

PERSONNEL: GENERAL

ABSENCES AND LEAVES OF ABSENCE

I. POLICY STATEMENT

- A. THE DEPARTMENT OF HUMAN RESOURCES IS RESPONSIBLE FOR ESTABLISHING AN EMPLOYEE ABSENCE AND LEAVES OF ABSENCE SYSTEM. THIS SHALL INCLUDE ESTABLISHING ELIGIBILITY STANDARDS AND CONDUCTING REGULAR REVIEWS OF STANDARDS IN ORDER TO PROVIDE ASSURANCES THAT THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) FISCAL INTERESTS ARE PROTECTED.

II. DEFINITIONS

- A. A REGULAR EMPLOYEE IS AN INDIVIDUAL EMPLOYED TO FULFILL DUTIES OF A RECURRING NATURE WHICH TEND TO PERPETUATE THE NEED FOR A REGULARLY ASSIGNED EMPLOYEE, AND WHO HAS SUCCESSFULLY COMPLETED A STATED PROBATIONARY PERIOD. REGULAR EMPLOYEES ARE NORMALLY ASSIGNED ON A 10-MONTH OR 12-MONTH BASIS.

III. ABSENCES

- A. ABSENCES ARE OCCURRENCES WHEN AN EMPLOYEE IS UNABLE TO REPORT FOR DUTY. NOTIFICATION OF AND/OR REQUESTS FOR ABSENCES ARE SUBMITTED TO AN EMPLOYEE'S IMMEDIATE SUPERVISOR AND WHEN APPROVED, ARE GRANTED WITHOUT LOSS OF PAY.

III. TYPES OF ABSENCES

- A. ABSENCES MADE AVAILABLE TO ELIGIBLE EMPLOYEES MEETING ESTABLISHED CRITERIA INCLUDE:

- 1. PERSONAL ILLNESS

- a. PERSONAL ILLNESS ABSENCE IS A BENEFIT PROVIDED TO EMPLOYEES TO PROTECT AGAINST THE LOSS OF INCOME IN THE EVENT OF ABSENCE DUE TO ILLNESS OR NON-

WORK RELATED INJURY. AN EMPLOYEE MAY NOT USE PERSONAL ILLNESS ABSENCE TO POSTPONE A DISABILITY RETIREMENT. PERSONAL LEAVE BENEFITS WILL TERMINATE IF CONDITIONS ARE MET FOR APPROVAL OF DISABILITY RETIREMENT, OR SERVICE RETIREMENT, OR IF A PHYSICIAN HAS GIVEN REASONABLE ASSURANCE THAT THE EMPLOYEE WILL NOT BE ABLE TO PERFORM THE ESSENTIAL FUNCTIONS OF HIS/HER CURRENT POSITION WITH OR WITHOUT AN ACCOMMODATION.

2. FAMILY ILLNESS

- a. FAMILY ILLNESS LEAVE IS A SUBSET OF AN EMPLOYEE'S PERSONAL ILLNESS LEAVE. THE USE OF FAMILY ILLNESS WILL BE REVIEWED AS PART OF THE EMPLOYEE ATTENDANCE MONITORING PROGRAM IF IT IS NOT DESIGNATED AND APPLIED TO THE FAMILY MEDICAL LEAVE ACT (FMLA).

3. PERSONAL BUSINESS

- a. PERSONAL BUSINESS LEAVE IS PROVIDED TO CONDUCT PERSONAL BUSINESS THAT CANNOT BE SCHEDULED ON A NON-DUTY DAY.

4. SPECIAL RELIGIOUS OBSERVANCE

- a. SPECIAL RELIGIOUS OBSERVANCE LEAVE IS PROVIDED TO FULFILL RELIGIOUS OBLIGATIONS WHICH REQUIRE EMPLOYEES TO BE ABSENT DURING DUTY HOURS. THE EMPLOYEE MAY BE REQUIRED TO PROVIDE VERIFICATION OF THE RELIGIOUS REQUIREMENT TO BE ABSENT FROM THE WORK PLACE TO MEET HIS/HER RELIGIOUS OBLIGATION FROM APPROPRIATE RELIGIOUS AUTHORITIES.

5. BEREAVEMENT

- a. BEREAVEMENT LEAVE IS PROVIDED TO EMPLOYEES FOLLOWING THE DEATH OF IMMEDIATE FAMILY MEMBERS AND/OR CLOSE RELATIVES

6. COURT-RELATED

- a. COURT-RELATED LEAVE IS PROVIDED FOR JURY DUTY AND FOR CERTAIN SUMMONS.

IV. ABSENCE MANAGEMENT PROGRAMS

- A. IN ORDER TO PROVIDE FOR THE APPROPRIATE MANAGEMENT AND MONITORING OF EMPLOYEE ABSENCES, THE OFFICE OF RISK MANAGEMENT SHALL ESTABLISH, MAINTAIN, AND IMPLEMENT THE NECESSARY ABSENCE MANAGEMENT PROGRAMS.

- 1. THE INTEGRATED DISABILITY MANAGEMENT (IDM) PROGRAM

- a. THE IDM IS USED TO MANAGE TIME ABSENT FROM THE WORK PLACE FOR EMPLOYEES WHO ARE ABSENT 10 OR MORE CONSECUTIVE DUTY DAYS DUE TO NON-WORK RELATED PERSONAL ILLNESSES AND INJURIES.

- 2. THE EMPLOYEE ATTENDANCE MONITORING PROGRAM (EAMP)

- a. THE EAMP IS DESIGNED TO PROVIDE VERIFICATION OF THE APPROPRIATE USE OF PERSONAL AND FAMILY ILLNESS, COUNSELING, AND/OR CORRECTIVE ACTION FOR THOSE EMPLOYEES NEARING OR EXCEEDING THE EMPLOYEE ATTENDANCE STANDARD.

- b. THE OFFICE OF RISK MANAGEMENT IS RESPONSIBLE FOR THE ADMINISTRATION OF THE EAMP. ALL DEPARTMENT HEADS, OFFICE HEADS, AND SCHOOL-BASED ADMINISTRATORS ARE RESPONSIBLE FOR IMPLEMENTING THE REQUIREMENTS OF THE EAMP.

- c. EMPLOYEES WHO REFUSE TO PARTICIPATE APPROPRIATELY IN THE ABSENCE MONITORING PROGRAMS MAY BE SUBJECT TO DISCIPLINARY ACTION, WHICH MAY INCLUDE FORFEITURE OF SALARY, CANCELLATION OF LEAVE, OR DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

V. SALARY REDUCTIONS FOR ABSENCES

- A. WHEN AN EMPLOYEE IS ABSENT FROM DUTY WITHOUT GOOD AND SUFFICIENT REASON THE EMPLOYEE MAY FORFEIT SALARY FOR THE TIME ABSENT.

VI. LEAVES OF ABSENCE

- A. AN EMPLOYEE WHO ANTICIPATES BEING ABSENT FROM DUTY AND IN UNPAID STATUS SHALL SUBMIT A REQUEST FOR A LEAVE OF ABSENCE TO THE DEPARTMENT OF HUMAN RESOURCES. A REQUEST FOR A LEAVE OF ABSENCE OR AN EXTENSION OF A LEAVE OF ABSENCE IS SUBJECT TO APPROVAL BY THE BOARD IF THE ANTICIPATED ABSENCES IS FOR MORE THAN NINETY DAYS. THE APPROVED LEAVE MAY OR MAY NOT BE PAID LEAVE.
- B. REGULAR EMPLOYEES WITH MORE THAN ONE YEAR OF CREDITABLE SERVICE MAY REQUEST A LEAVE OF ABSENCE IN ACCORDANCE WITH THE PROVISIONS FOUND IN THE APPROPRIATE BARGAINING UNIT AGREEMENT. EMPLOYEES WITH LESS THAN ONE YEAR OF CREDITABLE SERVICE WILL NOT BE ELIGIBLE FOR A LEAVE OF ABSENCE EXCEPT FOR MILITARY LEAVE AND/OR WHEN THE UNPAID LEAVE IS A REASONABLE ACCOMMODATION UNDER THE AMERICAN WITH DISABILITIES ACT GRANTED TO A QUALIFIED INDIVIDUAL WITH A DISABILITY AND APPROVED BY THE DEPARTMENT OF HUMAN RESOURCES.
- C. AN EMPLOYEE WHO IS IN UNPAID STATUS FOR TEN (10) CONSECUTIVE DUTY DAYS IS CONSIDERED TO HAVE NO EMPLOYMENT STATUS UNLESS THE EMPLOYEE HAS APPLIED FOR AND HAS BEEN GRANTED A LEAVE OF ABSENCE.

- D. UPON RETURN FROM A LEAVE OF ABSENCE, AN EMPLOYEE WILL BE RETURNED TO A POSITION COMPARABLE TO THAT HELD BY THE EMPLOYEE PRIOR TO THE LEAVE OF ABSENCE. IF AN EMPLOYEE REJECTS AN OFFER OF EMPLOYMENT WITHIN HIS/HER CLASSIFICATION UPON REINSTATEMENT, BCPS IS RELIEVED OF ANY COMMITMENT TO PROVIDE EMPLOYMENT.
 - E. GAINFUL, PERMANENT EMPLOYMENT WITH ANOTHER EMPLOYER WHILE ON AN APPROVED LEAVE OF ABSENCE MAY RESULT IN TERMINATION OF THE LEAVE.
 - F. THE DEPARTMENT OF HUMAN RESOURCES IS RESPONSIBLE FOR PROCESSING REQUESTS FOR LEAVES OF ABSENCE AND EXTENSIONS OF LEAVES OF ABSENCE AND FOR SUBMITTING THE REQUESTS WITH REQUIRED DOCUMENTATION TO THE BOARD FOR APPROVAL.
 - G. THE DEPARTMENT OF HUMAN RESOURCES SHALL MONITOR ALL APPROVED LEAVES OF ABSENCE AND IN THE EVENT THE EMPLOYEE DOES NOT COMPLY WITH THE CONDITIONS OF THE LEAVE, THE LEAVE SHALL TERMINATE, AND THE EMPLOYEE WILL BE NOTIFIED BY THE DEPARTMENT OF HUMAN RESOURCES OF EMPLOYMENT OPTIONS AND /OR REQUIRED ACTIONS. THE DEPARTMENT OF HUMAN RESOURCES WILL MAINTAIN THE NECESSARY DOCUMENTATION AND RECORDS IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.
 - H. MILITARY LEAVE, UNPAID LEAVE OF LESS THAN 2 WEEKS, AND ALL PAID LEAVE SHALL BE CONSIDERED CREDITABLE SERVICE AND SHALL NOT ALTER THE SERVICE COMPUTATION DATE. INCREMENTAL INCREASES SHALL BE AVAILABLE TO QUALIFIED EMPLOYEES WHO HAVE A MINIMUM OF 6 MONTHS CREDITABLE SERVICE WITHIN THE PRECEDING FISCAL YEAR.
- VII. THE TYPES OF LEAVES OF ABSENCE MADE AVAILABLE TO ELIGIBLE EMPLOYEES MEETING ESTABLISHED CRITERIA INCLUDE:
- A. ACADEMIC

1. ACADEMIC LEAVE IS PROVIDED WITHOUT PAY TO ELIGIBLE EMPLOYEES FOR THE PURPOSE OF FURTHERING PROFESSIONAL GROWTH THROUGH FORMAL ACADEMIC STUDY.

B. CHILD REARING

1. CHILD REARING LEAVE FOR UP TO TWO YEARS IS PROVIDED TO EMPLOYEES WHO CHOOSE NOT TO RETURN TO THEIR POSITIONS FOLLOWING THE BIRTH OR ADOPTION OF A CHILD, OR WHO WISH TO REMAIN HOME TO REAR A NEWBORN CHILD.

C. MILITARY

1. EXTENDED ACTIVE DUTY MILITARY LEAVE MAY BE GRANTED TO AN EMPLOYEE SERVING IN THE UNIFORMED SERVICES CONSISTENT WITH THE EMPLOYEE'S MILITARY ORDERS.

D. SABBATICAL

1. SABBATICAL LEAVE MAY BE GRANTED WITH PAY TO ELIGIBLE EMPLOYEES FOR THE PURPOSE OF FURTHERING PROFESSIONAL GROWTH THROUGH FORMAL GRADUATE STUDY PROGRAMS.

E. UNUSUAL OR IMPERATIVE

1. ELIGIBLE EMPLOYEES MAY BE GRANTED LEAVE WITHOUT PAY FOR UNUSUAL OR IMPERATIVE REASONS FOR UP TO ONE YEAR WHEN NO OTHER LEAVE IS APPLICABLE. APPROVAL FOR UNUSUAL OR IMPERATIVE LEAVE MUST BE GRANTED BY THE BOARD BEFORE THE ABSENCE OCCURS.

- F. REQUESTS FOR LEAVES OF ABSENCE FOR ABSENCES ANTICIPATED TO BE LESS THAN NINETY DAYS MAY BE APPROVED BY THE DEPARTMENT OF HUMAN RESOURCES. LEAVES OF ABSENCE OF LESS THAN NINETY DAYS WHICH MAY BE APPROVED BY THE DEPARTMENT OF HUMAN RESOURCES INCLUDE:

1. FMLA
 - a. FMLA LEAVE IS GRANTED WHEN THE DEPARTMENT OF HUMAN RESOURCES HAS DETERMINED THAT THE USE OF LEAVE MEETS THE REQUIREMENTS OF THE FMLA AND HAS DESIGNATED IT AS SUCH.
2. SHORT-TERM, NON-FMLA
 - a. EMPLOYEES WITH ONE YEAR OF SERVICE WHO ARE NOT ELIGIBLE FOR FMLA LEAVE MAYBE GRANTED UP TO 12 WEEKS OF SHORT-TERM LEAVE.
3. MATERNITY
 - a. MATERNITY LEAVE IS PROVIDED FOR THE PERIOD OF DOCUMENTED TEMPORARY DISABILITY IMMEDIATELY FOLLOWING CHILDBIRTH. THE EMPLOYEE'S ACCRUED PERSONAL ILLNESS TIME WILL BE USED FOR THE PERIOD OF DISABILITY.
4. PATERNITY
 - a. PATERNITY LEAVE MAY BE GRANTED TO EMPLOYEES IF THEIR SPOUSE OR DOMESTIC PARTNER HAS GIVEN BIRTH. THE LEAVE WILL COMMENCE ON THE DATE OF THE BIRTH OF THE CHILD. THE EMPLOYEE'S ACCRUED PERSONAL ILLNESS TIME WILL BE USED FOR THE PERIOD OF DISABILITY.
5. ADOPTION
 - a. ADOPTION LEAVE FOR ELIGIBLE EMPLOYEES WHICH COMMENCES ON THE DAY THE ADOPTED CHILD IS RECEIVED. ADOPTION LEAVE RUNS CONCURRENTLY WITH FMLA FOR FMLA-ELIGIBLE EMPLOYEES.
6. MILITARY

- a. SHORT-TERM MILITARY LEAVE MAY BE GRANTED FOR EMPLOYEES IN THE UNIFORMED SERVICES WHO MUST BE ABSENT FROM WORK DUE TO A SHORT-TERM EMERGENCY OR ANNUAL UNIT TRAINING DUTY. THE LEAVE WILL BE CONSISTENT WITH THE EMPLOYEE'S OFFICIAL MILITARY ORDERS.

VIII. TERMINATION OF LEAVE FOR RETIREMENT AND/OR RESIGNATION

- A. IF CONDITIONS ARE MET FOR APPROVAL OF DISABILITY RETIREMENT; SERVICE RETIREMENT; RESIGNATION; APPROVAL OF DISABILITY BENEFITS BY THE SOCIAL SECURITY ADMINISTRATION; APPROVAL OF DISABILITY BENEFITS OTHER DISABILITY PLAN, OR A PHYSICIAN HAS GIVEN REASONABLE ASSURANCE THAT THE EMPLOYEE WILL NOT BE ABLE TO RETURN TO HIS/HER CURRENT POSITION, THE DEPARTMENT OF HUMAN RESOURCES SHALL NOTIFY THE OFFICE OF PAYROLL TO TERMINATE PERSONAL ILLNESS LEAVE BENEFITS.

LEGAL REFERENCES: COMAR 13A 01.03.02, *PERSONNEL POLICIES*
COMAR 13A 02.03.02, *ANNUAL LEAVE OF STAFF*
COMAR 13A 07.02.03, *LEAVE OF ABSENCE*
COMAR 13A.07.03.02, *ATTENDANCE AND ABSENCE OF CERTIFICATED EMPLOYEES*

RULE: SUPERINTENDENT OF SCHOOLS
APPROVED: _____