

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: GC, GC-RAQ
Responsible Office: DIVISION OF HUMAN RESOURCES

SICK LEAVE

A. PURPOSE

To establish procedures for the accrual, use, and disposition of sick leave.

B. BACKGROUND

Sick leave is an important employee benefit as it provides paid leave when an employee is absent from work due to illness, injury, temporary disability, pregnancy, medical exams, or medical treatment for the employee or the employee's immediate family member.

State law, Board policy, and Anne Arundel County Public Schools (AACPS) negotiated agreements establish the authority and procedures for permanent employees to accumulate and use sick leave. Temporary employees are eligible for sick and safe leave benefits in accordance with Regulation GC-RAQ – Sick and Safe Leave for Permanent and Temporary Employees.

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.

C. DEFINITIONS

1. ***Permanent Employee*** – an employee hired to work in a position budgeted as a permanent position with AACPS. Permanent employees are assigned to Units which are governed by negotiated agreements (Units I, II, III, and IV) or terms of employment (Units V and VI).
2. ***Special Pay Plan*** – a 403(b) retirement plan established for receipt of employer contributions made upon termination of employment, based on the value of accumulated and unused sick leave, as specified in the applicable negotiated agreements or terms of employment and governed by the terms of the Plan Adoption Agreement.

3. **Temporary Employee** – an employee hired to work on a temporary basis in a position that is not a budgeted position at AACPS.
4. **Transfer Sick Leave** – in accordance with State regulations, up to 100 days of unused sick leave earned while employed in another Maryland school system may be transferred to AACPS upon employment.

D. PROCEDURES

1. Rate of Earning

- a. Employees in Units I, II, III, and IV shall earn sick leave in accordance with their respective negotiated agreements.
- b. Full-time employees in Unit V or Unit VI shall earn sick leave at the rate of 4 hours of sick leave for each pay period employed, including time spent on annual leave.
- c. Part-time employees shall earn sick leave on a pro-rata basis, based on their Unit.
- d. Unused sick leave shall be accumulated without limit.
- e. Advanced sick leave for Employees in Units I, II, IV, V, and VI – At the beginning of each fiscal and school year, employees are advanced sick leave that shall be earned during the year. Should an employee use the full allotment before it is earned and separates from employment, the value of the used but unearned sick leave shall be deducted from any pay due.

2. Transfer of Sick Leave

New employees who come to AACPS from another Maryland school system may submit a request to transfer up to 100 days of unused sick leave accumulated after September 1, 1966, in accordance with the Code of Maryland Regulations. The employee is responsible for submitting the appropriate form to the prior employer to verify the unused sick leave and submitting the completed form to the Payroll department. The Payroll department shall transfer the verified sick leave days. When transferred, the employee shall receive notice by way of the increase in the sick leave available as reported on the pay record received by the employee biweekly.

3. Use of Sick Leave

- a. Employees in Units I, II, III, and IV shall follow the terms for usage of sick leave as specified in their respective negotiated agreement.

- b. Employees in Unit V and Unit VI may use sick leave in half-day or full-day increments.
 - c. Absence due to illness in excess of 3 consecutive duty days must be attested to by a physician in order to be classified as sick leave. Upon returning to work, employees must provide a doctor's note indicating that the absence was due to illness or injury. Failure to provide the requisite documentation may result in the accrual of Unauthorized Leave, even if an employee has sick leave available.
- 4. Notification Requirements for the Use of Sick Leave**
- a. Employees must notify their supervisor of an absence due to illness or injury prior to the commencement of work hours unless the nature of the illness or injury makes advance notice impossible.
 - b. The procedures for reporting leave, and the amount of notice required, may vary based on the needs of the employee's position and the employee's bargaining unit. An employee may obtain guidance from the employee's negotiated agreement or the employee's supervisor.
 - c. If the nature of the illness or injury prevents an employee from communicating the absence directly to a supervisor, a third party may provide notice to a supervisor on the employee's behalf.
 - d. If the extended use of sick leave is foreseeable, an employee shall provide 30 days advance notice of the leave and a medical certification or release in accordance with the Office of Integrated Disability and Leave Management procedures.
 - e. Except as indicated in paragraph D.4.a. above, failure to provide advance notice of an absence due to illness may result in administrative and disciplinary consequences.

5. Maternity Leave

If an employee is temporarily disabled due to pregnancy or childbirth, the employee shall contact the Office of Integrated Disability and Leave Management for available leave options, which may include paid and unpaid leave.

6. Employees with No Available Sick Leave

- a. Employees in Units I, II, III, and IV whose sick leave has been exhausted and who have an absence due to illness shall have that absence managed in accordance with their applicable negotiated agreement.
- b. Employees in Units V and VI who have exhausted their allotted sick leave and have an absence due to illness may have that absence charged against any

remaining annual or personal business leave balance, when available, until all such accumulated leave is depleted, at which time the employee shall be put on leave without pay.

- c. Such employees may be eligible for other types of leave, including, unpaid leave under the Family and Medical Leave Act of 1993, Leave of Absence without pay, or leave through a Sick Leave Bank as specified in the applicable negotiated agreement.

7. Return to Work

- a. Employees must produce a doctor's certification authorizing them to return to work if:
 - i. They are absent from work due to their own personal illness for a period of 2 work weeks or 10 work days, or more;
 - ii. They are returning to work with restrictions or limitations (regardless of whether the employee uses sick leave); or
 - iii. Emergency medical services were called to a work site due to an employee's illness, regardless of whether the employee is transported from the facility or any work time is missed.
- b. Return to work forms are available through the Office of Integrated Disability and Leave Management.

8. Protection of Certain Benefits Eligibility

To protect an employee's eligibility under the Maryland State Retirement System as well as the term life insurance program of the Board, the Board may place the employee on Leave of Absence without pay in the case of an extended illness after the employee's sick leave has been exhausted.

9. Change in Work Schedule

When a part-time employee is assigned to or accepts a full-time position, the accumulated sick leave of that employee shall be converted to the hourly equivalent according to the employee's full time equivalency.

10. Sick Leave for Former Employees

Except in the case of retirement, a former employee who is re-employed within 5 years of the separation date shall be credited with unused sick leave that had been accumulated during the previous employment, provided that such leave was not

previously paid out to the employee in cash or deferred compensation or was transferred to another Maryland school system.

11. Disposition of Accumulated Sick Leave upon Retirement

- a. An employee who retires from AACPS in accordance with the provisions of the Maryland State Retirement and Pension System shall be paid for all unused accumulated sick leave earned while employed with AACPS at the daily rate established in the applicable negotiated agreement or terms of employment. The payout may be in cash or deferred compensation, according to the terms of the AACPS Special Pay Plan.
- b. Unused sick leave is reported to the Maryland State Retirement Agency on the employee's application for service or disability retirement and may increase the employee's creditable service, and therefore the employee's monthly pension payment.

12. Disposition of Accumulated Sick Leave upon Resignation

- a. An employee with less than 15 years of employment with AACPS is not eligible to be paid out for any accumulated unused sick leave.
- b. An employee with at least 15 years of experience with AACPS shall be paid for all unused accumulated sick leave earned while employed with AACPS at the daily rate established in the applicable negotiated agreement or terms of employment. The payout may be in cash or deferred compensation, according to the terms of the AACPS Special Pay Plan. In the event of an employee's death such amount shall be paid to the employee's estate.

13. Sick and Safe Leave

Notwithstanding any provisions in this regulation, an AACPS employee shall earn sick and safe leave in accordance with Regulation GC-RAQ – Sick and Safe Leave for Permanent and Temporary Employees.

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Note Previous Regulation History: Rescinding Policy GAQ/800.15, GAT/800.19, GAV/800.19