

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

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

SICK AND SAFE LEAVE FOR PERMANENT AND TEMPORARY EMPLOYEES

1. PURPOSE

To establish procedures for the accrual and use of sick and safe leave at Anne Arundel County Public Schools (AACPS).

2. BACKGROUND

The Maryland Healthy Working Families Act of 2018 requires AACPS to provide 40 hours of sick and safe leave to employees who meet specified criteria in accordance with the law. The 40 hours of sick and safe leave may only be used as specified in this 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.

C. DEFINITIONS

1. **Family Member** – for the purposes of this regulation:
 - a. A biological child, an adopted child, a foster child, or a stepchild of the employee;
 - b. A child for whom the employee has legal or physical custody or guardianship;
 - c. A child for whom the employee stands in *loco parentis*, regardless of the child's age;
 - d. A biological parent, an adoptive parent, a foster parent, or a stepparent of the employee or of the employee's spouse;
 - e. The legal guardian of the employee;

- f. An individual who acted as a parent or stood in *loco parentis* to the employee or the employee's spouse when the employee or the employee's spouse was a minor;
 - g. The spouse of the employee;
 - h. A biological grandparent, an adopted grandparent, a foster grandparent, or a stepgrandparent of the employee;
 - i. A biological grandchild, an adopted grandchild, a foster grandchild, or a stepgrandchild of the employee; or
 - j. A biological sibling, an adopted sibling, a foster sibling, or a stepsibling of the employee.
2. ***Sick and Safe Leave*** – paid leave away from work that is provided in accordance with the Maryland Healthy Working Families Act of 2018.
3. ***Temporary Employee*** – for the purposes of this regulation, an employee hired to work on a temporary basis in a position that is not a budgeted position at AACPS and:
- a. Is called to work by AACPS on an as-needed basis;
 - b. Can reject or accept the shift offered by AACPS; and
 - c. Is not guaranteed to be called on to work by AACPS.

D. PROCEDURES

1. Sick and Safe Leave

Notwithstanding any other provision in AACPS policy, AACPS provides sick leave to AACPS employees. Of the sick leave, 40 hours is deemed sick and safe leave that is in accordance with AACPS negotiated agreements, policies, and regulations. The sick and safe leave may only be used in accordance with this regulation.

- a. An employee, not including a temporary employee, shall be awarded 40 hours of sick and safe leave at the beginning of each fiscal year. The fiscal year commences on July 1 and ends on June 30 each year.
- b. Sick and safe leave shall be part of and not in addition to the sick leave that is already offered by AACPS.
- c. An employee may not carry over any unused sick and safe leave at the end of the fiscal year.

- d. If a former AACPS employee is rehired within 5 years of separation, any earned and unused sick and safe leave that the employee had at the time of separation shall be reinstated 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.

2. Use of Sick and Safe Leave

- a. An employee may only use sick and safe leave as follows:
 - i. To care for or treat the employee's mental or physical illness, injury or condition;
 - ii. To obtain preventative medical care for the employee or the employee's family member;
 - iii. To care for a family member with a mental or physical illness, injury or condition;
 - iv. For maternity or paternity leave; or
 - v. The absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member and the leave is being used to:
 - 1) Obtain medical or mental health attention;
 - 2) Obtain services from a victim services organization;
 - 3) Attain legal services or attend legal proceedings; or
 - 4) Temporarily relocate as a result of the domestic violence, sexual assault, or stalking.
- b. An employee who requests to use sick and safe leave for subparagraphs (a) i.-iii. above may be asked to provide documentation in accordance with Regulation GC-RAB – Sick Leave. An employee who requests to use sick and safe leave for subparagraphs D.2.a.iv. and D.2.a.v. above may be asked to provide documentation to show that the sick and safe leave is being used for an authorized purpose in accordance with this regulation.
- c. An employee may use sick and safe leave in accordance with AACPS negotiated agreements, policies, and regulations.

3. Notification Requirements

- a. If the need to use sick and safe leave is foreseeable, an employee shall provide notice at least 7 days prior to use of the leave.
- b. If the need to use sick and safe leave is not foreseeable, an employee shall provide notice as soon as practicable.
- c. A request for sick and safe leave may be denied if the employee fails to provide proper notice and the employee's absence will cause a disruption to the employer.
- d. An employee who uses sick and safe leave for an unauthorized purpose or who has demonstrated a pattern of abusing sick and safe leave may be denied the right to use earned sick and safe leave in the future.
- e. If an employee uses sick and safe leave for more than three consecutive scheduled work days, the employee shall provide verification that the leave was used for an authorized purpose as defined in this regulation.

4. Temporary Employees

Notwithstanding any other provision in this regulation, a temporary employee:

- a. Shall earn sick and safe leave at the rate of 1 hour for every 30 hours that an employee works up to a maximum of 40 hours if the temporary employee worked at least 24 hours in a biweekly pay period; and
- b. Upon termination, any unused sick and safe leave shall remain available for 37 weeks. If the temporary employee is hired for a permanent position at AACPS within 37 weeks, the unused sick and safe leave shall transfer to the employee's sick leave. If a temporary employee is not rehired after 37 weeks, the sick and safe leave shall expire.

Regulation History: Developed by Superintendent 09/25/19
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Note Previous Regulation History: None