



SICK LEAVE

Directive 4-103

Date of Revision: January, 2018 Amends/Cancel: 4-103, Nov. 2017

I. PURPOSE

The purpose of this Directive is to establish written policy governing sick leave.

II. POLICY

The Department of General Services Maryland Capitol Police (MCP) believes the State's provision of paid sick leave is a valuable benefit to the employee and the Department. It enables an employee to maintain a constant income when they are temporarily prevented from working due to a serious health condition. It also allows MCP to continue the employment of its most essential resource – competent, trained and dedicated employees.

An unmonitored program of paid sick leave, however, can lead to abuse. Abuse could eventually result in a significant reduction or elimination of the benefit, which could harm both the employee and MCP. The Department, therefore, supports a policy to prevent the abuse or potential abuse of sick leave.

III. DEFINITIONS

- A. Approved Medical Documentation - an original MCP Form 175, Certificate of Illness or Disability, signed by a health care provider. An employee may submit other documents in lieu of the Form 175, provided they: (1) are signed by a health care provider, (2) authenticate the employee's or the employee's immediate family member's illness or disability and the absence from the workplace and (3) include a prognosis about the employee's ability to return to work.
- B. Health Care Provider - a medical doctor authorized to practice medicine or surgery by the state in which the doctor practices; an accredited Christian Science practitioner; any of the following if authorized to practice in a state and performing within the scope of that authority: chiropractor, clinical psychologist, dentist, licensed certified clinical social worker, nurse midwife, nurse practitioner, oral surgeon, optometrist, physical therapist, or a podiatrist; or a health care provider as defined by the Family and Medical Leave Act.
- C. Immediate Family - spouse of the employee; children of the employee, including foster and step children; parents of the employee or spouse, including step and foster parents; others who took the place of parents for the employee or spouse; legal guardians of the employee or spouse; brothers and sisters of the employee or spouse; grandparents of the employee or spouse; grandchildren of the employee or spouse; other relatives living as family members in the employee's household.
- D. Relatives - aunts and uncles of the employee or spouse; nephews and nieces of the employee or

spouse; brothers-in-law and sisters-in-law of the employee or spouse; sons-in-law and daughters-in-law of the employee or spouse.

IV. PROCEDURES

A. RESPONSIBILITIES

1. Sick leave is the responsibility of the employee and MCP supervisory personnel at every level.
2. Excessive/abuse of sick leave is strictly monitored, therefore careful consideration should be given to special problems the employee may be experiencing that may cause sick leave usage to be excessive.
3. Absenteeism rests with the first-line supervisor.
4. This program has been developed to assist all levels of supervision in the monitoring the use of sick leave.

B. ELIGIBILITY

In accordance with the State Personnel and Pensions Article, employees are entitled to sick leave with pay:

1. For illness or disability of the employee;
2. For death, illness, or disability of a member of the employee's immediate family or relative;
3. Following the birth of the employee's child;
4. When a child is placed with the employee for adoption; or
5. For a medical appointment of the employee or a member of the employee's immediate family.

C. REQUIRED NOTIFICATION

1. Should an employee be absent from work due to a health condition, the employee must personally notify their immediate supervisor, or the on duty shift supervisor at their assigned Detachment/Division, that the employee will be absent and the probable date of their return to work. Such notice must be made at **least one hour** before the start of their scheduled shift.
2. If the employee does not know how long he or she may be absent, the supervisor or the on duty shift supervisor at their assigned Detachment/Division must be notified each day of the continued absence within the time frames described above.
3. When it is not possible for the employee to personally contact the supervisor due to extreme emergency circumstances someone else may call on their behalf.

D. SICK LEAVE OCCURRENCES AND EXCEPTIONS

1. Except as indicated below, any use of sick leave for an illness or disability of the employee or a member of the employee's immediate family for which the employee does not submit an original certificate of illness or disability will be considered an occurrence.
2. Sick leave that will not count as an occurrence is as follows:
 - a. Leave that qualifies under the Family Medical Leave Act (FMLA), which includes, but is not limited to, sick leave used after birth or adoption of the employee's child. Further information on FMLA may be found in MCP Directive 4-105.
 - b. Leave taken by an employee when the employee works less than the employee's full workday due to having to provide care to the employee's child or a member of the employee's immediate family.
 - c. Leave used for the death of an immediate family member or relative of the employee or spouse. Further information on leave used for bereavement can be found in MCP Directive 4-115.
 - d. Leave for which an employee submits an original certificate of illness or disability.

E. REQUIRED DOCUMENTATION FOR ABSENCES OF FIVE OR MORE CONSECUTIVE DAYS

State Personnel and Pensions Article § 9-504 provides that an employee may not be paid for any absence of five or more consecutive workdays due to personal illness or disability or the illness or disability of a member of the employee's immediate family unless the employee provides their supervisor with an original certificate of illness or disability, **signed** by a licensed health care provider. Photocopies will not be accepted.

F. DOCUMENTATION FOR ILLNESSES OF LESS THAN 5 CONSECUTIVE WORK DAYS

1. For absences of less than five consecutive workdays, approved medical documentation is not required. However, in order for the absence not to count as an occurrence, a Form 175 or other approved medical documentation must be submitted.
2. For absences of four or fewer hours to attend a medical appointment, the employee may submit a copy of the universal health insurance claim form or similar document from the health care provider's office showing the name of the provider, the date of treatment and address and telephone number of the provider in lieu of a Form 175 or other approved medical documentation. If the employee does not submit either a universal health insurance claim form or other approved medical documentation, the absences will count as an occurrence.
3. An employee who works less than his/her full work day due to having to provide care to the employee's child or member of his/her immediate family shall not be required to provide medical certification unless management has a basis to believe sick leave is being used for a purpose other than described in Section B above.

4. When an illness of one or more days occurs during a period of approved annual or personal leave, sick leave may be granted if the employee submits approved medical documentation.

G. DOCUMENTATION SUBMISSION

1. The approved medical documentation must be submitted to the employee's supervisor by the end of the pay period in which the sick leave occurs.
2. For occurrences of five or more days, the certificate of illness or disability must be submitted by the end of the pay period in which the 5th consecutive workday of sick leave occurs, and then every 30 calendar days thereafter or until the employee returns to work.
3. The employee's supervisor will review and approve medical documentation and then immediately forward it to the Headquarters.
4. For an absence of 30 or more calendar days due to the employee's own illness or disability, the employee may be required to be examined by the State Medical Director to obtain clearance to return to work.

H. SPECIAL SICK LEAVE REPORTING STATUS

1. MCP may require employee's to submit documentation of sick leave use under the following conditions:
 - a. When an employee has a consistent pattern of maintaining a zero or near zero sick leave balance without documentation of the need for such relatively high utilization; or
 - b. When an employee has six (6) occurrences of undocumented sick leave within a twelve month period.
2. Prior to imposing a requirement on an employee for documentation of sick leave use, the supervisor shall counsel the employee in writing when the employee has five (5) undocumented sick leave occurrences within a period of 12 months or when the employee has a pattern of maintaining a zero or near zero sick leave balance.
3. If the employee has another undocumented absence within the 12 month period, the supervisor will place the employee in a special sick leave reporting status for a period of six months. The supervisor will provide the employee with written notice of the one-day sick requirement which states the beginning and ending date of the period for which the medical documentation must be provided.
4. The employee on the special sick leave reporting status must provide approved medical documentation for each occurrence upon returning to work but in no case later than the end of the pay period in which the absence occurred.
5. At the conclusion of the six months, the documentation requirement will be rescinded provided the employee has complied with the requirement. If the employee has not complied with the documentation requirement, the requirement shall be extended for six months from the date of the

lack of compliance with the requirement.

I. CHRONIC CONDITIONS

1. Employees who suffer from chronic or recurring illnesses or disabling conditions that do not require a visit to a health care provider each time the condition is manifested, shall not be required to provide certification for each absence, provided that they have been approved by DGS - Human Resources Division (HRD) for intermittent FMLA.
2. If the employee is out for 5 or more consecutive workdays as a result of the chronic or recurring illness or disabling condition, the employee will furnish approved medical documentation for the absence.
3. Unless the employee has a condition identified as a permanent disabling condition by the State Medical Director, the certification will be updated every twelve months.
4. All paid and unpaid leave taken for the chronic condition will count toward the employee's annual FMLA entitlement.

J. BIRTHS AND ADOPTIONS

1. An employee who is responsible for the care and nurturing of a child may use, without approved medical documentation, up to 30 days of accrued sick leave to care for the child during the period immediately following either:
 - a. The birth of the employee's child; or
 - b. The placement of the child with the employee for adoption.
2. An employee requesting care and nurturing leave will immediately notify their commander and submit a written request along with proof of birth or copy of adoption documents.
3. The Commander will evaluate the request and submit a recommendation for approval or disapproval along with the request to HRD.
4. If eligible, an employee requesting birth or adoption leave will be designated with FMLA by HRD.

K. DISCIPLINARY ACTIONS

1. MCP may take appropriate progressive disciplinary action against an employee for:
 - a. Using sick leave for purposes other than described in law, regulation, this policy, or an applicable Memorandum of Understanding (MOU);
 - b. Failing to properly notify the employer of the use of sick leave; or
 - c. Failing to provide appropriate documentation when required to do so.

2. MCP may not penalize an employee with regard to scheduling, overtime eligibility, performance evaluations or other right or benefit for being subject to a documentation requirement.

L. POLICE OFFICERS ON EXTENDED SICK LEAVE

1. Police Officers who are on sick leave for 30 or more consecutive calendar days will have their police powers suspended and must turn in their MCP identification card, 2 issued Badges, Maryland Police Training and Standards Commission (MPTSC) card, issued firearm, 3 magazines, and issued weapon carrying case.
2. Police Officers who reasonably anticipate being on sick leave for 30 or more consecutive calendar days must turn in their MCP identification card, 2 issued Badges, MPTSC card, issued firearm, 3 magazines, and issued weapon carrying case.
3. Detachment Commanders or their designees will be responsible for collecting the aforementioned equipment and returning it to Special Services Division for storage.