

ANNE ARUNDEL COUNTY DEPARTMENT OF DETENTION FACILITIES ADMINISTRATIVE DIRECTIVE	NO. 03.12 DATE: October 31, 2022 SUBJECT: Personnel TITLE: Disability Leave FOR PUBLIC RELEASE: Yes
---	---

- I. Reference: Family Medical Leave Act of 1983 (FMLA); Anne Arundel County Code Article 6, §1-301, §1-303, §1-304, §1-311; Employees Relations Manual Section H-02, H-05, I-01; Memorandums of Agreement between Anne Arundel County and the Fraternal Order of Detention Center Officers and Personnel, Inc. (FODCOP), AFSCME Local 582, AFSCME Local 2563, Teamsters Local 355, International Association of Police Associations Local 141, AFL-CIO (IUPA); ACA-4-ALDF-7E-01

- II. Applicable to: Anne Arundel County Department of Detention Facilities (AACDDF)

- III. Purpose: To establish guidelines for the use and monitoring of disability leave.

- IV. Policy:
 - A. Disability Leave is accrued and may be used in accordance with Section H-02 of the Anne Arundel County Employees Relations Manual (ERM).
 - B. An employee may request and/or be placed on FMLA status in accordance with section H-05 of the ERM.
 - C. Excessive Use of Disability Leave –shall be addressed in accordance with the applicable labor agreements; non-represented employees shall be addressed in accordance with section H-02 of the ERM.

- V. Procedure:
 - A. Employee Reporting of Disability Leave
 - 1. Instances where an employee is scheduled to report to duty and is unable to do so, he/she shall contact their immediate Supervisor or, if unavailable, the on duty Supervisor as much in advance of the start of the shift/work day as possible and normally within one hour of the employee’s reporting time.

NOTE: CONTACT MADE WITH NON-SUPERVISORY STAFF IS NOT SUFFICIENT AND SHALL BE CONSIDERED IN VIOLATION OF THIS DIRECTIVE.

2. Telephone calls from anyone other than the employee shall not be considered valid unless the employee is physically incapacitated and unable to provide a verbal report of their absence.

NOTE: AFSCME LOCAL 2563 AND LOCAL 582 EMPLOYEES SHALL REFER TO THEIR APPLICABLE LABOR AGREEMENT FOR REQUIREMENTS FOR REPORTING AN INABILITY TO REPORT TO WORK.

3. The Supervisor receiving the telephone call shall document the employee's reporting of disability leave on an Incident Report and shall include the following:
 - a. Employee's name
 - b. Shift working or hours of work
 - c. Time of call
 - d. Nature of disability/reason employee is unable to perform function of their job
 - e. Expected length of disability
 - f. If this is a FMLA related occurrence
4. This Incident Report shall be signed by the Supervisor receiving the information and forwarded to the employee's immediate Supervisor.

B. Monitoring of Disability Leave Usage – to ensure consistency in the management of disability leave, the following institutional guidelines have been established. For the purpose of this section, the period of reckoning shall be twelve (12) months preceding the last occurrence of disability leave. For purposes of record keeping, an occurrence of disability leave (not covered under the FMLA or Worker's Compensation protections) shall be deemed as any single period of disability leave taken not interrupted by time at work. Prior scheduled doctors' appointments are not considered occurrences.

NOTE: THROUGHOUT THE MONITORING PROCESS, THE EMPLOYEE MAY HAVE A UNION REPRESENTATIVE AVAILABLE UPON REQUEST.

1. Each Supervisor shall monitor the disability leave records of their employees.
2. Upon the third (3rd) occurrence of disability leave in a twelve (12) month period, the Supervisor shall confer with the employee regarding the use of disability leave and attempt to determine the causes of absenteeism and whether the employee has a recurring health problem. It shall be

emphasized that the conference is not disciplinary in nature but that there is concern for the individual, as well as for the impact of the absences on operations and co-workers.

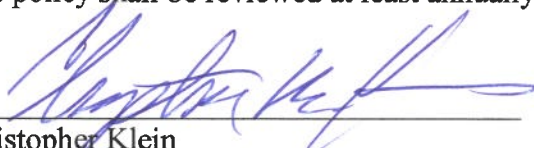
- a. A written record shall be made of this counseling session. One copy shall be given to the employee and another copy shall be placed in the employee's field file.
 - b. The employee's response to the conference and justification for the absences, in addition to a statement indicating what efforts shall be made to resolve the problem, shall be made a part of the written record.
3. Upon the fourth (4th) occurrence of disability leave in a twelve (12) month period, a conference shall be held with the employee, the immediate Supervisor and the appropriate ACFA. In cases where the ACFA is the employee's immediate Supervisor, the CFA shall take part in the conference. Although this is a counseling session, there shall be an expression of concern about the use of disability leave and a warning that a continuation may necessitate placing the individual on a one-day medical certificate status. A written record, summarizing this conference, shall be placed in the employee's field file and a copy shall be given to the employee.
 4. On the fifth (5th) occurrence of disability leave in a twelve (12) month period, a conference shall be held with the employee, his/her immediate Supervisor and the Superintendent. The employee may be placed on Disability Leave Probation, requiring the employee to provide a disability leave medical certificate for any period of disability-related absence. The employee shall be notified, in writing of this status and a copy of the notification shall be placed in the employee's personnel file. Additionally, the Superintendent may take disciplinary action if he has reason to believe that there has been disability leave abuse. In determining the severity of the discipline, the Superintendent shall consider:
 - a. The nature and gravity of the offense;
 - b. The employee's disability leave record;
 - c. The employee's work record; and
 - d. Any other factors, including extenuating or mitigating circumstances presented by the employee.

At the recommendation of the Supervisor, the Superintendent shall report to the Anne Arundel County (AAC) Personnel Officer the name of an employee who loses excessive time from employment or appears to be

suffering from a mental or physical disability that interferes with satisfactory job performance. The AAC Personnel Officer shall conduct the necessary investigation and make appropriate recommendations to the Superintendent for disability leave, accommodation, disciplinary action or removal of the employee. The AAC Personnel Officer may require the employee to undergo additional examinations to determine suitability for retention in active County service.

5. On the sixth (6th) occurrence, a referral may be made to the AAC Personnel Officer for an evaluation and determination as to whether the individual is capable of performing his or her duties.

This policy shall be reviewed at least annually and revised as necessary.



Christopher Klein
Superintendent

Rescinds: AD NO. 3.12, dated September 20, 2004
AD 03.12 dated September 9, 2011