

**Letter of Agreement
between
The School District of the City of Detroit
and
The Detroit Federation of Teachers**

DONATION OF SICK DAYS POLICY

By their representatives' signatures below, the parties agree to abide by the following procedures for establishment of a policy for donation of sick leave days for members of the Detroit Federation of Teachers (DFT) bargaining unit.

The purpose of the Donation of Sick Days Policy is to alleviate financial hardship caused to regular DFT members who are unable to work because of a catastrophic illness or injury.

DEFINITIONS

Catastrophic illness or injury – An illness/injury which would be expected to render the individual totally disabled and under treatment for at least six (6) months or possibly for life. The following will be considered catastrophic: Severe trauma, including spinal cord or brain injury; burns; amputations or any illness requiring at least six (6) months of total disability and active medical treatment.

DFT – The Detroit Federation of Teachers.

District – The Detroit Public Schools.

Donor – The person who donates their sick days to another DFT member.

Donee – The person with a catastrophic illness or injury who receives and utilizes the days donated by DFT members.

Leave – The current leave policy is for employees to receive up to one year.

Maximum - The Donee may receive up to one hundred (100) days.

EFFECTIVE DATE

The effective date of this policy is May 1, 2010. Applications for donated sick days will not be approved retroactively except for applications received by May 28, 2010. Under no circumstances shall a Donee receive sick days retroactive beyond May 1, 2010. For applications received after May 28, 2010, a Donee may receive sick days retroactive to the date of application only. The donation period is per school fiscal year.

DURATION

Prior to the expiration of the parties 2009 – 2012 collective bargaining agreement, the parties will meet to discuss the continuation of the Donation of Sick Days Policy. The continuation of the Donation of Sick Days Policy will be contingent upon the feasibility and efficiency of the policy and the fiscal condition of the District.

ELIGIBILITY

In order for a DFT member to receive a donation of sick days, the member's sick (including catastrophe bank), vacation and personal days must be exhausted. Only DFT members are eligible to donate or receive donated sick days. Employees from another bargaining unit or non-unionized employees cannot receive or donate days to a DFT member. Sick days can be donated from a member's sick bank to a fellow DFT member if that DFT member is suffering from a catastrophic illness or injury ("Donee") and he/she has utilized all of his/her sick days (including catastrophe bank). DFT members are not eligible to receive donated days for a spouse, child, or other relative who is suffering from a catastrophic illness. A DFT member may not donate from his/her catastrophe bank to another employee.

DFT members with at least one (1) year seniority who have no days in their sick bank are eligible to receive donated days from other members, subject to the following provisions:

- i. The first fifteen (15) calendar days of an illness or disability will not be covered by donated days, but must be covered by the person's own accumulated sick days or absence without pay.
- ii. Members who do not have days of sick leave to use will be placed on unpaid medical leave until the fifteen (15) calendar day waiting period is exhausted and the request is approved. A subsequent absence within a one (1) year period for the same illness or injury shall not be subject to a second fifteen (15) calendar day waiting period.
- iii. Each Donee may receive up to a maximum donation of one hundred (100) consecutive paid days for each fiscal year.
- iv. Donated days will be added to a Donee's individual sick bank. The days will be used to maintain the Donee's gross pay. *Health Care Benefits shall be maintained or reinstated for a Donee who has been approved for and received donated sick days until such days have been exhausted pursuant to the terms of this policy.*
- v. Donated days that are unused will not be returned to the Donor. The donated days are irrevocable. Donee cannot receive cash-out of donated days at time of retirement, resignation, lay-off, death, or termination (with or without cause).
- vi. If the Donee applies and receives social security disability, the receipt of any social security benefits will offset the pay received from the donated sick days.

vii. If the Donee's sick leave bank becomes exhausted, an additional donation will be required to continue his/her eligibility. The Donee must submit an additional application in order to receive additional days.

viii. The days donated to the Donee will be forfeited to the District when the Donee returns to work, upon retirement, resignation, lay-off, death, or termination (with or without cause).

APPLICATION

The Donee must exhaust all leave banks prior to applying for donated sick days. A member wishing to have days donated to his/her sick bank must complete an online application provided by the District to document eligibility. The application must be submitted to Employee Health Services.

The form will include a provision for reasonable proof of disability/illness, a detailed diagnosis, current treatment plan, anticipated duration of incapacitation, disability period and number of days requested. The District will only accept donations for the number of days indicated by the disability period. Those days will be added to the employee's sick bank. The Donor's donation is irrevocable. If the employee is unable to return to work when the donated days have been exhausted, additional donations can be requested subject to the above limits.

The District will provide the name and the location of the DFT member (Donee) and that the individual who is requesting donated days is suffering from a catastrophic illness.

The application for donated sick leave days by a DFT member does not guarantee the receipt of donated sick leave days.

Donor can only donate accrued sick leave days to another DFT member.

Donee, upon receipt of sick leave days, will be subject to the Termination Incentive Plan ("TIP") pursuant to the language in the parties' collective bargaining agreement.

EXCLUSIONS

1. Donor cannot donate sick days prior to 60 days of their retirement.
2. Donee cannot use donated sick days during lay-off. Upon the effective lay-off date, a Donee will forfeit days that were donated unless the Donee is recalled within one hundred (100) days of the date of his/her lay-off notice. Upon recall, the donated days will be restored to the Donee's bank (so long as the Donee remains eligible for the sick days).
3. Donor will forfeit days that are donated upon the Donor's effective lay-off date and the days cannot be utilized by a Donee.

4. Donee will not accrue sick leave while receiving donated sick days due to catastrophic illness/injury.

5. The following disabilities (not an all inclusive list) are excluded from utilization of the Sick Leave Bank:

- a. Intentionally self-inflicted injury while sane;
- b. alcoholism or narcotics and drug addiction unless such drugs were administered on the advice of a physician
- c. commission of a felony
- d. elective or cosmetic surgery
- e. accident or sickness arising out of and in the course of any occupation (workers' compensation injury)

6. There is a three year limit on the amount of time that a member may receive days from the District for any one illness. In addition, this policy is not meant to extend the parties' contractually agreed upon leave period as defined in the parties' collective bargaining agreement. Therefore, the maximum allowance for all purposes for an individual to receive donated days for a leave period shall be one year not to exceed three (3) consecutive years (three year time period is at the discretion of the District).

7. DFT members who are receiving or eligible to receive workers compensation will not be eligible to apply for donated sick leave. Donee will not be able to supplement her/his workers compensation pay with donated sick leave days.

For the Union:

Kevin R Johnson
Mark O Keefe

Date: 5/19/10

For the School District of the City of Detroit:

Shwanda A. de Jongh
John

Date: 5/19/10

Approved: _____
Robert C. Bobb, Emergency Financial Manager