

FAMILY AND MEDICAL LEAVE

1. Eligible Employees

To be eligible for these additional provisions, an individual

- a. must have been employed by MCPS for the previous twelve (12) months, and
- b. must have worked for at least 1,250 hours during the twelve (12) month period.

2. Entitlement

- a. Leave - Eligible employees are entitled to up to a combined total of twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following:
 - i. the birth and first year care of a child
 - ii. the adoption or foster placement of a child
 - iii. the serious health condition of an employee's spouse, parent, or child, and
 - iv. the employee's own serious health conditions.
- b. Benefits - In addition to actual leave, eligible employees are entitled to the continuation of all employment benefits provided or made available to employees by Montgomery County Public Schools.

3. Modifications and/or Limitations to Entitlement

- a. To the extent an eligible employee is entitled to receive paid or unpaid leave under any other applicable leave provisions of this policy, this section merely extends that leave period to twelve (12) weeks, with the period added by this section being unpaid.
- b. Where other applicable leave provisions under this policy already provide for twelve (12) or more weeks of leave in any category identified in 2. above, the provisions of this section do not add any more leave for that category.
- c. Where an employee is eligible for accrued paid leave under other applicable provisions of this policy, the eligible employee must substitute paid leave from the leave provided for in this section.
- d. Eligible employees are not entitled to accrue seniority or employment benefits, including those identified in 2 (b) above, during the time they are on leave.
- e. The entitlement for leave for child care ends after
 - i. the child reaches age one or
 - ii. twelve (12) months after the adoption or foster care placement.
- f. When both spouses are employed by the school division, the combined amount of leave for the birth, adoption, and illness of a parent may be limited to twelve (12) weeks in a twelve (12) month period.
- g. Intermittent and Reduced Leave
 - i. An eligible employee may not take leave for the birth and care of a child or for adoption or foster care placement on an intermittent or reduced leave schedule unless Montgomery County Public Schools agrees.
 - ii. Intermittent leave or a reduced leave schedule may be taken for other reasons in accordance with this policy when such leave is medically necessary. Montgomery County Public Schools may require the eligible employee to transfer temporarily to an alternative position for which the employee is qualified and which has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.
- h. Montgomery County Public Schools may deny restoration to previous positions to salaried eligible employees who are among the highest paid ten (10) percent of Montgomery County Schools' employees if
 - i. such denial is necessary to prevent substantial and grievous economic injury to the operation of the school system,
 - ii. Montgomery County Schools notifies the employee of the intent to deny restoration on such basis at the time Montgomery County Schools determines that such injury would occur, and

- iii. in any case in which the leave has commenced, the employee elects not to return to work after receiving such notice.
- i. Reassignment – Notwithstanding any provision of this section, an employee who returns to work after taking leave under this section may be reassigned as permitted by School Board policies and resolutions, and consistent with applicable law.

4. Employee's Obligations

a. Foreseeable Leave

- i. Notice - When unpaid leave is foreseeable, the employee must provide at least thirty (30) days notice of the date when leave is to begin, except that if thirty (30) days notice is not possible, the employee shall provide notice as is practicable.
- ii. Scheduling - With respect to family or employee medical treatments that are foreseeable, the employee shall make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the employer.

b. Medical Excuses

- i. Certification to take leave – Montgomery County Public Schools may require the employee to provide timely certification from the employee's health care provider or a family member's health care provider.
- ii. Certification to continue leave – Montgomery County Public Schools may require certification from the health care provider that a serious medical condition of the employee or family member continues to prevent the employee from returning to work.
- iii. Certification to return from leave - After receiving leave allowed under this section for personal illness, Montgomery County Public Schools will require the employee to provide certification by the employee's health care provider that the employee is able to resume work.

LEGAL REFERENCE: Family and Medical Leave Act of 1993, 29 U.S.C. § 2601, et. seq.; Code of Federal Regulations, Chapter 829; Fair Labor Standards Act, 29 U.S.C., Section 207(0).

Adopted: April 2004