

# HCEA/HCPSS FAMILY CRISIS LEAVE EXCHANGE

## Memorandum of Understanding

The purpose of the Family Crisis Leave Exchange (FCLE) is to provide sick leave to HCEA certificated unit members after their accumulated sick leave, personal leave, annual leave, and any other paid leave available to them (e.g., Workers' Compensation) has been exhausted. The exchange is intended solely for situations that are catastrophic and life-threatening to members of the immediate family and that require a unit member to be temporarily absent from his/her assignment. This leave is not available for an employee's personal illness or injury. The exchange will be funded by voluntary contributions of sick, personal, or annual leave from HCEA unit members. The exchange shall be in effect as of March 1, 2015, and will expire June 30, 2016, unless there is mutual agreement to continue the exchange.

### Rules & Eligibility

1. A request for leave may be made only in connection with a catastrophic and life-threatening illness or injury of a member of the immediate family that qualifies as a "medical emergency" under IRS Regulations<sup>1</sup>. Immediate family member means the unit member's spouse, child, or parent. Child includes the biological, adopted, foster, step, legal ward, or child of a person who stands in the shoes of a parent to that child. (See BOE Policy 7100 Family Medical Leave)
2. The applicant shall not be employed during his/her normal HCPSS work hours in any other capacity during the covered period.
3. If the applicant is receiving a second income, (i.e. from a second job, benefit) that information must be disclosed to the FCLE Committee (the Committee). This will not automatically disqualify an applicant, but it will be weighed in.
4. A unit member may receive a maximum grant for 1 catastrophic, life-threatening illness in any three (3) year period.
5. A Maximum grant shall be thirty (30) consecutive workdays.
6. Any abuse of the FCLE will result in forfeiture of days granted and will prohibit any future use of the FCLE.
  - a) The applicant will be informed in writing of suspected abuse of the FCLE.
  - b) The Committee will investigate any accusations of abuse. If abuse is determined, any remaining days granted shall be forfeited.
  - c) If abuse is determined, the unit member shall be informed of the right to appeal the decision to the HCEA BOD.

### Procedures

1. An applicant must use all accumulated sick, personal, annual or any other available paid leave (if applicable) before receiving leave from the FCLE.
2. Application must be made in writing to the FCLE Committee in care of the HCEA office, stating the details of the circumstances and the likely duration.

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<sup>1</sup> IRS policy defines "medical emergency" as a major illness or other medical condition (e.g., heart attack, cancer, etc.) that requires a prolonged absence from work, including intermittent absences that are related to the same illness or condition.

3. The HCPSS Payroll Department shall verify the unit member's leave status to the Committee.
4. A written statement detailing the condition, treatment plan, and diagnosis of applicant's immediate family member must be submitted to the FCLE by the attending physician(s) before any FCLE can be granted.

### **Functions of the FCLE Committee**

1. A three (3) member Committee, with two (2) members appointed by the HCEA President and approved by the HCEA Board of Directors, and One (1) member from the office of HCPSS Payroll and Benefits, shall have the responsibility of receiving requests, verifying the validity of requests (including qualification under IRS Regulations), recommending approval or denial of the request, and communicating its decision to the applicant and the appropriate division(s) of the Howard County Public School System. The Committee shall develop rules and procedures and shall give wide distribution to said rules upon approval of the HCEA Board of Directors and the Superintendent. The HCEA Business Manager (or liaison) shall be an ex officio member of the Committee.
2. The Committee may approve any request only if all members of the Committee agree that it is a qualifying illness and approve the application.
3. The Committee shall notify the applicant of its decision, in writing, within ten (10) workdays.
4. If the application is approved, the Committee will notify potential voluntary contributors in the following order:
  - a) unit members at the applicant's worksite(s)
  - b) unit members at other work sites (if needed)
5. The Committee shall notify the appropriate HCPSS Departments, supervisors, and the building level administrators (if appropriate) if an application is granted.
6. If an application is denied, the applicant can appeal the Committee's decision to the HCEA Board of Directors within **ten (10) workdays** of the denial. The decision by the HCEA BOD is final and binding unless the illness/injury fails to qualify as a medical emergency under IRS Regulations.

### **Contributions**

1. Volunteers who wish to contribute any of their earned sick, personal, or annual leave must have a minimum of fifteen (15) accrued leave days remaining after the contribution.
2. Contributions are limited to a maximum contribution of two (2) earned days in any individual case, as follows:
  - 16-29 accrued days= 1 day available to donate
  - 30+ accrued days= up to 2 days available to donate
3. Contributors must complete and sign the "*Family Crisis Leave Exchange Donation Form*" and return the form to the HCEA Office. (5082 Dorsey Hall Drive, Suite 102, Ellicott City, MD 21042)
4. HCEA shall establish a database system to track the donations, along with their utilization.
5. HCEA shall provide the Payroll and Human Resources Departments:
  - o name of recipient

- o evidence of qualification as a medical emergency under IRS Regulations
  - o names of contributors
  - o number of days donated by each contributor
  - o number of days granted
  - o number of days used
6. Days contributed, if approved, will be granted in the order they were received.
  7. All unused contributions shall be returned to those who contributed them in the reverse order they were received, should a successful applicant:
    - a) return to work prior to using full grant
    - b) experience a change in status of reasons qualifying use of FCLE
    - c) qualify for any other type of leave
    - d) abuse the FCLE
  8. The exchange balance shall remain at zero (0) until the next request.
  9. The Committee will function on an "as needed" basis.

**Approval:**

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Dr. Renee Foose, Superintendent, HCPSS

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Date

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Mr. Paul Lemle, President, HCEA

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Date

References:

- HCPSS/HCEA Master Agreement (Certificated)
- HCPSS/HCEA Sick Leave Bank Guidelines
- HCPSS Policy #7100 Family & Medical Leave