

Baltimore City Public Schools Family Medical Leave Overview

Summary

Eligible employees may request this leave for their own serious health condition, eligible family member's serious health condition and reasons of exigency while the military member (immediate family) is on active duty status. The law allows eligible employees to take up to 12 weeks (60 days) of unpaid leave per 12-month period for reasons related to you or an eligible family members serious medical condition and up to 26 weeks to care for a family member who is recovering from a serious illness or injury sustained in the line of duty on active duty. Those employees eligible have entitlement to leave, maintenance of health benefits during leave, and job restoration after leave.

Eligibility Requirements

- Employed with City Schools for 12 months or longer, 20 hours per week or more (0.5 or more)
- 1,250 hours of Actual Hours Worked prior to request for leave date.

Method for Determining 12 month period

- The 12-month period measured backward from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement is the balance of the 12 weeks/60 days which has not been used during the immediately preceding 12 months.

FMLA Reasons

- For the birth and care of the newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- To care for an eligible family member (spouse, child under 18, or parent) with a serious health condition
- For any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.

Required Documentation

- Completed [Online Leaves Application](#)

- Complete and Sufficient [Medical Certification](#)

Eligibility Notice

- Once the application is reviewed the employee will receive notification of approval or denial.
- Leave is not authorized unless approved by the Department of Human Capital.
- Failure to received prior approval may result in appropriate disciplinary action up to and including termination.

Pay Status

- FMLA is unpaid leave. If approved, any accrued time available to you will be used to compensate you while on leave (not an option)

Benefits Status

- Paid Status: Healthcare Premiums will be deducted from your paycheck as normal
- Unpaid Status: If your status is unpaid or you lapse into unpaid status you must continue to pay your employee contributions. Finance will invoice you your premium amounts.
- Three unpaid employee contributions will result in termination of your health care insurance coverage.
- If your status is unpaid or you lapse into an unpaid status and your employee contributions are not paid for more than three (3) pay periods, you have a right to COBRA continuation coverage. A COBRA election form will be mailed to your address on file by our Third Party Administrator. COBRA is a temporary extension of coverage pursuant to the Consolidated Omnibus Reconciliation Act of 1985. COBRA continuation coverage can become available to you and to other covered members under your plan when you would otherwise lose your group health care coverage.
- You will have an opportunity to re-enroll your benefits during the first 30 days of your return to active duty.

Early Return To Work

- If returning from leave prior to the approved leave end date, you must give your work location and Leaves Management a 2-work-day notice.

Recertification

- If your physician requires that your leave be extended, an additional health care provider certification will need to be received by Leaves Management 7 calendar days prior to the end of the above approved leave time

BTU Employee Evaluations

- In keeping with section 15.22 of the BTU contract, BTU employees who are absent more than 60 days in the school year shall receive an annual rating of “Administrative Effective/Satisfactory” on their annual evaluation with no Achievement Units (AUs). This rating can be used for certification purposes.

BCPS Board Rules

Article 4 section 404.03, All absences of educational staff members shall be with loss of full pay unless otherwise provided for in these Rules, or by special action of the Board. “With loss of full pay” shall mean that the person concerned shall receive no salary for the full time included in such a leave. Such shall also include the earning of a salary from another source by the staff person on a leave without express approval of the Board and the Chief Executive Officer.

Family and Medical Leave Act of 1993: Section 825.800 Definitions-Subpart H

A “*Serious Health Condition*” means an illness, injury, impairment, or physical or mental condition that involves one of the following: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- Hospital Care
 - Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- Incapacity Plus Treatment
 - A period of incapacity (the term *incapacity* means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) of more than three consecutive, full calendar days, *and* any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity, unless extenuating circumstances exist. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity; or

- At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of a health care provider.
- Pregnancy or Prenatal Care
 - Any period of incapacity due to pregnancy, or for prenatal care.
- Chronic Conditions
 - Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches.
 - A chronic serious health condition is one which requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider. Continues over an extended period of time (including recurring episodes of a single underlying condition); May cause episodic rather than a continuing period of incapacity.
- Permanent/Long-Term Conditions Requiring Supervision
 - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of a health care provider. *Examples include:* Alzheimer's, a severe stroke, or the terminal stages of a disease.
- Multiple Treatments (Non-Chronic Conditions)
 - Restorative surgery after an accident or other injuries, or for a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, *such as* cancer (chemotherapy, radiation, etc), severe arthritis (physical therapy), or kidney disease (dialysis).