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By: **Chairman, Appropriations Committee**  
Rules suspended  
Introduced and read first time: March 11, 2002  
Assigned to: Rules and Executive Nominations  
Re-referred to: Appropriations, March 18, 2002

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: April 1, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Employees - Leave Provisions**

3 FOR the purpose of ~~altering the number of days employees are entitled to~~  
4 ~~compensation for unused compensatory leave; and authorizing the Secretary of~~  
5 Budget and Management to grant certain leave from the State Employees'  
6 Leave Bank to certain employees who have been ordered into active military  
7 service on or after a certain date; authorizing the Secretary of Budget and  
8 Management to provide in regulation for leave with pay for certain employees on  
9 active military duty; requiring the Department of Budget and Management to  
10 report to the Governor and the General Assembly on or before a certain date;  
11 providing for the termination of certain provisions of this Act; and generally  
12 relating to leave for State employees.

13 BY repealing and reenacting, with amendments,  
14 Article - State Personnel and Pensions  
15 Section ~~9-901~~ 9-603(c) and 9-1104  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 2001 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article - State Personnel and Pensions  
20 Section 9-901  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 2001 Supplement)

1 BY adding to  
2 Article - State Personnel and Pensions  
3 Section 9-608  
4 Annotated Code of Maryland  
5 (1997 Replacement Volume and 2001 Supplement)

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

8 **Article - State Personnel and Pensions**

9 9-603.

10 (c) The Secretary may grant leave from the State Employees' Leave Bank to  
11 an employee who:

12 (1) (I) has exhausted all forms of annual, personal, sick, and  
13 compensatory leave because of a serious and prolonged medical condition;

14 [(2)] (II) provides a certificate of illness or disability; and

15 [(3)] (III) [(i)] 1. is a member of the State Employees' Leave Bank; or

16 [(ii)] 2. is granted an exemption by the Secretary from the  
17 membership requirement for good cause[.]; OR

18 (2) IS ELIGIBLE TO RECEIVE LEAVE UNDER § 9-608 OF THIS SUBTITLE.

19 9-608.

20 (A) THIS SECTION APPLIES TO AN EMPLOYEE, EXCEPT A TEMPORARY  
21 EMPLOYEE, IN THE STATE PERSONNEL MANAGEMENT SYSTEM OR AN INDEPENDENT  
22 PERSONNEL SYSTEM WHO:

23 (1) IS ORDERED INTO ACTIVE MILITARY SERVICE ON OR AFTER  
24 SEPTEMBER 11, 2001;

25 (2) HAS EXHAUSTED ALL PAID LEAVE; AND

26 (3) IS ON LEAVE WITHOUT PAY.

27 (B) (1) AN EMPLOYEE SUBJECT TO THIS SECTION WHO HAS BEEN ORDERED  
28 INTO ACTIVE MILITARY SERVICE BEFORE JULY 1, 2002 MAY RECEIVE LEAVE FROM  
29 THE LEAVE BANK BEGINNING ON THE LATER OF THE DAY THE EMPLOYEE BEGAN  
30 LEAVE WITHOUT PAY OR JANUARY 1, 2002.

31 (2) AN EMPLOYEE SUBJECT TO THIS SECTION WHO HAS BEEN ORDERED  
32 INTO ACTIVE MILITARY SERVICE ON OR AFTER JULY 1, 2002 MAY RECEIVE LEAVE  
33 FROM THE LEAVE BANK BEGINNING ON THE DAY THE EMPLOYEE BEGINS LEAVE  
34 WITHOUT PAY IF, BEFORE BEING ORDERED INTO ACTIVE MILITARY SERVICE, THE

1 EMPLOYEE VOLUNTARILY DONATES AT LEAST 8 HOURS OF ANNUAL OR PERSONAL  
 2 LEAVE TO THE LEAVE BANK IN ACCORDANCE WITH THIS SUBTITLE.

3 (C) AN EMPLOYEE SUBJECT TO THIS SECTION MAY RECEIVE ONLY ANNUAL  
 4 OR PERSONAL LEAVE THAT IS PLACED IN THE LEAVE BANK AS A RESULT OF  
 5 FORFEITURE UNDER § 9-307 OR § 9-403 OF THIS TITLE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 7 read as follows:

8 **Article - State Personnel and Pensions**

9 9-901.

10 (a) Except as provided in § 8-307 of this article, each employee in the State  
 11 Personnel Management System, except a temporary employee, is entitled, on  
 12 termination of State employment, to compensation for ~~TWENTY FIVE PERCENT~~ [no  
 13 more than 2 days] of unused compensatory leave ~~NOT TO EXCEED 5 DAYS AND NOT~~  
 14 ~~LESS THAN 2 DAYS~~ earned during the calendar year in which the employee's State  
 15 employment terminates.

16 (b) Subsection (a) of this section does not apply to employees covered by a  
 17 collective bargaining agreement or as otherwise required by federal law.

18 9-1104.

19 The Secretary may provide by regulation for leave with pay:

20 (1) for jury service;

21 (2) to attend employee organization events approved for this purpose by  
 22 the Secretary;

23 (3) UP TO 15 DAYS for military training OR ACTIVE MILITARY DUTY in a  
 24 reserve unit of the armed forces or in the organized militia;

25 (4) unless the employee is a party to the action or a paid witness, to  
 26 appear in compliance with a subpoena:

27 (i) in court;

28 (ii) before a grand jury;

29 (iii) before an administrative unit; or

30 (iv) for a deposition;

31 (5) for administrative leave for the purpose of immediately removing an  
 32 employee from the work site, if the employee:

33 (i) poses a threat to self, another individual, or State property; or

1 (ii) is incapable of properly performing the employee's duties  
2 because of extraordinary circumstances; and

3 (6) any other paid leave the Secretary deems necessary.

4 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 15,  
5 2003, the Department of Budget and Management shall report to the Governor and,  
6 in accordance with § 2-1246 of the State Government Article, the General Assembly,  
7 on the impact of Section 1 of this Act on the State Employees' Leave Bank, including  
8 the number of State employees who received leave from the Leave Bank under §  
9 9-608 of the State Personnel and Pensions Article, as enacted by Section 1 of this Act,  
10 and the amount of leave received.

11 SECTION 2: 4. AND BE IT FURTHER ENACTED, That this Act shall take  
12 effect July 1, 2002. Section 1 of this Act shall remain in effect for a period of 1 year  
13 and 6 months and, at the end of December 31, 2003, with no further action required  
14 by the General Assembly, Section 1 of this Act shall be abrogated and of no further  
15 force and effect.