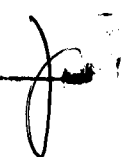




Senate
Office of the Secretary

16 JUL 19 P4 42

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: 

SENATE

S. No. **554**

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
CREATING A SICK LEAVE BANK FOR GOVERNMENT EMPLOYEES

EXPLANATORY NOTE

A government employee is entitled for vacation and sick leaves he/she earned. In cases where a government employee experiences a serious illness or injury, he/she, however, is sometimes forced to exhaust all his/her leave credits and continue to be on leave without compensation. This is an unfortunate event for an employee.

This bill, thus, is intended to alleviate the hardship caused to an employee and to his/her family experiencing the aforesaid situation. It seeks to create a "Sick Leave Bank" for government employees. As used in this bill, Sick Leave Bank refers to a pool of sick days which will be established by employees who will make a one-time donation of their accumulated local sick days. Depending on the participant's donation, he/she may use sick leaves in the sick leave bank of his/her agency if he/she has exhausted his/her accrued vacation time, personal days, sick leave and compensatory lime due to serious illness or injury.

In view of the foregoing, immediate approval of this bill is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator



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AN ACT
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** - This Act shall be known as the "*Sick Leave Bank Act.*"

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3 **SEC. 2. Definition of Terms.** - As used in this Act, unless the context otherwise

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requires the following terms shall mean:

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a) "Commission" means the Civil Service Commission;

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b) "Agency" means any branch, department, board, committee or commission of the government;

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c) "Sick leave bank" means a depository into which participating employees may donate accrued sick leave time for allocation to other participating employees;

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d) "Participating employee" means a permanent full or part-time employee who has been employed by a government agency for a period of six (6) months or more who voluntarily enrolls in the sick leave bank by depositing at least three (3) full days of accrued sick leave in that bank; and

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e) "Catastrophic illness or injury" shall mean those illnesses and injuries which will be classified as such by the Commission.

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SEC. 3. Sick Leave Bank. - The Commission shall establish a plan allowing participating employees in each Agency to bank a designated amount or portion of their accrued sick leave in a sick leave bank to be used by any participating employee in the agency who has exhausted his or her accrued vacation time, personal days, sick leave and compensatory time.

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The Commission shall promulgate rules governing the operation of the plan subject, however, to the following restrictions and limitations:

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a) Participation in the sick leave bank shall, at all times, be voluntary on the part of any employee.

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- 1 b) A participating employee may deposit into the sick leave bank as much accrued sick
2 leave as desired provided that the participating employee shall retain in his or her own
3 account at least five (5) sick days.
4
- 5 c) A government employee cannot avail the benefits of a sick leave bank unless he
6 becomes a member of that bank by depositing at three (3) full days of accrued sick
7 leave in that bank.
8
- 9 d) Any sick leave in the sick leave bank used by a participating employee shall be only
10 for that employee's personal catastrophic illness or injury.
11
- 12 e) A participating employee shall not use sick leave accumulated in the sick leave bank
13 until all of his or her accrued vacation time, personal days, sick leave and
14 compensatory time have been used.
15
- 16 f) Participating employees who transfer from one Agency to another may transfer their
17 participation in the sick leave bank.
18
- 19 g) An employee who cancels his or her participation in the sick leave bank shall not be
20 eligible to withdraw the sick leave time he or she has contributed to the pool.
21
- 22 h) Provisions for appeal of adverse decisions affecting a participating employee's use of
23 the sick leave bank shall be made by rule adopted by the Commission.
24
- 25 i) Accumulation of sick leave in the sick leave bank shall be on an Agency by Agency
26 basis but procedures adopted by rule for the operation of the sick leave bank shall be
27 uniform among all Agencies.
28
- 29 j) Upon termination, retirement, or death, neither a participating employee nor the
30 participating employee's estate shall be entitled to payment for unused sick leave
31 acquired from the sick leave bank
32

33 **SEC. 4. Penal Provision.** - Any abuse of the use of the sick leave bank shall be
34 investigated by the Agency and the Commission and upon a finding of wrongdoing on the
35 part of a participating employee, that employee shall repay all sick leave days drawn from the
36 sick leave bank and shall be subject to other disciplinary action.
37

38 **SEC. 5. Repealing Clause.** - All laws, presidential decrees, executive orders and
39 other issuances, and rules and regulations, or part thereof, contrary to or inconsistent with any
40 provision of this Act, are hereby repealed, modified or amended accordingly.
41

42 **SEC. 6. Separability Clause.** - Should any provision of this Act be found
43 unconstitutional by a court of law, such provision shall be severed from the other provisions,
44 and the same shall not affect the enforceability and effectivity of the remaining provisions of
45 this Act.

1 **SEC. 7. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
2 complete publication in any two (2) national newspapers of general circulation.

Approved,