

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

10 JUL -6 19:33

SENATE

S. No 242

RECEIVED


Introduced by Senator Antonio "Sonny" F. Trillanes IV

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 provide alleviation for 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, sick leaves in a sick leave bank may 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 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

10 JUL -6 A9:33

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S. No 242

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
CREATING A SICK LEAVE BANK FOR GOVERNMENT EMPLOYEES

Be it enacted in the Senate and 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.*"

2
3 **SEC. 2. *Definition of Terms.*** - As used in this Act, unless the context otherwise requires,
4 the following terms shall mean:

- 5 a) "Commission" means the Civil Service Commission;
- 6 b) "Agency" means any branch, department, board, committee or commission of the government;
- 7 c) "Sick leave bank" means a depository into which participating employees may donate accrued
8 sick leave time for allocation to other participating employees;
- 9 d) "Participating employee" means a permanent full- or par-time employee who has been
10 employed by a government agency for a period of six (6) months or more who voluntarily enrolls
11 in the sick leave bank by depositing at least three (3) full days of accrued sick leave in that bank;
- 12 e) "Catastrophic illness or injury" shall mean those illnesses and injuries which will be classified
13 as such by the Commission.

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

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

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

9 (b) A participating employee may deposit into the sick leave bank as much accrued sick leave as
10 desired provided that the participating employee shall retain in his or her own account at least
11 five (5) sick days.

12 (c) A government employee cannot avail the benefits of a sick leave bank unless he becomes a
13 member of that bank by depositing at three (3) full days of accrued sick leave in that bank.

14 (d) Any sick leave in the sick leave bank used by a participating employee shall be only for that
15 employee's personal catastrophic illness *or* injury.

16 (e) A participating employee shall not use sick leave accumulated in the sick leave bank until all
17 of his or her accrued vacation time, personal days, sick leave and compensatory time have been
18 used.

19 (f) Participating employees who transfer from one Agency to another may transfer their
20 participation in the sick leave bank.

21 (g) An employee who cancels his *or* her participation in the sick leave bank shall not be eligible
22 to withdraw the sick leave time he or she has contributed to the pool.

1 (h) Provisions for appeal of adverse decisions affecting a participating employee's use of the sick
2 leave bank shall be made by rule adopted by the Commission.

3 (i) Accumulation of sick leave in the sick leave bank shall be on an Agency by Agency basis but
4 procedures adopted by rule for the operation of the sick leave bank shall be uniform among all
5 Agencies.

6 (j) Upon termination, retirement, or death, neither a participating employee nor the participating
7 employee's estate shall be entitled to payment for unused sick leave acquired from the sick leave
8 bank.

9
10 **SEC. 4. *Penal Provision.*** - Any abuse of the use of the sick leave bank shall be
11 investigated by the Agency and the Commission and upon a finding of wrongdoing on the part of
12 a participating employee, that employee shall repay all sick leave days drawn from the sick leave
13 bank and shall be subject to other disciplinary action.

14
15 **SEC. 5. *Repealing Clause.*** - All laws, presidential decrees, executive orders and other
16 issuances, and rules and regulations, or part thereof, contrary to or inconsistent with any
17 provision of this Act, are hereby repealed, modified or amended accordingly.

18
19 **SEC. 6. *Separability Clause.*** - Should any provision of this Act be found
20 unconstitutional by a court of law, such provision shall be severed from the other provisions, and
21 the same shall not affect the enforceability and effectivity of the remaining provisions of this
22 Act.

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

Approved,