

# REGULATION ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

**Related Entries: Policy GC**

**Responsible Office: DIVISION OF HUMAN RESOURCES**

## LEAVE OF ABSENCES WITHOUT PAY

### A. PURPOSE

To establish procedures for requesting and implementing employee requests for a leave of absence without pay.

### B. BACKGROUND

The Board shall grant a leave of absence without pay for reasons outlined in the applicable Negotiated Agreement or this Administrative Regulation. This regulation shall be implemented in compliance with the provisions of the applicable negotiated agreements, the provisions of which shall supersede any language that may be inconsistent.

Below are the types of absence that may be approved for a Leave of Absence Without Pay:

- a. adoption of a child
- b. AmeriCorps Vista
- c. care of an infant (up to age two)
- d. exchange teaching
- e. further full-time study at a college or university
- f. maternity\*
- g. military service
- h. overseas teaching
- i. paternity\*
- j. Peace Corps
- k. personal
- l. personal illness\*
- m. severe illness of a member of an employee's household\*
- n. transfer of military spouse
- o. foster care

\*Leave must be verified by a physician.

A leave of absence without pay may be an option when other leave categories are not available or in conjunction with other applicable leave.

Other requests for leave shall be considered on a case-by-case basis. The needs of the employee and the needs of the impacted department(s) shall be taken into consideration in granting a Leave of Absence Without Pay and in determining the duration of such leave.

Time on leave of absence without pay is not creditable for determining seniority and shall impact retirement eligibility dates for employees.

## C. DEFINITIONS

**Creditable service** - service credit/experience used by the Maryland State Retirement Agency to calculate the amount of a benefit, and credit used to determine when a member qualifies to receive a benefit.

**Experience Credit** - recognition by Anne Arundel County Public Schools (AACPS) to acknowledge experience/time working for the purposes of salary placement and seniority.

**Leave of Absence** - an absence from work without pay, authorized in advance, for up to one year, or the remaining portion of the school year in which it is requested. A leave of absence without pay incorporates an intent that the employee shall return to the same or a similar position, which shall be available when the employee returns.

**Sabbatical Leave** - an absence from work, with partial pay, authorized in advance for up to one year, to pursue a program of study. (See Regulation GC-RAJ.)

## D. PROCEDURES

### 1. Leave of Absence Without Pay

#### a. Human Resources Procedures

All requests for a leave of absence without pay for permanent employees must be presented in writing on the form designed for this purpose to the Office of Integrated Disability and Leave Management in the Division of Human Resources. The employee should fully outline the purpose of the leave request and include documentation of the need to take leave. The leave of absence without pay must be approved in advance allowing sufficient time for administrative consideration and/or the appointment of temporary replacement personnel, if necessary.

- i. All requests for a leave of absence without pay shall state the beginning date of the requested leave and the approximate length of time the employee expects to be on leave.
- ii. A leave of absence shall be granted for a specific period of time, with the understanding that the employee shall return to work at the end of that time unless an extension of the leave has been requested and approved by the Executive Director of Human Resources, or the employee separates from service.
- iii. In the case of personal illness or illness in the household which exceeds FMLA leave, a written verification from a physician must accompany the request for a leave of absence. A leave request must be given to the supervisor for forwarding to the Executive Director of Human Resources, who shall take action on the request

and notify the employee in writing of the decision.

- iv. The failure of an employee to return to duty on the date of the expiration of leave may result disciplinary action up to and including separation from employment.
- v. An employee on a Leave of Absence Without Pay is held to all standards of conduct as if actively at work, and compliance with all laws. Employees on a leave shall self-report any charges, arrests, and convictions for any offense, including driving under the influence (DUI) or driving while impaired (DWI) and other criminal traffic offenses.

b. Units I-IV

- i. Employees in these bargaining groups shall be subject to the provisions for a leave of absence (e.g. eligibility, limitations) in accordance with the applicable Negotiated Agreements and the terms set forth in this regulation. Where there exists a conflict between the two, current language in the applicable Negotiated Agreement shall prevail.
- ii. All requests for leaves of absences without pay for certificated employees must be presented to the Board for approval.

c. Units V (Professional Support Staff) and VI (Executive Staff)

The Board shall grant a leave of absence without pay to non-probationary Unit V and Unit VI employees who submit a written request for one of the reasons noted previously in Section B of this Regulation:

d. Impact on Experience Credit

- i. A leave of absence for the following reasons is without experience credit:
  - (a) adoption of a child
  - (b) care of an infant
  - (c) full-time study at a college or university
  - (d) maternity/paternity\*
  - (e) personal illness\*
  - (f) severe illness of a member of the employee's household\*
  - (g) transfer of a military spouse

\*Leave must be verified by a physician.

- ii. A leave of absence for the following reasons is provided with experience credit:
  - (a) AmeriCorps VISTA
  - (b) Exchange/Overseas teaching

- (c) Full-time university program of study approved by the Superintendent, specifically designed to improve proficiency in the employee's position.
- (d) military service (tenure not required)
- (e) Peace Corps

e. Obligation of AACPS

In granting a request for a leave of absence without pay, the Board agrees to offer the employee, upon the expiration of leave, employment in a position of as near comparable status as possible to that held prior to the requested leave without creating a new position or transferring another employee.

f. Obligation of Employee

The employee is obligated to notify the Executive Director of Human Resources immediately in writing of any change in the conditions upon which the leave was granted and to be available for reassignment at the convenience of AACPS. Failure to accept reassignment to a position of comparable status, failure to notify the Executive Director of Human Resources of a change in the conditions upon which the leave was granted, or falsification of information in the request for leave shall result in cancellation of the leave, and subject the employee to disciplinary action up to and including separation from employment.

g. Request for Extension of Leave of Absence Without Pay

- i. Employees subject to a Negotiated Agreement are referred to the applicable Negotiated Agreement for information about requesting a leave extension.
- ii. The Board shall consider a request for an extension of the leave of absence without pay by any Unit V and Unit VI employee who requests it in writing by June 1. The request must be submitted to the office of Integrated Disability and Leave Management in the Division of Human Resources. The decision shall be given in writing.

h. Reinstatement at the end of a Leave of Absence Without Pay

- i. Employees subject to a Negotiated Agreement are referred to the applicable Negotiated Agreement for information about reinstatement.
- ii. Where no governing Negotiated Agreement language exists, employees on leave may request reinstatement by giving written notification to the Executive Director of Human Resources sixty (60) days prior to the date the member wishes to return to service at Anne Arundel County Public Schools.
- iii. All employees who have been on a leave of absence for personal illness must provide the Division of Human Resources with a

certificate from the attending physician during the leave certifying the employee's ability to return to work and to perform the duties assigned. Such certification shall be provided no fewer than 3 days before the employee's anticipated return to work.

h. Medical Benefits during Leave of Absence Without Pay

- i. Employees on a leave of absence without pay are eligible to continue membership in the group health plans of AACPS by paying 100% of the full monthly premium of their elected benefits.
- ii. When an employee is granted a leave of absence without pay, the employee shall be notified of the cost of benefits and the payment process.
- iii. An employee on leave of absence without pay may also continue premium payment to a voluntary insurance program through direct payment.

j. Impact on Annual Leave, Personal Business Leave and Sick Leave

Employees shall not accrue annual leave, personal business leave, sick leave, or experience credit (except where otherwise noted above or in the applicable Negotiated Agreement) while on leave of absence without pay.

k. Impact on Retirement

- i. Maryland State Retirement and Pension System (MSRPS) may recognize a leave of absence without pay as a qualified leave of absence for pension credit purposes, depending on the reason for the leave. Therefore, the unpaid service time may be eligible for purchase to increase creditable service.
- ii. To ensure the leave's eligibility for purchase, the employee should submit the appropriate form to the retirement agency to request approval for such leave.

**Regulation History:**      *Developed by Superintendent 04/09/14  
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**Note previous regulation history:** *replaces Policy 800.14/GAP, adopted on 10/16/58 and revised 11/07/90*