

**Sick Leave Bank Pilot Program for Family-Related Absences**  
**Agreed to by the State of New York-Unified Court System**  
**and**  
**Citywide Association of Law Assistants of the Civil, Criminal & Family Courts**

Pursuant to Section 9.3(j) of the 2019-2021 Collective Bargaining Agreement (“Agreement”) between the State of New York-Unified Court System (“Court System”) and the Citywide Association of Law Assistants of the Civil, Criminal & Family Courts (“Union”), the parties agree to amend the *Procedures and Guidelines for Implementation of Section 9.3(m), Sick Leave Bank of the 1991-1995 Agreement* (“Guidelines”), to provide coverage for family-related absences under the Pilot Program (“Pilot Program”) described below.

**I. Purpose and Definitions**

The purpose of this Pilot Program is to allow employees, who are necessarily absent from work because of a need to care for a qualifying family member with a serious health condition, to apply to the Sick Leave Bank for a grant of Bank Credits.

For purposes of this Pilot Program, a **family member** is defined as:

- the employee’s biological, adopted, foster or step-child (including individuals for whom the employee stood or is standing *in loco parentis*);
- the employee’s biological, adoptive, foster or step-parent (including individuals who stood *in loco parentis* to the employee); or
- the employee’s spouse or domestic partner.

Whether an *in loco parentis* relationship exists depends on the specific facts, however, this refers to the type of relationship in which a person has put themselves in the situation of a parent by assuming and discharging the obligations of a parent to a child. An individual who stood *in loco parentis* to the employee means that the *in loco parentis* relationship existed between the employee and the individual when the employee was a child.

**Serious health condition** means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as defined under the Family and Medical Leave Act (“FMLA”).

**II. Eligibility**

An eligible employee is an employee that has exhausted all sick leave, annual leave and compensatory time and is necessarily absent from work as a result of the need to care for a family member with a serious health condition. This means that an eligible employee must either: (i) be on qualifying leave under the FMLA, i.e. pursuant to the WH-380-F; or (ii) be approved by the Deputy Chief Administrative Judge (Courts Within New York City) for a discretionary leave to care for a family member, collectively referred to herein as a “caregiver” leave.

**III. Procedures**

- A.** Applications for Bank Credits under this Pilot Program will be made on the same form currently utilized by employees to apply for Bank Credits to cover absences due to their own illness or disability (“Application”).

To apply for a grant of Bank Credits to cover caregiver leaves, the employee must indicate “caregiver” in the “nature of illness” field of the Application and must include copies of the following documents along with the Application to the Committee:

- A completed UCS-48 Leave Form with all necessary approvals; and
- A completed WH-380-F [regardless of whether the employee’s leave qualifies under the FMLA].

An employee seeking Bank Credits to care for a domestic partner with a serious health condition must also submit with his/her Application to the Committee:

- Proof that the employee has subscribed his/her domestic partner for purposes of health care coverage under the New York State Health Insurance Program (“NYSHIP”); or
- A completed *NYSHIP Domestic Partner Enrollment Application* (Form PS-425) and supporting documentation.

An employee seeking Bank Credits to care for other family members must submit proof of the familial relationship along with his/her Application to the Committee, e.g. birth certificate, marriage certificate, or for family relationships that cannot be substantiated by a birth or marriage certificate, an affirmation from the employee demonstrating that the individual qualifies as a “family member” under this Pilot Program.

- B. The total number of Bank Credits available to any eligible employee under this Pilot Program shall not exceed a lifetime maximum grant of 420 hours.

The decision to grant or deny Bank Credits, in whole or in part, under this Pilot Program shall not be grievable or otherwise reviewable.

- C. In no event shall a grant of Bank Credits serve to extend any employment beyond the time at which it would otherwise terminate by operation of law, rule, regulation or pursuant to the provisions of the Agreement, nor does such grant provide, extend or create rights or protections not otherwise available to the employee under law, rule, regulation or the Agreement.

Nothing in this Pilot Program shall be read or interpreted as superseding the required request and approval processes for taking leaves of absence.

Except as otherwise set forth herein, the Guidelines remain in full force and effect during this Pilot Program.

#### **IV. Review of Pilot Program**

The parties will meet prior to March 31, 2021, to discuss any adjustments to this Pilot Program and/or whether to continue this Program beyond expiration of the Agreement.