Type of Leave: Adoption

Summary: Baltimore County Public Schools (BCPS) provides eligible employees up to six weeks of leave for the adoption of a child beginning on the day the child is received. Personal illness absence time may be used for this period. If employee is eligible for Family Medical Leave Act leave (FMLA), this leave runs concurrently with approved FMLA leave. See FMLA for more information on additional unpaid time available under FMLA.

Employees covered by the TABCO bargaining unit agreement may use accrued personal illness absence time in the event of an out of state adoption, if emergency conditions develop, including a government or agency imposed waiting period which delay receipt of the child, for up to six weeks as a result of this delay (proper documentation is required).

Eligibility: Regular (.1 full time equivalency or greater) employees of BCPS.

Approved By: Department of Human Resources

All required documentation noted below should be sent to:

The Department of Human Resources
Office of Employee Absence and Risk Management
6901 Charles Street, Building B, Towson, MD 21204
Fax no. 410-337-0160
Email: Leaves@bcps.org

For additional information and questions, contact the Office of Leaves at 443-809-4133.

General Information

- The Application for Leaves of Absence and Conversions must be submitted, and approval of the leave request obtained, before the leave begins. The application must be accompanied by documentation showing approval of the adoption and the date the employee will assume legal parental responsibility for the child.
- In the case of consecutive leaves, if an employee does not return to work prior to the commencement of the second leave, no earned paid time (e.g., personal illness) can be used.
- Up to six weeks of personal illness absence time may be used beginning on the day the child is received.
- Adoption leave runs concurrently with approved FMLA leave, if the employee is eligible for FMLA.
- For FMLA eligible employees, unpaid FMLA time may be taken prior to the adoption for adoption-related activities (documentation is required). See Family Medical Leave Act Leave Requirements and Information Sheet for additional information.
- Employees covered by the TABCO bargaining unit agreement may use accrued personal illness absence time in the event of an out of state adoption, or if emergency conditions develop including a
governments or agencies imposed waiting periods that delay the receipt of the child, for up to six weeks as a result of this delay (proper documentation is required).

- If both parents are employed by BCPS, employees need to refer to the appropriate bargaining unit agreement for time allowed.
- OEARM will send notification of the approval or denial of the leave request, and any conditions that must be met, to the employee and the principal or office head immediately following the review of the leave request and documentation.
- Employees must notify the OEARM Office via phone call, email, or letter immediately if the plans for the leave do not materialize or change.
- Gainful, permanent employment with another employer while on an approved leave of absence may serve as justification for termination of the leave.
- Employees on approved leave, paid or unpaid, may not be employed by BCPS in a temporary assignment while on leave unless authorized by the Chief Human Resources Officer.

**Intermittent Leave**

- Intermittent leave is not available for this type of leave.

**Required Documentation**

- Completed Application for Leave of Absence and Conversions.
- Documentation from the adoption agency showing approval of the adoption and the date the employee will assume legal parental responsibility for the child.
- Members of the Maryland State Teachers’ Pension System must complete a Maryland State form 46, Qualified Leave Of Absence Request or Notification of Military Service Entry. This form is required to obtain state retirement service credit for the period of the approved leave and for the survivor benefit to remain in effect during this leave. For additional information and the form, employees may refer to the Maryland State Retirement Agency (MSRA) Web site, www.sra.state.md.us.
- Required documentation must be received 30 days prior to the commencement of the requested leave (if leave is foreseeable). If an emergency situation arises, or circumstances prevent this, employees must contact the OEARM Office as soon as possible.
- Leave processing may be delayed or denied if documentation is not received within the required timeframe.

**Effect on Position**

- The employee’s current position is maintained. For those employees eligible and approved for FMLA, there may be limited circumstances when a position is released. If the release is necessary, it will be consistent with FMLA guidelines and the employee will be notified.

**Effect on Salary Increment**

- There is no effect on salary increment.

**Effect on Payroll, Healthcare Benefits and Retirement Plans**

- **Payroll**
  - In the case of consecutive leaves, if an employee does not return to work prior to the commencement of the second leave, no earned paid time (e.g., personal illness) can be used.
  - Employees may use their accrued personal illness absence time, up to a maximum of six weeks, beginning with the day the child is received. Any time after the exhaustion of personal illness absence time will be unpaid.
For any unpaid time, upon completion of the leave and return to service with BCPS, employees are responsible for notifying the Office of Payroll (443-809-4240) as soon as possible to reestablish the payroll deduction plans.

**Healthcare Benefits**
- Healthcare coverage for the adopted child must be requested within **30 days** of the adoption, if applicable. Accepted documentation to add the child includes: hospital discharge papers, hospital birth records, or an application for a social security card. Benefits are maintained at the current level. During the leave time, the portion the employee pays remains the same for the length of the leave. Any change in rates or other increases that affects all employees will be put into affect.
- BCPS-paid basic life insurance continues during the approved leave of absence.
- For any unpaid time, the employee’s healthcare and flexible spending contributions will be stopped until employee is returned to paid status at which time missed contributions will be deducted. Employees can refer any questions to the BCPS Office of Benefits at 443-809-8943.
- For any unpaid time, other salary deductions must be handled directly with the appropriate organization (e.g., First Financial Federal Credit Union, optional life insurance, etc.).

**Retirement**
- MSRA recognizes adoption leave as a qualified leave of absence for service credit purposes; therefore, the unpaid service time may be purchased, with the exception of any unpaid FMLA time. Upon completion of the leave, employees must contact the BCPS Office of Retirement at 443-809-8949 to initiate the process. There is no timeframe to initiate the purchase of the service credit if the employee returns to work. However, if the employee is terminating, the paperwork must be received by the Maryland State Retirement Agency no later than 60 days after expiration of the leave in order for the service to be purchased. BCPS requests the paperwork no later than 45 days after expiration of the leave in order to process in a timely manner.
- The Baltimore County Employees’ Retirement System (ERS) does not recognize this leave as a qualified leave of absence for credit purposes. Therefore, the unpaid service time cannot be purchased.

**Return-to-Work/Extensions/Resignation Requirements**
- Upon completion of a leave, all employees are to return to a position, request and be approved for an extension of leave (if available) or resign.
- At least fifteen (15) business days prior to their expected date of return to BCPS, employees are responsible for notifying the Office of Benefits, Leaves and Retirement of their intent to return to work, request an extension or resign via email, letter or phone call.

**Return to Work**
- For any unpaid time, employees are responsible for notifying the Office of Payroll (443-809-4240) to reestablish the payroll deduction plans as soon as possible, the Office of Employee Benefits (443-809-8943) to reenroll in benefit plans (must be reenrolled within 30 days of return to work) and the BCPS Office of Retirement (443-809-8949) to purchase the service time.
- Members of the Maryland State Teachers’ Pension System must complete Maryland State form 26, *Request to Purchase Previous Service*, and submit it while in active employment in order for the creditable service to be purchased. This form must be submitted to the BCPS Office of Retirement.

**Extension of Leave**
• Extensions are not available for this type of leave except as noted for TABCO- represented employees. However, other types of leave may be available.

➢ Resignation

• Employees who choose to resign from BCPS must complete the resignation and offboarding process, available on the Human Resources Intranet at https://intranet.bcps.org/offices/human_resources/.

• Employees must notify the Office of Leaves at 443-809-4133 or leaves@bcps.org if they resign from leave.

• Employees who resign may be entitled to continued healthcare coverage under COBRA, consistent with the timeframes noted in current law. The cost of this coverage is the monthly premium equivalent to the full cost plus an administrative charge of 2%.

• Members of the Maryland State Teachers’ Pension System who choose to resign must complete Maryland State form 26, Request to Purchase Previous Service. BCPS requests forms are submitted to the Retirement Office within 45 days of the expiration date of the leave in order for the service to be purchased and to satisfy the state’s 60 day requirement (refer to the Retirement Section).

Policy: Board of Education Policy 4203, Absences and Leaves
Rule: Superintendent’s Rule 4203, Absences and Leaves

Bargaining Unit Information

➢ American Federation of State, County and Municipal Employees (AFSCME)
  Article VII - Absences and Leaves
  Section 2 - Adoption Leave

➢ BCPS Organization of Professional Employees (BCPSOPE)
  Article IX – Absence and Leaves
  Section 9.2 – Adoption Leave

➢ Education Support Professionals of Baltimore County (ESPBC)
  Article 8 - Absences & Leaves
  Section 8.2 - Adoption Leave

➢ Council of Administrative and Supervisor Employees (CASE)
  Article IX - Absences and Leaves
  Section 9.2 - Adoption Leave

➢ Teachers Association of Baltimore County (TABCO)
  Article XII - Absences and Leaves
  Section 12.3 - Adoption Leave

For informational purposes only. For additional questions or concerns, employees must refer to Board Policies, Superintendent’s Rules and appropriate bargaining unit agreements.