

# **Extended Illness Leave Bank FAQs**

## **WHAT IS THE EILB?**

The Extended Illness Leave Bank (EILB) is a completely voluntary program that exists to help Executive Branch employees who experience an extended illness or injury to recover a portion of their salary that would otherwise be lost due to extended unpaid leaves of absence. It was created through legislation (Chapter 97, Acts of 1995) which established Chapter 7, Section 4P, MGL and is also covered by regulations issued by the Executive Office for Administration and Finance and the Human Resources Division (HRD).

## **HOW DOES IT WORK?**

The EILB is a statewide bank administered by HRD, with "withdrawals" managed by EILB Coordinators within each Executive Branch agency. Employees voluntarily donate one day of sick, vacation or personal time annually to a "bank" from which they can later apply to "withdraw" paid time if they are on an approved medical leave for their own illness/injury and have exhausted their paid leave.

## **WHO CAN JOIN?**

Any Executive Branch employee or manager (including those employed by the Sheriffs' Departments that are administered by the state) who has at least one year of continuous state service as of the effective date of membership, an acceptable attendance record, and who accrues leave time, may join the EILB. This program does not apply to contract, seasonal or intermittent employees; service as a contract, seasonal or intermittent employee does not count toward the one year of continuous service required for membership in the EILB. Part-time employees may donate and will be eligible to withdraw on a pro-rated basis. Employees must donate at least one sick, vacation or personal day to become or remain a member in good standing.

## **WHEN DO EMPLOYEES HAVE TO DECIDE TO JOIN?**

There are two open enrollment periods per year; in November/December during which new members may enroll and current members may renew their memberships, and in May/June to accommodate new members. Employees who initially enroll as members during the mid-year period in May/June will need to re-enroll in the program the following November/December to maintain their membership in the ensuing calendar year.

Enrollment outside of the open enrollment periods is only permitted on an exception basis where extenuating circumstances prevented the employee from enrolling during the open enrollment period. Such enrollments are considered emergency enrollments and must be approved by HRD's Chief Human Resources Officer.

## **WHAT BENEFITS ARE PROVIDED?**

Members who are on an approved consecutive medical leave and have exhausted their paid leave may be eligible to "withdraw" paid time at their regular rate of pay from the EILB after submitting proper medical certification. A consecutive medical leave is time out of work taken by an employee because they are unable to work due to an extended illness or injury for at least 20 consecutive workdays. Medical information is handled with the strictest confidentiality at all times. Part-time employees may withdraw paid time from the EILB on a pro-rated basis, where one workday is equivalent to 1/5 of their weekly scheduled hours.

## **IF EMPLOYEES HAVE SHORT OR LONG-TERM DISABILITY PLANS, SHOULD THEY JOIN THE EILB?**

This is an individual decision that each employee needs to make. The EILB is a voluntary, emergency program that depends on employee contributions of leave time and is limited to withdrawal of 120

workdays in a two-year period, whereas a long-term disability plan is critical to long-term coverage of catastrophic illness or injury. Some short-term disability plans may pay partial benefits that are not covered by EILB or have waiting periods that are shorter than EILB.

The EILB is the payer of last resort. Members who have any type of disability plan, whether state-sponsored or private, and who experience an extended illness or injury, will be required to file a claim with their disability plan. Members may be covered under the EILB provisions for an initial waiting period before they are eligible to receive disability plan benefits if they have no paid leave available. If members exhaust their benefits under their disability plans, they may also be eligible to receive benefits under EILB.

### **IF EMPLOYEES HAVE ACCESS TO PAID LEAVE BENEFITS UNDER THE PAID FAMILY AND MEDICAL LEAVE (PFML) PROGRAM, SHOULD THEY JOIN THE EILB?**

This is an individual decision that each employee needs to make. So long as they meet the eligibility criteria for withdrawal from the EILB, members may withdraw paid time from the EILB without having exercised their right to PFML paid leave benefits.

Aside from paid leave benefits for the employee's own health condition, the Department of Family and Medical Leave (DFML) may provide PFML paid leave benefits for reasons that are not covered by the EILB. This includes leave to bond with a newborn or newly placed child and leave to care for a family member with a serious health condition. However, paid leave benefits from the DFML represent only a percentage of the employee's average weekly wage.

### **CAN EMPLOYEES USE EILB BENEFITS TO SUPPLEMENT OR "TOP OFF" PFML PAID LEAVE BENEFITS FROM THE DEPARTMENT OF FAMILY AND MEDICAL LEAVE (DFML)?**

No, EILB is a payer of last resort. Employees who have exercised their right to PFML paid leave benefits from the DFML cannot collect paid time from the EILB to supplement or "top off" payments from DFML.

### **CAN EMPLOYEES USE PFML PAID LEAVE BENEFITS FROM THE DEPARTMENT OF FAMILY AND MEDICAL LEAVE (DFML) DURING THE 20-WORKDAY WAITING PERIOD FOR EILB BENEFITS?**

Because the EILB is the payer of last resort, when an employee files a claim with DFML and collects payments from DFML for a qualifying serious health condition of their own, the employee has elected wage replacement benefits for that qualifying health condition. If the employee has made this election and has been approved for wage replacement benefits from the DFML for their health condition, they cannot access the EILB until they exhaust the approved DFML wage replacement benefit for that qualifying condition.

**Employees who have questions about the interplay of PFML paid leave benefits and the EILB should consult with their HR office.**

### **CAN AN EMPLOYEE DONATE TIME TO A PARTICULAR INDIVIDUAL?**

No, but members can donate any amount of sick, vacation or personal time they choose to the bank, beyond the minimum amount; the larger the total bank, the more assistance can be provided to OTHER members who are in need and apply for withdrawal. Employees can also donate unused time at any time without becoming members if they are resigning or retiring. They should consult with their HR office first before doing this to see how it affects their future benefits.

### **HOW DOES AN EMPLOYEE JOIN?**

**Employees at agencies who participate in the MassHR Employee Service Center (ESC)**

The ESC no longer accepts membership applications by email, fax, or regular mail. ESC-participating employees should complete the online membership application which can be accessed on the [Employee Self-Service e-Form website](#). Employees who cannot access the online form should call the ESC for assistance. ESC hours of operation: Monday to Friday 7:00 a.m. to 5:00 p.m. Main number: 617-979-8500, Toll-free: 1-855-447-7778, TTY: 617-248-0546.

**Employees at agencies who do not participate in the MassHR Employee Service Center (ESC)**

Employees should download the [paper membership application](#) and return the application to their Agency HR Department. Please do not send these applications to HRD or the ESC.

**WHAT DO THOSE WHO INITIALLY JOIN THE EILB HAVE TO DO TO MAINTAIN THEIR MEMBERSHIP?**

EILB membership for all current EILB members automatically expires each December 31<sup>st</sup>. A new completed membership application form and donation of the minimum day(s) of sick, personal, or vacation time is required during each November/December enrollment period to renew membership for the upcoming calendar year.

**WHAT IF AN EMPLOYEE DOES NOT MEET THE CRITERIA FOR MEMBERSHIP DURING AN OPEN ENROLLMENT PERIOD?**

The employee may join the EILB during the first open enrollment period after he or she becomes eligible.

**ADDITIONAL RESOURCES**

For more detailed program information, including withdrawal forms and EILB regulations, please visit the [Extended Illness Leave Bank](#) webpage.

For current members who need information about EILB withdrawal, please contact your [Agency EILB Coordinator](#).

For general information about family and medical leave options available to Executive Branch employees, please visit the [Family and Medical Leave Options](#) guide.