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

Committee Report: Favorable
Senate action: Adopted
Read second time: March 19, 1999

CHAPTER _____

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.

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

4 (C) "IMMEDIATE FAMILY" MEANS:

5 (1) THE SPOUSE OF THE EMPLOYEE;

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

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

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

10 (5) GRANDPARENTS AND GRANDCHILDREN OF THE EMPLOYEE.

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

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

14 9-604.

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

21 (2) The employee who donates leave shall designate the recipient of the
22 leave.

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

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

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

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

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

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