

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-03-17

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 10th day of January, 2017:

Present:	Vote:
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ronald P. Stiers	Aye
Thomas W. Evelyn	Aye
W.R. Davis, Jr.	Aye

Motion was made by Ms. Paige, which carried 5:0, to adopt the following resolution:

**RESOLUTION AMENDING THE NEW KENT COUNTY
PERSONNEL POLICIES MANUAL TO ESTABLISH AN
EMPLOYEE SICK LEAVE BANK**

WHEREAS, the New Kent County Personnel Policies Manual has been reviewed and adopted by the Board of Supervisors; and

WHEREAS, the proposed amendment to the Personnel Policies Manual establishes provisions and requirements for use of a Sick Leave Bank; and

WHEREAS, the Board of Supervisors is of the opinion that the personnel policies manual should be adopted with the recommended amendments, effective January 10, 2017.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of New Kent County, Virginia, hereby amends the New Kent County Personnel Policies Manual as follows:

New Kent County Personnel Policies Manual

2.21 Sick Leave Bank

New Kent County shall establish and maintain a Sick Leave Bank for use by eligible and participating employees. Eligible employees are those employees who have been employed with New Kent County full-time for a minimum of one (1) year, and are participating in the Virginia Retirement System under Plan 1 or Plan 2.

The purpose of the Sick Leave Bank is to provide additional sick leave for those who have defined prolonged or long-term illnesses or injury, as recognized under the guidelines and requirements of the Family Medical Leave Act, and who have exhausted all available leave benefits. Exclusions include: Elective surgery and/or procedures, Approved Workers Compensation claims, bonding time allowed as part of Maternity leave.

To enable the County to provide this benefit, a minimum of 20 employees must agree to participate. Membership in the Sick Leave Bank shall be voluntary and open to all eligible full-time employees.

Enrollment Period and Membership

The period of enrollment shall occur during Benefits Open Enrollment each year. Initial enrollment requires each employee to complete an application and to donate two (2) sick leave days to the bank. Employees may donate a maximum of two additional days per fiscal year to the bank if they desire.

Membership in the bank shall be continuous unless the employee provides written notification to the Sick Leave Bank Administrator, the Director of Human Resources, prior to June 15th of any year of their intent to withdraw from participation.

To maintain membership after initial enrollment, each employee will contribute one (1) day effective at the beginning of each fiscal year (July 15 payroll).

Assessment

Participants in the Sick Leave Bank may be assessed one (1) additional day of sick leave within a fiscal calendar year if the bank is depleted to 5 days. Members having no sick leave to contribute at the time of assessment but desiring to remain a member will be assessed the first leave day subsequently accumulated. Notification of such need shall be sent to each member if it is necessary, not to exceed one assessment per fiscal year.

Sick Leave Bank Advisory Committee (SLAC)

The Sick Leave Bank Advisory Committee will be represented by the Director of Human Resources, County Administrator, and three Department Heads selected by the County Administrator each fiscal year. The committee can institute changes in the bank's procedures with appropriate notification to the members, and approval of the BOS. A quorum is necessary for the Committee to meet. Medical records and information submitted to the Committee shall be confidential and not available for public inspection or access.

Guidelines to be Eligible for Sick Leave Bank Days

1. The Sick Leave Bank is confined to members for an FMLA qualified event which includes care of self or designated family members. Excluded are: Elective surgery and/or procedures, Approved Workers Compensation claims, bonding time allowed as part of Maternity leave.
2. Members must have exhausted all accrued leave (annual, personal, sick, comp time etc.) before becoming eligible to use the sick leave bank days.
3. The first 10 scheduled workdays of leave shall not be covered by the Bank, but must be covered by the employee's own accumulated leave balances.

4. If an employee does not have an accumulated leave balance, he or she shall be placed on leave without pay status until the 11th scheduled work day of the illness or non-work related injury before accessing the Sick Leave Bank.
5. All accumulated days in the Sick Leave Bank will automatically carry over to the next fiscal year.
6. Members drawing from the bank will not be required to replace the days used.
7. Participation in the Sick Leave Bank shall run concurrently with approved Family Medical Leave.
8. A member may withdraw up to 10 days from the sick leave bank no more than once within each fiscal year (July 1st to June 30th). Distributions are subject to available leave on deposit in the bank. The lack of a sufficient leave balance shall in no way incur a liability or obligation on the part of the County to make up any deficit.

Application

To participate in the Sick Leave Bank, a member must complete an application and submit it with required Family Medical Leave documents, which includes a provider's certification. An approximate date the member will return to work must be included in the physician's certification. Requests to use the bank will be honored for FMLA approved leave only excluding approved Workers Compensation illness or injury. Elective surgeries and/or procedures are also excluded.

Reoccurrence of Illness

If a member of the Sick Leave Bank suffers a reoccurrence of the illness for which the member initiated the use for the Sick Leave Bank, the member may request use of the bank provided the member did not use the entire 10 work days afforded during the initial usage and all accrued leave has been exhausted. A Providers Certification and FMLA Form must be provided.

Termination of Employment or Membership


Upon termination of employment or withdrawal of membership from the Sick Leave Bank, the participant will not be permitted to withdraw or receive any payment for the days previously contributed to the Sick Leave Bank.

Abolishment

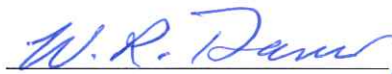
If the Sick Leave Bank is abolished by the County or by legal ruling, the remaining sick leave days shall be distributed first to those members drawing from the bank at the time of abolishment, and then to each member if sufficient days exist to return one full day. In the absence of sufficient days to redistribute one day per member, the Sick Leave Bank shall terminate with no distributions of days to any members. If the Sick Leave Bank becomes inoperative for any reason, the County shall not be held responsible to anyone, then enrolled or eligible to enroll in the future, for any claims

BE IT FURTHER RESOLVED THAT such other documents deemed helpful or explanatory in nature may be attached as Appendices by the County Administrator.

Adopted this 10th day of January, 2017.



Rodney A. Hathaway
County Administrator



W.R. Davis, Jr.
Chairman