

A. Purpose

This Regulation aims to ensure that employees understand their responsibilities regarding time management, help maintain productivity and efficiency within Frederick County Public Schools (FCPS), and provide a consistent framework for addressing attendance issues. Additionally, this guidance helps to manage and reduce absenteeism, support fair treatment of employees, and maintain a positive work environment.

B. Background

Paid leave is a negotiated benefit provided to FCPS employees. This Regulation outlines the different types of leave and the procedures required for their approval. Additionally, for employees who have depleted their accrued leave balances for reasons not covered by the Family and Medical Leave Act (FMLA), unpaid leave options are available. This Regulation details how to request unpaid leave and the support and processes in place for employees in such situations.

C. Definitions

1. “Annual Leave” is defined to mean leave accrued by eligible twelve-month employees, also known as vacation leave, which requires pre-approval before use.
2. “Catastrophic Leave” is defined to mean leave for an illness or injury that is prolonged and/or incapacitating.
3. “Emergency Closure” is defined to mean the temporary closure of a school or facility due to unforeseen circumstances that jeopardize the health, safety, or well-being of students or staff or both, and includes, but is not limited to, inclement weather conditions (*e.g.*, snowstorms, flooding, extreme temperatures), failure of building systems (*e.g.*, electrical, plumbing), or other emergencies such as natural disasters, utility outages, or security threats.
4. “Emergency Personnel” is defined as an employment status determined, assigned, and notified annually by the Superintendent’s Cabinet, and includes the lead Facility Service Worker, assistant lead Facility Service Worker, and specified operations and maintenance personnel.
5. “Extended Leave” is defined to mean more than ten (10) consecutive workdays or two (2) weeks of personal and/or annual leave.
6. “Extenuating Circumstances” is defined to mean situations beyond an employee's control that significantly impact their ability to work (*e.g.*, medical emergencies, family-related situations that qualify for FMLA, legal or personal crises, unusual or imperative circumstances, natural disasters or emergencies, etc.).

7. “Leave Without Pay” is defined to mean a period of time away from work by an employee for which they do not receive compensation.
8. “Personal Leave” is defined to mean leave accrued by a benefited employee that may be used for personal reasons, which requires pre-approval except for in emergency situations.
9. “Sick Leave” is defined to mean leave accrued by a benefited employee for the use of personal illness or the illness of a family member.
10. “Supervisor” is defined to mean the individual responsible for approving leave and evaluating the employee.
11. “Telework Program” or “Telework” is defined to mean a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative worksite (*e.g.*, home) with the approval of a supervisor.
12. “Unscheduled Leave” is defined as unscheduled annual or personal leave typically granted during weather-related or other Emergency Closures and/or events when an employee is unable to report to work.

D. Procedures

1. All leave types are regulated by the negotiated agreements; non-unit employee group members should reference [Board Policy 319, Non-Unit Employee Group](#), which directs non-unit employee group members to the leave described in the Frederick County Administrative and Supervisory Association (FCASA) negotiated agreement. For details on the type, duration, and procedures for each, please consult the negotiated agreements for the applicable bargaining unit. The categories of leave include:
 - a. Annual Leave;
 - b. Personal Leave;
 - c. Sick Leave (including Annual Leave Grant, as applicable, sick leave bank, or family crisis leave);
 - d. Bereavement Leave;
 - e. Professional Leave;
 - f. Leave Due to Religious Observance;
 - g. Leave Without Pay Due to Personal Disability;
 - h. Jury Duty/Legal Proceedings;
 - i. Military Leave;
 - j. Leave Without Pay;
 - k. Leave of Absence (LOA); and
 - l. Assault/Work-Related Injury Leave.
2. **Family and Medical Leave.** Family and medical leave is a job protection statute and not a leave status, which entitles eligible employees to take up to twelve (12) weeks of unpaid job-protected leave per year for specific family and medical reasons. FMLA leave may be unpaid or used concurrently with employer-provided paid leave. [FCPS Regulation 300-](#)

[42, Family and Medical Leave \(FMLA\)/ Non-Military](#), and [FCPS Regulation 300-47, Military Family and Medical Leave](#), detail the benefits available to eligible employees under the FMLA.

3. Extended Leave

- a. Extended leave may be granted only once within a twelve (12)-month period, unless there are extenuating circumstances.
- b. Personal and annual leave may be combined for a like or similar use to create extended leave.
- c. Sick leave cannot be combined with personal or annual leave to create an extended leave for non-illness-related reasons, such as travel or vacation.
- d. Employees must obtain approval from their supervisor before making any reservations or plans related to the use of extended leave.

4. Emergency Closure Standards (Excluding Emergency Personnel)

- a. **Adjusted Reporting Times.** When schools and/or offices close early or open late due to an Emergency Closure, the adjusted reporting times are provided to employees scheduled to report to work on these dates. If an employee was scheduled to be on leave but the leave day is affected by inclement weather closures, the employee may request to have their leave restored the day of or within the current pay period window. This applies to intermittent leave (daily), but does not apply to FMLA or extended leave.
- b. **Telework**
 - i. To be eligible for telework on Emergency Closure days, employees must have an active Telework Employee Acknowledgment Form on file.
 - ii. Delayed openings do not apply to office-based teleworking employees.
 - iii. Telework must be approved in advance by the employee's supervisor.
 - iv. Employees approved to telework during Emergency Closures are expected to begin work at their regular start time.
 - v. Teleworking employees are expected to work their full scheduled workday unless otherwise directed by their supervisor. In the event of extenuating circumstances, employees must promptly notify and communicate with their supervisor to discuss any necessary adjustments to their assigned schedule.
- c. **Delayed Office Opening.** When offices open on a two-hour delay:
 - i. All non-emergency personnel should report two hours after their typical start time (school or office).
 - ii. Staff whose hours are not impacted by the delay should work their full hours and schedule.
- d. **Early Office Closure.** Employees who have already completed their shift when offices close early do not need to take further action, and no additional compensation time will be provided.
- e. **Unscheduled Leave**
 - i. When the system is closed due to an Emergency Closure and an Unscheduled Leave policy is announced, employees who normally report to work when schools are closed should be aware of the following guidelines:
 - 1. Employees must inform their supervisor if they will be absent or late.

2. Employees may use either personal or annual leave. If annual and personal leave are exhausted, the employee may request to have leave charged against future earned leave (pay stub will show a negative balance).
 3. Support employees may, with supervisor's approval, make up time in lieu of using leave, or use earned compensatory time.
 4. The Frederick Association of School Support Employees (FASSE), Frederick County Teachers Association (FCTA), and FCASA negotiated agreements outline some aspects of employee leave procedures in more detail. Supervisors and employees are encouraged to reference current agreements.
 - ii. Emergency personnel are not authorized to use Unscheduled Leave.
5. **Emergency Closure Standards for Ten (10)-Month Employees**
- a. **Delayed School Opening/Early Closure.** If schools are delayed, or close early, 10-month employees should adjust their report time by the appropriate delay/early closure time (e.g., two (2) hour delay by two (2) hours).
 - b. **Delayed Office Opening/Early Closure.** If offices are delayed, or close early, 10-month employees should adjust their report time by the appropriate delay/early closure time (e.g., two (2) hour delay by two (2) hours).
 - c. **Leave Deduction for Emergency Closures.** If schools and/or offices close due to an Emergency Closure, 10-month employees will not have leave deducted due to snow days or calendar adjustments. This is because their work calendars are already adjusted for the school year and potential snow days.
 - d. **Additional Workdays.** 10-month staff who are required to work additional days beyond their usual schedule (e.g., to make up for lost days due to Emergency Closures) may use with supervisor's approval Emergency Closure days to count toward those required additional workdays. Emergency Closures do not reduce the number of extra days an employee must work.
6. **Emergency Closure Standards for Eleven (11)-Month Employees**
- a. **Delayed School Opening/Early Closure.** If schools are delayed, or close early, 11-month employees should adjust their report time by the appropriate delay/early closure time (e.g., two (2) hour delay by two (2) hours).
 - b. **Delayed Office Opening/Early Closure.** If offices are delayed, or close early, 11-month employees should adjust their report time by the appropriate delay/early closure time (e.g., two (2) hour delay by two (2) hours).
 - c. **Leave Deduction for Emergency Closures.** If schools and/or offices close due to an Emergency Closure, 11-month employees will not have leave deducted due to snow days or calendar adjustments. This is because their work calendars are already adjusted for the school year and potential snow days.
 - d. **Additional Workdays.** 11-month staff who are required to work additional days beyond their usual schedule (e.g., to make up for lost days due to Emergency Closures) may use, with supervisor's approval, Emergency Closure days to count toward those required additional workdays. Emergency Closures do not reduce the number of extra days an employee must work.
7. **Emergency Closure Standards for Twelve (12)-Month Employees**

- a. **Delayed School Opening/Early Closure.** If schools are delayed, or close early, 12-month employees should report on time unless otherwise specified.
 - b. **Delayed Office Opening.** If offices are delayed, 12-month employees should adjust their report time by the appropriate delay time (*e.g.*, two (2) hour delay by two (2) hours) unless otherwise specified. Second shift employees should report on time.
 - c. **Early Office Closure.** If offices close early, 12-month employees should adjust their leave time by the appropriate closure time (*e.g.*, two (2) hour early closure by two (2) hours) unless otherwise specified. Second shift employees should contact their supervisor.
 - d. **Leave Deduction for Emergency Closures.** If schools and/or offices close due to an Emergency Closure, 12-month employees on pre-approved leave will still have their scheduled leave deducted. Employees whose pre-approved leave has changed should contact their supervisor to cancel the leave.
8. **Emergency Closure Standards for Emergency Personnel Only**
- a. **Reporting Times and Instructions**
 - i. Emergency Personnel will receive reporting instructions from their immediate or site-based supervisor.
 - ii. Emergency Personnel who are directed to report to work are not authorized to use Unscheduled Leave.
 - b. **Early Office Closure.** Employees who have already completed their shift when offices close early do not need to take further action, and no additional compensation time will be provided.
 - c. **Leave Deduction for Early Closures**
 - i. When offices and schools close early due to an Emergency Closure, employees will not be charged leave for the remainder of their scheduled workday.
 - ii. Employees who have not yet started their shift (*e.g.*, evening Facility Service Workers) and were scheduled to work during an Emergency Closure will not be charged leave for those hours, as FCPS closed the building.
 - d. **Overtime.** Facility Service Workers and maintenance staff who report as directed on a day when FCPS is closed due to an Emergency Closure will be eligible for overtime pay, as prescribed in the negotiated agreement.
9. **Leave Adjustment**
- a. **Ten (10)- and Eleven (11)-Month Employees.** If schools or offices close systemwide due to an Emergency Closure, no leave is deducted. Their calendars are already built with adjustments for those closures.
 - b. **Twelve (12)-Month Employees.** If there is a systemwide Emergency Closure, leave is only deducted if the employee was already on pre-approved leave for that day.
 - i. If an employee was not on leave, no deduction occurs.
 - ii. If an employee requests to cancel pre-approved leave due to the closure, they must contact their supervisor who shall cancel their leave request.
 - iii. If the employee fails to notify of the modification to the leave request no later than the end of the pay period in which the leave request occurred, then the request to modify the leave will be denied.

- c. Please note, emergency personnel should not have leave deducted because of a systemwide emergency closure or early closure. Leave is only deducted if emergency personnel independently took pre-approved leave, not because of the closure itself.
- d. When an employee has entered leave and used a leave type in which they have no balance left, PeopleSoft HR will automatically alter the type of leave that has been submitted to use a leave type with a positive balance. This leave rule will process each leave type completely before moving to the next leave type.
- e. The order of depletion is as follows based on the original leave type requested:
SICK > ADDITIONAL LEAVE GRANT > PERSONAL > ANNUAL > NO LEAVE AVAILABLE.
- f. Consistent with paragraph D(9)(e) above, § sick leave cannot be used to cover personal or vacation leave deficits.
- g. If annual leave is requested but not available, PeopleSoft HR will alter the type of leave to Personal Leave before no leave being available.

10. Leave Options Available After Exhausting Leave

- a. After an employee has utilized all available protected leave, the remaining available options include:
 - i. Unpaid leave of absence;
 - ii. Return to work;
 - iii. Resignation; or
 - iv. Sick and safe leave (*non-benefited positions only*).
- b. Employees are not permitted to utilize multiple days of unpaid leave without selecting one of the options below.
- c. **Unpaid Leave of Absence**
 - i. **Frederick Association of School Support Employees (FASSE).** For employees who are members of the FASSE unit, unpaid leave options are outlined in section 6.4 of the [Board and FASSE Negotiated Agreement](#).
 - ii. **Frederick County Teachers Association (FCTA).** For employees who are members of the FCTA unit, unpaid leave options are outlined in section XXVIII of the [Board and FCTA Negotiated Agreement](#).
 - iii. **Frederick County Administrative and Supervisory Association (FCASA).** For employees who are members of the FCASA unit, unpaid leave options are outlined in section 8.8 of the [Board and FCASA Negotiated Agreement](#).
- d. **Return to Work**
 - i. **Frederick Association of School Support Employees (FASSE).** For employees who are members of the FASSE unit, mutually agreed upon return from leave is outlined in section 6.4 of the [Board and FASSE Negotiated Agreement](#).
 - ii. **Frederick County Teachers Association (FCTA).** For employees who are members of the FCTA unit, mutually agreed upon return from leave is outlined in Article XXVIII-Extended Leaves of Absence of the [Board and FCTA Negotiated Agreement](#).
 - iii. **Frederick County Administrative and Supervisory Association (FCASA).** For employees who are members of the FCASA unit, mutually agreed upon return from leave is outlined in section 8.12 of the [Board and FCASA Negotiated Agreement](#).

- e. **Resignation.** If an employee has exhausted all unpaid leave options, the next available option would be resignation of employment with FCPS.
- f. **Sick and Safe Leave.** This leave option is available to only non-benefited positions. The FCPS Sick and Safe leave programs meet the requirements of the Maryland Healthy Working Families Act. Non-benefited employees may reference the Maryland Healthy Working Families Act for eligibility requirements at the following link: <http://www.dllr.maryland.gov/paidleave/paidleavefaqs.pdf>.

11. **Progressive Discipline.** If an employee has used all available leave and does not consistently and regularly report to work, progressive discipline procedures will be utilized alongside the [Employee Code of Conduct](#).

E. Related Information

- 1. **Board Policy**
 - a. [Policy 300, Personnel](#)
 - b. [Policy 319, Non-Unit Employee Group](#)
- 2. **FCPS Regulations**
 - a. [Regulation 300-42, Family and Medical Leave \(FMLA\)/ Non-Military](#)
 - b. [Regulation 300-47, Military Family and Medical Leave](#)
 - c. [Regulation 400-02, Closing of Schools Because of Weather, Maintenance, or Other Reasons](#)
- 3. **FCPS Resources**
 - a. [Employee Handbook and Code of Conduct](#)
 - b. [FCPS Weather Delays and Closings](#)
 - c. [Negotiated Labor Agreements](#)
 - d. [Telework Employee Acknowledgment Form](#)
 - e. [Telework FAQ for Employees](#)
- 4. **Federal Law**
 - a. Family and Medical Leave Act
 - b. Fair Labor Standards Act
- 5. **Maryland Law**
 - a. Maryland Healthy Working Families Act
- 6. **Maryland Statutes**
 - a. [Md. Code Ann., Lab. & Empl. § 3-1301, et seq.](#)

F. Regulation History (Maintained by Legal Services)

<i>Responsible Office</i>	Office of Human Resources
Adoption Dates	11/21/24
Review Dates	

Revision Dates	09/15/25
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