

COUNTY ORDINANCE NO. 18-05

A BILL ENTITLED

AN ACT CONCERNING Sick Leave in Queen Anne's County;

FOR THE PURPOSE of conforming the Queen Anne's County Human Resources Ordinance (Chapter 27 of the Code of Public Local Laws of Queen Anne's County) to the provisions of the Maryland Healthy Working Families Act (Subtitle 13 of the Labor and Employment Article of the Annotated Code of Maryland);

BY AMENDING Section 27-91B. of the Code of Public Local Laws of Queen Anne's County;

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 27-91B. of the Code of Public Local Laws of Queen Anne's County be and is hereby AMENDED to read as follows:

§ 27-91 Forms of Leave.

. . .

B. Sick leave. The County shall provide employees with a paid leave benefit to be used when sickness, other disabling conditions or medical treatment preclude an employee from reporting to work.

(1) Rate of accrual of sick leave. Sick leave shall be provided to all full-time employees of the County at the rate of 10 hours of leave for each full calendar month of service. Percentage part-time employees scheduled to work shall receive a portion of the monthly sick leave based on the Human Resources Policy. Contractual employees regularly working 12 hours a week or more shall receive a portion of the monthly sick leave based on the Human Resources Policy .

(2) Sick leave year. For the purpose of earning and accruing sick leave, the twelve-calendar-month period between January 1 and December 31 is established as the leave year. Full-time Employees may use up to 80 hours of earned sick leave in a leave year referred to as Sick and Safe leave based on the Human Resources policy.

(3) Qualifying condition for use of sick leave. Employees may be granted sick leave for absence due to the following:

(a) Sickness or bodily injury that prevents the employee from performing regular duties.

(b) Employee's medical or dental appointments.

(c) The actual period of temporary disability caused by or contributed to by pregnancy, miscarriage, childbirth and recovery therefrom. A physician's certificate is required to verify the employee's period of temporary disability for these reasons.

(d) Exposure to a contagious disease when continuing work might jeopardize the health of others.

~~(e) Care of a sick spouse, dependent child or parent to include physician office visits, not to exceed 80 hours in a leave year which is tracked by the respective department and referred to as Sick and Safe Leave. A healthcare provider certificate is required to utilize family sick leave. Refer to the Family and Medical Leave policy for definition of spouse, dependent child and parent.~~

[Amended 3-21-2017 by Ord. No. 17-03]

(4) Physician's certificate.

(a) Sick leave may be granted to full-time and eligible part-time employees of the County for three consecutive days without a physician's certificate.

(b) Sick leave in excess of three consecutive days shall require a physician's certificate. Refusal or failure to supply an adequate certificate shall result in the period of absence being charged against other available leave available to such employee or leave without pay in the discretion of the employee's appointing authority.

~~(c) — The department director shall have the right to require a physician's certificate upon return to work of an employee who has been absent from work to care for a sick spouse, dependent child or parent. The certificate shall verify the actual period that the spouse, dependent child or parent was under a physician's care. An employee who fails to provide a certificate from a physician shall not be granted sick leave. The employee may be allowed to use accrued vacation, personal leave or leave without pay.~~

(c) The department director shall have the right to require a physician's

certificate after one day of sick leave if this action shall serve the best interest of the County.

(5) Payment for unused sick leave at separation from service. An employee shall not be paid for unused sick leave in the event of termination of employment.

(6) Notification of supervisor. Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or not later than two hours after the beginning of a scheduled workday. The department director may require notification earlier than two hours after the beginning of a scheduled workday. Sick leave may only be taken with the approval of the immediate supervisor.

(7) Worker's compensation disqualification. A sick leave benefit shall not be received by an employee who is receiving workers' compensation disability payments.

(8) Advanced sick leave.

(a) Any full-time member of the classified service or professional and executive service may be advanced sick leave within the discretion and upon application and the approval of the County Administrator.

(b) The written request shall be supported by a physician's certificate indicating that the advanced sick leave is medically necessary for the employee or a member of his or her immediate family and that the employee shall be able to return to work at a reasonable future date.

(c) If the County Administrator approves the request, the employee and the County shall enter into a legally binding leave repayment agreement which shall provide that:

[1] The advanced sick leave is medically necessary for the employee or a member of his or her immediate family.

[2] The employee shall be able to return to work at a reasonable future date.

[a] Sick leave to be advanced may not exceed a period of more than 15 workdays.

[b] With regard to repayment of advanced sick leave:

[i] After the employee returns to work, advanced sick leave previously used shall be repaid by a

deduction from the employee's earned salary or earned sick leave to the County at the rate of 10 hours per month until such time as the advanced leave is repaid in full.

[ii] If the employee gives no notice, or the accrued salary due the employee is insufficient to repay the County, and the employee has not paid the County the value of the outstanding advanced sick leave, the County Administrator may direct the Director of Human Resources to file/obtain a judgment against the employee and pursue all legal remedies to recoup the balance due.

[iii] In the event of death, liability to the County will cease to exist.

(c) After an advancement is granted, the Director of Human Resources shall grant the sick leave in increments of five workdays and shall review the circumstances of the individual case prior to granting an additional five days to determine what portion of the advanced sick leave time is actually needed.

(9) Retirement credit for accrued sick leave. Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the State Retirement and Pension System of Maryland.

(10) Transfer of sick leave credit. A full-time employee may transfer unused sick leave earned from another Maryland governmental agency and/or entity in accordance with policies and procedures adopted by the Department of Human Resources.

(11) Donation of sick leave. Upon approval from the ~~County Administrator~~ Director of Human Resources, an employee may donate sick leave to another eligible member of the classified or professional and executive service. The County reserves the right to refuse the donation of sick leave in accordance with policies and procedures adopted by the Department of Human Resources.

(12) Loss of sick leave credit. Employees who retire or resign and are not reinstated with the County within a one-year period shall lose all sick leave credits.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Commissioner Anderson

DATE: February 27, 2018

PUBLIC HEARING HELD: March 27, 2018 @ 6:35 pm

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: April 10, 2018

EFFECTIVE DATE: May 26, 2018