

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
SAINT PAUL FEDERATION OF TEACHERS REPRESENTING EDUCATIONAL  
ASSISTANTS AND ST. PAUL PUBLIC SCHOOLS REGARDING SICK LEAVE BANK

SECTION 1. ELIGIBILITY TO DONATE SICK LEAVE

To be eligible to donate sick leave under this Bank, the employee must:

1. Be a regular full-time or part-time member of the bargaining unit who is eligible for the plan benefits;
2. Have accumulated sick leave balance sufficient, at the employee's FTE, to carry the employee through 720 hours; and
3. ~~Not have submitted a resignation or retirement to the District prior to making the donation~~

SECTION 2. ELIGIBILITY TO RECEIVE SICK LEAVE

To be eligible to receive sick leave under this Bank, the employee must:

- A. Be a regular full-time or part-time member of the bargaining unit who is eligible for benefits. Employees meeting these criteria who are on a district- approved medical leave of absence are also eligible
- B. Have exhausted her/his accumulated sick leave and all other paid leave, such as accrued vacation, if applicable, at the time the recipient requests a donation from the Bank
- C. Be eligible for leave under the Family Medical Leave Act (FMLA) prior to the beginning of the need for donated sick leave
- D. Not be receiving benefits from Workers Compensation or Social Security
- E. Not be receiving long term disability benefits
- F. Not be serving a disciplinary suspension
- G. Not have submitted a resignation or retirement to the District
- H. Must have a serious medical condition or need leave to care for the serious medical condition of the employee's spouse, parent or member of the employee's household
- I. Due to the serious health condition, need a prolonged absence from duty and suffer a substantial loss of income

Definitions:

- A. A "serious health condition" has the same meaning as in 29 C.F.R. §825.113(a) of the FMLA regulations, except that elective surgeries and minor illnesses are not covered as serious health conditions

- B. A “substantial loss of income” means the employee has exhausted all paid leave available and has been unpaid for five (5) duty days at the employee’s usual FTE

### SECTION 3. PROCESS TO DONATION

1. To donate sick leave to the Bank, an eligible employee must complete a sick leave contribution form and submit the completed form to Human Resources
  - a. **Upon retirement, all left-over sick leave after the retirement payout option in Article 13 will be automatically donated to the sick leave donation bank**
2. Contributions must be made in whole hour increments and may not exceed eighty (80) total hours during the time the donor is employed by the District
3. Donations, once made and processed by Human Resources are irrevocable
4. Donations are not taxed to the donor and are not tax deductible
5. Days donated are donated at the donor employee’s regular rate of pay