

## **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. “Leave Without Pay” is defined to mean a period of time away from work by an employee for which they do not receive compensation.
4. “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.
5. “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.
6. “Supervisor” is defined to mean the individual responsible for approving leave and evaluating the employee.

## **D. Procedures**

1. All leave types are regulated by the negotiated agreements. 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);
  - 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. **Leave Adjustment**
- a. 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.
  - b. The order of depletion is as follows based on the original leave type requested:  
SICK > ADDITIONAL LEAVE GRANT > PERSONAL > ANNUAL > NO LEAVE AVAILABLE.
  - c. Catastrophic – sick leave bank/crisis leave bank.
  - d. If annual leave is requested but not available, PeopleSoft HR will alter the type of leave to Personal Leave before no leave being available.
4. **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>.
5. **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*
- 2. **FCPS Regulations**
  - a. [Regulation 300-42](#), *Family and Medical Leave (FMLA)/ Non-Military*
  - b. [Regulation 300-47](#), *Military Family and Medical Leave*
- 3. **FCPS Resources**
  - a. [Employee Handbook and Code of Conduct](#)
  - b. [Negotiated Labor Agreements](#)
- 4. **Federal Law**
  - a. Family and Medical Leave 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	