

**MEMORANDUM OF AGREEMENT  
MCAAP, MCEA, and SEIU**

**MCPS Family Medical Crisis Leave Bank**

The purpose of this memorandum is to establish the policies and procedures for the administration of the three Family Medical Crisis Leave Banks (FMCLB) which were created as a result of the 2017-2020 Collective Bargaining Agreements between the Board of Education and each of the unions referenced below.

The purpose of the FMCLB is to provide sick leave to Montgomery County Public Schools (MCPS) bargaining 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 Bank is intended solely for situations that are catastrophic and life-threatening to members of their 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 Bank will be funded by voluntary contributions of sick leave from unit members. MCPS will provide 200 days of leave for initial seeding of each Bank for FY 2018. The Banks shall be in effect as of January 1, 2018, and will expire June 30, 2020, unless there is mutual agreement to continue the Banks.

**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 child, parent (natural, foster, step, or in-law), brother, sister, husband, or wife. In addition, anyone who lives regularly in the unit member's household and anyone for whom the unit member has durable medical or personal representative power of attorney or a person who raised the unit member in lieu of a parent if not otherwise included in this list shall be considered immediate family.
2. The applicant shall not be employed during his/her normal MCPS work hours in any other capacity during the covered period.
3. A unit member may receive a maximum of thirty (30) days of leave from the FMCLB during any rolling three (3) year period.
4. A maximum grant shall be thirty (30) duty days.

**Procedures**

1. An applicant must use all accumulated sick, personal, annual or any other available paid

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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.

leave (if applicable) during each fiscal year before receiving leave from the FMCLB.

2. Application must be made in writing to the FMCLB Committee in care of the MCPS Employee and Retiree Service Center (ERSC), stating the details of the circumstances and the likely duration.
3. The ERSC 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 Committee by the attending physician(s) before any FMCLB can be granted.

### **Functions of the FMCLB Committee**

There will be three separate Banks and Committees, one for each bargaining unit.

1. A three (3) member Committee, with two (2) members appointed by the Union president and approved by the Union Board of Directors (or Executive Board), and one (1) member from the ERSC, 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 MCPS. The Committee shall develop rules and procedures and shall give wide distribution to said rules upon approval of the Union Board of Directors (or Executive Board) and the Superintendent. (Same for each of the Banks.)
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) duty days following the Committee meeting where the decision is made.
4. The Committee shall have access to the MCPS Certification of Physician (MCPS Form 440-35) related to the request.
5. Additional information may be requested by the Committee before making a decision.
6. The Committee shall provide the ERSC
  - a. name of recipient,
  - b. evidence of qualification as a medical emergency under IRS Regulations,
  - c. number of days granted, and
  - d. number of days used.

7. The Committee will schedule regular meetings, and may also meet on an "as needed" basis.
8. If an application is denied, the Committee's decision may be appealed within fifteen (15) calendar days after notification of the decision to the Board of Directors (or Executive Board) of the appropriate Bargaining Unit. A decision of a Board of Directors (or Executive Board) will normally be issued within 30 calendar days. The decision by the Board of Directors (or Executive Board) is final and binding.
9. Any willful misuse/abuse of the FMCLB will result in forfeiture of days granted and will prohibit any future use of the FMCLB.
10. The applicant will be informed in writing of suspected abuse of the FMCLB.
11. MCPS will investigate any accusations of abuse. If abuse is determined, any remaining days granted shall be forfeited and future use will be denied.
12. If abuse is determined, the unit member shall be informed of the right to appeal the decision through the appropriate union grievance procedure.

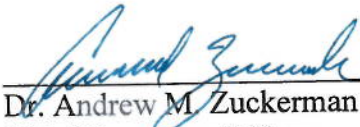
### **Contributions**

1. Unit members who wish to join and have access to the FMCLB must make an initial leave contribution to the Bank equal to the number of hours of one day of leave prorated based on the full time equivalent (FTE) of the joining employee. Additional assessments may be made by the Committee when the Committee determines that it is necessary in order to keep the Bank solvent. Assessments will be based on the FTE of each bank member at the time of the assessment.
2. A unit member who wishes to contribute to and become a member of the FMCLB must do so during the first 30 calendar days of employment with MCPS or during his/her first full work month of any fiscal year.
3. An employee will have a waiting period of six (6) calendar months after joining the FMCLB before being eligible to apply for benefits from the Bank. (This restriction will not apply to current employees who join the Bank during the initial enrollment period during FY2018.)
4. The Committee will make additional assessments of sick leave time from members of the Bank at the beginning of any fiscal year as needed to keep the Bank solvent.
5. A unit member who has joined the Bank may withdraw his/her membership at any time. No contributed leave time will be returned to the unit member upon such withdrawal.
6. Contributors must complete and sign the "Family Medical Crisis Leave Bank Enrollment Form" and return the form to the Committee.

7. The Committee shall establish a database system to track the donations, along with their utilization.

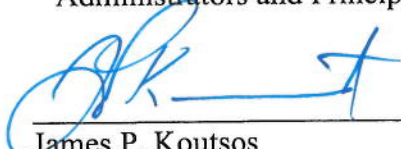
This Agreement is for the implementation of the Family Medical Crisis Leave Bank (FMCLB) negotiated between MCPS and each of the unions for the period beginning July 1, 2017, and ending on June 30, 2020.

For Montgomery County Public Schools (MCPS)

  
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Dr. Andrew M. Zuckerman  
Chief Operating Officer

Date: 2/8/18

For Montgomery County Association of Administrators and Principals (MCAAP)

  
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James P. Koutsos  
President

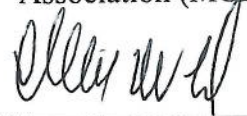
Date: 2/9/18

For Support Employees International Union, Local 500 (SEIU)

  
\_\_\_\_\_  
Merle Cuttitta  
President

Date: 2/9/18

For the Montgomery County Education Association (MCEA)

  
\_\_\_\_\_  
Chris Lloyd  
President

Date: 2/9/18

*David Rodig  
Executive Director*