
By: **Chairman, Rules and Executive Nominations Committee**
(Departmental - Budget and Management)

Introduced and read first time: February 17, 2000

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Collective Bargaining - Negotiated Provisions**

3 FOR the purpose of enacting provisions of the negotiated Memoranda of
4 Understanding; increasing the payment for certain employees required to work
5 on holidays; establishing a sick leave incentive program for certain State
6 employees; requiring certain participating units of State government to report
7 certain information to the Secretary; allowing certain State employees to receive
8 payment for unused sick leave under certain conditions; determining eligibility
9 for participation in the program; authorizing the collection of certain data for
10 the purpose of sick leave monitoring; generally relating to the sick leave
11 incentive program; increasing the death benefits for survivors of State
12 employees killed in the performance of job duties; and generally complying with
13 Section 3-502(c) of the State Personnel and Pensions Article.

14 BY repealing and reenacting, with amendments,
15 Article - State Personnel and Pensions
16 Section 9-205 and 10-404
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1999 Supplement)

19 BY adding to
20 Article - State Personnel and Pensions
21 Section 9-1201 through 9-1204, inclusive, to be under the new subtitle "Subtitle
22 12. Sick Leave Incentive Program"
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 1999 Supplement)

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

1 **Article - State Personnel and Pensions**

2 9-205.

3 (a) (1) Except as otherwise provided in [paragraph (2)] PARAGRAPHS (2)
4 AND (3) of this subsection or in any other law, an employee, who because of the nature
5 of the employee's duties, is required to work on any part of an employee holiday shall
6 receive compensatory time for that work.

7 (2) AN EMPLOYEE, INCLUDING AN EMPLOYEE IN A 24-HOUR FACILITY,
8 SHALL RECEIVE PAYMENT FOR THE NUMBER OF HOLIDAY HOURS SCHEDULED, AT
9 THE EMPLOYEE'S REGULAR HOURLY RATE OF PAY, AND TIME AND ONE-HALF
10 PAYMENT FOR THE NUMBER OF HOURS ACTUALLY WORKED, IF THE EMPLOYEE:

11 (I) IS ELIGIBLE TO RECEIVE CASH OVERTIME;

12 (II) HAS HOLIDAYS PRESCHEDULED BY THE EMPLOYER; AND

13 (III) IS REQUIRED BY THE EMPLOYER TO WORK A HOLIDAY THAT
14 WAS NOT DESIGNATED AS A PRESCHEDULED HOLIDAY FOR THE EMPLOYEE.

15 [(2)] (3) An employee who is included in the Executive Pay Plan at a pay
16 grade of (ES) 6 or above may receive compensatory time for work on an employee
17 holiday only if the employee works 5 or more hours on the holiday. The employee shall
18 receive 1 day of compensatory time for each employee holiday on which the employee
19 works 5 hours or more.

20 (b) An employee must use any compensatory time accrued under this section
21 within 1 year after having accrued that time.

22 **SUBTITLE 12. SICK LEAVE INCENTIVE PROGRAM.**

23 9-1201.

24 EXCEPT AS OTHERWISE PROVIDED, THIS SUBTITLE APPLIES TO EMPLOYEES IN
25 THE STATE PERSONNEL MANAGEMENT SYSTEM AND EMPLOYEES IN THE
26 TRANSPORTATION SERVICE HUMAN RESOURCES MANAGEMENT SYSTEM.

27 9-1202.

28 (A) THERE IS A SICK LEAVE INCENTIVE PROGRAM FOR STATE EMPLOYEES
29 THAT ALLOWS FOR THE PAYMENT FOR UNUSED SICK LEAVE.

30 (B) THE SECRETARY SHALL ADOPT REGULATIONS TO ADMINISTER THE
31 PROGRAM.

32 (C) A UNIT THAT PARTICIPATES IN THIS PROGRAM SHALL SUBMIT TO THE
33 SECRETARY AT THE END OF EACH CALENDAR YEAR A REPORT THAT INCLUDES:

- 1 (1) THE NUMBER OF EMPLOYEES RECEIVING PAYMENT FOR UNUSED
2 SICK LEAVE;
- 3 (2) THE TOTAL PAYMENT RECEIVED BY EMPLOYEES;
- 4 (3) THE NUMBER OF UNUSED SICK LEAVE HOURS EXCHANGED FOR
5 PAYMENT;
- 6 (4) THE TOTAL SICK LEAVE HOURS USED DURING THE CALENDAR YEAR;
7 AND
- 8 (5) ANY ESTIMATED OVERTIME SAVINGS AS A RESULT OF THIS
9 PROGRAM.

10 9-1203.

11 (A) THE SICK LEAVE INCENTIVE PROGRAM CONSISTS OF THE FOLLOWING
12 TWO INCENTIVES:

13 (1) PAYMENT FOR UP TO 40 HOURS OF UNUSED SICK LEAVE PER
14 CALENDAR YEAR IF AN EMPLOYEE HAS USED NO MORE THAN 40 HOURS OF SICK
15 LEAVE DURING THE CALENDAR YEAR AND HAS A SICK LEAVE BALANCE OF AT LEAST
16 240 HOURS ON DECEMBER 31 OF THAT CALENDAR YEAR; AND

17 (2) PAYMENT FOR UP TO 56 HOURS OF UNUSED SICK LEAVE PER
18 CALENDAR YEAR IF AN EMPLOYEE HAS USED NO MORE THAN 24 HOURS OF SICK
19 LEAVE DURING THE CALENDAR YEAR AND HAS A SICK LEAVE BALANCE OF AT LEAST
20 240 HOURS ON DECEMBER 31 OF THAT CALENDAR YEAR.

21 (B) TO BE ELIGIBLE FOR THE PROGRAM, AN EMPLOYEE SHALL MAINTAIN A
22 SICK LEAVE BALANCE OF AT LEAST 240 HOURS AFTER PAYMENT IS RECEIVED FOR
23 LEAVE.

24 (C) (1) FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR THE
25 PROGRAM, THE FOLLOWING USE OF LEAVE DOES NOT QUALIFY AS SICK LEAVE
26 USAGE:

27 (I) SICK LEAVE THAT IS USED FOR A DEATH IN THE IMMEDIATE
28 FAMILY;

29 (II) SICK LEAVE THAT IS DONATED TO ANOTHER EMPLOYEE IN
30 ACCORDANCE WITH THE PROVISIONS OF THE EMPLOYEE TO EMPLOYEE LEAVE
31 DONATION PROGRAM;

32 (III) SICK LEAVE THAT IS DONATED TO THE STATE EMPLOYEES'
33 LEAVE BANK; AND

34 (IV) SICK LEAVE THAT IS TAKEN IN ACCORDANCE WITH THE
35 FAMILY AND MEDICAL LEAVE ACT.

1 (2) LEAVE USED FOR THE PURPOSES IN SUBSECTION (C)(1)(IV) OF THIS
2 SECTION SHALL NOT BE USED TO DETERMINE AN EMPLOYEE'S LEAVE BALANCE.

3 9-1204.

4 THE PAYMENT, SICK LEAVE USAGE RATE, AND SICK LEAVE BALANCE FOR A
5 PART-TIME EMPLOYEE WILL BE PRORATED BASED ON THE EMPLOYEE'S
6 PERCENTAGE OF EMPLOYMENT.

7 10-404.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) "Child" means any natural, adopted, or posthumous child, or
10 stepchild, or the decedent who is:

11 (i) 18 years of age or under; or

12 (ii) over 18 years of age and incapable of self-support because of a
13 physical or mental disability.

14 (3) "Stepchild" means any child of the surviving spouse who was living
15 with or dependent for support on the decedent at the time of death.

16 (b) (1) Except as provided in paragraph (2) of this subsection, this section
17 applies to all employees in:

18 (i) the State Personnel Management System; and

19 (ii) any other authorized personnel system established for a unit of
20 State government.

21 (2) This section does not apply to an employee covered by the provisions
22 of Article 41, § 4-1002 of the Code.

23 (c) (1) (i) As provided in this section, a death benefit in the amount of
24 [\$50,000] \$100,000 shall be paid to the surviving spouse, children, or dependent
25 parents of any employee subject to this section who is killed in the performance of
26 duties on or after [July 1, 1992] JULY 1, 2000.

27 (ii) A death benefit may not be paid under this section if an
28 employee is killed as a result of the employee's negligence.

29 (2) A death benefit under this section shall be in addition to any:

30 (i) workers' compensation benefits; and

31 (ii) proceeds of any form of life insurance, regardless of who paid
32 the premiums on the insurance.

1 (d) (1) On notification by the head of the unit that employed the decedent,
2 the Secretary shall determine whether a death benefit will be paid under this section.

3 (2) If the Secretary determines that a death benefit is payable, payment
4 shall be made:

5 (i) to the surviving spouse;

6 (ii) if there is no surviving spouse, to the surviving children, in
7 equal shares; or

8 (iii) if there is no surviving spouse or children, to the surviving
9 parent or parents, if the parent was a dependent as defined in § 152 of the Internal
10 Revenue Code.

11 (e) A death benefit under this section shall be paid out of funds which the
12 Governor may appropriate for that purpose in the State budget.

13 (f) A decision of the Secretary under this section:

14 (1) is the final administrative decision; and

15 (2) is not subject to appeal under Title 10, Subtitle 2 of the State
16 Government Article.

17 SECTION 2. AND BE IT FURTHER ENACTED, That, for the purpose of the
18 Sick Leave Incentive Program, administrative tracking of sick leave usage shall begin
19 on January 1, 2000 and eligible employees shall not receive payment for unused sick
20 leave until calendar year 2001.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act
22 shall take effect July 1, 2000.