

---

By: **Senator Collins**  
Introduced and read first time: February 4, 1999  
Assigned to: Finance

---

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Employee-to-Employee Leave Donation Program**

3 FOR the purpose of allowing a State employee to receive and use donations of unused  
4 annual, sick, or personal leave under the Employee-to-Employee Leave  
5 Donation Program because of the catastrophic illness or injury of a member of  
6 the employee's immediate family under certain circumstances; providing that an  
7 employee may use leave received through the Leave Donation Program for a  
8 catastrophic illness or injury of an immediate family member only after  
9 obtaining approval from the employee's appointing authority; providing that  
10 approval by the employee's appointing authority is discretionary; defining  
11 certain terms; and generally relating to donations and use of leave under the  
12 Employee-to-Employee Leave Donation Program.

13 BY repealing and reenacting, with amendments,  
14 Article - State Personnel and Pensions  
15 Section 9-601 and 9-604  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 1998 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - State Personnel and Pensions**

21 9-601.

22 (a) In this subtitle the following words have the meanings indicated.

23 (B) "CATASTROPHIC ILLNESS OR INJURY" MEANS A CONDITION THAT IS  
24 INCAPACITATING OR LIFE THREATENING AS CERTIFIED BY A HEALTH CARE  
25 PROVIDER, AS DEFINED IN THE FEDERAL FAMILY MEDICAL LEAVE ACT.

26 (C) "IMMEDIATE FAMILY" MEANS:

27 (1) THE SPOUSE OF THE EMPLOYEE;

1 (2) CHILDREN, INCLUDING FOSTER AND STEPCHILDREN OF THE  
2 EMPLOYEE;

3 (3) PARENTS, STEPPARENTS, OR FOSTER PARENTS OF THE EMPLOYEE;

4 (4) BROTHERS AND SISTERS OF THE EMPLOYEE; AND

5 (5) GRANDPARENTS AND GRANDCHILDREN OF THE EMPLOYEE.

6 [(b)] (C) "Leave Bank" means the State Employees' Leave Bank.

7 [(c)] (D) "Leave Donation Program" means the Employee-to-Employee Leave  
8 Donation Program.

9 9-604.

10 (a) (1) Subject to the limitations in this title or in any other law, an  
11 employee may voluntarily donate unused annual, sick, or personal leave to another  
12 employee who has exhausted all available annual, personal, sick, and compensatory  
13 leave because of a serious and prolonged medical condition OF THE EMPLOYEE OR A  
14 CATASTROPHIC ILLNESS OR INJURY OF A MEMBER OF THE EMPLOYEE'S IMMEDIATE  
15 FAMILY.

16 (2) The employee who donates leave shall designate the recipient of the  
17 leave.

18 (b) An employee who receives leave through the Leave Donation Program may  
19 only use the leave for:

20 (1) an illness or disability of the employee due to the medical condition  
21 that existed at the time of the donation; OR

22 (2) A CATASTROPHIC ILLNESS OR INJURY OF A MEMBER OF THE  
23 EMPLOYEE'S IMMEDIATE FAMILY FOR WHOM THE EMPLOYEE IS NEEDED TO  
24 PROVIDE DIRECT CARE.

25 (C)(1) AN EMPLOYEE MAY USE LEAVE RECEIVED THROUGH THE LEAVE  
26 DONATION PROGRAM FOR A CATASTROPHIC ILLNESS OR INJURY OF A MEMBER OF  
27 THE EMPLOYEE'S IMMEDIATE FAMILY ONLY AFTER OBTAINING APPROVAL FROM  
28 THE EMPLOYEE'S APPOINTING AUTHORITY.

29 (2) APPROVAL BY THE EMPLOYEE'S APPOINTING AUTHORITY IS  
30 DISCRETIONARY, AND DENIAL MAY BE BASED ON ANY REASON WHICH IS  
31 CONSISTENTLY APPLIED AND THAT IS NOT ILLEGAL OR UNCONSTITUTIONAL.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 June 1, 1999.