. This list shall be considered the official membership Roll.

### DONATION

Donations to the Sick Leave Bank shall conform to the following regulations:

1. An employee donating one (1) day of accumulated personal sick leave at the formation of the Sick Leave Bank, during the open enrollment period or within sixty (60) days of initial employment with Shoshone County shall be a current member and shall continue as a current member until it is necessary to call for a special assessment.
2. Days donated to the Bank shall be non-returnable to the donor as personal sick leave in the event of termination of Bank membership or separation from Shoshone County.
3. Days may only be donated at the open enrollment/initial sign-up and special assessment. No other donations are allowed.
4. Members will need to sign a new enrollment application each fiscal year.

### MAXIMUM CAPACITY

The Sick Leave Bank shall accumulate unused Bank days from year to year to a maximum capacity which shall not exceed double the number of members on the official membership Roll as defined in "Eligibility for Membership" and "Membership".

#### SPECIAL ASSESSMENT

If the Bank's accumulated unused days drops to one-half (1/2) the Bank's currently enrolled members, the Clerk/Auditors office will notify the Sick Leave Council that a special assessment, consisting of one (1) personal sick leave day per current member must be made. The Sick Leave Council will then distribute and collect donation forms. Upon return of the donation forms, the Clerk/Auditors office will deduct the sick leave day from the Donors personal account.

An employee may donate only one (1) day at open enrollment and the special assessment shall be for only one (1) day. Any current member not donating a day to the special assessment when the member has sick leave days available shall be dropped from the Sick Leave Bank. Current members who have no accumulated personal sick leave shall continue as current members without penalty, but must donate one (1) day within 60 days of the new fiscal year and that day will be transferred to the Sick Leave Bank.

#### MAXIMUM WITHDRAWAL

The maximum number of hours that shall be approved for withdrawal shall not exceed the Bank's total available hours.

#### EMPLOYEE USE OF THE SICK LEAVE BANK

Members of the Sick Leave Bank shall conform to the following regulations when requesting the use of Bank days:

1. To qualify for Sick Leave Bank usage, an employee must first satisfy the following three (3) requirements:
  - a. Time lost due to illness/disability must exceed ten (10) working days.
  - b. All accrued personal sick leave, **vacation and comp hours** must be exhausted.
  - c. Documentation by the employee that a known illness/injury did not exist prior to initial Sick Leave Bank enrollment.

The transfer of Sick Leave Bank hours will occur beginning on the 11<sup>th</sup> day following the onset of the illness/disability or upon the exhaustion of all accumulated personal sick leave, **vacation and comp hours** whichever occurs last.

2. The employee or family member when the employee is physically incapable shall secure a written statement of the illness from the employee's physician to protect the Sick Leave Bank and Shoshone County from malingering and false claims of illness. Said statement shall include: Verification of the illness/disability; date of onset of illness/disability; projected recovery period; estimated date of return to work and next scheduled visit with a doctor. An update must be given to the employee's elected official in intervals of thirty (30) calendar days; the elected

official will then forward the updated information to the Sick Leave Council within five (5) working days.

3. The physician's statement must be attached to the "Employee Application to the Sick Leave Bank", a copy attached and incorporated herein and given to the employee's elected official or supervisor. The Official shall complete the remainder of the application, obtain the required verification from the Clerk/Auditors office, make a recommendation and submit the completed application and physician's statement to the Sick Leave Council Chairperson (or Sick Leave Council Secretary in the Chairpersons absence) within five (5) working days.
4. The Sick Leave Bank Council shall approve or disapprove the request within five (5) working days of receipt of the application.
5. If the employee's request is approved, transfer of the approved number of days from the Sick Leave Bank to the employee shall be made, as used during the pay period.

If an employee's request is denied, the employee does have the option to ask for one (1) re-hearing within five (5) days from the date of the denial with the Sick Leave Council. Upon request the re-hearing must be held within five (5) working days. Upon rehearing, the decision of the Sick Leave Council is final and the employee has no further right to an appeal.

Any personal sick leave hours **vacation and comp hours** accrued by an employee, while being compensated through the Sick Leave Bank, shall be used in the next pay period prior to the transfer of any additional Sick Leave Bank hours.

6. The maximum number of Sick Leave Bank days in a 12-month period available to an employee, for any total illness/disability, is 60 days at half of the employee's hourly wage. More clearly defined as an eight (8) hour day employee would be allowed a maximum of 240 hours from the Sick Leave Bank; a seven (7) hour day employee would be allowed a maximum of 210 Sick Leave Bank hours. Bank grants shall end on the employee's last date of employment if the employee separates from employment with the County for any reason. The 12-month period is determined using a "rolling" 12-month period measured backward to the date an employee first uses any Sick Bank leave. Therefore, if the employee has used any Sick Leave Bank days within the previous 12-month period, his/her available days are reduced by the number of hours previously used in that period. In the interests of fairness, it is the intent of the County that an employee only be allowed 12 weeks of sick Bank days within any 12-month period.
7. The employee's request should be with the understanding that the Committee's decision is final.
8. It shall be the responsibility of the applicant and/or the applicant's representative to get the required paperwork to their department for the sick Leave Banks review. This needs to be submitted by the 15<sup>th</sup> of the month to be considered for that month's payroll. All claims must be filed within sixty (60) days of the initial date of the illness or injury.

Effective 12-06-93 by Shoshone County Commissioners Resolution No. 93-87 and amended by Resolution No. 94-37 and amended by Resolution No. 2000-06 01/11/2000 and amended by Resolution No. 2001-22 07/17/2001 and amended by Resolution 2002-07 02/13/02 and amended by Resolution No. 2010-49 10/25/2010, and Resolution No. 2015-36 10/21/2015 **and Resolution No. 2017-41 10/17/2017.**

**PLEDGE OF CONFIDENTIALITY**

This is to certify that I, \_\_\_\_\_, a council member of the Sick Leave Bank, understand that any information (written, verbal or other form) obtained during the performance of my duties must remain confidential. This includes all information that I may become privy to as part of my term with the Sick Leave Bank which is not part of the general public's knowledge, including but not limited to information about applicants for Sick Leave Bank as well as any other information otherwise marked or known to be confidential.

I understand that any unauthorized release or carelessness in the handling of this confidential information is considered a breach of the duty to maintain confidentiality.

I further understand that any breach of the duty to maintain confidentiality could be grounds for immediate disciplinary action up to and including dismissal from employment.

\_\_\_\_\_  
Signature of Council Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness