

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** December 7, 2010

**TO:** **BOARD OF EDUCATION**

**FROM:** Dr. Joe A. Hairston, Superintendent

**SUBJECT:** **CONSIDERATION OF THE PROPOSED DELETION OF BOARD OF EDUCATION POLICY 4280 – LEAVES, HOLIDAYS, VACATIONS**

**ORIGINATOR:** Joe A. Hairston, Superintendent

**RESOURCE PERSON(S):** Don Peccia, Assistant Superintendent, Human Resources

**RECOMMENDATION**

That the Board of Education reviews the proposed deletion of Policy 4280. This is the third reading.

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Attachment I – Policy Analysis 4280  
Attachment II – Policy 4280

**POLICY ANALYSIS FOR  
BOARD OF EDUCATION POLICY 4280  
LEAVES, HOLIDAYS, VACATIONS**

Statement of Issues or Questions Addressed

Board of Education Policy 4280 contains language covered in the Board's Master Agreements and is being recommended for deletion. Information not covered in the Agreements is included in Board of Education Policy 4400, *Absences and Leaves*.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the deletion of this policy.

Relationship to Other Board of Education Policies

1. Board of Education Policy 4400, *Absences and Leaves*
2. Board of Education Policy 4158, *Holidays*

Legal Requirements

1. *Annotated Code of Maryland*, Education Article §4-103, *School Personnel*
2. *Annotated Code of Maryland*, Education Article §6-305, *Sick Pay*
3. COMAR 13A.07.02.03, *Leave of Absence*

Similar Policies Adopted by Other Local School Systems

1. Frederick County Board of Education, Section 303, *Attendance and Absence*
2. Montgomery County Board of Education, Policy GI, *Leaves and Retirements*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered; similar policies were deleted and incorporated in Board of Education Policy 4400, *Absences and Leaves*

Time

First reading – October 19, 2010

Public comment – November 9, 2010

Third reading/vote – December 7, 2010

PERSONNEL: Classified

Leaves, Holidays, and Vacations

1. Reinstatement

An employee returning from an approved leave of absence shall be reinstated with all the rights, privileges, and status accrued at the time of the effective date of the leave. At the time of reinstatement, and for the purpose of computing longevity and rate of benefit accrual, the employee shall receive a "service computation date." This date shall be established by advancing the employee's original date of employment (or the last service computation date) a span of time equivalent to the employee's non-creditable service, which shall have resulted from the leave.

Military leave, unpaid leave of less than two (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 six (6) months creditable service within the preceding fiscal year.

Gainful, permanent employment while on approved leave may serve as justification for termination of the leave.

Upon expiration of a formal leave of absence, an employee will be immediately reinstated in his/her formal position and at his/her former location providing:

- a. The employee is still qualified to perform his/her former duties.
- b. The former duties are still performed at that location.
- c. The employee is available for assignment upon expiration of the leave. Should the employee be unable to return to work upon expiration of the leave, consideration will be given to an extension of leave.
- d. The leave, for the purpose of this consideration, does not exceed six (6) months. If the leave exceeds six (6) months, the employee will be offered employment in his/her classification, without regard to location, as vacancies develop.

Should an employee be available for assignment prior to the expiration of the leave, he/she will be offered employment in his/her classification (without regard to location) as vacancies develop. The employee may reject any or all such offers but acceptance of an offer will relieve the Board of Education of the commitment to return the employee to his/her former location.

2. Types of Leaves

a. Absence for Maternity

An absent employee who is expecting a child and plans to continue employment with the Board of Education after the birth of the child, may use earned sick leave prior to and following birth of the child. Maternity is treated as a temporary disability, and the employee is expected to return to her job as soon as she is physically able. Such determination by a physician may be required. Normally, no more than six (6) weeks of sick leave following the birth may be utilized unless the doctor furnishes a statement indicating a condition of continued disability.

An employee who selects this option and whose earned sick leave expires prior to the birth of the child or the time she is able to return to work, may request an unpaid leave of absence for a period not to exceed six (6) months from the effective date of leave (last duty day worked). Should it become necessary to extend the leave beyond six (6) months, the employee's position will no longer be held and reinstatement in an appropriate position will be made as soon as a vacancy occurs.

b. Maternity

If an employee does not desire to return to her position as soon as she is physically able to do so, following the birth of a child, she may apply for a Maternity Leave under the following conditions:

- (1) Requests for maternity leave of absence shall be made by completing and forwarding the form, "Application for Maternity Leave of Absence," to the appropriate administrator as soon as possible, but prior to the last day of work before the birth of the child.

- (2) A maternity leave of absence may be granted for a period of up to eighteen (18) months. Earned sick leave may be utilized by the employee on maternity leave both prior to and after the birth of the child under the following conditions:

A statement by a doctor must be attached to the application stating the date the employee must stop work for medical reasons.

- (3) A maternity leave of absence may be granted for a period of up to eighteen (18) months for the adoption of a child. Such leave becomes effective following the last day of employment. Earned sick leave may not be utilized during leave of absence for adoption.
- (4) An employee on maternity leave will be reinstated in an appropriate position as soon as a vacancy occurs after her request for reinstatement. To facilitate the employee's return consistent with her desired schedule, she should give as much advance notice of her anticipated return as possible.
- (5) Before she returns to duty, the employee may be required to present a doctor's certificate stating that she is able to resume her regular work.
- (6) The unused sick leave of an employee who has been granted a maternity leave of absence will be held in abeyance until such time as she returns to active service.
- (7) If in any event the employee is unable to return to a position with the Board of Education within the eighteen (18) month period specified above, resignation from the Board of Education will be accepted as automatic and the employee will be notified.

c. Military

Employees who lose time due to obligatory short-term emergency or annual unit training duty with the National Guard or military reserves may be granted leave consistent with their official military orders.

During this leave period, but not to exceed fifteen (15) working days per annum, the Board of Education shall continue the employee's regular pay.

Extended active duty military leave may be granted to any employee entering one of the military services of the United States.

d. Unusual or Imperative

Employees may be granted leave without pay for unusual or imperative reasons for up to one (1) year when no other leave program is applicable. This leave may be granted by the Board of Education, and approval must be secured before the absence occurs.

During this leave, the employee may continue participation in the Board of Education Employee Insurance Plan by assuming full costs of the premium. The employee may neither withdraw nor make contributions to the Retirement System.

In the event the leave is granted, and the employee is unable to carry out the plan for which this leave is granted, it is his/her responsibility to notify the Department of Personnel immediately.

e. Holidays

As a matter of educational policy, the Board of Education of Baltimore County determines the school calendar, which may include holidays. The Board observes all public school holidays required by law.

For each 12-month employee who has completed his/her probationary period on or before March 1, and who is not otherwise eligible for a reduced work schedule during the "Christmas Season" and the "Spring Vacation," two (2) floating holidays are available. Floating holidays must be requested and approved.

f. Vacations

- (1) Permanent, full-time employees with less than five (5) years of service shall accrue paid vacation credit at a rate of .416 normal workday for each pay period of qualifying employment to a maximum credit of ten (10) normal workdays per year.

- (2) Permanent, full-time employees with five (5) years of service, but less than thirteen (13) years of service, shall accrue paid vacation credit at a rate of .625 normal workday for each pay period of qualifying employment to a maximum credit of fifteen (15) normal workdays per year. Accrual at the new rate begins on the fifth anniversary of employment.

Permanent, full-time supervisory/technical (Unit III) employees with five (5) years of service, but less than ten (10) years of service, shall accrue paid vacation credit at a rate of .625 normal workday for each pay period of qualifying employment to a maximum credit of fifteen (15) normal workdays per year. Accrual at the new rate begins on the fifth anniversary of employment. Vacation accruals will be made on twenty-four (24) specified biweekly pay periods for twelve- (12) month employees and twenty (20) specified biweekly pay periods for ten- (10) month employees.

- (3) Permanent, full-time employees with thirteen (13) or more years of service shall accrue paid vacation credit at a rate of .833 normal workday for each pay period of qualifying employment to a maximum credit of twenty (20) normal workdays per year. Accrual at the new rate begins on the thirteenth anniversary of employment.

Permanent, full-time supervisory/technical (Unit III) employees with ten (10) or more years of service shall accrue paid vacation credit at a rate of .833 normal workday for each pay period of qualifying employment to a maximum credit of twenty (20) workdays per year. Accrual at the new rate begins on the tenth anniversary of employment.

- (4) A qualifying pay period of employment shall be any pay period in which the employee was in qualifying pay status for a minimum of sixty percent (60%) of the period. Qualifying pay status shall include: hours worked, use of compensatory time, vacation, paid holidays, and paid leave.

Ten-month employees shall accrue vacation over twenty (20) pay periods. Twelve-month employees shall accrue vacation over twenty-four (24) pay periods. When the work year spans more than twenty (20) or twenty-four (24) pay periods (depending on ten- or twelve-month employment status), the Office of Payroll shall designate those pay periods to be deleted.

- (5) Part-time employees shall accrue vacation credit in accordance with 1, 2, and 3 above, modified by an appropriate factor which reflects that fraction of the workweek for which the employee is regularly scheduled.
- (6) Temporary and substitute employees do not earn vacation credits.
- (7) In determining vacation schedules, every effort shall be made to comply with the wishes of the employee. It must be recognized, however, that work schedules must be met, and when there is irreconcilable conflict between work scheduled and desired vacation schedule, the former will be dominant. Vacation must be requested in advance and approved by the appropriate administrator.
- (8) Vacation payments shall be calculated at the current regular rate and on the basis of a normal workday.
- (9) It is desirable that vacation time be utilized prior to September 1 following the year in which earned. To do so would (a) have employees begin a new school year, having benefited from a break in their normal routine, and (b) minimize the number of absences anticipated during the period when schools are in session. Administrators should consider these factors when controlling the use of vacation time.

Exceptions:

- (a) Convenience of the Employee - With approval of the appropriate associate/assistant superintendent, an employee may accumulate a maximum of one-half of his/her accrued vacation days. In order to acquire permission to accumulate vacation, an employee must submit to the appropriate associate/assistant superintendent the reason for the use of the accumulated vacation days.

- (b) Convenience of the Employer - When the responsibilities of an employee make it impractical to use all of his/her vacation time prior to September 1, following the end of the fiscal year in which it was earned, permission may be granted to use the time after said date, with the approval of the appropriate administrator.
- (10) Vacation days must be utilized prior to June 30 following the close of the fiscal year in which earned. Failure to do so will result in these days being lost to the employee unless an exception is approved by the appropriate division head.
- (11) An employee who, while on vacation, has a death in the immediate family, or of a close relative, may have his/her vacation extended or take vacation at a later date.
- (12) Earned vacation credits shall not be used to extend employment beyond the last day worked.
- (13) Vacation credits shall not be charged to holidays or normally non-scheduled days.
- (14) At the time of termination, an employee shall be paid for the vacation time earned during the current fiscal year, plus approved accumulated vacation time.

Legal Reference: §7-103 MD. Ed. Code Ann.

Policy

Board of Education of Baltimore County

Adopted: 8/29/68  
 Revised: 3/25/82  
 Revised: 4/26/84  
 Revised: 2/9/89  
 Revised: 10/5/89  
 Revised: 2/25/97]