

POLICY

**SOMERSET COUNTY
BOARD OF EDUCATION**

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Subject: Sick Leave	Date Approved: June 15, 1982, October 17, 2006, May 26, 2009, August 16, 2011 May 17, 2016 Date Revised: December 20, 1988 June 15, 1999, March, 2000 September 19, 2006, March 17, 2009, June 30, 2011, May 17, 2016 Date Effective: July 1, 1999, March, 2000 October 17, 2006, May 26, 2009, August 16, 2011, May 17, 2016

1. PURPOSE

To establish guidelines for administering sick leave for employees of the Somerset County Public School System and its impact on staff members' summative evaluations as stipulated by the Family and Medical Leave Act and related documentation.

2. PROCEDURE

- A. All twelve month employees are permitted to accumulate 1 day for each month worked plus one additional day or 13 days per year.
- B. Eleven month employees accumulate 1 day for each month worked plus one day or 12 days per year; and ten month employees accumulate 1 day for each month worked plus one day or 11 days per year.
- C. Sick leave is an unlimited accrual benefit. At the end of each year, unused personal leave and leave for illness in family will be added to the existing sum of accumulated unused sick leave. Sick leave documentation must be entered in the computerized attendance system by the employee. The employee's supervisor is responsible for approving the sick leave.
- D. Sick leave will not accrue during a leave of absence.
- E. Sick leave may be transferred between Maryland counties and Baltimore City only.

- F. Sick leave shall also include other excused absences, such as medical, dental, or optical examination or treatment impossible to schedule on non-duty days. The full allotment of days shall be available for all employees beginning with the first day on the school calendar.
- G. No medical proof of illness shall be required for use of sick leave unless in the judgment of the Superintendent there has been a systematic pattern of absences, prolonged illness in excess of 3 days, or for a concern of fraud. Absences in excess of three days require a Family and Medical Leave Application (FMLA) to be completed in order to have the absence excluded from the employee's final evaluation.
- H. Employees may use sick leave as a primary care giver as defined by the FMLA policy under the following conditions after completion of the FMLA application.
- (1) The employee must exhaust illness in the family days and personal business days prior to using the sick leave as a care giver.
 - (2) The employee may use sick leave as a care giver to spouse, children, parents and in-laws only. Any exceptions must be approved by the Superintendent.
 - (3) Request for this type of sick leave must be made 72 hours in advance unless in emergency situations.
- I. Absences covered under the Family and Medical Leave Act and bereavement leave are not to be factored into an employee's summative evaluation. FMLA or bereavement leave absences may not be used or referenced on any evaluation. The employee will return completed FMLA forms to the Human Resources Office within one to two weeks with the exception of an emergency situation in which the employee is incapacitated.
- J. Conditions for which Family and/or Medical Leave (FMLA) May Be Granted
- (1) Birth and subsequent care of a child of an eligible employee
 - (2) Care of adopted or foster child
 - (3) Care of eligible employee's spouse, child or parent who has a serious health problem
 - (4) Serious health conditions in excess of 3 days which makes the eligible employee unable to perform the essential functions of the assigned position
 - (5) A qualifying exigency "arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty or has been notified of an impending call to active duty status in support of a contingency operation. Regulations require the Secretary of Labor to issue regulations defining any qualifying exigency".
 - (6) An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained

in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12 month period to care for the service member. This provision became effective immediately upon enactment January 28, 2009. This military caregiver leave is available during “a single 12 month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Note: Entitlement of family leave expires twelve (12) months after the birth or adoption of a child. Additionally, such leave cannot be taken intermittently.

Reference: Annotated Code of Maryland
4-102, 4-204, 4-205, 6-408
United States Annotated Code
6-305 Title 26
Family and Medical Leave Act
Negotiated Agreement