

**Leave Benefits
Policy and Procedures**

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Leave Benefits Policy and Procedures

I. Philosophy and Scope

Frederick Community College (“FCC” or the “College”) recognizes that family or individual circumstances, official judicial or military obligations, and/or professional growth opportunities may require absence from the work place. The College promotes employee health, wellness, and professional growth by providing leave benefits. All leave requires the appropriate documentation and supervisory authorization, and the College reserves the right to request verification of the purposes for which leave is taken.

Eligibility for leave benefits is defined under each leave category.

II. Annual Leave

Eligible full-time regular administrators, full-time regular support staff, and interpreter support staff on a full-time schedule will receive twenty (20) days (140 hours) of annual leave per year, which is earned monthly. All employees who are part-time regular administrators, part-time regular support staff, or interpreters on a part-time schedule and who work at least 17.5 hours per week are eligible are eligible for a prorated share of annual leave.

Eligible full-time auxiliary employees will receive ten (10) days of annual leave per year, which is earned monthly.

Annual leave is unearned until the employee works the hours necessary to accrue the time. With the approval of the Senior Leader, unearned leave time may be used in advance. If an employee separates from employment before the end of the fiscal year, unearned leave time that has been used will be deducted from the employee’s final pay.

Annual leave requests must be submitted and approved by the employee’s direct supervisor in advance. Supervisor approval is based on a determination that the leave does not interfere with the ability of the requestor to meet essential work demands. The requestor is not required to provide a specific reason for taking the leave.

Annual leave requests for five (5) or more days must be submitted and approved by the employee’s direct supervisor at least two (2) weeks in advance. In extenuating circumstances, the supervisor may approve annual leave requests submitted less than two weeks in advance. Annual leave in excess of ten consecutive workdays must be approved by the Senior Leader.

Annual Leave Accumulation

For regular employees hired and working after 6/30/87:

Annual leave may be accumulated to a maximum of thirty (30) working days (210 hours). (Prorated for regular part-time staff). When the maximum number of days has been accumulated no additional days shall be credited to the employee until enough leave has been used to reduce the accumulation below thirty (30) days (210 hours). There is no cash payout of unused annual leave upon separation from employment.

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For regular employees hired and working prior to 7/1/87:

Annual leave may be accumulated to a maximum of forty (40) working days (280 hours). (Prorated for regular part-time staff). When the maximum number of days/hours has been accumulated no additional days shall be credited to the employee until enough leave has been used to reduce the accumulation below forty (40) days (280 hours). Upon separation from employment, the employee is entitled to be paid at the current compensation rate for each day of accumulated leave to a maximum of thirty (30) days (210 hours).

Auxiliary employees may not carry forward any unused leave accrued as of June 30 of each year. Upon separation from employment, there is no cash payout for unused annual leave for auxiliary employees.

III. Personal Leave

With the supervisor's approval, full-time regular administrators, full-time regular support staff, and interpreter support staff on a full-time schedule may use up to two (2) days (14 hours) of personal leave per fiscal year (prorated for part-time regular employees and interpreter support staff on a part-time schedule). Personal leave is allocated and available for use for any reason beginning July 1 of each year. This personal leave may be used during the fiscal year and may not be carried over from year to year. Unused personal leave is not paid out upon separation from employment.

IV. Sick Leave

All full-time regular administrators, full-time regular support staff, interpreter support staff on a full-time schedule, and full-time faculty are eligible for sick leave. All employees who are part-time regular administrators, part-time regular support staff, or interpreters on a part-time schedule and who work at least 17.5 hours per week are eligible for a prorated share of sick leave.

Sick leave is earned at a rate of one (1) day (7 hours) of sick leave for each month worked. Sick leave for regular part-time employees is accrued on a prorated basis.

Sick leave may be used for employee illness, injury, medical visits, hospitalization, or preventative health care. Employees may use sick leave under the provisions of the Family and Medical Leave Act (FMLA) policy consistent with applicable laws.

Employees also may use sick leave for the non-FMLA illness, injury, medical visits, or hospitalization of an immediate family member when the presence of the employee is necessary.

Employees using sick leave shall notify their supervisor of illness at the beginning of the first day of absence and must keep their supervisor informed daily of their status or when a return to work is anticipated. A physician's statement attesting to the illness, injury or disability must be provided to Human Resources if absence from work continues for more than five (5) consecutive work days (with the exception of approved FMLA leave).

In cases of suspected sick leave abuse, a supervisor may require an employee at any time to provide medical documentation for each day of sick leave.

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Sick Leave Accumulation

Accumulated sick leave may be carried over from year to year without limit. Upon separation from employment, there is no cash payout for accumulated sick leave for employees hired after June 30, 1985.

An employee hired on or before June 30, 1985 who retires, or his/her beneficiary if he/she dies during active service, shall receive terminal pay at the rate of 40% of accumulated sick leave at the regular rate of pay. This benefit shall be limited to a maximum of 40% of 120 days of accumulated leave. To be eligible, the qualified staff member must have served five consecutive years at the College. Payment does not apply if employment terminates for reasons other than retirement or death.

Sick Leave Bank

All employees eligible for sick leave benefits are eligible to participate in the Sick Leave Bank. If a participating employee who, as a result of catastrophic illness or injury, depletes all annual, personal and sick leave, the employee may request additional sick leave from the bank through the Associate Vice President (AVP) for Human Resources. The Sick Leave Bank is administered in accordance with the [Sick Leave Bank Policy and Procedures](#).

V. Leave Usage During Inclement Weather Closures

If an employee has approved leave for a day in which the College is closed for inclement weather, the leave may be rescinded. In order to rescind the leave, the supervisor should notify the Payroll Manager to delete the approved leave.

VI. Bereavement Leave

All full-time regular administrators, full-time regular support staff, interpreter support staff on a full-time schedule, and full-time faculty are eligible for bereavement leave. All employees who are part-time regular administrators, part-time regular support staff, or interpreters on a part-time schedule and who work at least 17.5 hours per week are eligible for a prorated share of bereavement leave.

The College provides up to four (4) days (28 hours) of paid leave to eligible employees when a death occurs in the family. Family for the purposes of bereavement leave includes: Spouse/domestic partner, parent, parent-in-law, child, step-child, grandparent, grandparent-in-law, brother, sister, son-in-law, daughter-in-law, grandchild, brother-in-law, and sister-in-law. The employee may request approval from their Senior Leader for use of bereavement leave for any other family member not included in this list.

Otherwise, requests for bereavement leave should be made to the direct supervisor. The College may request appropriate documentation before paying for the leave. This time may be extended as necessary with the use of earned annual or personal leave subject to supervisor approval.

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VII. Holidays & Scheduled College Breaks

The College provides paid time off to all full-time regular administrators, full-time regular support staff, interpreter support staff, part-time regular administrators, part-time regular support staff, and full-time faculty on the following holidays and scheduled breaks as listed on the official calendar as approved by the Board of Trustees. Employees are paid for the following holidays and scheduled breaks that fall during their normal working schedule.

Holidays

July 4 *
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
New Year's Day
Dr. Martin Luther King, Jr. Day
Memorial Day

College Breaks

Winter Break (varies by annual calendar)
Spring Break (3 workdays)

* If July 4 is on a Saturday or Sunday, either Friday or Monday is the paid holiday.

The FCC Holiday and College Break dates may be found on the official calendar approved by the Board of Trustees.

Support, non-exempt staff assigned to work on an FCC scheduled holiday or during College breaks as defined on the official College calendar will receive two and one-half (2½) times their regular rate of pay for hours worked.

PTVS employees assigned to work on an FCC scheduled holiday or during College breaks as defined on the official College calendar will receive one and one-half (1½) times their regular rate of pay for hours worked.

VIII. Jury Duty/Court Attendance

Jury duty or court attendance leave provides time off to full-time and part-time regular employees, interpreter support staff, and full-time auxiliary employees to fulfill their civic responsibility when summoned. Employees who are summoned for jury duty or summoned to court for reasons other than personal, will receive normal compensation during the period of absence from the College. To be compensated, the employee must remit to the College all compensation paid to the employee for jury duty or court attendance (except for reimbursement for mileage and meals).

Employees must submit to their supervisor a copy of the summons to service as soon as practicable after it is received. Employees are expected to return to work when they are released. In addition, proof of service must be submitted to the supervisor when the period of jury or court attendance is completed.

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IX. Unpaid Leave

With supervisor approval, full-time regular employees may be granted up to thirty-five (35) hours of unpaid leave per fiscal year. Benefit time will not be earned during non-FMLA unpaid leave.

X. Military Leave

Orders activating a service member to military duty must be provided to the direct supervisor, Senior Leader, and Human Resources.

Mandatory Military Reserve Training

Full-time and part-time regular employees and full-time auxiliary employees ordered to mandatory military reserve training will be granted leave for a maximum of two (2) weeks per calendar year. The employee will be paid the difference between their College base pay and the total military pay and allowances (exclusive of those for travel and uniforms). The employee will not be required to use annual leave for this period. The employee must provide to the College HR office a copy of their activation orders in advance of their service.

Active Duty Call-up

In the event an employee is ordered to active duty, the employee will be paid the difference between their College base pay and the total military pay and allowances (exclusive of those for travel and uniforms) for a maximum period of ninety (90) days per year. The employee must provide to the College HR office a copy of their activation orders in advance of their service.

All College-provided medical and dental benefits in effect immediately prior to active duty call-up will remain in effect during the 90-day period, with payroll deductions for health and dental benefits withheld from the continued base pay on the same basis as other active employees. Such benefits shall then cease as of the end of the month in which continued base pay ends. Applicable Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage shall then be made available to the employee and eligible family members.

Reinstatement Rights

Full reinstatement rights shall be extended to employees returning from active military duty as stipulated under the Uniformed Services Employment and Reemployment Rights Act (USERRA). For the purposes of determining longevity, pay, or pay advancement, the status of the employee will be considered uninterrupted by military service. Human Resources should be contacted with any questions or concerns regarding compliance with USERRA.

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XI. Sabbatical Leave

Sabbatical leave may be granted on a limited basis, contingent upon the availability of funding and Board of Trustees approval, to those regular full-time administrators and full-time faculty who have completed six (6) continuous years of service at the College. The President may adjust the sabbatical leave salaries to reflect employee compensation during the leave from grants-in-aid, fellowships, or scholarships.

Sabbatical leave for faculty may be granted for periods of one academic year at rates not to exceed one-half of annual salary or for periods of one-half of an academic year at rates not to exceed full salary.

Sabbatical categories and guideline information for eligible full-time faculty is available from the Office of the Provost/Vice President for Academic Affairs. Full-time faculty must submit the Application for Sabbatical leave form by October 15 to their Department Chair. The Department Chair will forward all applications to Human Resources to verify eligibility based on years of service and performance criteria (all meets or exceeds expectations on performance appraisals). Human Resources will forward all eligible applications to the appropriate Senior Leader. The Senior Leaders will convene a committee to review the eligible applications/proposals. The Senior Leaders will forward all applications to the Senior Leadership Team (SLT). All sabbatical leave must be approved by the SLT and the Board of Trustees.

Sabbatical categories and guideline information for eligible full-time administrators is available from the Office of the President. Full-time administrators must submit the Application for Sabbatical leave form by October 15 to their direct supervisor. The direct supervisor will forward all applications to Human Resources to verify eligibility based on years of service and performance criteria (all meets or exceed expectations on performance appraisals). Human Resources will forward all eligible applications to the appropriate Senior Leader. The Senior Leaders will convene a committee to review the eligible applications/proposals. The Senior Leaders will forward all applications to the Senior Leadership Team (SLT). All sabbatical leave must be approved by the SLT and the Board of Trustees.

Employees granted sabbaticals must complete a full year of employment with the College following the sabbatical or repay the salary received during the leave.

XII. Family and Medical Leave

FCC complies with the State of Maryland and the Federal Family and Medical Leave laws. All employees must consult with the AVP for Human Resources or designee before going on Family and Medical Leave, or as soon as possible if due to an emergency or unforeseeable circumstance. Taking leave under this policy will not be used against an employee in any employment decisions including the determination of raises or discipline.

There may be times when an employee uses leave provided by the College which will qualify as Family and Medical Leave even though the employee has not specifically applied for Family and Medical Leave. The College has the right to designate such absences as Family and Medical Leave if the leave used is no more restrictive than that

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provided by law. It is the responsibility of the supervisor to notify Human Resources of all absences of more than three days for sickness that may fall under the Family and Medical Leave Act (FMLA). Human Resources will make the determination concerning whether or not leave is covered under the FMLA upon receipt of medical certification. If an employee's absence is designated as Family and Medical Leave, they will be notified in writing by the AVP for Human Resources or his/her designee.

Eligibility

An employee is eligible for federal Family and Medical Leave if he/she has worked for the College for at least 12 months and at least 1,250 hours within the previous 12-month period. The FMLA provides for up to 12 weeks of unpaid, job-protected leave during any 12-month period to eligible employees for the employee's own serious health condition; the serious health condition of an employee's spouse, dependent child, or parent; the birth, adoption or foster placement of a child with the employee; or for a qualifying exigency, as described below. FMLA leave taken in the prior 12 months will be included in the total of 12 weeks (or 26 weeks when applicable) available under the FMLA. The employee will be required to use available sick leave during federal FMLA before any time can be taken unpaid. However, the employee may also choose to substitute available annual or personal leave for sick or unpaid leave. For the purposes of this policy a dependent child is any child under 18 who is the biological or step child the employee, who is adopted by the employee, or whom the employee is legally responsible. A child over 18 who is incapable of self-care because of a mental or physical disability or who incurs a serious health condition which renders him or her incapable of self-care is also considered a dependent. A parent is any individual who assumed day-to-day and financial responsibility for the employee when the employee was a child. Domestic partner's while not covered by the law will be included by the College provided that the partner is identified on an FCC Domestic Partner Declaration form.

Eligible employees whose spouse, son, daughter, or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

In addition, eligible employees may take up to 26 weeks of unpaid leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

**The FMLA definition of "serious injury or illness" for current service members and veterans are distinct from the FMLA definitions of "serious health conditions."*

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Intermittent Leave or Reduced Leave Schedule

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. Intermittent leave may or may not be regularly scheduled. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per work week, or hours per workday. Employees must give a 30 day notice for intermittent FMLA leave that is foreseeable, or as much notice as practicable if it is not possible to give a 30-day notice. If the need for intermittent FMLA leave is unforeseeable, the employee must give notice as soon as practicable. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the College. An employee may request intermittent FMLA for the birth or adoption of a child. However, such requests may not be granted in all instances.

Notice and Certification

The College administers its 12-month period for the federal FMLA on a rolling backward schedule (12 months measured backwards from the date of any FMLA usage). An employee wishing to take FMLA leave must notify Human Resources, who will determine the employee's eligibility and provide the employee with the necessary paperwork. When the leave of absence is foreseeable, the College requests employees give a 30-day notice. If it is not possible to give a 30-day notice, the employee must give notice as soon as practicable.

The College will require medical certification to support a request for leave due to a serious health condition, and may require second or third opinions (at the expense of the College). In cases of an employee's serious medical condition, a return-to-work document signed by the physician or health care provider will be required before an employee may return to work.

It is not necessary for an employee to disclose the nature of his or her "serious health condition" to his or her supervisor or to the AVP for Human Resources or designee. Medical certification from the employee's health care provider will serve to confirm his/her eligibility for medical leave. However, any information an employee provides will remain confidential.

Benefits During Leave

During FMLA leave, an employee's group health benefits, life insurance, and long-term disability insurance will be maintained, provided that the employee continues to pay the required employee premium contributions during the leave. If a required employee contribution is more than 30 days late, the employee's health care coverage will terminate. Additional information regarding premium payments will be provided by Human Resources upon an employee's request for leave.

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Return to Work

An employee returning from FMLA leave is entitled to be reinstated to the employee's prior position, or if that position is no longer available, an equivalent position with the same pay, benefits, and other terms and conditions of employment. Employees' benefits will be reinstated after FMLA leave as though a leave had not been taken. If an employee wishes to return to work before the leave was to end, the employee must notify Human Resource at least two (2) days prior to the desired return date. In the case of a serious medical condition, a return to work form signed by the employee's physician or health care provider is required.

Failure to Return after FMLA Leave

If an employee, without approval from the AVP for Human Resources, does not return from FMLA leave on the day indicated on the original application or in any approved change of that date, the employee will be considered to have voluntarily resigned from employment with the College as of the day on which the employee's FMLA was to end. In the event this occurs, the College reserves the right to collect from the employee any employer-paid benefit payments made while the employee was on leave, unless the employee's failure to return to work is due to circumstances outside of the employee's control (e.g., the continued serious health condition prevents returning to work).

Extended Absences beyond FMLA Leave

When FMLA leave expires, an extended absence occasioned by the employee's serious health condition may be granted, if approved by the President. For eligible employees with a disability covered under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, extended leave may be granted, if appropriate, following an interactive conference to determine whether accommodations are reasonable. In either situation, if an employee is on an extended absence following the expiration of FMLA leave, the employee will be eligible to return to a vacant position for which the employee is qualified, but there is no guaranty that the employee will return to the same position held prior to the absence or at the same rate of pay or that any other position will be available. If extended leave is granted, any accrued leave that is remaining at the end of the FMLA leave period may be used before unpaid leave begins. When unpaid leave begins, health benefits will cease and COBRA benefits can begin.

Failure to Meet Policy Requirements

If an employee fails to meet the requirements laid out in this policy, the request for FMLA may be denied or delayed until the requirements are met.

All campus buildings have posted information on federal laws. Contact Human Resources for additional information.