



LEAVE BENEFITS AND PROCEDURES

Directive 4 - 100

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I. PURPOSE

The purpose of this Directive is to identify the various forms of leave available to Department of General Services Maryland Capitol Police (DGS-MCP) employees and the means in which leave is approved or denied.

II. POLICY

All members of DGS-MCP should familiarize themselves with the various forms of leave available to them. Leave benefits and procedures governing the administration of leave benefits are based on the provisions of the State Personnel and Pension Article, Annotated Code of Maryland, and the Code of Maryland Regulations. Leave benefits and procedures may also be affected by Executive Order, collective bargaining agreements, Federal Law, and other written Directives.

III. DEFINITIONS

A. TYPES OF LEAVE BENEFITS

1. Holiday Leave - Employees receive at least 11 paid holidays per year. An additional holiday is observed during each statewide election day.
2. Annual Leave - Leave that can be used for any purpose with prior approval from the employee's supervisor; new employees must complete 6 months of State service before using annual leave; this leave is accrued based on years of service starting at 10 days per year and up to 25 days per year with 20 years of service; employees may carry up to 75 days or 600 hours over from one year to the next. Full time employees earn annual leave as follows:

<u>Service Years</u>	<u>Rate/Hrs.</u>	<u>Total/Year</u>
1 through 5	1 hr. for ea. 26 hrs. worked	10
6 through 10	1 ½ hrs. for ea. 26 hrs. worked	15
11 through 20	2 hrs. for ea. 26 hrs. worked	20
21 and above	2 ½ hrs. for ea. 26 hrs. worked	25

3. Sick Leave - Employees earn sick leave at the rate of 15 days per year. Employees must notify their supervisor when using this leave. There is no limit to the number of sick leave days an employee may accrue or carry over into a new calendar year. Sick leave that can be used for the following reasons:

- a. for illness or disability of the employee;
- b. for death, illness or disability of a member of the employee's immediate family;
- c. following the birth of the employee's child;
- d. when a child is placed for adoption;
- e. or for a medical appointment of the employee or a member of the employee's immediate family.

The procedures governing sick leave may be found in DGS-MCP Directive 4-103.

4. Military Leave - Leave that is granted an employee who is a member of a reserve unit of the armed forces, or in the organized militia for military training or active military duty. A maximum of 15 days annually is granted without loss of pay or charge against any other leave. A copy of the military orders is required.
5. Personal Leave - Leave that can be used for any purpose with prior notification to the employee's supervisor; each employee is entitled to 6 days, not to exceed 48 hours, of personal leave at the beginning of the first full pay period of the calendar year. Personal leave may be pro-rated for new employees based on the month the employee begins employment. Personal leave may not be carried over from one year to the next. New employees are entitled to:
 - a. 6 days if employment begins between January 1 and February 28
 - b. 5 days if employment begins March 1 and April 30
 - c. 4 days if employment begins May 1 and June 30
 - d. 3 days if employment begins on or after July 1
6. Work Related Accident Leave - Leave that is granted to an employee as a result of a work-related accident that is determined to be compensable by the Injured Worker's Insurance Fund or the Worker's Compensation Commission. Accident leave is compensated at 2/3 the employee's normal pay. An employee must use accident leave beginning on the first day of the disability and continuing until the day the employee is certified to return to work by a health care provider or 6 months from the day of the disability, whichever is earlier.
7. Jury Duty Leave - Leave that is granted when an employee is required to serve as a member of a jury, and only when the employee's jury service occurs on the employee's scheduled workday. An employee who serves as a member of a jury is entitled to leave with pay. If, after reporting for jury duty, the employee is dismissed for the day, the employee shall return to work if time permits. A copy of the subpoena for jury duty is required.
8. Other Court Related Leave - An employee who is summoned to appear in a court action, before a grand jury, before an administrative agency, or for a deposition, and is neither a party to the action or a paid witness, may be absent from work without loss of pay or leave. A copy of the subpoena is required.
8. Organ Donor Leave - Leave that is granted to an employee who is an organ or bone marrow donor. In any 12-month period, an employee may use up to 7 days of organ donation leave to serve as a bone marrow donor; and 30 days of organ donation leave to serve as an organ donor. Employee must contact the DGS Human Resource Division to apply.

9. Disaster Leave - On request, an employee may be entitled to this leave if:
 - a. the employee is certified by the American Red Cross as a disaster service volunteer; and
 - b. the American Red Cross requests the services of the employee during a disaster that is designated at Level II, or above in the regulations and procedures of the National Office of the American Red Cross.
10. Examinations and Interviews for State Position Leave - An employee may be granted up to 4 hours leave to take examinations and attend interviews for State positions.
11. Bereavement Leave - A maximum of 5 working days may be charged to sick leave in the event of a death of a member of the employee or spouse's immediate family. An employee may elect to receive up to 3 days of bereavement leave instead of using 3 of the 5 sick days that an employee is allowed to use upon the death of members of the employee's immediate family. A maximum of 1 working day may be charged to sick leave for other designated family members. The procedures governing Bereavement Leave may be found in DGS-MCP Directive 4-115.
12. Leave of Absence Without Pay (LWOP) - An employee may be granted leave without pay only after the employee has exhausted all available leave. No leave will be earned while the employee is on LAW. A may be granted for up to 2 years with approval of the Secretary of Budget and Management.
13. The State Employees' Leave Bank Program - Employees may donate leave and become a member of the Leave Bank. Eligibility for use of leave from the bank will be determined in accordance with existing policy (COMAR).
 - a. A new employee may donate one day (eight hours) of Personal Leave to the State Employees' Leave Bank within the first sixty (60) days of their employment.
 - b. All other employees may donate one day (eight hours) of Annual, Personal, or Sick Leave to the State Employees' Leave Bank during the open enrollment period. Sick Leave may only be donated if the employee has a balance of 240 hours after the donation.
 - c. The Employer shall hold an open enrollment period during the health insurance open enrollment period.
 - d. An employee becomes eligible for the State Employees' Leave Bank 90 days following the initial donation to the bank. Membership in the State Employees' Leave Bank is for two years.

IV. PROCEDURES

A. REQUESTING LEAVE

1. Annual leave, compensatory leave and leave without pay must be requested and approved in advance by the employee's supervisor on MCP Form 174 before it's taken.

2. When circumstances arise where advanced approval is not possible, the employee must personally notify the on duty shift supervisor of their assigned Detachment or Unit, concerning the nature of the circumstances and the type of leave requested. Such notification must be made at least one hour before the start of the scheduled shift.
3. Sick leave will be granted to employees who notify their supervisor of their illness in accordance with the DGS-MCP Directive on Sick Leave (4-103). Any employee absent for more than five or more consecutive working days is required to submit an **original certificate, signed by a qualified health care provider**.
4. Requests for leave of absence without pay (LWOP) may be approved only after the employee has exhausted all available leave. (LWOP) will automatically be requested by the appointing authority when an employee is called to active military duty, is injured in the line of duty and has exhausted all available leave, or is temporarily incapacitated due to physical or mental illness and has exhausted all available leave. Under most circumstances, employees ready to return from LWOP exceeding 30 days are not guaranteed a position. Procedures for requesting LWOP are available from the DGS Human Resources Division.

B. SUPERVISORY REVIEW OF LEAVE REQUESTS

1. The immediate supervisor will approve or deny requests for leave. Every effort will be made by the supervisor to either approve or deny a leave request within one week of submission.
2. In determining whether leave will be granted, the supervisor will:
 - a. First consider the needs of the department;
 - b. Make any responsible accommodations to grant the request;
 - c. Only deny leave when there is no reasonable and practical way to accommodate the request without creating a manpower shortage that cannot be resolved without incurring overtime or when fulfilling the request would jeopardize the ability of the department to fulfill its duties and obligations.
3. If the leave is denied, the supervisor will:
 - a. Provide the employee with an explanation of the denial;
 - b. Indicate on the request form that the leave was denied;
 - c. Sign the request form; and
 - d. Provide the employee requesting the leave with a copy of the request form that has been signed and indicates that the leave was denied.

C. UNAUTHORIZED ABSENCE

An employee that is absent from duty without approval will receive no pay for the duration of the absence, and is subject to progressive disciplinary action which may include dismissal.

D. MAINTENANCE OF LEAVE RECORDS

1. The Detachment Commander is responsible for accurate leave records for all officers assigned to the Detachment.
2. Shift Commanders will be assigned the task of approving and denying leave, as well as maintaining accurate leave records.
3. Employees are strongly encouraged to maintain their own leave records.

E. LEAVE ACCUMULATED AT THE TIME OF SEPARATION

1. Once an employee has submitted notice of resignation from State service, the employee may not use more than ten (10) days of annual, personal, or compensatory leave, or any combination of those types of leave, between the time notice is given and the effective date of resignation.
2. Upon separation from State service, employees will be paid for any unused annual leave. Executive, administrative and professional employees who are not eligible for cash overtime payments will be paid for a maximum of two days compensatory leave earned. Employees who earned compensatory leave in lieu of cash overtime, payments will be paid for all earned compensatory leave.
3. When transferring from one State agency to another, executive, administrative and professional employees who are not eligible for cash overtime payments may transfer up to ten days of compensatory leave to the new agency and may also be authorized to use any remaining compensatory leave before the effective date of transfer. Employees eligible for cash overtime payments may transfer all the compensatory leave earned in lieu of cash payment. All employees are entitled to transfer all other earned leave balances.