

NON-SUPERVISORY SUPPORT EMPLOYEE UNIT

NEGOTIATED AGREEMENT

BETWEEN THE

**FREDERICK ASSOCIATION OF
SCHOOL SUPPORT EMPLOYEES
(FASSE)**

AND THE

**BOARD OF EDUCATION
OF FREDERICK COUNTY, MARYLAND**



Frederick County Public Schools

**SCHOOL YEARS
2011-2014**

- E. The specific insurance coverages shall be listed in the employee benefit plan description booklet, which will be updated at the conclusion of these negotiations. The coverages shall not be modified, except with a written notice of thirty (30) days in advance of the proposed changes to the FASSE. Approval by both the Board and FASSE Executive Board will be required prior to implementation.
- F. The Board shall exercise all of its rights under the third party contracts with insurance providers to assure that all specifications are met by these providers.
- G. Retiree Insurance
 - 1. "Retiree" is defined as having at least ten (10) years of service with FCPS.
 - 2. The Board will contribute 80% of the premium for medical, prescription drugs and vision for all retirees with 25 or more years of service.
 - 3. The Board will contribute 65% of the premium for medical, prescription drugs and vision for all retirees with service between 10–24 years.
 - 4. The Board will make no contribution to the dental premium costs for retirees. Retirees may participate in the dental plan but will assume full premium costs.
 - 5. Previous Board contributions for dental premium costs will be reallocated to cover costs for the retiree dependent premium.
 - 6. A significant portion of the Board's previous contribution to dependent medical premiums will be reallocated to support individual retiree premiums.
 - 7. The Board's previous dental premium contribution plus the remaining Board's previous dependent contribution will comprise the new Board allocation for dependent coverage.

7.2 WORKERS' COMPENSATION

- A. When an educational support employee is injured on the job and loses time from work, any deduction from the educational support employee's sick leave for absences directly resulting from the accident or injury will be reinstated once the workers' compensation claim is approved.
- B. An educational support employee who is physically unable to report for duty, as a result of an injury in the line of duty, may be placed on workers' compensation leave at full salary provided the educational support employee seeks the initial workers' compensation assessment from a physician who is among a list of comprehensive preferred providers such as *Health at Work* in Washington County; *Corporate Occupational Health Solutions* in Frederick County; and like facilities in the following Maryland counties of Carroll, Howard, and Montgomery, as well as Jefferson County, West Virginia and Adams County, Pennsylvania.

If an educational support employee elects to seek an assessment from a physician who is not among the list of preferred providers, the unit member will be entitled to receive the benefit mandated by the workers' compensation law of Maryland but will not be entitled to the benefits in this section for full salary.

This stipulation does not pertain to appeals on disputes of workers' compensation that the employee elected to pursue.

- C. Educational support employees on workers' compensation may accrue up to one year of service credit in determining his/her salary, including longevity and/or vacation eligibility. These advance credits will become effective upon the educational support employee's return to work. Annual leave for twelve-month educational support employees will accrue at the normal rate during disability leave.
- D. In order to be eligible for salary payment when injured, an educational support employee must be in an authorized position paid on the regular payroll.
- E. Board salary payments to the injured educational support employee shall not exceed the regular salary for the educational support employee for a period not to exceed one designated work year.
- F. If an educational support employee's disability continues beyond one year, the educational support employee may elect to use sick leave or annual leave accrued and may be eligible to apply for sick leave days.

7.3 INSURANCE COUNCIL

FASSE shall be permitted to appoint two (2) representatives to the insurance council. The Board may choose to appoint two (2) additional representatives to the council.

The insurance council shall meet within a reasonable time after a request of either party to discuss, study, and report on suggestions pertaining to the employee benefit plans. Minutes of such meetings shall be available to all members of the council.

Association representatives on the insurance council shall be released from school duties for meetings of the insurance council without loss of salary whenever it is jointly decided to hold such meetings during the school day.

The insurance council will:

- Monitor monthly financial reports
- Note trends and extraordinary claims experiences
- Track the status of the reserves

The Insurance Council shall study and make recommendations concerning the following but not limited to health insurance benefit design and cost for active and retired employees, dental insurance design and cost, life insurance and 403B programs.

7.4 COMPREHENSIVE GENERAL LIABILITY

Comprehensive general liability coverage will be provided for bodily injury, personal injury, or property damage, as specified in the Board's policy.

The Board, through its insurance company, will agree to investigate, defend, and pay any claim—if found legally liable—resulting from alleged bodily injury or property damage occurring out of the course of one's assigned duties.

Coverage will be extended to include personal injury arising out of false arrest, libel, slander, defamation of character, invasion of privacy, wrongful entry or eviction, and incidental malpractice related to student health services and psychological services performed by employees and in the course of their assigned duties.

MEMBERSHIP RULES AND PROCEDURES FCPS EMPLOYEES SICK LEAVE BANK

Statement of Intent

The purpose of the Sick Leave Bank (the Bank) is to provide sick leave to Bank members after their accrued and current year projected sick leave have been used. The Bank is to provide sick leave only in cases of prolonged, catastrophic, incapacitating personal illness, injury, or quarantine of the member during the regularly scheduled duty day, which is not likely to permanently disable the member.

Membership

1. New employees may become members of the Bank only after the completion of the probationary period.
2. A new employee wishing to join the Bank must submit a completed enrollment form to the senior human resources officer within ten (10) days of the end of the probationary period.
3. Employees returning from extended leave may become members by donating one day of sick leave within thirty (30) days of the date of reinstatement to active service.
4. Employees who fail to act within the specified enrollment eligibility period must wait until enrollment is open again (July 1 through October 1 of the next fiscal year).
5. Forms to join the Bank and forms to request sick leave from the Bank should be submitted to the Bank committee chair at the FASSE office.
6. Any regular FCPS employee whose work assignment is half-time or more, and who is not eligible to participate in the FASSE Sick Leave Bank, is eligible to participate in the Bank after all other membership requirements are met.
7. To remain a member of the Bank, an employee must contribute to the Bank at a rate of one day per year.
8. Membership in the Bank will remain in force and continue from year-to-year with a deduction made automatically as required, unless membership is canceled in writing by the member before October 1.

RULES

1. The Bank may be used only by the individual contributor for his or her illness, injury, quarantine and must meet ALL of the following criteria:
 - a. personal
 - b. prolonged
 - c. catastrophic
 - d. incapacitating
2. The Bank may NOT be used by the member to remain absent from work in order to assist a family member.

3. Only sick leave may be contributed to the Bank—annual and personal leave may not be contributed.
4. For the purposes of administration of the Bank, sick leave is defined as:
5. A designated amount of compensated sick leave granted to an employee whose absence is due to an illness, injury, or quarantine which meets the requirements of rule 1 (above).
6. Sick leave may not be granted for any period of disability during which monies are paid to the member under workers' compensation. If a member who has utilized sick leave days granted by the Bank thereafter receives benefits under the Workers' Compensation Act for those same days, pay will be administered in accordance with the handbook language on workers' compensation and the Bank will be reimbursed for any days used.
7. Elective (non-emergency, non-life threatening) surgery will not be covered during the school year for members who work less than twelve (12) months.
8. A member must be absent for ten (10) consecutive work days before being eligible for a grant from the Bank for that same illness, injury, or quarantine. Those ten (10) days may be covered by the member's accumulated sick leave, personal leave, annual leave, or leave without pay in accordance with the prevailing policy. Once the ten (10) consecutive work day eligibility requirement has been met, subsequent intermittent absences for the same condition will not cause ineligibility.
9. Members must submit requests for the sick leave bank to the Bank committee chair at the FASSE office.
10. Requests must be made within fifteen (15) calendar days of return to work.
11. The Bank will request additional information if unable to reach a decision regarding the request.
12. All requests to draw upon the Bank must be accompanied by a signed physician's statement detailing the cause, nature, and prognosis for the illness, injury, or quarantine.
13. The decision of the sick leave bank committee shall be approved by the support personnel officer unless the decision is inconsistent with sick leave bank regulations or is unsupported by documentation. Leave grants from the Bank will be made in units of not more than twenty-five (25) days (except in extreme cases as determined by the committee) and will not exceed fifty (50) days in any fiscal year. The maximum number of sick leave days that will be granted during any two (2) consecutive fiscal years is one hundred (100). Members who draw the maximum of one hundred (100) days in two (2) fiscal years are ineligible to participate for the next fiscal year. When medically verified, employees may be allowed to use leave in one-half (1/2) day increments.
14. In cases where the committee recommends denial of either a request for leave, or additional leave, the Bank will notify the member directly in writing with the reason for the denial. A member may appeal directly to the FASSE board of directors through the president within thirty (30) days of the denial.

15. A contributor will lose the right to request leave from the Bank if one or more of the following occur:
 - a. termination or suspension of employment by FCPS
 - b. cancellation of participation which is effective only at the close of a fiscal year— June 30 of each year
 - c. refusal to provide requested information upon request of the sick leave bank committee
 - d. refusal to contribute leave in accordance with membership requirements
 - e. use of one hundred (100) days during two (2) consecutive fiscal years
 - f. refusal to apply for disability retirement benefits if the committee determines that the member may be eligible

16. The existence of the Bank and participation by employees in the Bank does not negate or eliminate any other FCPS sick leave policies, nor does it in any way negate the rights of individual employees who participate in the Bank to other sick leave benefits included in the FASSE-Board of Education Agreement.

Administrative Procedures

1. One day of sick leave will be deducted from the member's sick leave account in the second pay period in October each year and will be placed in the Bank, unless written notice of cancellation is given prior to July 1. Contributions to the Bank must be authorized by the employee on the appropriate form, available in the department of human resources. The annual contribution of one day will be continued from year to year until canceled in writing by the member. Additional days may be assessed if the Bank has a negative balance at the end of the school year. Members will be notified prior to any additional deduction.
2. The president of FASSE will select employees to serve on the sick leave bank committee, and shall submit their names to the FASSE board of directors for approval. FASSE will provide the names of the sick leave bank committee, in writing, to FCPS Human Resources Department by June 30 of each school year.
3. The Bank will approve all donations before they are forwarded to the payroll department.
4. The committee will review and recommend to the senior human resources manager, approval or denial of all requests for leave from the Bank within fifteen (15) working days of receiving the request.
5. All requests to draw upon the Bank must be made on the appropriate form.
6. When the committee deems a second opinion is appropriate, any member requesting leave may be required to undergo a medical examination and consultation by a physician of the committee's choice at the applicant's expense. Any member not wishing to submit to this requirement may withdraw their request without affecting future membership.
7. In the event a member is unable to personally complete the leave request form, an agent or family member may act on their behalf.

8. An employee must use all sick leave that will be accrued for the current fiscal year before requesting leave from the Bank. An adjustment will be made on the final paycheck to reflect any negative balance in sick leave. If the amount on an employee's paycheck is to be adjusted, said employee will be notified. In no case will the granting of leave from the Bank cause a member to receive more than his or her regular salary.
9. The payroll department will maintain records of all member contributions, withdrawals, cancellations, and the status of the Bank.
10. Any Bank member may review his/her membership application form, request for withdrawal of membership, and approved requests by contacting the Bank committee chair at the FASSE office.
11. If, in the judgment of the committee, an applicant for leave, or an extension of leave, is eligible for disability retirement benefits, the committee may require the employee to apply for such benefits. Failure to apply as directed may result in disqualification from receipt of further benefits. The employee will continue to receive Bank benefits while waiting for a decision regarding the disability retirement. Bank benefits shall cease when disability retirement becomes effective. The member is required to notify the Bank of approval of any applications for disability retirement.
12. If an applicant receives an initial grant or an extension of a grant, and he or she is found to be ineligible for disability retirement, the committee may refer the member to a doctor of its choice at the member's expense for an evaluation as to whether the applicant is permanently disabled. If the doctor certifies that the applicant is so disabled, then the committee may deny the applicant's request for a grant or an extension of a grant.