

LEAVE GUIDELINES SCHOOL-BASED EMPLOYEES

These guidelines include information regarding attendance and leave administration. It is requested that principals review procedures with staff to ensure compliance with the appropriate negotiated agreement (MCEA, SEIU Local 500, MCAASP, MCBOA). For questions or concerns related to leave, please contact the Employee and Retiree Service Center (ERSC) at 301-517-8100.

Leave Requiring Approval by the Office of School Performance (OSP)

Leave requests for the following purposes should be forwarded to the community superintendent for a minimum of five days in advance to allow time for a response:

- All leave taken by the principal.
- All professional leave charged for local school training (e.g., leave days authorized by OSP or teacher presentations at conferences).

In an emergency situation, the community superintendent, in collaboration with the associate superintendent for human resources and the Leave Administration Unit (LAU) of ERSC, may authorize one day of Unusual or Imperative Leave.

Leave Requiring Principal Approval Only

- Personal leave and annual leave.
- Personal illness or illnesses in the immediate family leave for four or fewer duty days. Such leave for five or more days is to be sent to the LAU.
- Professional leave for outdoor education substitute teacher days allocated by OSP.
- Professional leave for teachers for county, state, or special meetings for which the principal has written approval from the appropriate community or associate superintendent and a funding source has been provided.
- Civil, juror, or witness leave if the subpoena is presented to the principal and the employee is not a named party in the case (except a case directly related to the employee's Montgomery County public Schools (MCPS) job responsibilities). Civil leave should not be approved for employees appearing as witnesses for another employer.
- Bereavement leave that is within the guidelines of the negotiated agreement.

Unscheduled Leave for Principals

Principals must notify the community superintendent by phone of all unscheduled leave (leave that has not had prior approval from the community superintendent, including sick leave). Leave forms should be sent as soon as possible for those categories of leave requiring approval.

Staff Leaving the Building during the Work Day

- When an employee leaves the building for an approved training/workshop, regardless of whether or not a substitute is required, the employee's time out of the building should be reported as professional leave.
- When an employee leaves the building to handle school-related business, such as picking up books or delivering papers, the employee's time should be reported as regular time, but the employee should sign out and in on the school's staff log.

Staff Development in the Building

- Employees who attend staff development activities within the school building are considered on professional leave if a substitute is used who is not a staff development substitute. In this case, a funding source for the substitute must be identified in advance of the activity.

Leave for Teachers who are Candidates for National Board for Professional Teaching Standards (NBPTS) Certification Approved by the Associate Superintendent for Organizational Development

- Teachers who are preparing for NBPTS are permitted to take two days of professional meeting leave for preparation time for the examination. The funding for the two days of professional leave is provided by the Office of the Chief Operating Officer.

Leave Without Pay

- Employees should be at work or on approved leave on scheduled work days. Employees cannot choose to take leave without pay in order to extend the number of days they wish to be off work.
- When an employee has run out of paid sick leave and is still ill, the time reported should continue to be reported as sick. HRIS will not pay an employee beyond the hours that are available to that employee. In these situations, it is important that the employee submit a leave request to LAU when they will be out for five or more days to protect the status of their health benefits and retirement credit, as well as to establish their Family and Medical Leave Act (FLMA) status.
- Except for MCEA members who are on child care leave, employees are not permitted to take a day of leave without pay in order to "save" paid leave for later usage. If the employee has the appropriate paid leave available, that leave must be recorded for the absence.
- Employees are not permitted to use sick leave to take personal time off when they have run out of personal or annual leave. Sick leave is to be used only for illness-related reasons, not as additional personal or annual leave days.
- If you have reason to suspect the misuse of sick leave, you may put the employee on notice that he/she will need to provide medical certification for future illness-related absences. For MCEA employees, the letter directing the employee to provide medical certification must come from LAU.

- If an employee is on unapproved leave, principals have the discretion to code for disciplinary purposes the employee's time as leave without pay (NPR), even if the employee has available paid leave.

Unusual or Imperative Leave

Unusual or Imperative (UIN) leave (unpaid) is only for emergency situations to be approved by the superintendent or his designee, which is LAU.

Bereavement Leave

- Bereavement leave is intended to permit an employee to have a time period for grieving and funeral or burial arrangements immediately following the death of an individual who is among those named in the bereavement leave section of the negotiated agreement.
- Employees may not be granted bereavement leave for deaths of individuals who are not among those listed in the negotiated agreements.
- Bereavement leave is not intended to provide leave beyond the contractual guidelines (five days or two days) for purposes of handling estate matters.
- Bereavement leave is to be taken on consecutive days with consideration given to funeral arrangements. Bereavement leave cannot be "saved up" for later use, except for scheduled special memorial services. These days are counted as part of the five-or two-day bereavement period noted in the negotiated agreements. It is the principal's discretion as to whether or not the employee will be permitted to use additional personal or annual leave up to five days to extend time from work following the bereavement leave period.
- The principal cannot grant authorization for additional days of paid bereavement leave; authorization must be obtained from LAU. Authorization for additional bereavement leave typically is granted only for situations requiring unusual travel circumstances, most often associated with traveling to a foreign country. Travel within the United States is not a reason for granting additional days of bereavement leave.

Workers Compensation Leave

Employees reporting a work related injury must have their injury reported to the MCPS claim reporting service by the principal or designee at 1-888-606-2562. Employees should be reminded that for injuries requiring medical attention, they must use a physician in the OneNet PPO network to receive workers' compensation leave and preserve their sick leave. Workers' compensation leave entitles eligible employees to receive the difference between the state-mandated benefit and the employee's full salary, as calculated on the 14 weeks of pay prior to injury. The benefit is available for a one-year period immediately following the date of the accident. The appropriate MCPS leave documents must be filed and kept current during this process.

Leave for Employee Association Business

- Employees wishing to take leave to participate in employee association business must submit their requests on MCPS Form 430-5, *Union Business Leave Request*, that can be obtained from the appropriate union office.
- The principal should approve the leave request if signed by the union office and if program needs can be met when the employee is on leave.

Employees Returning from Extended Personal Illness Leave

Employees wishing to return to work from personal illness leave of five or more duty days are required to present medical certification indicating the employee is able to return to work and resume his/her duties. MCPS form 440-40, *Return to Work Evaluation*, is available on the MCPS website. There are two important reasons for requiring the medical certification:

- Ensuring the health and safety of the employee, co-workers, and students; and
- Not allowing the employee to return before he/she is capable of resuming work simply for the purpose of “restarting” the consecutive duty day count in order to avoid being placed on long-term leave and vacating the employee’s position.

Instructional (Classroom) Employees Returning from Leave at the End of the School Term

FMLA identifies specific conditions under which a school system can require an instructional employee who is on leave to remain on leave through the end of a school term. The conditions differ depending on the reason for the leave, the length of the leave, how long before the end of the school term the leave began, and how long before the end of the school year the employee wishes to return from leave. If you have an instructional employee on leave who wishes to return from leave within the last three weeks of the school term, please contact LAU to determine the applicability of this FMLA provision.

If you have questions or concerns regarding the return-to-work certification provided by an employee, contact your staffing specialist in the Department of Recruitment and Staffing.