

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy GC
Responsible Office: HUMAN RESOURCES

FAMILY AND MEDICAL LEAVE ACT (FMLA)

A. PURPOSE

To implement the Family and Medical Leave Act of 1993 (FMLA) such that reasonable unpaid leave is available for employees with eligible family and medical reasons.

B. BACKGROUND

Anne Arundel County Public Schools (AACPS) endorses the findings and purposes stated in The Family and Medical Leave Act of 1993. AACPS recognizes that both the employees of AACPS as well as the school system itself will benefit from FMLA. The administrative regulations and procedures for administering the law encourage employees to avail themselves of their rights and entitlements under the law. In keeping with a philosophy that FMLA is important to the well-being of employees, all employees and employee groups of AACPS are entitled equally to the provisions of FMLA.

C. PROCEDURES

1. The 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.
2. Eligible employees shall be entitled to a total of 12 workweeks of unpaid leave, in a 12-month period, for the following:
 - a. birth of the employee's child and to care for the child;
 - b. adoption of a child or the placement of a foster child with the employee;
 - c. care of a sick spouse, child, or parent who has a serious health condition; or
 - d. the employee's own serious health condition that renders the employee incapable of performing the functions of his/her job.
3. The National Defense Authorization Act of FY 2008 amends the FMLA Act of 1993 to provide the following Military Family Leave:

- a. Up to 26 weeks of leave in a single 12-month period for eligible employees to care for a covered service member who has a serious injury or illness incurred during the line of duty on active duty.
 - b. Up to 12 weeks of leave entitlement to address certain exigencies for eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty.
4. FMLA leave is granted when the Division of Human Resources has determined that an employee is eligible for leave, that the use of leave meets the requirements of the FMLA and the Division of Human Resources has designated it as such.
5. Requests for FMLA leave shall be made through the Division of Human Resources, Integrated Disability and Leave Management (IDLM) office. The IDLM office shall provide appropriate forms and shall process leave requests.
6. Employees shall submit a certification statement for FMLA leave consideration.
- a. Medical certification must be provided for any request for absence due to a serious health condition or the birth of a child.
 - b. Requests for the adoption and/or foster care of a child must be accompanied by appropriate certification.
 - c. Documentation may be requested to support the request for Military FMLA leave.
 - d. A second and/or third independent opinion may be required for additional medical verification.
7. Instructional employees are subject to “Special Rules Applicable to Employees of Schools,” as set forth in Subpart F of the FMLA statute.
- a. An instructional employee may be required to continue on leave until the end of the academic term under certain circumstances as defined by FMLA and approved by the Executive Director of Human Resources or his/her designee. An instructional employee may be required to continue on leave for the remainder of an academic term if:
 - i. a leave is five weeks or more before the end of a term, and
 - ii. the leave is for three weeks or more, and
 - iii. the employee intends to return during the three weeks before the end of the term.
 - b. Under certain circumstances as defined in the FMLA, where an instructional employee will be on leave for more than 20 percent of the total working days during the leave period, the employee may be required to:

- i. use continuous, rather than intermittent leave or leave on a reduced schedule; or
 - ii. transfer temporarily to an alternative position during the leave period.
8. The Board shall maintain health care coverage under its group health plan to an employee who is granted approved family and medical leave 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. If the employee elects not to return to work after completing his/her leave, the Board may recover from the employee the cost of any premium payments made to maintain the employee's coverage, unless the failure to return to work is for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave or other circumstances beyond the employee's control.
9. Intermittent leave is available, if medically necessary, due to a serious health condition of an eligible employee, or the eligible employee's immediate family member or eligible social security dependent. The birth of a child, adoption, and/or foster care are not covered under intermittent leave.
10. Return to work
 - a. Prior to returning to work, an employee on FMLA leave for his/her own serious health condition is required to submit a medical certification stating that the employee is able to perform the functions of the job.
 - b. The eligible employee shall be returned in the same position, in most cases, as held prior to the FMLA leave. However, in some instances, the employee may be returned to an available equivalent position for which the employee is qualified with equivalent employment benefits, pay, responsibilities, and other conditions in existence prior to the FMLA leave.
 - c. Taking leave under FMLA shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

Regulation History: *Developed by Superintendent 10/14/14
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Note previous regulation history: *None, replacing Policy 800.32*