

CWA BARGAINING UNIT SICK LEAVE POOL POLICY

OBJECTIVE AND PURPOSE

The purpose of the Sick Leave Pool is to provide sick leave to bargaining unit members who face significant time off due to a serious illness or injury, whether job-connected or non-job-connected, or serious illness or injury to a family member covered under the C.W.A. sick leave policy. The leave pool may not be used for short time periods where an employee may be without pay. Short time shall be defined as less than 15 workdays.

POLICY

A committee shall be formed and the committee shall determine use of the Sick Leave Pool days, subject to the agreement between City of Clearwater and Communications Workers of America.

The committee shall consist of three (3) members designated by the bargaining unit and one (1) non-voting management employee designated by the City Manager or City Manager's designee who shall provide administrative oversight and ensure compliance with the terms of the established policy and provisions of the existing Collective Bargaining Agreement between the City and the Union. The Chair will be from the bargaining unit. The Chair will contact Committee members who do not attend Committee meetings on a regular basis. Subsequent action will be at the discretion of the Chair with Committee members' approval.

The committee may establish procedures, forms, and other rules necessary for its effective operation, provided they are consistent with the existing Collective Bargaining Agreement between the City of Clearwater, Florida and Communications Workers of America Local 3179.

PROCEDURES

The Committee has established internal procedures to include but not be limited to the following:

1. The Committee shall meet as necessary to review applications.
2. Bargaining unit members may donate days from their vacation, sick leave, or floating holiday balances to the leave pool one time per year in December. No employee shall be permitted to donate more than four (4) days of leave per year to the pool. Donations of leave time to the Sick Leave Pool are irrevocable. All donations of time must be in full-day increments based on the full-time employee's regularly scheduled day (i.e., 7.5, 8, 9.375 or 10-hours) or the part-time employee's budgeted hours. Likewise, the Sick Leave Pool shall be reduced in full-day increments only in satisfying approved requests. Each day or portion thereof to be allotted from the Sick Leave Pool shall be counted as one day toward the established limit of 30 workdays.
3. In the event that the Sick Leave Pool balance has less than 100 days, the committee may, with prior approval of the City Manager or designee, offer the opportunity for additional donations to be made during the calendar year, with the continued limitation of donating no more than four (4) days for the year.
4. For the enrollment of participating employees, see "Membership in the Pool."

5. The criteria for evaluating applications for membership:
 - a) Applicant must be a regular status full-time or part-time employee of the City.
 - b) Applicant accumulated a minimum of one (1) sick leave day, vacation day or floating holiday.
 - c) Applicant must apply for membership during the designated open enrollment period.
7. Modification of this policy must be agreed upon by a majority of the votes cast by members of the Committee.
8. In the execution of the duties and responsibilities defined in this policy or in the internal procedures of the Committee, the Committee shall show responsible judgment and act in the best interest of the majority of members who participate in the Sick Leave Pool. The committee's decisions are final and are not grievable.

Membership in the Pool

1. Eligibility is extended to all City employees in the bargaining unit (regardless of Union dues-paying status), provided that such employee has accumulated a minimum of one (1) sick leave day, vacation day or floating holiday.
2. Each eligible employee who desires to participate in the Pool must apply for membership by providing a completed appropriate request-for-enrollment form to the Committee. The applicant's request must either be accepted or rejected within one (1) month from the appropriate enrollment period. No employee shall be unreasonably denied membership in the Pool. City employees who have their applications for enrollment rejected may reapply during the next enrollment period if such employees are eligible during the enrollment period.
3. The Pool is considered to be an employee benefit for City employees. Thus, it shall be the responsibility of the employee to apply for membership in the Pool during the open enrollment period.
4. The Committee has designated the month of December each calendar year to be the open enrollment period. An employee must donate a minimum of one (1) day each year from his/her sick leave, vacation or floating holiday balance to remain a member of the Pool.
5. Participating employees shall contribute a minimum of one (1) day or up to four (4) days maximum from their vacation, floating holidays or sick leave balance at the time the application is accepted by the Committee. Upon being accepted to the Sick Leave Pool membership for the current calendar year, one (1) day or the number of days designated by the applicant will be deducted from the employee's vacation, floating holidays or sick leave balance as maintained by the Payroll Division.
6. Membership in the Pool will be terminated as follows:
 - a) Participating employees may cancel their membership in the Pool by notifying the Committee in writing. All time previously donated by the employee shall remain in the Sick Leave Pool.
 - b) Participating employees who retire, resign or are terminated from the City employment shall be terminated from the Pool, effective on the date of the personnel action and shall have no claim for the return of any leave time previously donated to the Pool.

Maintenance of the Pool

1. In the event that the leave pool balance becomes less than 100 days, the Committee may, with the prior approval of the City Manager or designee, open up the opportunity for additional donations to be made during the calendar year.
2. Any day(s) contributed to the Pool by a participating employee will remain in the Pool after initial membership regardless of employee's status, including cancellation of membership, retirement, or termination from City employment.

Use of Pool

1. Participation in the Pool does not guarantee days may be withdrawn from the Pool. All days will be disbursed by action of the Committee.
2. The inability of the participating employee to return to work due to a serious illness or injury to a family member shall normally be the basis for considering request of sick leave hours from the Pool. Sick leave pool benefits are not intended to be used for elective surgical procedures; however, resulting medical complications requiring an extended absence may be considered for approval. A member shall not be allowed to use pool benefits for pregnancies or recovery; however, resulting medical complications requiring an extended absence may be considered for approval.
3. An employee using leave pool time shall receive regular base pay and his/her regular shift pay. However, other pays shall not be provided with leave pool days (e.g. lead pay, acting pay, special assignment pay, etc.). Pay for authorized pool days shall not be granted for the first 15 workdays of the absence necessitating leave from the pool. After 15 workdays of such absence, the employee shall be eligible to be paid retroactively for the first 15 workdays and shall, thereafter, be eligible to receive his/her regular pay for any remaining pool days authorized.
4. To request pool benefits, a member must submit a written request on the Sick Leave Employee Request Form, a Physician's Report for Verification of Treatment, and a Physician's Report of Examination Form for the Committee to review. The Committee will be responsible for maintaining confidentiality with regard to an applicant's medical condition.
5. The Committee shall review the following criteria for leave approval:
 - a) Medical verification of illness
 - b) The employee's membership in the sick leave pool
 - c) Verification of pending depleted sick, vacation, or floater holidays
 - d) An evaluation of the use of the employee's individual sick leave account to determine whether there has been excessive use of sick leave for other than illness, accident or injury
6. If the Committee determines that the pool does not contain enough days to grant leave to all employees whose request have been approved, then requests will be processed in the order received.
7. The Committee shall vote on the approval or denial of all requests.
8. A participating member may withdraw up to 30 workdays from the pool per 12-month period.

9. Participating members may designate, in writing, power of attorney or the name of a representative to request sick leave on their behalf.
10. Participating members who withdraw sick leave days from the Sick leave Pool in accordance with the terms and conditions of the Policy shall not be required to reimburse the Pool.
11. At the time a participating employee who has been granted sick leave days from the Pool is certified as able to return to work or otherwise assigned work-related duties or has attained the maximum withdrawal amount, the payment of Sick Leave Pool days shall cease and any unused Pool days shall be returned to the Pool.
12. Sick leave pool benefits may be requested prior to the time that a member has depleted all accrued sick, vacation, and floating holidays and expects to be placed on leave without pay for a minimum of 15 days for any one illness or injury; however, sick leave pool benefits may not be utilized until the member has exhausted all such paid leave balances.
13. The Committee shall investigate falsification of leave records. If the Committee deems it warranted, the participating employee shall repay all sick leave credits drawn from the Pool and may have his or her membership canceled by a majority vote of the Committee.