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Introduced: 2/26/85  
Referred: Health, Education & Social Services  
and Finance

1 IN THE SENATE

BY ELIASON

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SENATE BILL NO. 192

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act waiving restrictions on use of sick leave  
7 banks; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 14.14.105 is amended to read:

10 Sec. 14.14.105. SICK LEAVE BANK. A [LOCAL] school [DISTRICT]  
11 board [, OR THE BOARD OF A REGIONAL EDUCATIONAL ATTENDANCE AREA] may  
12 establish a sick leave bank to enable a teacher, because of unusual  
13 circumstances, to draw not more than twice the number of days of sick  
14 leave the teacher has accumulated before the first day of school in  
15 any school year, or 24 days, whichever is greater. However, in a case  
16 of severe illness or extreme hardship the board may permit a teacher  
17 to draw more leave. The board may establish and administer the sick  
18 leave bank independently or jointly with teachers.

19 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
20 10.070(c).



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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April 24, 1985

TO: Representatives Niilo Koponen and Max Gruenberg, Co-Chairs  
Members, House HESS Committee

FROM: NEA-Alaska

RE: SB 192 An act relating to sick leave banks.

NEA-Alaska urges the passage of SB 192.

This amendment to the Sick Leave Bank Law is needed to make it possible for a school board to help a teacher avoid total financial disaster due to illness in the family.

Currently the law limits the use of the Sick Leave Bank to 24 days for anyone who does not already have more than 12 days sick leave accumulated at the time of the illness. While this provision is usually adequate, it leaves a teacher without income and possibly without a job should he or she need more time.

A specific for instance occurred last fall when a teacher's spouse was found to have cancer and was given only a month or so to live. The teacher needed to and did, in fact, stay with and care for the terminally ill spouse.

Being a new teacher, she had accumulated only a very limited amount of sick leave, and therefore was bound by the 24 day limit in the sick leave bank law. The District wanted to help but was unable to do so because of the current law. The teacher had to go without income during those final days of caring for her husband. In the meantime her financial obligations continued to accumulate.

We support this amendment because it would allow a school board to deal with an exceptional situation which might otherwise be disastrous for one of its employees.

Respectfully submitted:

Gayle Pierce  
President

L85:13

March 15, 1985

Richard Eliason, Senator from Sitka

Dear Sir:

The Sick-leave Bank problem in Sitka is as follows:

Around Thanksgiving, a first year teacher at the high school received word that her husband was dying of cancer, and the doctor advised that he spend his last days at home. The teacher was granted family emergency leave which was taken from her sick leave days. When she ran out of sick leave days, she applied to the local sick leave bank, and was granted the maximum of 20 days as is presently allowed by law. The husband was expected to die before New Years, but lingered on into February. Sometime into January, the teacher ran out of all sick leave, personal leave, and sick leave bank days allowed her by law, and was forced to take leave without pay (30 days). Finally the idea came about and was approved by the administration to allow teachers to cash in <sup>personal</sup> leave days, substitute for themselves, and have the total substitute pay go into one check to the affected teacher. Other teachers made money donations. The 30 days leave without pay was totally covered in this way.

The fact of this incident is that the circumstances merited action by the school board to grant more sick leave bank days, but present law didn't allow it. The change in the law would allow school boards to show special compassion when needed, and also to protect from abusing the sick leave bank.

Thank you for your work in this area,

*Tom Smircich*  
Tom Smircich, president

NEA- Sitka

perform her customary duties. The teacher shall provide the Superintendent with adequate advanced notice of the intended beginning and termination of such leave so that appropriate arrangements can be made for substitutes. Such notice, at a minimum, must be given within sixty (60) days of the expected termination of the pregnancy and within fifteen (15) days following termination of the pregnancy. Failure to provide such notice shall constitute grounds for denial of sick leave and maternity leave benefits at the option of the district.

## Section 6. SICK LEAVE BANK

### 1. Purpose

- a. The sick leave bank is hereby established to enable a certified staff member, because of unusual circumstances, to receive continuing sick leave benefits after personal accrued sick leave has been exhausted.

### 2. Eligibility

- a. Any certificated member of the bargaining unit may become a member of the sick leave bank by contributing one (1) day of sick leave provided the certificated member has sufficient accrued days from which to contribute to the bank. Those certificated members, whether new to the District or certificated members presently employed within the District who do not have accrued sick leave days to their credit may join when sufficient accrued days are built up. They must, however, join the sick leave bank within fifteen (15) days after they have earned one and one-half (1½) days accrued sick leave.
- b. Membership shall be continuous after initial enrollment unless written notification of withdrawal is given on or before the fifteenth (15) school day after the beginning of the school session.

### 3. Governing Committee

- a. The sick leave bank will be governed by a committee composed of the Superintendent of Schools, Teachers' Rights Committee, and a teacher appointed by the President of the Association.
- b. Meetings will be held at such times and places as necessary to adequately conduct and administer the sick leave bank.
- c. The governing committee shall select the officers it feels are necessary to conduct the business affairs of the sick leave bank.

### 4. Application Procedure

- a. Requests for use of bank days will be submitted on forms available from the building principal through the Superintendent to the governing committee.
- b. All requests must be accompanied by a letter from the attending physician.

5. Regulations and Limitations

- a. Days invested or contributed by members are non-refundable.
- b. Members are eligible to withdraw not more than twice the number of days of sick leave they have accumulated before the first day of school in any school year, or twenty-four (24) days, whichever is greater, as provided in Alaska Statute Section 14.14.105.
- c. Each participating member will contribute one day of sick leave for three (3) consecutive years and will be exempt from further contributions unless the number of sick leave days contributed to the bank falls below one-half the number of members of the sick leave bank.
- d. Whenever the number of sick leave days accumulated in the bank is less than one-half the number of contributing members, each member will immediately contribute one (1) additional day to the bank. In the event a certified member has used up his sick leave and has no days to contribute, a member may still be eligible for benefits provided the member contributes one day upon accrual.
- e. A member will not be eligible for any sick leave bank benefits until his personal accrued sick leave is depleted.
- f. Persons approved by the governing committee to withdraw sick leave days from the bank will not be required to replace those days except as a regular contributing member.
- g. The entire administration of the sick leave bank will be made by the governing committee and their decisions will be final, including the latitude to make exceptions when, in their opinion, the best interests of the member will be served.
- h. Approval and implementation of the sick leave bank agreement is contingent upon review by the Alaska Department of Education.

Section 7. PERSONNEL FILE

The District shall maintain for official purposes one (1) personnel file for each teacher. Any material not included in the personnel file cannot be used for disciplinary action, grievance, or non-retention. All teachers' permanent central office files shall be maintained under the following conditions:

1. All materials placed in the permanent central office teachers' file and originating within the District, shall be available to the teacher for inspection on a conference basis by requesting an appointment with the Superintendent of Schools. One other person, at the teacher's request, may accompany the teacher at this inspection.

350 SICK LEAVE BANK

- A. There is established a Sick Leave Bank to be administered jointly by a committee of six (6) members — three (3) members appointed by the Association and three (3) members appointed by the District. The joint committee will develop criteria for use of the Sick Leave Bank and be responsible for reviewing and approving requests for sick leave withdrawal from the bank.

Any certificated staff member who has exhausted his/her personal and sick leave may apply for reasonable withdrawals, provided there is sufficient leave time available in the bank.

- B. One-half ( $\frac{1}{2}$ ) day contribution to the Sick Leave Bank will occur automatically through payroll deduction during the first thirty (30) calendar days of each school year or during the first thirty (30) calendar days of employment in each school year. In the event the Sick Leave Bank exceeds 2500 days at the beginning of a school term, the above one-half ( $\frac{1}{2}$ ) day contribution to the bank will be deferred, except for new teachers, for the school year or until such time that the days in the bank number one hundred (100).

Anyone electing not to join the Sick Leave Bank will inform the Personnel Division in writing within fifteen (15) calendar days after their reporting date.

- C. A previously employed teacher who was a non-member of the Bank may elect to join by informing the Personnel Division in writing by September 15, and donating one-half ( $\frac{1}{2}$ ) day of his/her sick leave.
- D. Sick leave time assigned to the bank shall remain the property of the bank, and no donor shall have any further claim to donated days.
- E. Teacher-donated sick leave days may be combined with sick leave days donated by members of other District employee organizations in the formation of the District Sick Leave Bank.
- F. In the case of catastrophic illness or injury, teachers shall be allowed to donate up to one-half ( $\frac{1}{2}$ ) day of personal leave in quarter ( $\frac{1}{4}$ ) day increments up to a maximum of 180 days to a specific individual. The Association agrees to coordinate any such donations.

*Juneau 85*

**Section 2. Sick Leave Bank**

A Sick Leave Bank will be established to enable a certificated employee (because of unusual circumstances) to receive up to, but not more than twice (2) the number of sick leave days s/he has credited to him/her at the first day of the school year, or 24 days, whichever is the greater. A copy of approved leave shall be submitted to the District's Personnel Office.

In order for a teacher to draw from the Sick Leave Bank, a teacher must contribute at least one (1) day to the Bank during the first thirty (30) calendar days after commencement of services. It shall be the responsibility of the Association to administer the Sick Leave Bank. The total number of days donated and the names of donors shall be reported to the District's Business Office by the Association as needed, but not later than the 21st of the month.

No assessment shall be made unless the number of sick leave days falls below one-hundred (100) except for new members.

# Ketchikan 85

- ~~6. All teachers beginning employment in this school system shall be entitled to transfer into the system all accumulated sick leave accumulated as provided by Alaska Department of Education Rules and Regulations from other Alaskan school systems as provided by A.S.L. AAC 15.040.~~

## B. Sick Leave Bank

1. The Alaska State Legislature has provided for the establishment of Teacher Sick Leave Banks. [A.S. 14.14.105]
2. Initial membership in the bank shall be established by an initial investment of one day.
3. Days shall be invested on a non-refundable basis by voluntary action of any employee (covered by this agreement) who wishes to participate in the sick leave bank.
4. Deadline for admission into the bank shall be the 15th of September. Exceptional cases for admission shall be considered by the governing body.
5. When the accumulated balance of days in the bank falls below a figure equal to half the number of participants in the bank, each member shall automatically donate one additional day.
6. Participants in the bank shall be eligible to draw (from the bank) not more than twice the number of days of sick leave the teacher has accumulated at the beginning of the school year. [A.S. 14.14.105]
7. The Superintendent and a KEA representative will jointly administer the Bank and be known as the Governing Body.
8. Eligibility for withdrawal of days from the bank and procedures not outlined herein shall be determined by the Governing Body.

Application for withdrawal of days shall be submitted through the building principal.