



Title of Procedure: Leave Benefits Procedure

Applies to (check all that apply):

Faculty X **Staff X** **Students**_____

Division/Department_____ **College**_____

Topic/Issue:

Review all of the College’s leave procedures and create new combined leave procedures.

Background to Issue/Rationale for Policy or Procedure:

These policies and procedures are established to meet the mandated requirements to control the use of all leave.

State/Federal Regulatory Requirements (cite if applicable):

Education Article 15-108, 16-510(a), State Personnel and Pensions Title 9, subtitle 6, COMAR 17.04.11.22 and 17.04.11.23

Procedure Language:

Personal Leave:

All full-time employees shall be granted three (3) days of personal leave at the beginning of the first full pay period of the calendar year. Unused leave days may not be carried over beyond the first full pay period in the next calendar year. A leave slip is required and must be submitted within one (1) day of return to active duty for use of personal leave. The use of personal leave requires that the employee call or notify the supervisor of the employee’s intent to utilize personal leave, as much time as possible should be provided. A supervisor may not deny an employee the right to use personal leave unless the supervisor is not notified prior to the start of the leave. Leave codes other than leave codes 50 are only used by permission and direction of supervisor.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
50	Personal Regular	Employee
51	Personal Sick Doc	Supervisor
52	Personal Unscheduled	Supervisor
53	Personal FMLA	Supervisor

Floating Holiday:

All full-time employees shall be granted one (1) floating holiday at the beginning of the first full pay period of the calendar year. An unused floating holiday may not be carried over beyond the first full pay period in the next calendar year. An approved leave slip is required for use of the floating holiday.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
98	Holiday 24 HR Empl	Signed Leave Slip

Annual Leave:

- A. From the beginning of the first year of service through the completion of the twentieth year of employment, an employee who is paid for forty hours per week shall be credited with annual leave at a rate of 6.77 hours per pay period / 22 days per year. An employee may not earn more than one-hundred seventy-six (176) hours of annual leave or carry over more than six hundred (600) hours of annual leave per year.
- B. From the beginning of the twenty-first year of service and continuing thereafter, an employee who works forty hours per week shall be credited with annual leave at a rate of 7.69 hours per pay period/25 days for year. An employee may not earn more than two hundred (200) hours of annual leave or carry over more than six hundred (600) hours of annual leave per year.
- C. An employee does not earn annual leave for hours worked in excess of the employee's regular workweek, nor for hours an employee on leave without pay.
- D. Upon termination of employment, employees shall be paid for their unused accrued annual leave, up to 400 hrs, plus any leave that the employee earned from the beginning of the new calendar year.

- E. Contractual employees who convert to regular employees shall accrue leave based upon their initial date of employment as a contractual employee as long as their service is continuous. Contractual employees shall not be credited with leave for the period of time that they were contractual employees.

Use of Annual Leave (not applicable to faculty)

A. Generally

1. Except in emergency situations, an employee shall make a written request for time off for use of annual leave from his or her supervisor at least one (1) week in advance of the date(s) that he/she wants to use annual leave. Supervisors shall grant or deny the request in writing within one week of the request. If the supervisor is on leave, the person taking the place of the supervisor shall approve or deny the leave within one week of the request.
2. Employees shall not use annual leave in excess of the hours they have accumulated. Annual leave is not earned for hours worked in excess of an employee’s regular workweek, nor for hours an employee is on leave without pay. Annual leave may be accumulated up to an amount of 600 hours per year.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
10	Annual Used Regula	Signed Leave Slip
11	Annual Used Sick Doc	Employee post Leave Slip

B. Limitations

Employees working in the following departments shall not take Annual Leave in excess of two (2) consecutive days during the following periods:

1. by employees in Students Affairs, Financial Aid, Bookstore and Cashier’s Office, during the Fall and Spring Early and General Registration and add/drop week;
2. by employees in General Accounting during July and August.
3. by employees in CITS in August, September and January, except that a maximum of one programmer, one network engineer, and two computer information specialists may be permitted to take leave.
4. by employees in the Library during the Spring and Fall semesters, except each semester at least one employee will be able to take one week of annual leave.

- 5. by employees in Public Safety during Commencement
- 6. by employees in BCED during Fall and Spring General Registration and one week following General Registration.

C. Advance Requests for Use of Leave

During the months of February and September, employees shall submit written requests for leave to be used from August through January, and February through July, respectively. These written requests shall be submitted to the employee’s supervisor by the last day of the month.

<u>Request</u>	<u>To be taken or utilized</u>
February	August through January
September	February through July

The College encourages employees to take advantage of the advance leave request procedure in February and September, so that supervisors and employees can make appropriate plans. Employees may still make leave requests on other occasions. When leave requests are submitted outside of the February and September leave-scheduling process, the request shall be considered on a first come, first serve basis, rather than based upon continuously rotating seniority. No leave shall be cancelled if it has been approved 14 days or more in advance of the first day of the leave unless the employee agrees.

D. Scheduling Conflicts

When there is a conflict in scheduling leave, the conflict shall be resolved based upon continuously rotating seniority. Each unit shall maintain a continuously rotating seniority list for purposes of tracking advance leave requests. If one or more employees’ request any period of leave which the supervisor determines cannot be accommodated for all of the employees making the requests, the most senior employee or employees shall be granted leave. The employee or employees who are granted leave in that circumstance will then be placed at the bottom of the seniority list should another conflict occur. The list will rotate continuously and shall be used to resolve all conflicts for all subsequent leave periods. No leave shall be cancelled if it has been approved 14 days or more in advance of the first day of the leave unless the employee agrees.

The College shall make an effort to schedule the break during the same time as the spring break for Baltimore City Public Schools.

Sick Leave

A. Accrual of Sick Leave

Employees shall be credited with 4.62 hours of sick leave for each pay period worked, up to a maximum of fifteen days (not to exceed one hundred and twenty hours) of sick leave per year. Sick leave is not earned for hours worked in excess of an employee's regular workweek, nor for hours an employee is on leave without pay. Sick leave may be accumulated without limitation.

If the designated workweek for an employee changes, the Director of Human Resources shall credit the employee with sick leave equal to the number of days that the employee had earned at the time of the change.

Faculty members do not earn leave for two months during the summer.

B. Use of Sick Leave

Use of sick leave shall be limited to the following purposes:

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

An original certificate authenticating the employee's illness or disability resulting in his or her unavailability for work shall be presented to the employee's immediate supervisor for leaves of five (5) day or more days. Absences of 5 days or more due to illness must have supporting documentation of an illness or it is an unexcused absence.

If an employee is absent or ill for five (5) or more days in a scheduled work week (7 day period) without an original certificate authenticating illness or disability, human resources may send an FMLA packet to the employee's home for completion by the employee and the employee's doctor (see FMLA procedure).

If the Baltimore City Community College is was unaware of the reason for the leave, it may retroactively designate the leave as FMLA leave while the leave is in progress or within two business days of the employee's return to work (see FMLA procedure. The employee must complete FMLA forms and have them returned to the Office of Human Resources for FMLA coverage. If the employee fails to properly follow the procedures, he or she may have the FMLA leave request delayed or denied.

Supervisors must contact HR when a person is out for 3 days in a week. Human Resource will send a letter to the individual notifying them of the

requirement for an original certificate authenticating the employee's illness or disability resulting in his or her unavailability for work. When the employee returns, the certification will be sent to and maintained in HR, the in the employees leave file, see D. Certification of Illness or Disability.

Employees do not receive payment for accrued sick leave upon the termination of employment. Unless an employee objects, accrued sick leave shall be placed in the Leave Bank upon the termination of employment.

Upon retirement, employees are granted 1 month of creditable service for each 22 days of unused sick leave and their leave is not placed in the Leave Bank.

C. Occurrences

Each period of sick leave, regardless of duration, shall be considered an occurrence of sick leave if the leave is used for any of the following reasons:

1. Illness of the employee;
2. Medical appointment of the employee or a member of the employee's immediate family
3. Illness of a member of the employee's immediate family

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
20	Sick Leave Documented	Employee Leave Slip on return
21	Sick Leave Undocumented	Employee Leave Slip on return
22	Sick Leave Health Care	Signed Leave Slip
42	Comp Used Sick Doc	Employee Leave Slip on return
43	Comp Used Sick-COE	Employee Leave Slip on return
46	Comp Used Rel	Employee Leave Slip on return

When calculating the number of occurrences of sick leave used for any of the reasons listed in section C, each occurrence shall be considered separate from another occurrence unless periodically updated medical certification establishes that a condition is continuing in nature (chronic).

D. Certification of Illness or Disability

An original certificate authenticating the employee's illness or disability resulting in his or her unavailability for work shall be presented to the employee's immediate supervisor for leaves of five (5) or more days. If certification is not presented, the leave will go on record as an undocumented absence. A

supervisor or the Director of Human Resources may require a certificate for leaves of fewer than five (5) days only when there has been a demonstrated abuse of sick leave or pattern of abuse and only after the employee has been warned about their leave usage. The employee shall assure that the documentation is signed personally by any of the following licensed or certified medical providers:

1. Physician;
2. Physical therapist;
3. Clinical psychologist;
4. Dentist;
5. Oral surgeon;
6. Chiropractor;
7. Podiatrist;
8. Certified nurse practitioner;
9. Certified nurse-midwife; or
10. Licensed certified social worker
11. Professional as recognized by D.O.L. guidelines for FMLA

If an illness of one day or more occurs during a period of annual leave or personal leave, the supervisor shall grant sick leave for the period of the illness if the employee presents a certificate which authenticates the period of illness and is signed in accordance with Certification of Illness. Only representatives of human resources may contact licensed or certified medical providers for authentication.

E. Illness or Medical Appointment of a member of the employee's immediate family

1. A supervisor may request that the employee submit an original certificate to authenticate the period of illness for a member of the employee's immediate family if the employee is absent for five or more consecutive work days due to the illness of the family member.
2. The Director of Human Resources may request that the State Medical Director conduct an investigation into the medical condition of a member of an employee's immediate family if the employee has used sick leave because of the illness or a medical appointment of a family member.
3. The Director of Human Resources may request the investigation only if the employee's uses of sick leave does not appear to be in proportion to the severity of the family member's illness.
4. The purpose of the investigation shall be to ascertain whether the employee's absences in relation to the family member's medical condition are justified.

F. Sick Leave Attendance Monitoring Program for Employee's Illness

1. In order to prevent the abuse of sick leave, the Director of Human Resources may require an employee to submit, documentation which authenticates a period of illness or disability resulting in his or her unavailability to work for five (5) or more days. The document must be signed in accordance with Item D. Certification of Illness.
2. The Director of Human Resources may require medical documentation to verify illness of one or more days (less than five days) whenever the employee has used sick leave for five or more occurrences within a 12 month period, excluding sick leave used for the employee's medical appointments.
3. The supervisor shall assure that an employee who is required to submit medical documentation is provided with a written notice that states the beginning and ending date for which a certificate will be required.
4. The Director of Human Resources shall assure that the maximum period of imposition of the required medical documentation is 6 months unless the employee's attendance does not improve. If the employee's attendance does not improve, the Director of Human Resources may extend the medical documentation requirement in incremental six-month periods as deemed appropriate. The medical documentation shall be considered invalid for any period of time not covered by a written notice.
5. If medical documentation is required of an employee, the requirement is applicable only to occurrences of sick leave for the employee's illness.

G. Sick Leave Monitoring for Illness of a Member of an Employee's Immediate Family

1. In order to prevent the abuse of sick leave or to assure medical attention for a member of the employee's immediate family, the Director of Human Resources may require an employee to submit, documentation which authenticates a period of illness or disability resulting in his or her unavailability to work five one (5) or more days. The document must be signed in accordance with Item D. Certification of Illness.
2. The Director of Human Resources may require medical documentation to verify illness of one or more days (less than five days) whenever the employee has used sick leave for five or more occurrences within a 12 month period, excluding sick leave used for medical appointments for the family member.

3. The supervisor shall assure that an employee who is required to submit medical documentation is provided with a written notice that states the beginning and ending date for which a certificate will be required.
4. The Director of Human Resources shall assure that the maximum period of imposition of the required medical documentation is 6 months unless the employee's attendance does not improve. If the employee's attendance does not improve, the Director of Human Resources may extend the medical documentation requirement in incremental six-month periods as the appointing authority deems appropriate. The medical documentation shall be considered invalid for any period of time not covered by a written notice.
5. If medical documentation is required of an employee, the requirement is applicable only to occurrences of sick leave for an illness of the employee's immediate family.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
22	Sick Leave Health Care	Signed Leave Slip

H. Advanced Sick Leave

1. The President may, upon referral from Human Resources, advance up to 60 days of advanced sick leave to an employee in any calendar year for a serious disability or illness if the employee has used all leave with pay which has been credited to the employee. However, the total number of days that can be owed to the State may not exceed 60 days in any consecutive 12-month period.
2. An employee or someone on the behalf of the employee shall submit to the Director of Human Resources a request for advanced sick leave before the first day of leave requested. The Director of Human Resources may accept late requests due to extenuating circumstances. The Director of Human Resources shall immediately review each request, and forward it to the President to make a determination. The Director of Human Resources shall send a written notice of approval or disapproval of the request to the employee.

I. Reimbursement to College

1. The use of advanced sick leave by an employee constitutes a debt for which payment shall be enforceable upon the employee's return to work, and shall continue to be enforceable upon the employee's transfer from one agency to another upon termination.

2. Reimbursement to the College shall be made at the minimum rate of $\frac{1}{2}$ of the rate of sick leave and annual leave earned, and at the employee's discretion by applying credited annual leave, personal leave, sick leave, compensatory leave or cash payments to the amount owed.
3. An employee will continue to accrue leave while on advanced sick leave; however, it is held back until the employee returns to work at which time $\frac{1}{2}$ of sick and annual earned will be applied to advanced debit.
4. The Director of Human Resources shall take appropriate action to ensure repayment of the debt.
5. Advanced sick leave may not be granted to an employee for purposes of death or illness in the employee's immediate family.
6. The Director of Human Resources shall provide appropriate forms for advanced sick leave requests.
7. Advanced sick leave shall be recorded as required

J. Extended Sick Leave

1. Extended sick leave is leave with pay that is granted by the President to an employee for a disability or an illness or injury which causes the employee to be absent from work, if the employee has been in the State service for at least five years and, at the time of a request for extended sick leave, has used all available sick leave, advanced sick leave, annual leave, personal leave, and compensatory leave.
2. Extended sick leave may be used by an employee throughout the employee's State service until the employee has reached a cumulative total of 12 work months.
3. An employee's continuous absence while using earned leave, advanced sick leave, and extended sick leave in combination may not exceed a cumulative total of 16 months. Therefore, the amount of extended sick leave that may be used in combination with other paid leave may not be in excess of the 16 month cumulative total.
4. The employee or someone on the employee's behalf may submit to the Director of Human Resources a written request for extended sick leave and a certificate signed personally by the providers in Item D Certification of Illness documenting the nature and extent to the employee's illness or injury, the prognosis for recovery, and an estimated date of return.

5. The President shall approve or disapprove each written request for extended sick leave immediately after the request has been submitted by the employee or on the employee's behalf. The request shall include supporting documentation from the employee or a representative of the employee. The supporting documentation shall include a recommendation from the President or appropriate Vice President and the appropriate medical documentation necessitating the need for additional paid leave.
6. Extended sick leave may not be granted to an employee for purposes of death or illness in the employee's immediate family.
7. Sick leave shall be recorded as required by the Director of Human Resources.
8. An employee does not earn leave while on extended sick leave.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
23	Sick Death in Family	Signed Leave Slip
26	Sick Family Doc	Employee Leave Slip on return
27	Sick Family Undoc	Employee Leave Slip on return
28	Sick-Adoption Doc	Signed Leave Slip
29	Leave Bank	Form MS405
30	Sick Chronic	Employee Leave Slip on return
31	Sick Family Chronic	Signed Leave Slip
32	Organ Donated	Signed Leave Slip

A. Employee-to-Employee Leave Donation

1. An eligible employee may donate leave to another State employee, so long as the donor employee has at least two hundred forty (240) hours of sick leave remaining after the donation. An employee may donate and/or receive donated leave to/from another State employee if he or she has exhausted all forms of their own leave, meets all of the State's criteria for participation and satisfies all of the State's procedural requirements. The College permits employees to voluntarily participate in the State's employee to employee leave donation program. The donation of leave from one College employee to another College employee requires the approval of the President.

B. Posting of Notices for Leave Donations

1. An employee who seeks to receive donate leave from other State employees must submit their request in writing along with documentation from the treating physician to human resources. The documentation from the physician must be on letterhead and must contain information about duration of treatment or illness and return date.
2. A donating employee must complete the MS and forward copies of it to the Office of Human Resources. Within in 7 days of receiving the MS 405, the Office of Human Resources shall determine:
 - a. whether the employee has the amount of annual or personal leave the employee wishes to donate; and
 - b. whether the employee donating has at least a balance of 240 hours of sick leave after donation.

If these conditions are satisfied, and if the President has approved the donation between College employees, human resources arranges for the appropriate adjustments to be made to the donating employee's leave balances and forwards the MS 405 to the receiving employee.

C. Responsibility of Employee Receiving the Donated Leave

The employee receiving the donated leave has 14 days after receiving a copy of the MS 405 from the donating employee within which to complete and sign part II of the form. After signing the Certification in Part II of the MS 405, the receiving employee must submit the completed form to human resources.

D. Restrictions on the Use of Donated Leave

1. The donated leave will be used for an illness or disability of the receiving employee which is the result of a serious and prolonged medical condition that existed at the time the leave was donated;
2. The receiving employee has exhausted all available annual, personal, sick, and compensatory leave. An employee using donated leave will not accrue leave during this period;
3. There is sufficient medical documentation to establish that the receiving employee has a serious and prolonged medical condition;
4. The amount of leave to be donated, when added to the amount of donated leave already received from other employees and from the Employee Leave Bank will not exceed 2080 hours;

5. The amount of leave being donated, when combined with all other forms of paid leave, will not be used for a continuous period that exceeds 16 months; and
 6. The receiving employee has not, through intimidation, threat, or coercion interfered with or attempted to interfere with the right of another employee to contribute, receive or use donated leave, promised to confer or conferred an appointment , promotion, compensation, or other benefit, or effected or threatened to effect a reprisal, including the deprivation of an appointment , promotion, compensation, or other benefit in connection with the right of another employee to contribute, receive, use or donate leave.
- E. If human resources find that the employee has not satisfied these conditions, the statute requires that the employee be denied the use of the donated leave. This denial must be issued within 7 days.
- F. An employee denied the use of donated leave may file an appeal on form MS 406. The MS 406 must be filed with the Secretary of Personnel with a copy to human resources within 14 days after receipt of the appointing authority's determination denying the receiving employee the use of the donated leave. Human Resources has 14 days within which to respond after receiving a copy of the appeal.
- G. The Secretary of Personnel has 30 days within which to make a determination regarding the appeal unless it is necessary to refer the appeal to the State Medical Director. If the appeal is referred to the State Medical Director, the Secretary may have an additional 30 days.

Sick Leave Bank

An employee may be eligible to donate and request for use of leave from the State's Sick Leave Bank, so long as the employee meets all of the State's criteria for participation and satisfies all of the State's procedural requirements. An employee requiring leave from the Sick Leave Bank must first be a member, must have served the 90 day waiting period, and must exhaust all forms of their own leave. The employee shall submit the completed request form to human resources as far in advance of the need for the leave as possible. The information will then be reviewed and forwarded to the Leave Bank Director for approval.

A. Donating to the Leave Bank

An employee who wishes to donate leave to the Bank must complete form MS 407 and donate leave in increments of at least one day. Upon completion, the

employee submits the MS 407 to human resources. If the employee is donating sick leave, the appointing authority must verify that the employee's sick leave balance is not less than 240 hours after the donation. After adjusting the employee's leave balance, the MS 407 is forwarded to the Secretary of Personnel.

B. Requesting Leave from the Leave Bank

An employee who wished to withdraw leave from the Leave Bank must have donated leave to the Bank or have been exempted from the membership requirement by the Secretary of Personnel for good cause. An employee must complete form MS 408 to withdraw leave from the Bank. Upon completion, the employee submits the MS 408 to the Director of Human Resources, who verifies or determine whether:

1. the requesting employee has exhausted all available annual, personal, sick and compensatory leave, and floating holiday;
2. there is sufficient medical documentation to establish the existence of a serious and prolonged medical condition,
3. the amount of leave sought, when added to the amount of donated leave already received from other employees and from the Employees Leave Bank will not exceed 2,080 hours;
4. the amount of leave being requested, when combined with all other forms of paid leave, will not be used for a continuous period the exceeds 16 months; and
5. the employee qualifies for use of earned paid sick leave under the requirements of the employee's personnel system.

Note: If these conditions are satisfied, human resources will forward the MS 408 to the Secretary of Personnel. If the employee fails to satisfy any of these conditions, the statute requires that the employee be denied use of the donated leave.

C. In evaluating the request, the Secretary of Personnel will consider the following factors:

1. the employee's sick leave record;
2. the employee's medical documentation of the serious and prolonged medical condition;
3. the employee's performance ratings; and

4. the amount of leave previously received from the leave bank.
- D. If the Secretary of Personnel grants the employee's request, a copy of the MS 408 is sent to the requesting employee's Director of Human Resources who shall adjust the employee's sick leave balances.
 - E. If the Secretary of Personnel denies the employee's request, a reconsideration request can be filed using form MS 409, within 14 days after the denial.

Administration

A. Attendance Control Program

1. The Leave Coordinator will publish appropriate to the College Leadership the scope and impact of excessive leave usage. The President and appropriate Vice President are required to make recommendations for approval or disapproval of all requests to the Director of Human Resources for advanced or extended leave.

B. The Director of Human Resources will:

1. Distribute, at least quarterly reports of the Sick Leave Frequency Report for review by each Vice President;
2. Advise the college community on changes in the laws, regulations, policies and procedures affecting sick leave;
3. Monitor all leave reports and advise the appropriate manager or supervisor when corrections to official report are necessary.

C. Supervision

1. The immediate supervisor will be responsible for reviewing the employee's time sheet to assure that no sick leave is used for which the employee is not entitled.
2. In cases where it is apparent the supervisor has failed to meet his/her responsibility, the President or appropriate Vice President shall be notified by the Director of Human Resources when corrections to official reports are necessary

Counseling

- A. Counseling is required as part of the process of assuring close control of sick leave usage. Counseling must be conducted at each level of supervision or management and is to be specifically oriented toward problem solving and identification of problems which interfere with the

employee's ability to regularly come to work. It is essential in the counseling process to identify the causes of the employee's absenteeism and assist wherever possible in correcting work related situations which contribute to dissatisfaction. Human resources will also provide guidance and information on the Employee Assistance Program (EAP) to employees and to supervision.

- B. Sick leave used for purposes of death in the family is not to be considered in any evaluation of an employee's sick leave use.
- C. Five or more undocumented occurrences in any twelve month period may require an employee to submit a medical certificate signed by a duly licensed physician (see D. Certification of Illness or Disability) which authenticates a period of illness for one day or more.
- D. After seven or more documented occurrences, the employee may be required to submit a medical certificate (see D. Certification of Illness or Disability) for illness of one day or more.
- E. Under no circumstances will an employee be allowed to take sick leave more than eight times within a twelve month period without being required to submit a doctor's certificate for each day of absence thereafter. If at the end of six months, following the date of certification, the employee has shown significant improvement, the one day certification will no longer be required.

Implementation

- A. On the fifth occurrence in any twelve month period, the immediate supervisor shall counsel the employee on the use of sick leave and make an effort to ascertain if the employee has some recurring problem that necessitates the employee's absences. It should be made clear that this is a counseling interview rather than an interview of a disciplinary nature.
- B. The supervisor must document the results of the counseling interview by completing the Sick Leave Counseling form. All areas of discussion, the employee's justification for the absences, any positive recommendations made, and any conclusion agreed upon by the employee and the supervisor must be included in the report. The report will become part of the employee's personnel record. If the supervisor feels that the employee should be placed on the Sick Leave Attendance Monitoring Program for Employee's Illness, an appointment must be made with the Director of Human Resources, for counseling and necessary actions.

For the purpose of sick leave monitoring, five or more occurrences of sick leave, regardless of the category, shall be reviewed by management. The

supervisor shall review employee's sick leave reports on a quarterly basis to identify a chronic health condition and abuse of sick leave.

- C. Failure of the supervisor to follow the above steps may result in the Director of Human Resources making a report of same to their intermediate supervisor of the appropriate Vice President.

Compensatory Leave

Exempt Employees

- A. With the prior authorization of their supervisor or in emergencies, Exempt employees may receive compensatory time on an hour for hour basis every hour worked over 40 hours per week and time on paid leave. This leave must be used within 12 months of the date that it is received and can be accumulated to a maximum of 40 hours per fiscal year (July 1 thru June 30).
- B. The unused compensatory time will not be carried beyond the fiscal year.
- C. During an emergency closing of the College and when administrative leave is granted, Compensatory Time shall be authorized to essential personnel. Compensatory time shall be granted for each hour worked that the College is closed. If an employee is required to work on a holiday, the employee shall be granted compensatory time at the rate of an hour for an hour basis. Compensatory time must be used within twelve (12) months of the date it is earned and can be accumulated to a maximum of 40 hours per fiscal year. Compensatory Leave not used within 12 months will not be carried over and will not be paid out.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
40	Comp Earned	Time Sheet- Supervisor
41	Comp Used Earned	Signed Leave Slip- Supervisor
42	Comp Used Sick Doc	Employee Leave Slip on return
43	Comp Used Sick-COE	Employee Leave Slip on return
46	Comp Used Rel	Employee Leave Slip on return

Non-Exempt Employees

- A. At the discretion of the employee, overtime work may be compensated monetarily or in the form of compensatory time off. When the employee requests compensatory time off, the employee shall receive compensation at the rate of one and one-half (1 ½) hours for every hour worked.

Should the employee request to be compensated monetarily, such payment shall be made on or before the day the employee is paid for the second pay period following the pay period in which the payment for overtime work is earned.

B. Compensatory Time Off

Employees who request overtime payment in the form of compensatory time off are required to use such time within the ensuing twelve-month (12) period. To use such time, the employee must inform his/her supervisor at least two (2) working days prior to the use of compensatory time. Compensatory Time can be accumulated to a maximum of 240 hours per calendar year. Compensatory time off not used within the twelve-month (12) period will be paid to the employee at his/her current hourly rate.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
40	Comp Earned	Time Sheet- Supervisor
41	Comp Used Earned	Signed Leave Slip- Supervisor
42	Comp Used Sick Doc	Employee post Leave Slip
43	Comp Used Sick-COE	Employee post Leave Slip
46	Comp Used Rel	Employee post Leave Slip

Bereavement Leave

- A. A maximum of three (3) bereavement leave days may be granted in the event of the death of any member of the employee’s immediate family. An additional 2 days of sick leave may be used in the event of the death of any member of the employee’s immediate family. Immediate family shall be defined as spouse, children, parents, stepparents, foster parents, legal guardians or others who took the place of parents of the employee or the employee’s spouse, grandparents or grandchildren of the employee or the employee’s spouse, brothers and sisters of the employee or the employee’s spouse, or any relative living in the employee’s household.
- B. A maximum of one (1) working day may be charged to sick leave in the event of the death of aunts and uncles of the employee or the employee’s spouse, nephews and nieces of the employee or the employee’s spouse, brothers-in-law or sisters-in-law of the employee or the employee’s spouse, and sons-in-law and daughters-in-law.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
23	Sick Death in Family	Signed Leave Slip- Supervisor

- C. If an employee requires additional time off, the employee's supervisor shall make reasonable efforts to arrange the employee's work so that the employee may use his or her accrued leave for this purpose.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
10	Annual Leave	Employee post Leave Slip

- D. If the State changes its leave policy to provide five bereavement days to employees under certain circumstances, the College will also provide five bereavement days in the same situations.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
24	Bereavement Leave	Employee post Leave Slip

Jury Duty and Legal Actions Leave

- A. An employee who is selected for jury service shall notify his or her supervisor without delay. An employee who serves as a member of a jury is entitled to leave with pay so long as the employee's jury service occurs on a regularly scheduled workday and the employee provides documentation.
- B. Leave of absence with pay shall be granted to employees for time spent in jury duty, appears before or is a member of a grand jury or if the employee is subpoenaed to appear in a court proceeding, before an administrative agency, or for a deposition, and is neither a party to the action nor a paid witness.
- C. If an employee is dismissed from jury duty or released from his or her appearance in court, before an agency or at a deposition, and if after being released an employee has more than two hours left in the normal shift for that day, then the employee shall return to work for the balance of the scheduled workday. An employee on a non-standard shift with hours outside of the 8 a.m. to 5 p.m. range shall not be required to report to work on the day that they have jury duty.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
73	Jury	Signed Leave Slip- Supervisor

Military Leave

- A. An employee who is a member of a Reserve Unit of the armed forces or National Guard Reserve shall be entitled to leave with pay for military training for a period of not more than 15 workdays annually with pay and without charge against leave.
- B. Employees of the College are covered by the Uniformed Services Employee and Reemployment Rights Act (USERRA), 38 USC §§ 4301 through 4333. This law helps to preserve rights to leave afforded by the FMLA.
- D. The College shall provide military leave to eligible employees according to State law.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
70	Military	Signed Leave Slip- Supervisor
62	LWOP- Military >15	Signed Leave Slip- Supervisor

Disaster Leave

- A. Disaster service leave is leave with pay granted to an employee by the College to support the mission of the American Red Cross in giving aid to the citizens of the State of Maryland and neighboring states.
 - 1. An employee may request disaster service leave with pay the American Red Cross or similar organization:
- B. Requests the services of the employee during a declared disaster;
- C. Certifies that the employee is a disaster service volunteer; and
- D. Designates the disaster as Level II or above, in the regulations and procedures of the National Office of the American Red Cross
- E. Amount Allowed
 - 1. An employee may use up to 15 days of disaster leave in a 12-month period, only with the approval of the Office of Human Resources. Disaster Service leave shall not be unreasonably denied.

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
82	Disaster leave	Signed Leave Slip- HR Director

F. Claim Status

1. For the purpose of workers' compensation and the Maryland Tort Claims Act, an employee is deemed not to be a State employee while on disaster service leave.

Administrative Leave

Administrative Leave may be granted at the sole discretion of the President

The following categories correspond to proper time code recording:

<u>Leave code</u>	<u>Description</u>	<u>Authority</u>
78	Administrative Leave	Documentation -President

Proposed Implementation Date:

Upon board approval

Approved by the Board of Trustees: October 27, 2009

Originator/Division: Human Resources/Business and Finance Division