Baltimore County Public Schools
Department of Human Resources  Office of Employee Absence and Risk Management

Leave Requirements and Information Sheet

Type of Leave: Short-Term Unpaid non Family Medical Leave Act (FMLA)

Summary: Baltimore County Public Schools (BCPS) provides eligible employees up to 12 weeks of unpaid leave for their own documented serious health condition or the care of an immediate family member (as defined by the bargaining unit agreements) with a documented serious health condition.

Eligibility: Regular (.1 full time equivalency (FTE) or greater) employees with at least one year of service with BCPS immediately prior to the start of the leave, and whose position would make them ineligible for FMLA.

Approved By: Department of Human Resources

The application and all required documentation noted below should be sent to:

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

For additional information and questions, contact the OEARM Office, 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.
- Short-term unpaid leave is granted without pay.
- Short-term unpaid leave is available for employees whose position’s FTE would never qualify them for FMLA, which has an hours-worked requirement.
- Short-term unpaid leave is available to employees for their own documented serious health condition or the care of an immediate family member (as defined by the bargaining unit agreements) with a serious health condition.
- The OEARM Office will send notification of the approval or denial, 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 Office of Benefits, Leaves and Retirement 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.
• No employee may engage in remunerative employment during his/her regularly scheduled BCPS work hours of any type, receive compensation for, or enter into any employment agreement, express or implied, while the employee is receiving personal or family illness leave. This prohibition includes afternoon or evening activities of the school system or any other school system. These prohibitions apply to employees using intermittent leave on the specific days when intermittent leave is used. Non-compliance may serve as justification for termination of the leave and/or disciplinary action.

**Intermittent Leave**

• Intermittent leave is available for short-term unpaid leave.
• Employees who use SmartFindExpress (SFE), and have intermittent leave approved by HR, must code intermittent absences related to the leave in SFE. Employees who do not use SFE will need to notify the OEARM Office, via email, phone call or letter, of the dates of absence related to the intermittent leave per pay period.

**Documentation Required**

• Completed Application for Leaves of Absence and Conversions
• For the employee’s serious health condition
  • Medical Certification for Leave Request (non-FMLA Leaves)
• For the care of an immediate family member with a serious health condition
  • Medical Certification for the family member
• Maryland State form 46, Qualified Leave Of Absence Request or Notification of Military Service Entry, if applicable (See Retirement section below). 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, employees may refer to the Maryland State Retirement Agency (MSRA) Web site, [www.sra.state.md.us](http://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**

• There is no effect on position.

**Effect on Salary Increment**

• In general, unpaid time does not count towards the calculation for annual increments. However, employees should see their appropriate bargaining unit agreements for specific details.

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

• Payroll
  ❖ This is an unpaid leave of absence.
• **Healthcare Benefits**
  - The Office of Benefits will notify employees regarding continuation of healthcare coverage options, payment method, etc.
  - During this leave, the employee’s healthcare and flexible spending contributions will be delayed until employee is returned to paid status at which time missed contributions will be deducted. Employees can refer any questions to the Office of Benefits at 443-809-8943.
  - BCPS-paid basic life insurance continues during the approved leave of absence period.
  - Employees must handle other salary deductions (e.g., First Financial Federal Credit Union, tax-sheltered annuities, optional life insurance, etc.) directly with the appropriate organization.

• **Retirement**
  - MSRA recognizes this leave as a qualified leave of absence for service credit purposes if the leave is for the employee’s own serious health condition; therefore, the unpaid service time may be purchased. 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 the 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**

• All employees on leave are to return to a position, request and be approved for an extension of leave (if available) or resign upon the expiration of their leave.

• At least fifteen (15) business days prior to their expected date of return to BCPS, employees are responsible for notifying the OEARM Office of their intent to return to work, request an extension or resign via email, letter or phone call.

• **Return to Work**
  - A return to work certification from the employee’s physician is required for the employee’s own serious health condition.

• **Extension of Leave**
  - Extensions are not available for this type of leave.

• **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/](https://intranet.bcps.org/offices/human_resources/).
  - Employees must notify the OEARM Office 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%.

• For the employee’s own serious health condition, MSRA-eligible employees 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.

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

Bargaining Unit Information
n/a

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