Procedures for Administering Maryland’s Flexible Leave Act

1. An employee can use earned leave with pay for the illness of the employee’s immediate family (child, spouse, parent or same sex domestic partner).

Definitions

Spouse: husband or wife

Same sex domestic partner: two non-related adults of the same sex, both of whom are at least 18 years of age, are committed as a family in a long-term relationship of indefinite duration and are socially, emotionally, and financially interdependent in an exclusive mutual commitment in which they agree to be responsible for each other’s common welfare and share financial obligations. This policy is intended to cover same sex partner relationships, and not persons who are cohabiting simply as roommates.

Child: an adopted, biological, or foster child, a stepchild, or a legal ward who is under the age of 18 years or at least 18 years old and incapable of self-care due to a mental or physical disability.

Parent: the biological parent of an employee, legal guardian or an individual who stands or stood in loco parentis to an employee when the employee was a child. An employee is limited to leave for two parents. Parents-in-law are excluded.

2. The employee can elect the type of earned leave (sick, vacation, floating holiday) and the amount of leave with pay to be used.

a. The University’s Family and Medical Leave Policy provides that an absence to care for a spouse, same sex domestic partner, son, daughter or parent who has a serious health condition can elect the leave to be used.

b. Article 9 Section 2 of the Agreement between The Johns Hopkins University and Public Service Employees Local Union 572 provides in pertinent part: An employee can use accrued sick leave for an absence due to the illness or injury of a child, spouse, same sex domestic partner or parent.

The limitation of 12 days of sick leave for this purpose is waived.

c. For bargaining unit employees, vacation leave cannot be taken in periods of less than two hours and sick leave cannot be taken in a period of less than one hour.
3. Employees must follow department rules and/or directives on reporting an absence from work.

4. When requesting leave, the employee needs to identify the individual who is ill, the relationship and the leave to be charged. Confirmation of the relationship can be required (examples: birth certificate, marriage certificate, adoption, benefits same sex domestic partner document, etc).

   Supervisors will need to record the information in order to determine whether the provisional Family and Medical Leave letter should be sent to the employee.

5. A written statement from the attending physician may be required. If the absence is three or more consecutive workdays or parts of three or more consecutive workdays, a medical certificate is required.

6. On the e-210, the leave taken in accordance with the Maryland Flexible Leave Act should be recorded as follows:

   MLS _______ Maryland Flexible Leave Act sick leave
   MLV _______ Maryland Flexible Leave Act vacation leave
   MLH _______ Maryland Flexible Leave Act floating holiday

   Codes when Family and Medical Leave Act is combined with Maryland Flexible Leave Act absence:

   FMLS  Accrued sick leave is used for serious illness of a family member under FMLA and Maryland Flexible Leave

   FMLV  Accrued vacation leave is used for serious illness of a family member under FMLA and Maryland Flexible Leave

   FMLH  Floating holiday leave is used for serious illness of a family member under FMLA and Maryland Flexible Leave

7. An employee cannot be discharged, demoted, suspended, disciplined or otherwise discriminated against, nor can the employer threaten to take any of these actions against an employee.

NOTE: The procedures are subject to revision to be in compliance with the law, State regulations, and/or University policies, rules and/or procedures.