

21.000 PAID LEAVE BANK

A. Purpose:

A Paid Leave Bank ("Bank") is established to assist eligible employees who are unable to perform the duties of their position because they suffer from a long-term injury or illness, and who would otherwise have to take an unpaid leave of absence or terminate their employment. Employees who donate at least 1 (one) day (7.5 hours) of accrued sick, vacation or personal leave or compensatory time to the Bank may receive up to an initial 60 working days (450 hours) of paid leave ("Bank leave") and may receive an additional 60 working days (450 hours) of Bank leave consistent with the policies contained in paragraph D below.

B. Paid Leave Bank Committees:

1. Each Union shall have a committee consisting of two members from the collective bargaining unit designated by the unions and associations representing those units and two members including the Assistant Chief Human Resources Officers (ACHROs) for Benefits & Onboarding and Labor, or their designee.
2. The Committee's responsibilities include the following:
 - a. Discussion of the selection of an individual licensed to practice medicine in the Commonwealth of Massachusetts to act as the Bank Physician. The Bank physician will determine the medical eligibility of leave requests that are referred to them by the Committee and may consult with other licensed health care practitioners in making this determination.
 - b. Review of appeals concerning denial of membership.
 - c. Review of appeals concerning denial of Bank withdrawal requests for paid hours. Ensuring records on the amount of leave donated to and allocated from the Bank and determining when additional donations are needed.
 - d. Review forms prepared for Bank use.

- e. Recommending to the Court Administrator changes in the Bank's procedures.
- 3. The Committee will meet within 10 days of receiving notice of an appeal of denial of a request to determine whether the employee meets the conditions for Bank leave as specified in paragraph D (2) below or to refer the request to the Bank Physician.
- 4. The Committee shall receive a summary of the request including a summary description of the medical reasons for the Bank withdrawal. If necessary for clarification, HR will provide documentation deemed relevant to the decision to grant access to the Bank. The Committee shall treat all medical information concerning a request for Bank leave as confidential. Committee members are prohibited from disclosing medical information concerning an employee's injury or illness. A Committee member who fails to treat any medical information as confidential is subject to immediate removal from the Committee.

C. Bank Membership Eligibility:

- 1. All current permanent employees of the Supreme Judicial Court, the Appeals Court and the Trial Court, except Justices, elected Clerks of Court in the Superior Court Department and elected Registers of Probate in the Probate and Family Court Department, who have:
 - a. Completed their probationary period;
 - b. Maintain an acceptable attendance record as certified by the ACHROs for Benefits & Onboarding and Labor;are eligible to join the Bank.
- 2. Employees may join the Bank by donating 1 (one) day (7.5) hours of accrued sick, vacation or personal leave or compensatory time. The Committee will determine when additional donations are needed consistent with paragraph 7 (seven) below.
- 3. In extraordinary circumstances, during Open Enrollment only, the Chief HR Officer, or their designee, may approve PLB membership for an employee who has not earned enough time to donate in order to enroll; in these cases, the employee must donate at least 1 (one) day as soon as it is earned.

4. Employees who are not members of the Bank may elect to join during the open enrollment period. The Banks open enrollment period shall coincide with the Group Insurance Commission's annual enrollment period for health plan coverage unless otherwise determined by the Committee. Employees electing to join are required to donate a 1 (one) day (7.5 hours) of accrued sick, vacation or personal leave or compensatory time. Newly hired employees may choose to join the Bank within 15 days of completing their probationary period. Existing members may elect to renew their membership during the open enrollment period.
5. All donation to the Bank shall be submitted in accordance with the following procedure.
 - a. The employee shall complete the employee's portion of the Election and Open Enrollment Form (Appendix C, Form F24) and submit it to their Department Head.
 - b. The Department Head shall ensure that the employee making the donation has accrued enough sick, vacation or personal leave or compensatory time to cover the donation, and complete the manager's portion of the Election and Open Enrollment Form.
 - c. The Department Head shall forward the completed Election and Open Enrollment Form to OCM HR Benefits withing 3 (three) working days of receipt from the employee.
6. Should there be a need for additional Bank donations, the Committee/Human Resources will first notify all non-members that they may become members by donating 1 (one) day (7.5 hours) of accrued sick, vacation or personal leave or compensatory time. If more donations are needed, the Committee will then notify all members that in order to remain members they must donate an additional 1 (one) day (7.5 hours) of sick, vacation or personal leave or compensatory time. Failure to make this additional donation will constitute resignation from the Bank and loss of its benefits. Such an individual may re-join the Bank during the next enrollment period.
7. Employees who voluntarily resign may donate any portion of the sick leave they have accrued prior to their termination.

8. Dissolution of the Bank will occur if the level of donations in the Bank drops below 120 days (900 hours) and the Committee is unable to increase the level with additional donations pursuant to paragraph 6 (six) above. Any unused days will be returned on a pro-rated basis to members of the Bank at that time.

D. Withdrawal of Leave

1. Only employees who have maintained membership in the Bank by making the donation(s) required under paragraph C above are eligible for Bank withdrawals.
2. A member may receive Bank withdrawals if the following conditions are met:
 - a. The member must have an approved FMLA, medical leave or if those leaves have been exhausted, other agency-authorized unpaid sick leave of absence including approved reasonable accommodations that covers the time period the employee is requesting for PLB withdrawal. Submit medical certification demonstrating that they have an extended illness or injury.
 - b. The member has been on paid or unpaid leave due to this extended illness or injury for at least 20 consecutive workdays beginning no earlier than the 21st day following the effective date of enrollment (July 1st or within 15 days of completion of probationary period) for new PLB members who were not members during the previous calendar year, have exhausted all earned leave, including vacation leave, sick leave, personal leave, compensatory time, donated legislative sick leave time, and bonus vacation day.
3. All requests for Bank withdrawals shall be submitted in accordance with the following procedure.
 - a. The member shall complete the employee's portion of the Withdrawal Form (Appendix C, Form F25).
 - b. The member shall submit the Withdrawal Form to the employee's Department Head as soon as practicable following the employee's absence from work.

- c. The member shall simultaneously submit documentation from a licensed healthcare provider describing the condition and the anticipated length of illness, injury, or disability to the ACHRO for Benefits & Onboarding.
 - d. The Department Head shall complete the manager's portion of the Withdrawal Form and submit the completed form to the ACHRO for Benefits & Onboarding within three working days of receipt from the employee. The completed form should be submitted as soon as possible following the employee's absence from work.
- 4. The ACHRO for Benefits & Onboarding will review each request for Bank withdrawal to ensure that the employee has maintained their membership in the Bank and that the necessary information has been submitted.
 - a. If the employee has not maintained membership in the Bank, the Committee will notify the employee in writing that the request is denied.
 - b. If the employee has maintained membership in the Bank, the ACHRO will review the request to determine whether the employee meets the conditions for Bank withdrawal as specified in paragraph D (2) above or may refer the request to the Bank Physician for medical determination. The Bank Physician shall provide the ACHRO with a written report which determines the employee's eligibility for Bank leave as specified in paragraph D (2) above. The ACHRO or Bank Physician may request additional information from the employee's physician in order to complete the review.
 - c. If it is decided that an employee does not meet the conditions for Bank leave as specified in paragraph D (2) above, the employee may ask that their request be forwarded to the Bank Physician for medical determination within 30 calendar days of receipt of that determination.
 - d. The Committee will notify the employee of the decision on their request for Bank withdrawal and the number of paid hours that the employee may receive. A member may receive up to 120 working days (900 hours) of

Bank leave in a 2-year period. The Committee will send a copy of its notification to the employee's Department Head, the union or association that represents the employee, the Human Resources Department of the Office of Court Management, the Commissioner of Probation (if applicable) and the Jury Commissioner (if applicable).

- e. An employee who has received approval for an initial (up to) 60 workdays (450 hours) of Bank withdrawal and who is unable to return to work may request in writing up to an additional (up to) 60 workdays (450 hours) of Bank leave. All requests for additional Bank leave must be accompanied with supporting medical documentation justifying the need for the additional time. Such requests may be referred to the Bank Physician for review if the medical documentation submitted is deemed insufficient, at the discretion of the ACHRO. The decision of the Bank Physician shall be final and binding. A total of 120 workdays (900 hours) within a 2-year period is the maximum amount of Bank withdrawal an eligible employee may receive.
- 5. A member whose request for Bank withdrawal is approved must exhaust all accrued sick leave or vacation leave, personal days, compensatory time, and all other forms of paid leave before they may use Bank leave.
- 6. A member who is receiving Bank withdrawal will receive their regular rate of pay, and will also continue to accrue vacation and sick leave and credit for step increases. The member must use accrued leave before Bank time is used.
- 7. A member who is receiving income from workers compensation pursuant to G.L. c. 152 or from a state sponsored Long Term Disability Insurance Plan is not eligible to receive Bank leave. Any Bank leave received by a member prior to receipt of workers compensation benefits will be deducted from the workers compensation by the Trial Court and will be credited back to the Bank.
- 8. A member who returns to work on a full-time basis or part-time basis after receiving Bank withdrawal may be required to return any unused time to the Bank. Upon return to work, the member is required to contact the Paid Leave Bank

Committee to determine whether they need to return unused Bank leave. If such a member is absent from work due to the same illness or injury for which they are granted the withdrawal within the 2-year period from the filing of the withdrawal request, they may re-apply for the amount of the unused leave they returned to the Bank.

9. The provisions of this bank may be modified by written mutual agreement of the Court Administrator and the various collective bargaining representatives.
10. A member is not eligible to buy-back unused Bank withdrawals upon termination of employment. Such unused Bank withdrawals must be returned to the Bank.