



Sick Leave Bank Bylaws of the Ossining Teachers Association

Amended Date May 26, 2020

Amended Date May 16, 2024

I. SICK BANK OVERVIEW

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

The Collective Bargaining Agreement between the OTA and the District, established a Sick Bank Board of Governors, all of whom are OTA appointees, to oversee the Sick Bank and to adopt the rules and regulations governing the utilization of Sick Bank days. Since the Sick Bank days are donated by OTA members individually, the Sick Bank Board of Governors must ensure not only for those members donating days but also for the employer which pays the salary for those days, that Sick Bank days are dispensed with care and to only those members who meet the criteria developed by the Board of Governors.

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

A. MEMBERSHIP IN THE SICK BANK

1. At the commencement of each school year, any new OTA member who wishes to join the Sick Bank must, by the first Friday in October, complete the *OTA Sick Bank Enrollment Form* which authorizes their donation of one (1) sick leave day to the Sick Bank. This form may be provided by OTA or the District. Members hired after the first Friday of October cannot join the Sick Bank until the following September. By the first Friday in November, the OTA will provide the District Human Resources office with a list of participating Sick Bank members.
2. Members may not reclaim any day donated to the Sick Bank once it is deducted from their annual sick leave allocation.
3. Members of the Sick Bank who withdraw from OTA membership forfeit their membership in the Sick Bank. If they rejoin the OTA and wish to rejoin the Sick Bank, they will need to submit a new enrollment form and have one (1) day deducted from their annual sick leave allocation.
4. Unused sick leave days accumulated by members in excess of 250 days shall be transferred to the Sick Bank as per the sub-section of the Collective Bargaining Agreement between the OTA and the District, which governs the Sick Bank.

5. Whenever the Sick Bank falls below 100 days, the Board of Governors may request an additional sick leave day from all members to maintain membership.

B. CRITERIA FOR USE OF SICK BANK DAYS

1. An applicant for Sick Bank days first must use all annual and accumulated sick and personal leave days and undergo a waiting period of three (3) unpaid days before Sick Bank days may be utilized.
2. Sick Bank days shall not be granted for reasons other than certified inability to be at work and/or perform professional duties.
3. Granting of Sick Bank days shall be limited to members who are involved in extended or disabling illnesses or accidents and whose illness or accident is not covered by other resources, such as workman's compensation insurance, the District's disability insurance (*see C9 of this document for further detail), no-fault insurance, and/or Teachers' Retirement System disability.
4. Sick Bank applicants are reminded that the standards for permitting the use of Sick Bank days differ from the use of sick days as governed by the Collective Bargaining Agreement between the OTA and the District. Sick Bank days may be granted if one or more of the following requirements are met:
 - 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 their professional responsibilities,
 - c. The member is quarantined by order of a physician.
 - d. In instances of recurring or continuing illnesses or conditions, prior use of Sick Bank days for the same condition may be considered as part of the decision process.
5. Sick Bank days are generally granted only for illnesses or accidents which are expected to require a minimum of ten (10) days of absence or more.
6. The Sick Bank does not cover normal pregnancy but may be granted for disability caused by abnormal pregnancy and complications thereof.
7. Sick Bank days may be denied under the following circumstances:
 - a. planned, non-emergency, i.e. "elective", procedures which could be scheduled/performed at a time when school is not in session. (Note: a doctor's note stating the surgery could not take place at another time *may be* accepted.)
 - b. the injury or illness potentially qualifies for temporary or permanent disability
8. Newly hired members enrolled in the Sick Bank shall not be eligible for Sick Bank days until they have completed three (3) months of continuous service. Sick Bank days 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 Bank days shall be limited to fifteen (15) days.
 - b. Second Year - Utilization of Sick Bank days shall be limited to thirty (30) days.
 - c. Third Year - Utilization of Sick Bank days shall be limited to forty-five (45) days.

C. PROCESS FOR USE OF SICK BANK DAYS

1. Applicants to the Sick Bank must check Wincap to identify when their three (3) unpaid days will occur, and confirm these days, in writing/email, with the Human Resources department.
2. Applicants should apply for Sick Bank days prior to, or as soon as possible after expending their sick days, so as to ensure continuity of income after the necessary 3 unpaid days occur.
3. All requests for Sick Bank days must be in writing on the *OTA Sick Bank Application* prescribed by the Board of Governors.
4. The Board of Governors shall require a member requesting Sick Bank days to provide a physician's certification of the illness or injury attached to their application for Sick Bank days.
5. Sick 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 Bank Governance Board. Members not willing to do so may jeopardize the granting of Sick Bank days.
6. Applicants for Sick 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 Bank Board of Governors.
7. No request for retroactive Sick 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 Bank Governance Board, there is a valid reason for the delay.
8. Normally, Sick Bank days shall be granted in blocks of ten (10) days. The Board of Governors may alter the allocations at its discretion.
9. A member may not use more than ninety (90) Sick Bank days in any school year. This number coincides with the District's disability plan. The member should explore the District's disability plan option if they foresee their condition requiring more than ninety (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 is considering granting more than ninety (90) days within one school year, additional information may be requested, such as in the form of medical documentation, written statements from a doctor, a second medical opinion, or a signed HIPAA authorization. Members not willing to do so may jeopardize the granting of Sick Bank days. Sick Bank days may be granted, as long as conditions warrant, to the conclusion of the current school year.
10. A member may request Sick Bank days on more than one occasion (i.e., subsequent and/or differing illnesses or accidents) in the same school year, however granting of more than ninety (90) days in a given year is at the discretion of the Board of Governors, and based on the documentation provided.

11. If a participant returns to work after having used days from the Sick Bank and subsequently requires additional Sick 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 Bank without a further waiting period.

D. THE BOARD OF GOVERNORS OF THE SICK 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. Each person shall have a single vote when determining the merit of cases presented to the Board of Governors. The OTA President will serve as an ex officio, non-voting member of the Board of Governors.
2. The Superintendent shall designate a representative of the District to serve as the liaison between the Sick Bank Board of Governors and the District of the Ossining Union Free School District.
3. The Board of Governors shall confer within three (3) school days of a member's written request to use days from the Sick Bank. Decisions shall be made by a simple majority.
4. The Board of Governors shall render a written decision within two (2) school days of the aforementioned meeting unless the Board of Governors needs additional information. The superintendent or their designee will be informed of the decision of the Sick Bank Board of Governors in a timely fashion.
5. The Board of Governors shall, by June 30th, annually prepare an end-of-the-year statement setting forth the Sick Bank's account with the beginning and remaining Sick Bank totals for that year. This report shall be provided by the Sick Bank chairperson to both the OTA and the District.

E. APPEALS

1. The decision to grant or deny the Sick 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 five (5) school days of a member's written appeal to use days from the Sick Bank. Appeals shall be decided by a 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 if days are granted.



OSSINING TEACHERS ASSOCIATION

Sick Bank Application

Name _____

Date: _____

School _____

Position: _____

Personal email: _____

Phone number: _____

I respectfully request ____ days from the OTA Sick Bank. I used the last of my own accrued days on _____. My three (3) unpaid days were _____. The days I am requesting are for calendar dates of _____.

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

- I have used all of my own annual allotment of sick and personal leave 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 have checked with the Human Resources and Payroll Offices and identified the three days of my unpaid leave.

I understand that Sick Bank Days are usually granted in blocks of 10 days, and do not generally exceed 90 days for any tenured member in one school year. For new members:

1. First Year – Utilization of Sick Bank days shall be limited to fifteen (15) days.
2. Second Year - Utilization of Sick Bank days shall be limited to thirty (30) days.
3. Third Year - Utilization of Sick Bank days shall be limited to forty-five (45) days.

I understand, as per the Bylaws of the OTA Sick Bank, that my illness or injury 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 after receipt of this application, the Board of Governors of the OTA Sick Bank has three (3) school days to meet regarding my application and then two (2) school days of the aforementioned meeting in which to render its decision in writing (unless additional information is requested). 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 _____