

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby repeal, effective immediately, Part 135 of the Rules of the Chief Administrator of the Courts, relating to a sick leave donation program, and in its place I hereby add, effective immediately, a new Part 135, relating to a sick leave bank program, to read as follows:

PART 135 SICK LEAVE BANK PROGRAM

§135.1 Membership

All employees subject to the provision of Part 24 of this Title shall participate in the sick leave bank program established by this Part unless they decline membership in writing by filing the required waiver form with the Division of Human Resources of the Office of Court Administration.

§135.2 Establishment of sick leave bank

(a) At such date as designated by the Chief Administrator of the Courts, each participating employee shall contribute seven hours of accrued and unused sick leave credits to the bank. Employees with insufficient sick leave time as of that date will have the deduction taken from annual leave, or if none, from compensatory time, or if no accruals, from subsequent accruals of sick leave.

(b) Employees who thereafter are appointed to an unrepresented position shall contribute their first seven hours of sick leave credit to the bank unless they waive membership by filing the notice required in section 135.1.

(c) On each succeeding anniversary of the creation of the bank, the Chief Administrator or his or her designee may require each participant to contribute up to seven additional hours of sick leave time, in the manner as set forth in subdivision (a), upon a finding that the bank requires further accruals of sick leave credits for the program to remain viable.

§135.3 Grants from sick leave bank

(a) Eligibility. Bank members are eligible to request a grant of sick leave credits from the bank if they (1) have one year of service with the court system, (2) are necessarily absent from work due to serious injury or illness and (3) have exhausted all leave accruals.

(b) Procedure. (1) Application for a grant of bank credits shall be on forms promulgated by the Chief Administrator and must include documentation from a medical practitioner setting forth the nature of the injury or illness, the prescribed treatment and the prognosis for return to work.

(2) The Director of the Division of Human Resources or his or her designee shall review all applications and determine what, if any, grant should be made. In making these determinations, the Director shall take into account the nature of the illness or injury, adequacy of the medical documentation submitted and the applicant's length of service and attendance record.

(3) Employees denied bank credits may resubmit the application with additional documentation or further explanation.

(4) Employees may appeal a denial of bank credits to the Administrative Director based upon the materials submitted to the Director of Human Resources. Appeals shall be taken no later than 30 days after the denial.

(5) The Director of Human Resources or his or her designee may periodically require that an employee receiving bank credits supply medical documentation supporting the need for continued absence and may request that an employee be examined by a physician selected by the court system to determine the need for continued absence.

(6) Employees returning to work at an earlier than anticipated date must return all unused credits to the bank.

(c) All grants of bank credits shall be prospective only.

(d) Employees shall be eligible for ten days of bank credit for each year of court system service up to a maximum of 130 days of bank credit. No grant of credit shall exceed 130 days (at a full-time or part-time rate).

(e) Accruals of annual leave and sick leave. Employees who are using bank credits shall continue to accrue annual leave and sick leave. Accruals of annual leave will be charged prior to the charging of bank credits. Accruals of sick leave will not be charged until bank credits are exhausted.

(f) Accumulation of leave credits shall not extend any employment beyond the time at which it would otherwise terminate by operation of law, rule or regulation.

§135.4 Separation from service



Employees who retire from state service and had an unused grant of bank credits prior to retirement may retain any unused grant of bank credits, up to a maximum of 70 hours, for retirement service credit or to pay for health insurance in retirement pursuant to section 24.4(b) of the Rules of the Chief Judge.

Chief Administrative Judge of the Courts

Dated:

AO/ /05