



CITY OF PROVIDENCE Non-Union Sick Bank Leave Policy

Applicability

Employee eligibility under this policy shall be limited to exempt, full-time, regular City of Providence employees. Employees must be employed with the City of Providence for a minimum of one year (12 consecutive months) to be eligible to donate and/or receive donated sick/personal time.

The existence of this policy does not represent a short-term or long-term disability benefit for the employee. Donating into the bank does not guarantee any grant of sick leave time, and sick leave time will be granted according to the provisions herein.

Purpose

The City of Providence recognizes that employees may experience a family medical emergency or be affected by a major disaster, resulting in a need for additional paid sick time off in excess of their accrued sick/personal time. To address this potential need, the City will allow all eligible City employees to donate accrued paid sick/personal leave hours from their unused balance to a sick bank, so that eligible employees in need of additional paid time off may apply for and potentially be granted paid sick leave in excess of that which they have accrued, in accordance with the policy outlined below.

Any employee who has questions or concerns about this policy should reach out the Human Resources Department via email at HR@providenceri.gov or 401-680-5616.

Policy

The Sick Leave Bank (SLB) is a pool of sick/personal time voluntarily donated by non-union employees who are not eligible for Paid Sick Leave (PSXL) under the Collective Bargaining Agreement (CBA), who meet the eligibility criteria and guidelines below for a qualifying illness or major disaster.

Guidelines:

Employees who wish to request donated sick/personal time from the City's Sick Leave Bank must be experiencing a situation that meets one of the following criteria:

- **Medical emergency**, defined as an acute and unforeseen medical condition of the employee or an immediate family member which requires the absence of the employee from work and which will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. Eligible family members are defined as:
 1. A legal spouse or a registered Domestic Partner and is receiving City health benefits.

2. A person under 18 years of age, or a person incapable of self-care because of a physical or mental disability who is a biological, adopted, foster or stepchild, or a ward of the employee.
 3. A person for whom the employee is charged with a parent's legal rights, duties and responsibilities.
- **Major disaster**, defined as a disaster declared by the president under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the President of the United States pursuant to 5 U.S.C. §6391 for federal government agencies. An employee shall be considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to an immediate family member of the employee which requires the employee to be absent from work.

Donation of Time to the Sick Leave Bank:

- The donation of sick/personal time by any City of Providence employee is strictly voluntary.
- Employees wishing to donate accrued sick/personal time will be required to complete a Sick Leave Bank Donation and Consent form, which shall be submitted to the City's Human Resources Department for processing.
- Donated sick/personal time will be placed into a Sick Leave Bank for use by eligible employees of the City of Providence.
- The identity of employees granted Sick Leave Bank time will not be disclosed to donating employees.
- The donation of sick/personal time shall be limited to half day or full day increments, without regard to the dollar value of the donated or granted leave.
- The minimum number of sick/personal hours that an eligible employee may donate shall be 3.5 hours per calendar year; and the maximum shall be limited to 70 hours (two weeks) per calendar year, or no more than 50 percent of the employee's current accrued Sick Leave balance.
- Employees may not borrow against future sick/personal time in order to donate to the City's Sick Leave Bank.
- The City will conduct an annual appeal to encourage employees to donate sick leave hours to the Sick Leave Bank. The appeal will include information about the purpose and benefits of the Sick Leave Bank, as well as instructions for making donations. The timeframe for the annual appeal will be annually in December.
- Employees shall be able to donate sick/personal time at any period, or when a request is made known.
- Employees who are on Workers' Compensation Leave, or on any approved medical leave or general leave of absence, will not be allowed to donate accrued sick/personal time.
- Employees donating accrued time to the City's Sick Leave Bank shall be responsible for any and all tax consequences of such donation and are advised to consult with their tax professional before donation.

Requesting Time from the Sick Leave Bank:

- All applications for sick bank time for the reason of Medical Emergency for the employee or qualifying family member, under this policy shall be accompanied by a doctor's note including a statement from the treating physician, explaining the illness, the day on which the absence will commence and a probable return date.
- The eligible employee must show the need to care for an eligible family member who has a Medical Emergency. Eligible family members are defined as:
 1. A legal spouse or a registered Domestic Partner and is receiving City health benefits.
 2. A person under 18 years of age, or a person incapable of self-care because of a physical or mental disability who is a biological, adopted, foster or stepchild, or a ward of the employee.
 3. A person for whom the employee is charged with a parent's legal rights, duties and responsibilities.
- If the recipient employee has available time in their accrual balance (i.e. sick, personal, vacation, comp time, PTO, or float), this time must be discharged prior to the issuance of any donated sick/personal time. Donated sick/personal time may only be used for time off related to the approved request.
- Donated time may not be retroactive (i.e., donated time cannot be applied to any employee absence prior to the date on which the required medical documentation is received by the Human Resources Department).
- Sick bank leave may be used intermittently or on a continuous basis as necessary and approved by Human Resources as well as the Department Director.
- Sick bank leave may also run concurrently with Family and Medical Leave Act (FMLA) or applicable state laws.
- Exempt employees who apply for and are granted donated time may receive no more than 210 hours (6 weeks) of paid Sick Leave Bank time within a rolling 12-month period.
- Employees accepting donated time from the City's Sick Leave Bank shall be responsible for any and all tax consequences of such donation and are advised to consult with their tax professional before acceptance.

Administration:

- 1) The employee who is requesting donated time from the City's Sick Leave Bank is required to submit the leave request through Asana and will receive a packet including an application form and instructions, due back to the Human Resources Department within fifteen (15) calendar days.
- 2) The Human Resources Department will review each request for Sick Bank Leave on a case-by-case basis and determine eligibility based on the provided documentation. All applications to withdraw time from the Sick Leave Bank shall be reviewed and approved by the City's Chief Human Resources Officer (CHRO), or their designee.
- 3) The amount of Sick Bank Leave granted to an employee will be determined by the Human Resources Department in conjunction with the medical documentation. Additionally, approvals will consider the balance of time available in the Sick Leave Bank.

- 4) The employee will be notified in writing of the decision. If granted, the leave time will be deposited into the employee's leave bank via the Payroll Department. The employees' department will also be notified. If the CHRO votes to deny the request, the employee may appeal the decision. An appeal is made in writing to the CHRO. Only one (1) appeal per request for Sick Leave Bank benefits may be made by an employee. The decision of the CHRO upon the appeal is final and binding.
- 5) Sick Bank Leave will be granted in half or full-day increments and will be deducted from the employee's Sick Bank Leave balance.

Excess Donated:

Time Donated time will be processed in increments of half or full days. In the event the employee returns to work before using all of their processed time donation, the recipient will retain the excess as sick leave. Donations may not be revoked.

Return to Work:

- Employees on Sick Bank Leave for their own injury must provide medical clearance from their healthcare provider before returning to work.
- Failure to provide the necessary medical documentation or comply with the return-to-work requirements may result in disciplinary action, up to and including termination of employment.

Confidentiality:

- All information regarding an employee's medical condition and access to the Sick Leave Bank will be kept confidential in accordance with applicable privacy laws and company policies.
- Disclosure of any confidential information related to the Sick Leave Bank is strictly prohibited.

Note: Nothing in this Policy shall be construed as superseding the existing City Policy or limiting or extending the maximum allowable absences as mandated under the Family and Medical Leave Act or the Rhode Island Parental and Family Medical Leave Act.