

Procedures for Administering the Maryland Flexible Leave Act

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

Definitions

Spouse: Husband, wife or domestic partner: A domestic partner is a non-related adult with whom you are in a committed relationship. Both you and your domestic partner must be at least 18 years old, 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 you agree to be responsible for each other's common welfare and share financial obligations.

Child: Biological, adopted 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: Biological, adoptive or foster parent, a stepparent, a legal guardian, a person standing in loco parentis or a parent-in-law.

2. The employee can elect the type of earned leave (sick, vacation, or 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, 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 must be eligible for sick leave and have it accrued. If the employee must be absent due to the illness or injury, pregnancy, dental or medical appointment of their child, spouse, domestic partner or parent, may charge the absence to accrued sick leave.
 - 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 may 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:
 - MLH - Maryland Flexible Leave Act floating holiday
 - MLS - Maryland Flexible Leave Act sick leave
 - MLV - Maryland Flexible Leave Act vacation leave

When Family and Medical Leave is combined with Maryland Flexible Leave Act the absence should be recorded as follows:

- 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 state laws and regulations, and/or University policies, rules and/or procedures.