Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

Administrative Procedures for Policy #6019 (Personnel) of the Board of Education Regarding the Family and Medical Leave Act of 1993

I. Process

A. The Department of Human Resources shall be responsible for administering employee requests regarding the Family and Medical Leave Act of 1993 (FMLA).

II. Definitions

A. Academic Term – a school semester.

B. Eligible Employee – an employee who is employed full or part time, temporary or contracted, or seasonal, works 67% of their required fiscal school hours per year, and has been employed with Calvert County Public Schools (CCPS) for at least 12 months during the 12-month period immediately prior to the start of Family and Medical Leave.

C. Employment Benefits –health insurance benefits provided to CCPS employees

D. Family and Medical Leave (FML), Military Family Leave (MFL), and Military Caregiver Leave (MCL) – job protected leave with or without pay granted to an eligible employee in compliance with state and federal regulations and guidelines.

E. Immediate Family Member – includes the employee's parent, spouse, child (biological, adopted, foster, stepchild), legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time the FML leave is to commence. The onset of a disability may occur at any age for the purposes of the definition of an adult son or daughter under FMLA. Disability is defined by the Americans with Disabilities Act (ADA), or next of kin. Next of kin qualifies under Military Caregiver Leave only. The child must be under age 18 unless he or she is incapable of self-care due to mental or physical disability.

F. Serious Health Condition – an illness, injury, impairment, physical or mental condition that involves:

1. Any period of incapacity or treatment in connection with inpatient care in a hospital, hospice, or residential medical care facility

2. Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three (3) consecutive, full calendar workdays that involve subsequent treatment or incapacity related to the same condition by, or under the supervision of, a health care provider

3. Continuing treatment by, or under the supervision of, a health care provider for a chronic, permanent, or long-term health condition, or conditions requiring multiple treatments that is incurable or so serious that, if untreated, would likely result in a period of incapacity of more than three workdays.

G. Twelve-month Period – the calendar period measured back twelve-months from the date FML is to be used.

H. Qualifying Exigency Leave - unpaid leave granted to an eligible employee for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty.

III. Overview

A. Employee FML: Eligible employees may request FML for up to twelve (12) work weeks (60 workdays) during a fiscal year (July 1 to June 30) for one or more of the following reasons:

1. Employee's serious health condition that makes the employee unable to perform his/ her job
2. Pregnancy, giving birth to a child, and newborn bonding within 1 year of birth

B. Family Member FML: Eligible employees may request FML to care for a family member's serious health condition up to twelve (12) work weeks (60 workdays) during a fiscal year (July 1 – June 30) along with:

1. Birth of a child, newborn bonding within 1 year of birth
2. Child placement for adoption or foster care within 1 year of placement

C. Qualifying Exigency Leave MFL – Eligible employees may request MFL while family member (son or daughter at any age) are on active duty within the Armed Forces, National Guard and Reserves, or under a call to active duty, or notified of an impending call or order to active duty up to twelve (12) work weeks (60 work days) during a fiscal year (July 1st – June 30th). MLF reasons may include:

1. Issues arising from the military member's short notice deployment
2. To make or update financial and legal arrangements
3. To attend counseling for the employee, military member, or child of the military member
4. To attend military events and related activities, including official military ceremonies, programs, information briefings related to active duty
5. To spend up to 15 calendar days with a military member on rest and recuperation leave
6. Certain childcare and related activities for military member's child
7. Attend post-deployment activities within 90 days of the end of active duty
8. Or attend to issues arising from the death of a military member while on active duty
9. Certain parental care activities for military member's parent who is incapable for self-care
10. Any other event that the employee and employer agree is a qualifying exigency

D. Military Family Leave MFL – Eligible employees may request MFL to care for a service member's injury or illness in the line of active duty with the Armed Forces for up to 12 work weeks (60.00 workdays) during a fiscal year (July 1st – June 30th).

E. Military Caregiver Leave MCL – Eligible employees may request MCL during a "single 12-month period" up to a total of 26 workweeks with or without pay granted to an eligible employee to care for a servicemember or veteran (for the employee's spouse, child, parent, or next of kin) with a serious injury or illness.

IV. Notification Requirements

A. An employee who anticipates he/she will be absent from work due to a personal illness or illness in his/her immediate family for more than three consecutive workdays must notify the Human Resources Department.

B. Requests for FML, MFL, or MCL must be made through the Human Resources Department. The Human Resources Department will provide guidance on the electronic application process and will process the leave requests.

C. A request for FML, MFL, or MCL must be submitted electronically to the Human Resources Department for consideration.

D. An eligible employee must provide CCPS at least 30 days advance notice before FML, MFL, or MCL is to begin, if the need for the leave is foreseeable, such as an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or immediate family member. When the need for leave is not foreseeable, such notice must be given as soon as possible.

E. In cases where no prior notice was given, the immediate supervisor must notify the Human Resources Department whenever an employee is absent from work due to personal illness or illness in his/her immediate family for more than three consecutive workdays. The Human Resources Department will then contact the employee to provide information about FML, MFL, or MCL.

F. The FML, MFL, or MCL request must be accompanied by the appropriate forms and certification requested in the FML packets.

1. Failure to provide appropriate documentation may result in denial of FML.

G. Medical Certification Statements completed by the health care provider are required to support an employee's claim for leave on account of his or her own serious health condition or to care for the serious health condition of an immediate family member. Certification must include the date on which the serious health condition commenced; the probable duration of the condition; the appropriate medical facts within the knowledge of the health care provider regarding the condition, and if any accommodations and/or restrictions are needed prior to returning to work. It may be necessary for a representative from the Human Resources Department to contact the physician for clarification, or the Department of Defense to verify an active service member's order.

H. In the case of the employee's own serious health condition, a statement that the employee is unable to perform the essential functions of his/her position as described in the job description must be provided.

I. If an employee must take leave to care for an immediate family member, a medical certification is needed regarding the reasons an eligible employee is needed to care for the immediate family member, the nature of the care he/she will provide, and an estimate of the time needed to care for that immediate family member.

J. An employee who has questions or concerns regarding his/her FML, MFL, or MCL request should contact the Human Resources Department.

V. Approval of Requests

A. CCPS reserves the right to determine, based on information provided, whether the requested leave qualifies for FML, MFL, or MCL.

B. CCPS, in its discretion, may require a second medical opinion and periodic recertification, at its own expense. If the first and second medical opinions differ, CCPS may require, at its own expense, the opinion of the third healthcare provider, jointly approved by CCPS and the employee. A copy of the employee's job description will be provided to the physician to evaluate fitness for duty. The opinion of the third health care provider will be final and binding.

C. Denial of a FML, MFL, or MCL leave request may be appealed to the Superintendent or designee.

VI. Leave Use

A. The employee's accrued sick, personal, and annual leave will be used concurrently during period the employee is on FML, MFL, or MCL and the employee will receive paid leave until his/her accrued leave is exhausted. However, in no event shall such leave exceed an aggregate of sixty (60) workdays in any fiscal year.

B. If an employee does not have enough accrued leave to cover the period of FML, MFL, or MCL, then the employee's absences will be unpaid leave for the remainder of FML, MFL, or MCL.

C. In any case in which both spouses, who are employed with CCPS, are entitled to FML, the aggregate number of workdays of leave to which both are entitled to up to 12 work weeks (60 workdays) during any fiscal year for:

1. the birth and bonding of a newborn,
2. placement for adoption or foster care and bonding with the newly placed child,
3. to care for a parent (one from each spouse) with a serious health condition,
4. to care for a covered service member with a serious injury or illness (MFL)

D. Employees on FML because of a serious health condition or a serious health condition of an immediate family member may be requested to provide, at reasonable intervals, periodic medical updates pertaining to the individual's health status.

E. Taking leave under FML, MFL, or MCL will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

VII. Intermittent Leave and/or Reduced Work Schedule

A. Intermittent leave and a reduced work schedule is available, if medically necessary, due to a serious health condition of an eligible employee, or the eligible employee's immediate family member.

B. The eligible employee is subject to the notification requirements in Section III above.

C. The employee has a duty to make a reasonable effort to schedule treatment so as not to unduly disrupt the operations of the school, subject to the approval of the health care provider.

D. CCPS will attempt to accommodate requests for intermittent leave or reduced work schedule due to medical necessity. The employee may be assigned to an alternative position with equivalent pay and employment benefits if it is determined that such a change is for the good of the school system.

VIII. Retention of Employee Benefits During Leave

A. Any eligible employee who takes leave shall be entitled, upon return from such leave, to be restored to the employee's position of employment held prior to the commencement of leave, or to an equivalent position with equivalent employment benefits, pay, and other conditions of employment. The use of FML will not result in the loss of any benefits accrued prior to the date leave commenced.

B. CCPS may deny restoration to a salaried employee, who is among the highest paid ten percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed, if: (a) such denial is necessary to prevent substantial and grievous economic injury to the operations of CCPS; (b) CCPS notifies the employee of its intent to deny restoration on such basis and at such time that it determines that such injury would occur; and (c) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

C. Determinations of placement of instructional employees upon return from FMLA shall be in accordance with the system's policies and practices and any collective bargaining agreement, if applicable.

D. CCPS will maintain health care coverage under its group health plan to an employee who is granted an approved leave of absence at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

E. The Human Resources Department will provide the employee with the Maryland State Retirement Agency Form 46 - Qualifying Leave of Absence Form to complete when leave is used for the employee's own serious health condition or birth/adoption of a child.

IX. Return to Work

A. Employees are expected to return to work immediately following the expiration of FML. However, if an eligible employee is unable to return to work at the expiration of the FML, the employee may request a medical leave of absence for the remainder of the school year. Such requests must follow procedures and criteria established by the Human Resources Department. In addition, the employee may consider resignation or retirement, depending on his/her circumstances.

B. An employee must provide, in writing, an anticipated date of return to the normal work schedule. Prior to returning to work, the employee must provide medical documentation certifying that he/she is able to perform the functions of his/her job. This documentation should include work restrictions, if any, for consideration by the employer.

X. Failure to Return to Work

A. If an eligible employee fails to return to work after the expiration of FML, the employee will be required to reimburse the CCPS for any medical and health premiums paid for the employee during FML, unless waived by the Director of Human Resources.

XI. Savings Clause

A. Nothing in this procedure shall be read to eliminate or reduce any rights provided in negotiated agreements with employee groups.