



**OSSINING TEACHERS ASSOCIATION
SICK LEAVE BANK BY-LAWS**

Revised Date May 26, 2020

The Sick Leave Bank was negotiated and included in the Ossining Teachers Association (OTA) contract for the express purpose of providing members with income protection in instances when members incurred major illnesses or accidents and were forced to use all accumulated sick leave. The Sick Leave Bank is intended to be a “bridge” until a member can return to work. Members that expect to utilize more than 90 sick bank days in one school year should start preparing to utilize the District’s disability plan or other applicable plan as soon as they can.

Sick Leave Bank days generally are granted only for illnesses or accidents which are expected to require a minimum of ten (10) days of absence or more. The Sick Leave Bank does not cover disability due to normal pregnancy but may be used for disability caused by abnormal pregnancy and complication thereof.

The collective bargaining agreement between the Ossining Teachers Association and the Ossining Union Free School District (the District), established a Sick Leave Bank Board of Governors, all of whom are OTA appointees, to oversee the Sick Leave Bank and to adopt the rules and regulations governing the utilization of Sick Leave Bank days. Since the Sick Leave Bank days are donated by OTA members individually, the Sick Leave Bank Board of Governors members must ensure not only those members donating days, but also the employer which pays the salary for those days. In addition, they must ensure that Sick Leave Bank days are dispensed with care and to only those persons who meet the criteria developed by the Board of Governors.

Accordingly, the Board of Governors has developed the following procedures and criteria for Sick Leave Bank eligibility:

A. MEMBERSHIP IN THE SICK BANK

1. The District or OTA shall provide the *OTA Sick Leave Bank Enrollment Form* to newly hired members authorizing the donation of one (1) sick leave day to the Sick Leave Bank.
2. At the commencement of each school year, any new Ossining Teachers Association member who wishes to join the Sick Leave Bank must, by October 7th, return a signed *OTA Sick Leave Bank Enrollment Form* donating one (1) sick leave day to the Sick Leave Bank. An Association member hired during the school year who wishes to be a member of the Sick Leave Bank must return a signed *OTA Sick Leave Bank Enrollment Form* donating one (1) sick leave day to the Sick Leave Bank within one (1) month of employment. By November 1st The Association will provide the District business office with a list of participating Sick Leave Bank members.
3. Members donating a day to the Sick Leave Bank shall have one (1) day deducted from their annual sick leave allocation the year the member joins the Sick Leave Bank.

4. The member may not reclaim any day donated to the Sick Leave Bank and deducted from his/her annual sick leave allocation.
5. Unused sick leave days accumulated by members in excess of 250 days shall be transferred to the Sick Leave Bank as per the sub-section of the Collective Bargaining Agreement between the Board of Education and the Ossining Teachers Association governing Sick Leave Bank.
6. Whenever the Sick Leave Bank falls below 100 days, the Board of Governors may request an additional sick leave day from all members to maintain membership. In no event shall a member of the Sick Leave Bank be required to contribute more than one (1) day in a school year.

B. CRITERIA FOR USE OF SICK BANK DAYS

1. An applicant for Sick Leave Bank benefits first must use all annual and accumulated sick leave and undergo a waiting period of 3 unpaid days before Sick Leave Bank days may be granted. If a participant returns to work after having used days from the Sick Leave Bank and subsequently requires additional Sick Leave Bank days for reasons related to the original extended illness, whether or not consecutive, the Board of Governors *may* permit such days to be drawn from the Sick Leave Bank without a further waiting period.
2. Sick Leave Bank days shall not be granted for reasons other than certified inability to be at work and/or perform professional duties.
3. Use of the Sick Leave Bank shall be limited to members who are involved in extended or disabling illnesses or accidents, have exhausted any accumulated sick days plus three additional unpaid days, and whose illness or accident is not covered by other resources, such as workman's compensation insurance, the District's disability insurance, no fault insurance, and/or Teachers Retirement System disability.
4. Sick Leave Bank applicants are reminded that the standards for permitting use of Sick Leave Bank days differ from the use of sick days as governed by the collective bargaining agreement. Sick Leave Bank days may be denied unless the illness or accident meets the following requirements:
 - a. The member is hospitalized or bedridden.
 - b. The member is certified by his or her doctor as not physically or mentally able to perform her or his professional responsibilities.
 - c. The member is quarantined by order of a physician.
 - d. Planned, non-emergency, i.e. "elective" procedures which could be scheduled/performed at a time when school is not in session may or may not be covered by Sick Leave Bank days. (Note: a doctor's note stating the surgery could not take place at another time may be required)
 - e. If injury or illness potentially qualifies for temporary or permanent disability, it may or may not be covered by sick bank days.
 - f. Recurring or continuing illnesses or conditions may or may not be covered by sick bank days. Sick bank days used in the past for the same condition may be considered as part of the decision process.

5. Applicants should apply for Sick Leave Bank days *prior to* or as soon as possible after expending their sick days, so as to ensure continuity of income.
6. All requests for Sick Leave Bank days must be in writing on the *OTA Application for Use of Sick Leave Bank Days* prescribed by the Board of Governors (which can be found in this document and on the *OTA* website www.ossiningteachersassociation.org).
7. The Board of Governors shall require a member requesting Sick Leave Bank days to provide a physician's certification of the illness or injury.
8. Sick Leave Bank applicants may be required to provide the Board of Governors access to any and all medical professionals involved in the member's care. Consequently members may be required either to provide specific documentation from medical professionals treating the illness or injury, or to provide a signed HIPAA authorization to the Sick Leave Bank Governance Board. Members not willing to do so may jeopardize the granting of Sick Leave Bank days.
9. Applicants for Sick Leave Bank days may also request or be asked to attend a meeting of the Board of Governors in order to provide new information or clarification of existing information to the Sick Leave Bank Board of Governors.
10. No request for retroactive Sick Leave Bank days will be considered if more than ten (10) school days have elapsed following the expending of the member's accumulated sick leave, unless, in the view of the Sick Leave Bank Governance Board, there is a valid reason for the delay.
11. Normally, Sick Leave Bank days shall be granted in blocks of ten (10) days. The Board of Governors may alter the allocations at its discretion.
12. A member may not use more than ninety (90) Sick Leave Bank days in any school year. This number coincides with the District's disability plan. The member should explore this option if they foresee their condition requiring more than 90 days. Exceptions may be considered on a case by case basis (i.e., subsequent and/or differing illnesses or accidents) pending a vote of the Board of Governors. If the Board of Governors are considering granting more than 90 days within one school year, additional information may be requested in the form of medical documentation, written statements from a doctor, a second medical opinion, a signed HIPAA authorization, or in other ways. Members not willing to do so may jeopardize the granting of Sick Leave Bank days. Sick Leave Bank days may be granted, as long as conditions warrant, to the conclusion of the current school year.
13. A member may request Sick Leave Bank days on more than one occasion (i.e., subsequent and/or differing illnesses or accidents) in the same school year but not to exceed a total of 90 day per school year. Exceptions to the 90 day maximum may be considered on a case by case basis.
14. Newly hired members in the District may apply for participation after one month of continuous service by completing the *OTA Sick Leave Bank Enrollment Form* but shall not be eligible for benefits until they have completed 3 months of continuous service. Sick Leave Bank benefits for newly hired members in the District are limited during the first three years of their employment, as follows:

- a. First Year – Utilization of Sick Leave Bank days shall be limited to ten (10) days.
- b. Second Year - Utilization of Sick Leave Bank days shall be limited to fifteen (15) days.
- c. Third Year - Utilization of Sick Leave Bank days shall be limited to twenty (20) days.

C. THE BOARD OF GOVERNORS OF THE SICK LEAVE BANK

1. The Board of Governors shall consist of a chairperson and an OTA member from each building in the District, appointed by the OTA president. The OTA President will serve as an ex officio member of the Board of Governors.
2. The Superintendent shall designate a representative of the District to serve as the liaison between the Sick Leave Bank Board of Governors and the Board of Education of the Ossining Union Free School District.
3. The Board of Governors shall confer within 3 school days of a member's written request to use days from Sick Leave Bank. Decisions shall be made by simple majority.
4. The Board of Governors shall render a written decision within 2 school days of the aforementioned meeting unless the Board of Governors needs additional information. Copies shall be forwarded to the superintendent or her/his designee.
5. The Board of Governors shall by June 30th annually, prepare an end of the year statement setting forth the Sick Leave Bank's activity (excluding all personal member information and the remaining Sick Leave Bank days). This report shall be provided to both the Association and the District.
6. In the event that legal action is taken against the members of the OTA Sick Leave Bank Board of Governors as a result of actions taken in good faith as part of their responsibilities as members of that board, if legal representation for such a case is not provided by the Ossining Union Free School District, legal representation shall be provided either by NYSUT or by the Ossining Teachers Association.

D. APPEALS

1. The decision to grant or to deny The Sick Leave Bank days shall rest solely with the Board of Governors. Members may appeal a decision to the Board of Governors providing the appeal contains information not earlier made available to the Board of Governors. Appeals must be made in writing.
2. The Board of Governors shall confer within 5 school days of a member's written appeal to use days from the Sick Leave Bank. Appeals shall be decided by simple majority.
3. Applicants for appeals will be advised in writing of the Board of Governors' decision, or of the need for additional information, within two (2) school days of the aforementioned meeting. Copies shall be forwarded to the Superintendent or his/her designee.



OSSINING TEACHERS ASSOCIATION
Sick Leave Bank Application

Name _____

Date: _____

School _____

Position: _____

Personal email: _____

Phone number: _____

I respectfully request _____ days from the OTA Sick Leave Bank. I used the last of my own accrued sick days on _____. The days I am requesting are for calendar dates of _____.

I understand that Sick Leave Bank Days cannot be accessed until all of the following have occurred:

- I have used all of my own annual allotment of sick days for this school year.
- I have used all of my own sick days accumulated from previous years.
- After exhausting my own days, I have been absent due to illness for three additional days for which I have not been paid.

I understand that Sick Leave Bank Days are usually granted in blocks of 10 days, and are not to exceed 90 days for any tenured member in one school year.

For newly hired members:

First year members' utilization of Sick Leave Bank days shall be limited to ten (10) days.

Second year members' utilization of Sick Leave Bank days shall be limited to fifteen (15) days.

Third year members' utilization of Sick Leave Bank days shall be limited to twenty (20) days.

I understand, as per the By-Laws of the OTA Sick Leave Bank, that my illness must meet the criteria for sick bank leave and must be certified by a doctor. I have attached documentation from my doctor indicating the *date* I was seen, my *diagnosis*, a brief *explanation* of why my duties *cannot* be performed, and an *estimate* of how long I will be out.

I understand that the Board of Governors of the OTA Sick Leave Bank has 72 hours in which to render its decision and that if my request is denied, I have the right to appeal the decision.

The following is a brief description of how my illness prevents me from performing my professional duties.

Signature: _____

Date _____



**OSSINING TEACHERS ASSOCIATION
SICK BANK ENROLLMENT FORM FOR FULL TIME TEACHERS**

I, _____, hereby authorize the contribution of one (1) day of my accumulated sick leave to be credited to the Sick Leave Bank for the use as intended during the year of July 1, 20__ to June 30, 20__.

It is my understanding that this day will be subtracted from my personal leave accumulation, and that if it is not used it shall not be returned to me.

It is further understood that I am now a member of the Sick Leave Bank and am entitled to full consideration of requests made upon such "Bank."

Date: _____ Signature: _____

School _____

This form is to be returned to the Board of Governors. Each year is an entity.



Office use only:

Date Received _____