

Faculty Red Report on and Recommendations Regarding Sick Leave Bank for Family Leave Purposes

As is well-known, we have a sick leave bank, which faculty join to pool their sick leave hours. The bank can be drawn on by individuals who use up their personal sick leave.

Currently, the sick leave bank cannot be drawn on for illness or death of family member or child care (which we will refer to as “family leave”). This stems from TBR policy on sick leave banks (Guideline P-060), which in turn stems from state law (TCA 8-50-925).

There is a need for sick leave for family leave purposes. It is not uncommon for faculty to take Family Medical Leave (FMLA) to care for dependents. Family Medical Leave is in itself unpaid – our 12 weeks of FMLA leave only allow one the right to return to our position after leave and receive medical insurance during the leave. Similarly, while we are allowed up to four months parental leave, this leave is entirely unpaid unless a faculty member uses sick leave to cover a portion of it. This is to say that unless faculty have personal sick leave to use, dependent care is done without any personal income. Senior faculty generally have a store of sick leave to use in such instances, but could run out of sick leave with a few instances of personal illness or family obligation. Young faculty, who have little built-up leave, are especially susceptible to being bankrupted by a need to take family leave. We are aware of at least one instance in which a young faculty member, with a dependent in need of care, ran out of sick leave but could ill afford to take unpaid leave. In another instance a young faculty was prohibited from taking any FMLA leave because of being in the first year of employment. Had leave been allowed, it also would have quickly exhausted the individual’s sick leave and been unpaid.

Sick leave (though not the sick leave bank) is permitted for use due to “serious illness in the immediate family” (see APSU policy 5:045). Sick leave may also be used for parental leave, up to 30 days (one can extend the leave for more than 30 days if one has an illness in conjunction with childbirth preventing her being able to work) (see APSU 5:043/TBR 5:01:01:08). If sick leave can be used for these things, it stands to reason that sick leave bank should be used for them too. It is not clear why bank should have more restrictive sphere of use than the hours had before individuals transferred them to the bank.

According to Ted Heidloff, Director of Human Resources, as of December, 2009 “The Faulty Sick Leave Bank has a current total of 6,043 hours [that’s over 800 work days] with no request for hours in 4.5 years.” The bank has not approached those of us who are members for additional donated hours in the past 9 years. So, at least in the APSU bank, there are surplus hours that could be used more effectively through a more expansive sick leave bank policy, encompassing family leave as well as personal illness.

In our proposal and in any likely proposal, limits would be placed on sick leave bank use for family leave purposes. Current sick leave bank policy limits leave use for any one illness to 60 days in a fiscal year and 90 days per illness. Similar limits could apply to withdrawals from the bank to care for a family member. This would keep any one instance of family leave from “breaking the bank.” An expanded family leave policy could stipulate that in the case of a run on the bank, trustees could temporarily restrict bank use to situations of individual faculty illness.

Allowing sick leave bank to be used more readily would, if effective, require some additional system expenses to cover those additional days of paid leave. However, to help a few individuals with particular burdens the cost to the system would not be great.

A change to allow sick leave bank to cover family leave would require a change in TBR policy and state law. We thereby recommend that the Senate Executive Committee (1) take this issue to Tennessee University Faculty Senates (TUFS) and (2) contact Tennessee legislators about this issue insofar as such action seems productive.

We are prepared to suggest language for changing TBR law and Tennessee policy, but thought that we would seek approval of the senate for the general plan before presenting the details of the legal terms. We can work further with the executive committee to make a proposal to TUFS or the legislature.