**Section 303.112 Sick Leave Bank**

a) This Section contains rules governing the operation of plans allowing participating employees in each agency to bank portions of their accrued sick leave in a sick leave bank to be used by participating employees in the same agency who have exhausted their accrued vacation time, personal days, sick leave or compensatory time. This Section provides a framework within which each agency may administer a sick leave bank. Individual agency procedures should be consistent with the framework set forth in this Section unless alternative procedures have been agreed upon pursuant to collective bargaining negotiations.

b) Definitions

1) *"Agency" means any branch, department, board, committee or commission of State government, but does not include units of local government, school districts or boards of election commissioners* [5 ILCS 400/5.10].

2) *"Sick leave bank" means a depository into which participating employees may donate accrued sick leave time for allocation to other participating employees* [5 ILCS 400/5.15].

3) *"Participating employee" means a permanent full- or part-time employee who has been employed by a State agency for a period of 6 months or more who voluntarily enrolls in the sick leave bank by depositing at least one full day of accrued sick leave in that bank* [5 ILCS 400/5.20]. An employee who wishes to enroll must have a minimum of 5 days of accrued sick time on the books.

4) "Catastrophic illness or injury" means temporary disability or incapacity resulting from a life threatening illness or injury or illness or injury of other catastrophic proportion as determined by the Director. Factors considered by the Director shall include the length of time the employee must be absent from work due to illness or injury. Catastrophic illness or injury may be due to, but not limited to, cancer, heart disease, stroke or another serious illness or injury resulting in an employee missing more than 25 work days.

5) "Personal catastrophic illness or injury" means a catastrophic illness or injury to the employee or, if agreed upon by the agency head and the Director, members of the employee's immediate family. Factors to be considered in determining if an employee's immediate family members are covered include the nature and duration of the catastrophic illness or injury; whether the person is financially and emotionally dependent on the employee; whether the presence of the employee is needed; and whether the individuals are covered pursuant to collective bargaining negotiations. Immediate family shall mean spouse, civil union partner, child, parent or any person living in the employee's household for whom the employee has custodial responsibility.

c) Participation in the sick leave bank is voluntary on the part of any employee. Employees wishing to participate must be permanent full-time or part-time employees with a minimum of 6 months of service.

d) *A participating employee may deposit into the sick leave bank as much accrued sick leave as desired provided that the participating employee shall retain in his or her own account at least 5 sick days* [5 ILCS 400/10(b)].

e) Employees may voluntarily enroll at any time. Employees shall wait 60 calendar days after enrollment before utilizing the sick leave bank.

f) An employee may use up to 25 work days from the sick leave bank per 12-month period, except that participating employees shall not use sick leave accumulated in the sick leave bank until all of their accrued vacation, personal days, sick leave and compensatory time have been used. The Director may approve limits of other than 25 work days per 12-month period. Factors considered in determining if an alternate limit should be approved include:

1) the personnel jurisdiction governing the agency and employees in question;

2) whether limits have been established through collective bargaining negotiations;

3) the desire for uniformity among agency plans;

4) operational needs of the agency.

g) Any sick leave in the sick leave bank used by a participating employee shall be only for the personal catastrophic illness or injury of the employee and may not be transferred, returned or used for any other purpose.

h) Each State agency shall develop procedures, consistent with this Section, for establishing a single sick leave bank for all agency employees.

i) Injuries and illnesses that are compensable under the Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Disease Act [820 ILCS 310] shall not be eligible for sick leave bank use.

j) *Participating employees who transfer from one agency to another may transfer their participation in the sick leave bank* [5 ILCS 400/10(f)].

k) An employee shall not be eligible to withdraw the sick leave time he or she has contributed to the bank.

l) Decisions affecting a participating employee's use of the sick leave bank may be submitted by the employee to a review committee. Unless otherwise approved by the Department, the committee shall consist of one agency representative and two Department representatives. In determining if alternative committee membership should be approved, the Department shall consider the jurisdiction governing the agency or employees in question. Decisions of review committees shall be final and binding; however, employees are permitted to submit additional medical documentation upon receipt of a denied application for use. The committee will review the additional medical documentation and make a determination for approval or denial based on the entirety of medical documentation provided.

m) *Any abuse of the use of the sick leave bank shall be investigated by the agency and the Department and upon a finding of wrongdoing on the part of a participating employee, that employee shall repay all sick leave days drawn from the sick leave bank and shall be subject to other disciplinary action* [5 ILCS 400/10(h)].

(Source: Amended at 44 Ill. Reg. 18311, effective October 30, 2020)