



ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

To: Principals/Supervisors

Date: August 16, 2016

From: Monique H. Jackson, NBCT  
Deputy Superintendent  
Student & School Support

Copies to: Timekeepers  
Payroll Personnel

Subject: Employee Leave & Return to Work Procedures  
(Sick Leave, Extended Absence, & FMLA)

The following procedures govern an employee's use of leave to care for his or her own medical condition or a family member's serious medical condition. In addition, return to work protocols are addressed. It is expected that you will review this information with your staff. All employees should be encouraged to monitor their leave usage and available balances using Employee Self Service, which is available at [www.aacps.org](http://www.aacps.org) under the Human Resources tab.

Supervisors are responsible for active management of employee leave, especially as it pertains to lost time. Please make note of supervisory obligations in connection with the Family Medical Leave Act (FMLA), as discussed in Sections IV and V below.

Forms and answers to frequently asked leave questions are available at [www.aacps.org/leave](http://www.aacps.org/leave).

I. Sick Leave in Excess of Three Consecutive Days

To use sick leave for more than three consecutive days, an employee must produce documentation from a **health care provider**.<sup>1</sup>

- Appropriate documentation:
  - ✓ is *related* to the health condition for which the current need for leave exists.
  - ✓ identifies the *health care provider* and type of medical practice.
  - ✓ identifies the *nature* of the condition (the "diagnosis" need not be disclosed).
  - ✓ includes the *date* the health condition commenced, and its probable duration.
- If practicable, employees should submit the documentation **as soon as** the leave exceeds three days, even if still absent from work.
- Timekeepers must attach the documentation to the employee's timesheet and **submit it to payroll**.
- If the total leave period is **fewer than 10 consecutive days**, an employee may return to work without providing the documentation; however, the absence will not be characterized as sick leave **until** the documentation is received. If the documentation is not provided, the period of absence beyond three days will be designated as "lost time."

<sup>1</sup> This provision applies to sick leave used for an employee's illness and sick leave used to take care of a qualifying family member. For family sick leave, the documentation should pertain to the ill family member.

- Timekeepers should notify employees who have been absent for greater than three days that **they may be eligible for FMLA**, especially if the person has exhausted his or her available leave.<sup>2</sup> A script was provided at timekeeper training. Refer employees with FMLA questions to [www.aacps.org/leave](http://www.aacps.org/leave), or the Office of Integrated Disability and Leave Management (IDLIM) at 410.222.5090.

## II. Approval Required to Return to Work

An employee must receive approval from the Division of Human Resources **prior to** returning to work under the following circumstances:

- a. Absence for a period of **10 work days** or more due to an employee's own illness
- b. Receipt of medical restrictions or limitations from a physician
- c. Use of assistive devices such as orthopedic boots, casts, crutches, canes, walkers, wheelchairs, etc.
- d. Emergency medical response to work location (even if the employee refuses ambulance transport)

Employees must submit a "Return to Work Authorization" form that has been completed by the treating health care provider.

- The form must be faxed to the Division of Human Resources at 443-458-0140.
- No employee shall return to work **until** the Division of Human Resources communicates approval to the employee's supervisor.
- If an employee appears for work without prior approval, the employee should be sent home on his/her own leave and directed to follow the foregoing procedures.

## III. Notice Required for Extended Absences (10 or more days)

An employee must provide **30 days advance notice**, and medical documentation, if the need for extended leave is **foreseeable** (surgery, birth, etc.).

- AACPS reserves the right to delay the leave until 30 days after notice is provided.
- Principals, supervisors, or timekeepers **must** notify the Office of Integrated Disability and Leave Management (IDLIM) **as soon as they become aware** that an employee requires extended medical leave to ensure compliance with legal mandates – even if the employee has sufficient leave to cover the period of absence.

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<sup>2</sup> A script was provided to timekeepers at the 2015-2016 training session. *"All employees are able to monitor their leave balances using Employee Self-Service. If you are currently absent due to your own illness or the illness of a family member, and you have concerns about your available leave balance, please contact the IDLM office to determine your eligibility for FMLA leave. You may apply for FMLA leave using the forms found at [www.aacps.org/leave](http://www.aacps.org/leave)."*

- Employees must complete FMLA request forms, regardless of their intention to use paid or unpaid leave. The forms must be completed in advance of commencing the leave.

If the approximate timing of the need for leave is not foreseeable, an employee should give notice of the need for leave *as soon as practicable* under the facts and circumstances of the particular case.

- Notice may be given by the employee's designee if the employee is incapable of doing so.
- Notice should provide pertinent information regarding the approximate length of absence.

#### IV. Exhaustion of Paid Leave

Employees who have exhausted all paid leave options, but must be absent from work due to personal health-related concerns, or those of a qualifying family member, should be:

- Notified by the timekeeper of "potential" FMLA eligibility.
- **Immediately** directed to contact the IDLM Office at 410-222-5090.

Principals, supervisors, or timekeepers who are aware that a person has exhausted his/her paid leave options should notify the IDLM office and/or payroll so that the employee receives timely notice of alternative options and avoids lost time.

#### V. Lost Time & FMLA

Accrual of lost time due to a health-related matter requires an **immediate** response, and must be addressed within 15 days of accrual.

- If an employee gives a health-related reason for the accrual of lost time, direct the employee to the IDLM office and/or contact the IDLM office immediately.
- Employees have fifteen (15) days to submit FMLA documentation after AACPS requests it.
- In general, retroactive designation of FMLA is limited to **15 days**.

MHJ/FGB/sp

A copy of this memorandum can be found at [www.aacps.org/leave](http://www.aacps.org/leave).  
This supersedes the August 15, 2012, memorandum titled "Employee Leave."