

BOS Policy no. 43

Title: Contributing Sick Leave for Seriously Ill Employees

Accepted/Approved on: February 8, 2011

Updated on:

I. Policy

It is the policy of the Town to extend sick leave benefits to an employee who, because of a life threatening serious illness or injury, has exhausted his/her sick, personal, and vacation leave balances. This policy does not replace or supersede any other salary continuation plan provided by law or contract. At this time, the present policy shall apply only to non-union employees. It is the Board of Selectmen's intention to extend this policy through collective bargaining with the Highway and Clerical Unions.

II. Purpose

The purpose of this policy is to extend the sick leave benefits of employees who intend to return to work, or when suffering from a terminal illness, will not be able to return to work. This policy is not a means of prolonging pay status pending an anticipated retirement or separation from the Town.

III. Applicability

Town employees who earn sick leave accruals are eligible to receive benefits or contribute time under this policy. Excluded from receiving benefits under this policy are personnel for whom other provisions have been made, elected officials, and employees on worker's compensation or injured on duty status. This policy is not for the illness or injury of immediate family members of employees.

All accrued leave must be used before receiving extended sick leave benefits; however, application may be made prior to that time and approval given contingent upon the employee's exhaustion of all accrued leave.

IV. Provisions

The amount of sick leave available will depend on the donation of sick leave by fellow employees. The total amount of donated leave an employee may receive under this policy is 1040 hours if on a 40-hour workweek and 975 hours if on a 37.5-hour workweek. Longer or shorter workweeks will be pro rated. At no time shall an employee donate sick leave that would reduce their own accrued sick leave below 10 days.

V. Review Committee

A. A Committee whose members shall be appointed by the Board of Selectmen shall review requests, recommendations, and approve allotments. The Chairman of the Board of Selectmen or his/her designee, shall serve as ex-officio member and will be responsible for maintaining records for the Committee.

Committee membership shall include representatives of management and non-management employees and totaling a number that the Board of Selectmen determines will provide a reasonable and fair cross representation of the various departments. Members shall serve two or three year staggered terms as determined by the Board of Selectmen.

B. The Committee shall elect its own Chairperson and may, by majority vote, recommend to the Board of Selectmen the replacement of a member who is unable to attend meetings regularly.

C. Approval of contributory sick leave must be by a simple majority vote of committee members who are available to review an employee's application; however no less than three members must approve any decision.

VI. Procedure

- A. An employee who has exhausted all his/her sick, personal and vacation accrual leaves as a result of a *life threatening serious illness* may submit a request, together with physician's certificate (FMLA physician's certification is acceptable) detailing the nature of the serious life threatening illness, for additional sick leave coverage to his/her department head. A written application is required on a form provided by the Board of Selectmen or designee office. If an employee is eligible but unable to apply due to a physical or mental condition, any family member or other agent may apply on behalf of that employee.
- B. The department head will submit his/her recommendation for approval/ disapproval and the employee's formal request to the Review Committee.
1. The Review Committee will approve or disapprove the request after considering the information presented, which will include the department heads recommendation, the employee's length of service, performance, attendance, and amount of contribution requested, and the physician's statement. The decision of the Committee shall be final and is not subject to any collective bargaining agreement's grievance or other dispute procedure.
 2. If approved, an appeal for donations will be made in the employee's own department first, and then outside the employee's department, should more donations be required. Benefits will be retroactive to the date of the employee's request.
- C. An employee may voluntarily contribute any amount of accumulated sick leave hours by signing a statement indicating the amount of leave being contributed and forwarding it to the Board of Selectmen or designee Department. *(Note: The Committee may subsequently appeal for additional contributions of sick leave should the initial amount of donated sick leave not be sufficient. Before a second or subsequent appeal for donations are initiated, the employee will be required to submit to the Committee a treating physician's note that generally indicates that the employee's health is improving and that the employee is expected to return to work at some point in the future. If an employee is unable to return to work due to a debilitating or terminal illness, the employee will be able to utilize the donated sick leave received to date but additional appeals for donations will only be authorized once beyond the initial appeal.)*
- D. An employee may not donate leave beyond his/her employment separation date.
- E. While on "extended sick leave" an employee is considered to be in active pay status during the use of the contributed leave, and all employment benefits apply including the accrual of sick, personal and vacation leave, and which shall be charged against his/her absence as they accrue.
- F. The employee's department will assume financial responsibility for days contributed and must maintain an accurate record of the Sick Leave days used by an employee.
- G. Sick Leave contributed for a seriously ill employee and not used will be returned, as appropriate, to the donor(s) on a pro rata basis.
- H. Unless otherwise provided for by public records law or the Review Committee, the names of Contributors may be made available to the Recipient, if requested; however, the amount of time donated by any employee will not be divulged.

TOWN OF CHARLTON
CONTRIBUTING SICK LEAVE FOR SERIOUSLY ILL EMPLOYEES

EMPLOYEE CONTRIBUTION

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NAME: _____ DEPARTMENT: _____

I certify that I voluntarily contribute _____ **hours** of my accrued sick leave pursuant to the *Contributing Sick Leave For Seriously Ill Employees, Policy n. 43*.
for employee:

I understand that this amount will be deducted from my accrual total and be transferred to the accrual total of the employee I am contributing to. I also understand that any unused donated time will be credited to the contributors by a pro rata formula.

Signature: _____ Date: _____

If requested by Recipient, do you wish to have your name released as a contributor? [Note: If you choose No you will be referred to as an "anonymous contributor".

Yes _____ No _____

TOWN OF CHARLTON
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EMPLOYEE APPLICATION

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NAME: _____ DEPARTMENT: _____

Initial Request: _____ Additional Appeal: # _____

I certify that I suffer from a life threatening/serious illness and that I will exhaust my available hours of accrued sick, personal and vacation leave prior to my ability to return to work. I understand I shall require a physician certification/statement supporting my application.

I understand my application is pursuant to the *Contributing Sick Leave For Seriously Ill Employees, Policy n. 43*.

I understand that contributed time will be credited to my sick time accrual total and is available to me in order to remain on active pay status. I also understand that any unused donated time will be not be retained by me but will be redistributed to the contributors by a pro rata formula.

Signature: _____
(Employee, or if incapacitated Family Member or Agent)

Date: _____

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Approved by Review Committee on: _____

Chair Signature: _____