CITY OF PROVIDENCE

4.8 NON- UNION SICK BANK TIME DONATION PROGRAM

Purpose

The Non-Union Employee Sick Bank is a shared pool of donated sick time accruals designed to support other non-union employees facing personal or a family serious illness after all personal accruals and leave options have been exhausted. This policy provides a clear and transparent framework to ensure sustainability, fairness, and equity in administering the Sick Bank.

Scope

All non-union employees of the City of Providence are eligible to enroll in the Sick Bank. All current employees upon the effective date of this policy can elect to participate within six (6) months. Newly hired employees would have to elect to participate within the first six (6) months of employment.
Employees who fail to elect participation during the enrollment period will not be eligible to draw from the Sick Bank unless policy changes occur.

Definitions

Eligible Employee: Non-union employee who has enrolled to participate in the Non-Union Sick Bank and has completed required donation of time. 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.
Serious Illness: A serious illness is defined as a medical condition of the employee or an eligible family member, where a physician or other licensed health care provider has determined:

- Prolonged Absence: The medical condition must necessitate a long or extended period out of work, resulting in absence from work for at least twenty (20) consecutive working days, and to result in a substantial loss of income because of the employee's lack of available paid leave.
- Medical Certification: The illness or condition has to be supported by written documentation from a licensed healthcare provider, including diagnosis, anticipated start date, probable return date, and any recommended work restrictions.
- Exhaustion of accrued time and other leave options: To qualify, the employee must have exhausted their own accrued paid time (sick, vacation, float, PTO) and other paid leave options.
- Note: Routine maternity leave, childbirth, or recovery from pregnancy is not considered a “serious illness” for purposes of the Non-Union Sick Bank. However, any serious health conditions or complications related to pregnancy, childbirth, or the newborn child (e.g., extended hospitalization, medical complications, or conditions requiring ongoing treatment) may qualify as a serious illness under this policy.

Immediate Family: If the leave is to care for a family member, the family member must meet the definition of “immediate family” under City policy ad defined below:

- A legal spouse or a registered Domestic Partner and is receiving City health benefits.
- 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.
- A person for whom the employee is charged with a parent’s legal rights, duties and responsibilities.

Policy

1. **Participation and Contributions:**

A. Each participating employee (employee who may receive from the bank) must contribute one (1) sick day per year to the sick bank.
B. Current employees will have six (6) months to enroll and donate the required time to the sick bank to participate upon this policy becoming effective. Newly hired eligible employees will also have six (6) months from their date of hire to enroll and donate the required time to the sick bank.
C. Contributions will be automatically deducted from the employee's sick leave balance at the start of each benefit year.
D. Employees who opt out of participation will not be eligible to receive sick bank donations under any circumstances.

2. **Requesting Sick Bank Leave and Approvals of leave**
   A. Requests must be submitted in writing to the Department of People and Culture with appropriate request form and supporting medical documentation form.
   B. Approval will be based on established criteria for a serious illness and the verification of the illness/condition from the treating physician.
   C. 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.
      1. Subject to Availability: Approvals of the Non-Union Sick Bank leave are subject to the total hours currently available in the Sick Bank at the time of the request. Partial approvals may be issued if the Non-Union Sick Bank cannot cover the full request of hours.
      2. Insufficient Balance: If there are not enough hours in the Bank to cover the full amount of requested time off, the City may notify participating members of the Non-Union Sick Bank and ask for additional voluntary donations.
   D. Additional donations are voluntary; no participating employee is required to contribute beyond the regular annual contribution or replenishment requirement.
   E. **Access to Non-Union Sick Bank:** Donations and approvals are processed on a first-come, first-served basis. Time in the Bank cannot be reserved or held for a specific employee with a pending or anticipated request.
      1. 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.
      2. 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 Department of People and Culture (DPC)].
      3. Sick bank leave may be used intermittently or on a continuous basis as necessary and approved by DPC as well as the Department Director.
      4. Sick bank leave may also run concurrently with Family and Medical Leave Act (FMLA) or applicable state laws.
      5. 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.

3. **Donation of Time to the Non-Union Sick Bank**

A. 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 Department of People and Culture (DPC) for processing.
B. Donated sick/personal time will be placed into a Sick Leave Bank for use by eligible employees of the City of Providence.
C. The identity of employees granted Sick Leave Bank time will not be disclosed to donating employees.
D. 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.
E. 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.
F. Employees may not borrow against future sick/personal time in order to donate to the Non-Union Sick Bank.
G. The City will conduct an annual appeal to encourage employees to donate sick leave hours to the Sick Bank. The appeal will include information about the purpose and benefits of the Sick Bank, as well as instructions for making donations. The timeframe for the annual appeal will be annually in December.
H. Employees shall be able to donate sick/personal time at any period, or when a request is made known.
I. 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.
J. Employees donating accrued time to the City's Non-Union Sick Bank shall be responsible for any and all tax consequences of such donation and are advised to consult with their tax professional before donation.

4. **Administration:**
   A. The employee who is requesting donated time from the Non-Union Sick 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 Department of People and Culture (DPC) within fifteen (15) calendar days.
   B. DPC will review each request for Sick Bank Leave on a case-by-case basis and determine eligibility based on the documentation provided. All applications to withdraw time from the Sick Leave Bank shall be reviewed and approved by the Chief People Officer (CPO), or their designee.
   C. 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 CPO votes to deny the request, the employee may appeal the decision. An appeal is made in writing to the CPO. Only one (1) appeal per request for Non-Union Sick Bank leave may be made by an employee. The decision of the CPO upon the appeal is final and binding.
   D. Sick Bank Leave will be granted in half or full-day increments and will be deducted from the employee's Sick Bank Leave balance.

5. **Excess Donated:**
   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.

6. **Return to Work:**

A. Employees on Sick Bank Leave for their own injury must provide medical clearance from their healthcare provider before returning to work.
B. 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.

7. **Confidentiality:**
   A. 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.
   B. Disclosure of any confidential information related to the Sick Leave Bank is strictly prohibited.

Related Information:

Nothing in this Policy shall be construed as superseding the existing City Policy, 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. Employees should contact the Department of People and Culture – Employee Experience Office for more information.

Related Policies:

Leave of Absence Policy
Paid Time Off Policy