

House No. 105

Message from His Excellency the Governor recommending legislation relative to sick leave banks.

The Commonwealth of Massachusetts



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To the Honorable Senate and House of Representatives:

I am filing for your consideration the attached legislative proposal, entitled, "An Act Related To Sick Leave Banks." During the 185th General Court, approximately 75 bills were enacted establishing sick leave banks for individual employees of state agencies and the trial court. Recipients of the sick leave banks tend to be hard-working employees suffering catastrophic illnesses or injuries. I am pleased that state employees are often eager to donate a sick, personal or vacation time to help a colleague make ends meet while receiving chemotherapy treatment or rehabilitating after a car accident.

However, the current process lacks accountability and uniformity, and requiring sick employees to obtain legislative support and the governor's approval for these sick leave banks is burdensome and inefficient. Accordingly, this bill provides that persons who are in need of a sick leave bank will apply to their supervisor, and agencies will apply the uniform regulations governing the criteria for eligibility and the operation of the sick leave banks established by the Secretary of Administration and Finance. This legislative reform will free legislators to focus on matters of broader policy concern, while providing the public and affected employees with a more transparent and efficient process to create sick leave banks.

Sincerely,
DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATING TO SICK LEAVE BANKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 7 of the General Laws is hereby amended by inserting after section 4Q the following
2 section:-

3 Section 4R. "Applicants" shall mean persons employed by an executive branch agency or the
4 trial court who apply to their supervisor to receive a sick leave bank.

5 Upon application and determination that an employee is eligible, a sick leave bank shall be
6 established in the executive office of the secretariat that employs the applicant. Upon application and
7 determination that an employee of the trial court is eligible, a sick leave bank shall be established within
8 the court that employs the applicant. The secretary of administration and finance shall prescribe
9 regulations governing the operation of sick leave banks, including criteria for eligibility, procedures for
10 donating time accrued, as well as procedures for the distribution of the donated time to qualifying
11 individuals. Sick leave banks established under this section shall cover employees who either do not
12 participate in the extended illness leave bank under section 4P of chapter 7 or have exhausted the time
13 allowed under that section. Any employee may voluntarily contribute 1 or more sick, personal or
14 vacation days to the sick leave bank for use by any other qualifying employee within their secretariat.
15 Employees of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the
16 sick leave bank for use by any other qualifying employee within the employer court. Whenever an
17 employee no longer suffers the illness or disability that necessitated the creation of the sick leave bank or
18 terminates employment or requests to dissolve the sick leave bank, any remaining time in the sick leave
19 bank shall be transferred to the extended illness leave bank if the employee works in the executive branch
20 and to the trial court paid leave bank if the employee works for the trial court. Sick leave bank days may
21 not be used for absences unrelated to the illness or disability that necessitated the establishment of the
22 sick leave bank as determined by the applicant's director of human resources.