



**POLICY TITLE:** Leave

**POLICY NO.:** PR-34

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**I. PURPOSE**

This Policy establishes consistent practices County-wide regarding administering employee leave; provides information and sets County policy regarding compliance with Federal and State statutes, rules, and regulations; and establishes uniformity in reporting absences.

Absences adversely impact employees and their departments. Loss of earnings can be devastating to employees, and loss of productivity to County departments can disrupt the County's provision of services to its citizens. Therefore, while the County provides a paid leave program to eligible employees as income protection for absences, the administration of the paid leave program is subject to strict requirements and monitoring.

**II. SCOPE**

This Policy addresses various types of leave and applies to all regular full-time (working at least [40] hours per week) and part-time personnel employed by the Board of County Commissioners of Washington County. If other leave policies are in place within departments reporting to elected officials, such as the Washington County Sheriff's Office, the State's Attorney's Office, and the Washington County Treasurer's Office, this Policy is intended to work in conjunction with, and not to supersede, those other leave policies. If this Policy conflicts with any Federal, State, and local laws, ordinances, rules, and regulations, then the Federal, State, and local laws, ordinances, rules, and regulations will prevail.

**III. VACATION LEAVE**

- A. All regular full-time employees are eligible for vacation time.
- B. The amount of paid vacation leave to which an employee is entitled each year depends on the employee's length of service with the County. The employee should consult with his or her supervisor each year concerning scheduling vacation leave. Every effort will be made to accommodate employees' requests for vacation leave. However, the needs of the County and the balancing of work schedules will take precedence over vacation leave requests. If a department head cannot accommodate all employees when two or more employees request overlapping vacation leave periods, the requests will be granted on the basis of seniority within the County. Vacation is a benefit granted to employees by the County and may be denied if the circumstances described herein so warrant.

- C. Although vacation leave begins to accrue during the first month of employment, vacation leave may not be taken by any employee until six (6) months of employment have been completed. Employees who terminate prior to the completion of six (6) months of employment are not entitled to vacation leave pay for unused vacation. However, after six (6) months of employment, an employee will be eligible for vacation leave pay for unused vacation if the employee terminates employment with the County.
- D. Vacation leave may be taken in increments of one-quarter ( $\frac{1}{4}$ ) hour or more.
- E. Carryover of vacation leave will run on a calendar year basis from January 1 to December 31. Years of service for purposes of vacation leave accrual are based on an employee's actual time in full-time County employment, computed from the employee's anniversary date of hire. Earned vacation leave will accrue as indicated in the following table, according to the anniversary date of hire.

<b>Years of Service</b>	<b>Rate of Accrual per Pay Period</b>	<b>Annual Vacation Leave Entitlement</b>	<b>Maximum Carryover at end of the calendar year</b>
0 through 5	3.08 hours	80 hours	250 hours
6 through 15	4.62 hours	120 hours	250 hours
Over 15	6.16 hours	160 hours	250 hours

#### **IV. PERSONAL LEAVE**

Regular full-time employees are entitled to personal leave consisting of six (6) personal days per calendar year. Three (3) days of personal leave are granted on January 1 of each year, and three (3) days of personal leave are granted on July 1 of each year. Personal days must be taken in full day increments with the exception of Emergency Services which has its own policy regarding the use of personal leave. Personal leave cannot be carried over at the end of a calendar year.

#### **V. SICK LEAVE**

- A. Regular full-time and regular part-time employees are eligible for sick leave. Sick leave accrues for all eligible employees from the first day of work; however, no sick leave may be taken until completion of three (3) months of employment. Any absence during the first three (3) months of employment due to illness will be unpaid unless the use of any available personal leave is authorized by an employee's supervisor.
- B. Sick leave for regular full-time employees accrues at 120 hours per year (4.62 hours bi-weekly). Accumulation of sick leave is unlimited.
- C. Sick leave for part-time employees accrues on the basis of one (1) hour for every 30 hours worked. Employees are permitted to carry over 24 hours

each year; not to exceed 64 hours.

- D. Sick leave is paid only for days and hours of regularly scheduled work. If an employee has been approved for use of sick leave under the Family and Medical Leave Act (FMLA), any used sick leave will be counted against and will run consecutively with the approved period of absence allowed under the FMLA.<sup>1</sup>
- E. Upon termination of employment, if the employee has not used any Sick Family Medical (SFM) or Earned Sick and Safe Leave (ESS), the employee will receive payment at the regular rate of pay for up to 40 hours. If the SFM and ESS does not equal \$1300, then the employee will be paid at a rate of \$10.00 per eight (8) hour increments; not to exceed \$1300 or 1040 hours. No sick leave payout will be made to any employee who has not completed his or her first three (3) months of employment.
- F. All accrued sick leave will be applied to credited service for retirement purposes.
- G. If an employee is absent for three (3) or more consecutive work days, the employee must obtain an excuse from a licensed healthcare provider and must provide the excuse to the employee's supervisor upon return to work. The employee must also provide the Department of Human Resources with a copy of the excuse upon return to work. This requirement also applies to an employee who is absent from work either the day before or the day after a holiday. Failure to provide the required excuse will result in the employee not being paid for the holiday.

## **VI. ABUSE OF SICK LEAVE**

- A. Sick leave is intended to be used for bona fide illnesses and for health-related reasons such as doctor appointments. Sick leave is not to be used for vacation, personal business, or leave of absence.
- B. An employee's supervisor and department head are jointly responsible for monitoring sick leave usage, notifying an employee of problematic sick leave use, and taking appropriate disciplinary action in cases of substantiated sick leave abuse.

Examples of sick leave abuse include, but are not limited to, the following:

1. Any pattern of unsubstantiated sick leave use, such as the use of six (6) days in a six (6) month period in increments of one (1) or two (2) days at a time;

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<sup>1</sup> See Policy No. PR-15 Family and Medical Leave (FMLA).

2. Any pattern of unsubstantiated tardiness or early departure; not approved in advance;
3. Habitual sick leave absences on Mondays, Fridays, and the days immediately before and after holidays;
4. Use of sick leave in excess of any sick leave accrued, whether substantiated or unsubstantiated, during the first calendar year of employment;
5. Use of sick leave along with other types of leave;
6. Use of sick leave to avoid undesirable scheduling of work;
7. Participation in activities or secondary employment that would indicate fitness for duty while an employee is on sick leave;
8. Engaging in unsubstantiated sick leave use for lengthy illnesses;
9. No significant accumulation of sick leave after at least three (3) to five (5) years of service, without sustaining a major illness during that time period.

## **VII. FAMILY SICK LEAVE**

- A. Employees are entitled to use up to forty (40) hours of their accumulated sick leave per calendar year to care for ill family members. A family member includes spouse, biological child; an employee's adopted child, foster child, or stepchild; a child for whom an employee has legal or physical custody or guardianship; a child for whom the employee stands *in loco parentis*; an employee's biological parent, adoptive parent, foster parent, or stepparent or an employee's spouse; 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; an employee's legal guardian, biological grandparent, adopted grandparent, foster grandparent, or step-grandparent; an employee's biological grandchild, adopted grandchild, foster grandchild, or step-grandchild; an employee's biological sibling, adopted sibling, foster sibling, or step-sibling; and an employee's parent-in-law. Family sick leave may also be used for the birth or adoption of a child, for the placement of a child in foster care with an employee, or for the care of any person for whom the employee is financially responsible.
- B. Employees are entitled to use up to forty (40) hours of their accumulated sick leave per calendar year for absences that are necessary due to domestic violence, sexual assault, or stalking against the employee or the employee's family member if the leave is to obtain any of the following:
  1. Medical or mental health attention;

2. Services from a victim services organization;
  3. Legal services or proceedings;
  4. Temporary relocation;
- C. All family sick leave hours should be coded ***FAMILY SICK (SFM)*** on time reporting records.
- D. All part-time employees' use of family sick hours should be coded **FAMILY SICK (ESS)** on time reporting records.
- E. Family sick leave is paid only for days and hours of regularly scheduled work. If an employee has been approved for use of family sick leave under the Family and Medical Leave Act (FMLA), any used family sick leave will be counted against and will run consecutively with the approved period of absence allowed under the FMLA.<sup>2</sup>
- F. If an employee is absent for three (3) or more consecutive work days due to care of an ill family member, the employee must obtain an excuse from a licensed healthcare provider and must provide the excuse to the employee's supervisor upon return to work. The employee must also provide the Department of Human Resources with a copy of the excuse upon return to work. This requirement also applies to an employee who is absent from work either the day before or the day after a holiday; failure to provide the required excuse will result in the employee not being paid for the holiday.
- G. Use of family sick leave will be counted against an employee's eligibility for incentives under the County's Sick Leave Incentive Program (see Section VIII of this Policy).

## **VIII. SICK LEAVE INCENTIVE PROGRAM**

- A. To reward employees who sparingly use sick leave, an incentive of up to \$90.00 per day (with a maximum payout of five [5] days) will be given to each employee whose sick leave usage record during the fiscal payroll period (from the first pay end of the fiscal payroll year to the last pay end of the fiscal payroll year) meets the following eligibility requirements:
1. One (1) day incentive payment not to exceed \$90.00 for two (2) days of sick leave used;
  2. Two (2) day incentive payment not to exceed \$180.00 for one (1) day of sick leave used;
  3. Three (3) day incentive payment not to exceed \$270.00 for zero (0) days of sick leave used;

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<sup>2</sup> See Policy No. PR-15 Family and Medical Leave (FMLA).

4. Four (4) day incentive payment not to exceed \$360.00 for three (3) or four (4) consecutive fiscal payroll years with no sick leave usage;
  5. Five (5) day incentive payment not to exceed \$450.00 for five (5) or more consecutive fiscal payroll years with no sick leave usage.
- B. For immediately preceding subsections A.4. and A.5., **any** use of sick leave will constitute a break in consecutive fiscal payroll years; and the employee must work at least three (3) consecutive fiscal payroll years before regaining eligibility for the sick leave incentive.
  - C. Sick leave used due to a work-related injury or to visit a physician at the County's direction due to a past work-related injury will not adversely affect the calculation of an employee's eligibility for the sick leave incentive if the employee's time is properly coded on time records.
  - D. If sick leave is used for additional bereavement leave purposes (see Section XI of this Policy), the use of sick leave for that purpose will not be counted against an employee's eligibility for the sick leave incentive.
  - E. The incentive at the end of the fiscal payroll year will not be subject to any applicable deduction from accumulated sick leave totals.
  - F. Any sick leave approved under the FMLA will be treated as sick leave for purposes of calculating eligibility for the sick leave incentive.
  - G. All new employees who are hired during the course of the fiscal payroll year will receive sick leave incentive benefits on a pro rata basis. The County will calculate the benefit due to a new employee by using only that specific period of time that the employee could have actually used sick leave.

The following example illustrates the practical application of this subsection VIII (G). A new employee who is hired effective October 1 would have nine (9) full months of County service as of July 1 of the following fiscal payroll year. However, during the first three (3) months of the individual's employment, sick leave was not usable pursuant to County policy. Assuming no sick leave usage for the full nine (9) months, the employee would not receive nine-twelfths (9/12) of the total sick leave incentive; but would instead receive six-twelfths (6/12) because  $6/12 \times 3$  days equals  $1\frac{1}{2}$  days of sick leave incentive pay due, not to exceed \$90.00 per day.

## **IX. HOLIDAYS**

- A. Regular full-time employees observe thirteen (13) holidays per calendar year listed below. Yearly holiday schedules are established by the County Administrator prior to the beginning of each new calendar year and

distributed to each department.

<u>Month</u>	<u>Holiday</u>
January	New Year's Day Martin Luther King Day
February	Presidents' Day
March/April	Good Friday
May	Memorial Day
July	Independence Day
September	Labor Day
November	Veterans' Day Thanksgiving Day Friday after Thanksgiving
December	Christmas Eve Christmas Day New Year's Eve

- B. Certain County departments have twenty-four (24) hour operations or have schedules requiring work on County holidays. Employees required to work on County holidays will abide by the guidelines established by the County.

**X. ANNUAL PHYSICAL LEAVE BENEFIT**

To promote good health and well-being of employees, routine annual physicals are covered under the County's health care plan, subject to any applicable office visit co-pays and charges for non-covered procedures. All full-time employees will be granted up to two (2) hours per fiscal year (July through June) during normal business hours for an annual physical under the following conditions:

- A. The physical must be with the employee's primary care physician;
- B. The physical must be documented as an annual physical;
- C. The documentation of the annual physical must be forwarded to the Department of Human Resources;
- D. No special time reporting is needed because annual physical leave will show on time reporting records as time worked.

## **XI. BEREAVEMENT LEAVE AND PROCEDURE**

- A. A regular full-time employee who experiences the death of an immediate family member may take off up to three (3) working days with pay to attend services and handle related matters. An immediate family member is defined as mother, father, parent-in-law, step-parent, spouse, grandparent, grandchild, child, step-child, brother, sister, step-sibling, foster parent, or foster child as recognized by law, or other persons residing with the employee. The employee should notify his or her supervisor as soon as possible of the death and plans to take bereavement leave.
- B. Bereavement leave should be coded as **BEREAVEMENT** on time reporting records.
- C. Temporary full-time and part-time employees are not eligible for paid bereavement leave.
- D. If an employee needs more than three (3) days of bereavement leave, the employee may use up to three (3) additional days of any available leave for bereavement purposes. If sick leave is used for additional bereavement leave and is coded **BEREAVEMENT SICK** on time reporting records, an employee's use of sick leave for bereavement purposes will not be counted against the employee's eligibility under the sick leave incentive program (see Section VIII of this Policy).

## **XII. WORKERS' COMPENSATION DISABILITY LEAVE**

- A. If an employee suffers a compensable workers' compensation illness or injury and is unable to work, he or she will receive temporary total disability benefits from the County's third-party administrator and as provided by Maryland and other applicable law. These benefits are due only if the employee is off work more than three (3) days and will be administered according to applicable State and federal statutes, laws, rules, and regulations.
- B. An employee's workers' compensation disability period will not be deducted from the employee's accrued vacation, personal, or sick leave balances. In addition, the employee's regular accruals of benefit time will continue during the period of workers' compensation disability leave. However, this workers' compensation disability period of leave will be calculated toward and will run concurrently with any approved period of absence allowed under the FMLA.
- C. While an employee is on workers' compensation disability leave, the County will continue the employee's health, life, and disability benefits during the leave period at the same level and under the same conditions as if the employee were continuing to work, paying both the employer's share



and the employee's share of benefit premiums. Upon the employee's return to work, the employee will repay the County for the amounts paid by the County for the employee's share of the benefit premiums during the period of workers' compensation disability leave. The employee's repayment will be made by the employee's payment of an additional 25% above the employee's share of the benefit premium for each pay period until the County is repaid in full. Repayment amounts will be automatically deducted from the employee's paycheck. Alternatively, the employee may elect to pay the employee's share of benefit premiums while on workers' compensation disability leave.

- D. An employee who is released to duty with medical restrictions may be eligible to participate in the County's modified duty assignment program on a case-by-case basis.<sup>3</sup>

### **XIII. FAMILY AND MEDICAL LEAVE**

See Policy No. PR-15 Family and Medical Leave (FMLA).

### **XIV. ADMINISTRATIVE LEAVE OF ABSENCE WITH PAY**

Any approved administrative leave or leave of absence with pay is available only sparingly, on a case-by-case basis, upon the recommendation of the department head and in concurrence with the Director of Health and Human Services and the County Administrator.

Exception: On an annual basis, employees who lives in Washington County, Maryland, and are a registered voter of Maryland may be granted eight (8) hours of administrative leave, upon request and approval, to volunteer as election worker at Washington County polling places. Consideration should be given to the operations of the department when considering this benefit.

### **XV. ADMINISTRATIVE LEAVE OF ABSENCE WITHOUT PAY**

Upon an employee's exhaustion of available paid leave, department heads and elected officials may, at their discretion, grant up to five (5) days of administrative leave or leave of absence without pay within each fiscal year. The County Administrator will review all requests for administrative leave or leave of absence without pay for more than five (5) days on a case-by-case basis. Such requests must be made in writing through the department head to the County Administrator, specifically stating the reasons for the request and the covered time period. The department head will accompany an employee's request with a written recommendation for approval or disapproval and state the supporting reasons if disapproval is recommended. The employee may initiate a grievance under the

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<sup>3</sup> See Policy No. PR-17 Modified Duty Procedure.

County's grievance procedure<sup>4</sup> if he or she is dissatisfied with the disapproval. For an employee who is on extended unpaid leave, the accruals of sick and vacation leave will be suspended until the employee returns to work.

#### **XVI. SHORT-TERM DISABILITY**

See Policy No. EB-4 Short-Term Disability.

#### **XVII. LONG-TERM DISABILITY**

The County provides for long-term disability benefits with eligibility determined by the County's insurance carrier on a case-by-case basis. Employees who require more information regarding long-term disability should contact the Department of Human Resources.

#### **XVIII. REPORTING DOCUMENTATION, AND RETURN TO DUTY REQUIREMENTS**

- A. If an employee cannot report to work because of illness, his or her supervisor must be notified as soon as possible. Each department head will develop and post notification requirements specifically applicable to their areas of responsibility. If an employee experiences an extended illness of several days' duration, the employee must keep his or her supervisor informed at regular intervals (no less than weekly) of the state of his or her condition and expected return-to-work date.
- B. Sick leave taken for three (3) consecutive work days or more must be substantiated by a statement from a licensed healthcare provider on professional letterhead, signed and dated by the provider, indicating the dates or anticipated dates of the employee's absence, the probable duration of the employee's illness or condition, and the employee's fit-for-duty status.
- C. Each department head is responsible for notifying the Department of Human Resources when an employee is absent for three (3) or more consecutive days for the same health-related reason. Each department head is responsible for forwarding medical and disability statements to the Department of Human Resources for inclusion in personnel files.
- D. The Department of Human Resources will distribute periodic absence utilization reports to department heads, division directors, and the County Administrator.

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<sup>4</sup> . The County's four (4) step grievance procedure is set forth in Washington County's Employee Handbook.

