

SECTION 15 - LEAVE

The City offers several types of paid leave to cover necessary absences. No one may be absent from work without being on approved leave. Absence without supervisory approval may be grounds for denying the use of paid leave and/or disciplinary action.

The following are types of leave which may, with approval, be used by an employee when absent from work.

Section 15.1 - Annual Leave (Vacation)

Eligible full-time employees shall accumulate annual leave at the rate set forth below. For the purposes of this policy, a full-time employee's day is the equivalent of eight (8) hours. Eligible part-time employees (see Section 5) accumulate leave proportional to a 40-hour week:

Length of Service	Days Earned Per Year
Up to 3 years	12 (96 hours)
3 through 14 years	18 (144 hours)
Over 15 years	24 (192 hours)

Directors, the Assistant City Manager, and the City Clerk shall accrue annual leave at the rate of 24 days per year for their entire tenure.

Section 15.1.1 - Granting of Annual Leave

Upon satisfactory completion of the new hire probationary period, employees may use accrued annual leave upon notification to, and approval by, the employee's supervisor. Approval of a request for annual leave is not automatic but will be granted based upon the supervisor's assessment of the workload and workforce. Sick leave shall not be used as a substitute for annual leave.

Section 15.1.2 - Annual Leave Accumulation

Prior to July 1, 2018, the following regulations were in place:

Annual leave in excess of 280 hours will be rolled over into a Tier II sick leave account as defined in Section 15.3. The maximum allowed annual into Tier II rollover is 80 hours and Tier II may be accumulated up to a maximum 1,000 hours. Excess annual leave over and above 360 hours (280 + 80) on the last day of the first full pay period in January will be forfeited. Exceptions to forfeiture may be considered by the City Manager on a case-by-case basis in emergency situations.

Effective October 1, 2018, employees may accumulate a maximum of 320 hours of annual leave. Once an employee has accumulated 320 hours, no more annual leave will accrue until some is used.

Section 15.1.3 - Annual Leave Planning

Department heads may require that leave requests be prepared in advance for a calendar year. Leave requests submitted for a year are a department guide subject to change and request approvals will be based on maintaining an effective available workforce at all times.

Section 15.1.4 - Annual Leave Payout at Termination

Upon resignation with proper notice or retirement, a non-probationary employee shall be paid for unused annual leave accumulated to the date of termination. Payment shall be made at the next scheduled pay period or by other payment arrangements mutually agreed upon. Payment will be at the rate of pay effective on the last day the employee worked. Upon the death of an employee, compensation for all unused, accumulated annual leave shall be paid to the employee's direct deposit account, if still open, or to the employee's estate.

Accrued annual leave will not be paid out if an employee is terminated through the disciplinary process or for cause or does not work their notice of resignation period. Please refer to Section 7.2.

Section 15.1.5 - Special Annual Leave Sell-Back Opportunities

Once in a fiscal year, in September or May, full-time employees may sell back to the City a minimum of eight hours and a maximum of forty (40) hours of accrued annual leave. For full-time employees, the sell back cannot take the annual leave account balance below 80 hours. Eligibility for a sell back is determined by an employee's account balance at the close of the last full pay period prior to the sell back. Any leave sold back will be deducted from the annual leave account.

Eligible part-time employees may also participate in the sell back of accrued annual leave on a prorated basis based on their scheduled hours, and the benefit shall be prorated. For example, an employee scheduled to work twenty hours (20) per week (50% of full time) will only need a balance of 40 hours annual leave to be eligible for the sell back. The employee may sell back up to 20 hours of annual leave provided the sell back does not take the annual leave balance below 40 hours. The leave sold back will be deducted from the annual leave account.

Section 15.2 - Sick Leave and Maryland Earned Sick and Safe Leave

Eligible employees may use earned sick leave under the following conditions:

- To care for or treat the employee's mental or physical illness, injury, or condition.
- To obtain preventative medical care for the employee or the employee's family member.
- To care for a family member with a mental or physical illness, injury, or condition.
- For maternity or parental leave; or

- The absence from work is necessary due to domestic violence, sexual assault or stalking committed against the employee or the employee's family member and the leave is being used (1) to obtain medical or mental health attention; (2) to obtain services from a victim services organization; (3) for legal services or proceedings; or (4) because the employee has temporarily relocated as a result of the domestic violence, sexual assault or stalking.

A family member includes:

- a spouse;
- a biological, adoptive, foster, or step-
 - child,
 - parent of the employee or employee's spouse,
 - sibling,
 - grandparent,
 - grandchild.
- a child for whom the employee stands in loco parentis, regardless of the child's age; a child for whom the employee has legal or physical custody or guardianship; and
- an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor.

Section 15.2.1 - Sick Leave Accrual

Each regular full-time employee shall accrue sick leave at the rate of 4.6 hours per pay period. This is the equivalent of fifteen eight-hour days or 120 hours per year. Part-time employees working 20 or more hours per week on a regular basis accrue leave proportionally to a 40-hour week. Accruals are recorded on the bi-weekly pay stub.

Sick leave will not accrue if an employee is absent on workers compensation status. Sick leave accrual while using Leave Without Pay (LWOP) shall be in accordance with Section 15.5 – Leave Without Pay.

There is no limit to the amount of sick leave that may be accrued. Employees shall not be paid for accumulated unused sick leave at the time of termination of employment, except for those who retire from the City and are eligible under the terms described in Section 15.2.6. If an employee is rehired within 37 weeks of resignation, the City will reinstate up to 64 hours of unused sick leave that was accrued prior to termination of employment.

Section 15.2.2 - Granting and Use of Sick Leave

After 106 calendar days of employment (15 weeks-about 3 and a half months), employees may use up to 20 hours of sick leave if they provide verification that the leave use was appropriate. Upon satisfactory completion of the new hire probationary period, an employee will be credited

with six months of accrued sick leave (minus any leave already used) and may use sick leave according to this policy.

Sick leave may be used in increments of one hour or more.

To be granted sick leave, the employee shall notify their immediate supervisor prior to the leave. If the sick leave is not prearranged, the employee shall notify their supervisor before the scheduled workday begins. This notification procedure shall be followed each day of the medical absence. Notification by an employee's friends or relatives is only acceptable in emergency situations, e.g., employee is hospitalized or incapacitated. Failure to follow these notification procedures may result in denial of paid sick leave and may be grounds for disciplinary action. The requirement for daily notification may be waived at the supervisor's discretion.

Employees may only use sick leave for one of the listed authorized reasons. Employees using earned sick leave for unauthorized purposes or who have demonstrated a pattern of abusing sick leave may be denied the right to use sick leave in the future and will be subject to disciplinary action.

Section 15.2.3 – Verification of Valid Use of Sick Leave

If an employee uses sick leave for more than two consecutive scheduled shifts, the employee must provide verification that the leave use was appropriate, and, if the leave was for the employee's own illness, injury, or condition, they must provide verification that they can return to full or modified duty. The physician's certificate shall indicate dates of treatment, dates of necessary absence, and, if not returned to full duty, any work modifications or restrictions based on the employee's job description. Before an employee can work on modified duty, the supervisor shall discuss with the department director and Human Resources any duty modifications requested.

The City may require a physician's certificate each time an employee requests the use of sick leave if the use of sick leave has been abused or the Director questions the validity of the use of sick leave.

A physician's certificate is required from any employee who calls in sick the day before or the day after a holiday or the holiday pay will be forfeited.

An employee may be required to submit to a medical examination at the City's expense to determine fitness for duty when the supervisor believes that the employee's physical or mental condition may render the employee unable to perform the essential duties of the position or endanger the health or safety of self or others.

An employee may be required to submit evidence of need for an absence due to the illness or medical treatment of an immediate family member. Please see Section 15.14 on Family and Medical Leave.

Section 15.2.4 - Donation to Sick Leave

A leave donation program is available to give employees the opportunity to support other employees who do not have enough leave to cover an extended illness. A regular employee may donate leave to another employee under the conditions listed below. Probationary (new hire) and temporary employees are ineligible to participate in leave donation.

- a. The recipient employee must have been absent on documented sick leave for more than ten (10) consecutive workdays and have exhausted their own accrued sick and annual leave balances.
- b. The absence must not be compensable from other sources, such as workers compensation or disability insurance.
- c. The recipient employee must request through their department Director or the Human Resources Director that donations be solicited.
- d. Leave may be donated retroactively for an absence that occurred within thirty (30) calendar days prior to the donation date.
- e. Leave donations must be voluntary and will be anonymous to the recipient.
- f. Leave donations may be from the donor's annual or sick leave account but may not leave a donor's combined annual and sick accrual below five hundred and twenty (520) hours.
- g. Leave donations may only cover actual absences up to the end of an approved FMLA leave period. Donations may not be used to establish a balance for future use. Time paid by leave donation does not allow the recipient to accrue additional time. Time paid by leave donation is not considered time worked.
- h. Unused donations will be returned to the donor.
- i. Employees who have given notice of termination of their employment may not donate unused sick leave.

Leave donations for other than an employee's own sick leave absence, or under any other conditions than those listed above, are not permitted.

The need for leave donations may be announced to employees by the Director or designee at the department level, or by the Human Resources Director to all employees, as appropriate. Leave donation forms are available from Human Resources. Completed donation forms must be submitted to the Human Resources Director for confirmation of donor and recipient eligibility.

Section 15.2.5 – Sick Leave - Special Sell Back

Annually, in November, full-time employees may sell back to the City up to forty (40) hours of accrued sick leave. For full-time employees, the sell back cannot take the balance of an employee's sick leave account below 260 hours. Eligibility for a sell back is determined by an

employee's account balance at the close of the last full pay period in October. Any leave sold back will be deducted from the sick leave account.

Eligible part-time employees may also participate in the sell back of accrued sick leave on a prorated basis based on their scheduled hours, and the benefit shall be prorated. *For example, an employee scheduled to work twenty hours (20) per week (50% of full time) will only need a balance of 260 hours sick leave to be eligible for the sell back. The employee may sell back up to 20 hours of sick leave provided the sell back does not take the sick leave balance below 260 hours.* The leave sold back will be deducted from the sick leave account.

Section 15.2.6 – Sick Leave Payout at Retirement

The Maryland State Retirement and Pension System (MSRPS) provides credited service for unused sick leave at retirement. Any accumulated, unused sick leave on the date of an eligible employee's retirement will be reported to the Maryland State Retirement and Pension System (MSRPS) to be used according to their terms for additional service credit.

Effective July 1, 2018, the City will pay out 25% of accrued and unused sick leave to a maximum of 260 hours to eligible employees who retire from the City. For those employees who had an accumulated sick leave balance on June 30, 2018, 50% of any unused portion of the balance on that date will be available for payout at retirement to a maximum of 520 hours. Any combination (accrued before and after July 1, 2018) of sick hours paid out at retirement will not exceed 520 hours.

For purposes of this Payout, "retirement" means a planned separation from employment with the City with the intention to collect retirement benefits. Age and length of service requirements are as follows:

At least 55 years old with minimum 10 years continuous service	
56	9
57	8
58	7
59	6
60 or older	5