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By: **Delegate A. Jones**

Introduced and read first time: March 2, 1999

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Employees - Perfect Attendance Incentive**

3 FOR the purpose of establishing a perfect attendance incentive program for certain  
4 employees in the State Personnel Management System; specifying certain  
5 eligibility requirements; identifying certain qualifying criteria; and generally  
6 relating to the establishment of a perfect attendance incentive program for State  
7 employees.

8 BY adding to

9 Article - State Personnel and Pensions

10 Section 9-1201 through 9-1206, inclusive, to be under the new subtitle "Subtitle

11 12. Attendance Incentive in State Personnel Management System"

12 Annotated Code of Maryland

13 (1997 Replacement Volume and 1998 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Personnel and Pensions**

17 SUBTITLE 12. ATTENDANCE INCENTIVE IN STATE PERSONNEL MANAGEMENT

18 SYSTEM.

19 9-1201.

20 THIS SUBTITLE APPLIES TO ALL EMPLOYEES IN THE STATE PERSONNEL

21 MANAGEMENT SYSTEM EXCEPT TEMPORARY EMPLOYEES.

22 9-1202.

23 (A) AT THE DISCRETION OF THE APPOINTING AUTHORITY, AN ELIGIBLE

24 EMPLOYEE SHALL:

25 (1) RECEIVE A CASH AWARD THAT EQUALS UP TO 16 HOURS OF UNUSED

26 PERSONAL LEAVE; OR

1 (2) BE ALLOWED TO CONVERT UP TO 16 HOURS OF UNUSED PERSONAL  
2 LEAVE TO ANNUAL LEAVE HOURS OR SICK LEAVE HOURS.

3 (B) IN THE EVENT THAT A UNIT DOES NOT HAVE THE RESOURCES TO PAY THE  
4 CASH AWARD UNDER SUBSECTION (A)(1) OF THIS SECTION, THE HEAD OF THE UNIT  
5 MAY, WITH THE APPROVAL OF THE SECRETARY, CONVERT UNUSED LEAVE ONLY AS  
6 SPECIFIED IN SUBSECTION (A)(2) OF THIS SECTION.

7 (C) THE CASH AWARD OR AMOUNT OF THE CONVERSION FOR A PART-TIME  
8 EMPLOYEE WILL BE PRORATED BASED ON THE PERCENTAGE OF EMPLOYMENT.

9 9-1203.

10 TO BE ELIGIBLE TO RECEIVE AN ATTENDANCE INCENTIVE UNDER THIS  
11 SUBTITLE FOR A CALENDAR YEAR, AN EMPLOYEE SHALL:

12 (1) WORK DURING THE FULL CALENDAR YEAR; AND

13 (2) MEET THE ATTENDANCE CRITERIA IN THIS SUBTITLE.

14 9-1204.

15 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN  
16 EMPLOYEE MEETS THE ATTENDANCE CRITERIA FOR AN AWARD UNDER THIS  
17 SUBTITLE, IF, DURING THAT YEAR, THE EMPLOYEE:

18 (1) USES ONLY ANNUAL OR COMPENSATORY LEAVE THAT:

19 (I) IS REQUESTED AND APPROVED BEFORE THE END OF THE  
20 EMPLOYEE'S PREVIOUS SHIFT;

21 (II) IS TAKEN UNDER OFFICIALLY DECLARED LIBERAL LEAVE; OR

22 (III) IS APPROVED AFTER THE EMPLOYEE HAS REPORTED TO WORK;

23 (2) DOES NOT USE ANY:

24 (I) SICK LEAVE, EXCEPT FOR A DEATH IN THE FAMILY; OR

25 (II) LEAVE WITHOUT PAY, UNLESS SUCH LEAVE IS FOR EMPLOYEE  
26 ORGANIZATION ACTIVITY AND WAS APPROVED BY THE DEPARTMENT BEFORE ITS  
27 USE; AND

28 (3) DOES NOT INCUR A DISCIPLINARY SUSPENSION OR DISCIPLINARY  
29 LOSS OF LEAVE THAT HAS NOT BEEN REVERSED.

30 (B) AN EMPLOYEE IS NOT PREVENTED FROM MEETING THE ATTENDANCE  
31 REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION BECAUSE THE EMPLOYEE  
32 USES:

1 (1) LEAVE ATTRIBUTED TO A DISABILITY AS DEFINED IN THE FEDERAL  
2 AMERICANS WITH DISABILITIES ACT OF 1990; OR

3 (2) LEAVE QUALIFYING UNDER THE FEDERAL FAMILY AND MEDICAL  
4 LEAVE ACT OF 1993.

5 9-1205.

6 AN AWARD MADE UNDER THIS SUBTITLE IS IN ADDITION TO THE REGULAR PAY  
7 OF THE RECIPIENT.

8 9-1206.

9 A CASH AWARD UNDER THIS SUBTITLE SHALL BE PAID:

10 (1) FROM THE FUNDS OF ANY PRINCIPAL UNIT THAT EMPLOYS THE  
11 EMPLOYEE; OR

12 (2) AS PROVIDED IN THE STATE BUDGET.

13 SECTION 2. AND BE IT FURTHER ENACTED, That, because this program  
14 takes effect in the middle of a calendar year, State employees may cash-out or convert  
15 unused personal leave remaining at the end of calendar year 1999 or cash-out or  
16 convert personal leave received in calendar year 2000 for the cash-out or conversion  
17 that occurs after the first full pay period in January 2000.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 June 1, 1999.