



PERSONNEL: Compensation, Benefits and Retirement

Absences and Leaves

I. Purpose

To implement Board of Education of Baltimore County (Board) Policy 4203 by establishing employee absence and leaves of absence guidelines for Baltimore County Public Schools (BCPS).

II. Definition

Religious Holiday – A day or days noted on the Maryland State Department of Education (MSDE) student testing calendar when state primary test administrations cannot be scheduled.

III. Responsibilities

The Department of Human Resources is responsible for establishing procedures that define the types of leaves available to employees, outline eligibility guidelines and provide instructions for applying for leave.

IV. Absences

- A. An employee is deemed absent when he/she is unavailable for work as assigned/scheduled.
- B. Notification of and/or requests for absences shall be submitted to an employee's immediate supervisor and when approved, will be granted without loss of pay if adequate accrued leave time is available.
- C. Absences available to eligible employees may include:
 - 1. Personal illness;
 - 2. Family illness;
 - 3. Personal business;
 - 4. Religious holiday observance;
 - 5. Bereavement;
 - 6. Court-related;
 - 7. Compensatory time; and

8. Floating holidays (in accordance with the Master Agreement between the Board of Education of Baltimore County and Council 67/Local 434 of the American Federation of State, County, and Municipal Employees, AFL-CIO (AFSCME)).
- D. Eligible employees who have depleted their personal business leave may request approval for additional time off work without pay for special circumstances that cannot be scheduled on a non-duty day. Such requests must be submitted in writing to the manager of staff relations and employee performance management no later than 20 calendar days prior to the requested time off.
 - E. When an employee is absent from duty without good and sufficient reason, the employee may forfeit salary for the time absent.
 - F. No employee may engage in remunerative employment during his/her regularly scheduled BCPS work hours of any type, receive compensation for, or enter into any employment agreement, express or implied, while the employee is receiving personal or family illness leave. This prohibition includes afternoon or evening activities of the school system or any other school system.
 - G. An employee's documented absence for that employee's religious holiday shall not be used against him/her in determining any attendance-related benefits, incentives or promotional opportunities.
- V. Absence Management Programs
- A. The Office of Risk Management shall establish, maintain and implement the school system's employee absence management programs in order to provide for the appropriate management and monitoring of employee absences. Such programs shall include:
 1. Integrated Disability Management (IDM) Program
 - a. The IDM is used to manage time absent from the work place for employees who are absent ten or more consecutive duty days due to non-work related personal illnesses and injuries.
 2. 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. All department heads, office heads and school-based administrators are responsible for implementing the requirements of the EAMP.
- B. An employee who fails to comply with the requirements of 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.

VI. Leaves of Absence

- A. A leave of absence is permission granted by the Board or, when applicable, the Department of Human Resources, for an employee to be absent from duty for specified periods of time with the right to return to employment on the expiration of the leave, provided such return is during the period of regularly scheduled employment.
- B. A request for a leave of absence or an extension of a leave of absence, anticipated to be more than 90 days is subject to approval by the Board. In accordance with bargaining unit agreements, leaves of absence subject to approval by the Board include, but may not be limited to:
1. Academic leave;
 2. Child rearing;
 3. Military;
 4. Personal;
 5. Personal illness;
 6. Sabbatical; and
 7. Unusual and imperative leave.
- C. A request for a leave of absence anticipated to be less than 90 days may be approved by the Department of Human Resources. Leaves of absence that may be approved by the Department of Human Resources include, but may not be limited to:
1. Adoption;
 2. Conversion of personal illness to family illness;
 3. Maternity;
 4. Paternity;
 5. Short-term unpaid leave; and

6. Family medical leave.

- D. An approved leave of absence may be with or without pay.
- E. 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 is on an approved leave of absence.
- F. 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.
- G. Gainful, regular employment with another employer while on an approved leave of absence may result in termination of the leave.
- H. 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.
- I. The Department of Human Resources shall monitor all approved leaves of absence.
 - 1. 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.
 - 2. The Department of Human Resources will maintain the necessary documentation and records in accordance with all applicable laws and regulations.
- J. BCPS Service Credit

Military leave, authorized leaves of absence with pay and unpaid leaves of absences of fewer than ten (10) duty days shall not be considered a break in service and will be considered as BCPS service credit and will not alter the service computation date. Incremental increases shall be available to qualified employees who have a minimum of six (6) months BCPS service

credit within the preceding fiscal year. Creditable service for retirement purposes is determined by the applicable retirement system.

VII. Termination of Leave for Retirement and/or Resignation

Personal illness leave may not be used once an employee has received or tendered:

- A. Approval of disability retirement;
- B. Service retirement;
- C. Resignation;
- D. Approval of disability benefits by the Social Security Administration;
- E. Approval of disability benefits by any other disability plan; or
- F. A reasonable assurance from a physician to the employer and/or employee that the employee will not be able to return to his/her current position.

Legal References: 29 USC §§2601, *et seq.*, *Family and Medical Leave Act*
38 USC §§4301, *et seq.*, *Uniformed Services Employment and Reemployment Rights Act (USERRA)*
Annotated Code of Maryland, Education Article §6-111, *Assault Leave*
Annotated Code of Maryland, Labor and Employment Article §3-803, *Employee Leave; Family Members in Active Duty*
Annotated Code of Maryland, Public Safety Article §13-706, *Leaves of Absence for Public Employees who are Members of Militia*
COMAR 13A 07.02.03, *Leave of Absence*
COMAR 13A.07.03.02, *Attendance and Absence of Certificated Employees*

Related Policies: Board of Education Policy 4006, *Medical Evaluations*
Board of Education Policy 4009, *Emergency Closings – Employee Attendance*
Board of Education Policy 4100, *Employee Conduct and Responsibilities*
Board of Education Policy 8410, *Fraud Reporting*

Rule

Superintendent of Schools

Approved: 09/07/10

Edited: 07/01/11

Revised: 02/03/15

Revised: 05/10/16