

SENATE BILL 505

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P1

2003 Regular Session
(31r0974)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Appropriations --

Introduced by **Senators Harris and Mooney**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Militia - State Employees - Members of the Maryland National Guard -~~
3 ~~Leave of Absence for Public Employees Provisions State Employees -~~
4 ~~Military Administrative Leave~~

5 FOR the purpose of ~~providing that certain members of the organized militia who are~~
6 ~~ordered to active duty with the consent of the Governor are entitled to a leave of~~
7 ~~absence from their duties without loss of pay, time, or efficiency rating for the~~
8 ~~time while actually serving under the active duty order; providing for the~~
9 ~~application of this Act; and generally relating to leave of absence for public~~
10 ~~employees who are members of the organized militia authorizing the Secretary~~
11 ~~of Budget and Management to grant certain leave from the State Employees'~~
12 ~~Leave Bank to a certain State employee who is a member of the Maryland~~
13 ~~National Guard and has been ordered into active military service on or after a~~
14 ~~certain date; establishing a certain limitation on the amount of leave a member~~
15 ~~of the Maryland National Guard may receive; extending to a certain date the~~
16 ~~termination of certain provisions authorizing the grant of certain leave from the~~
17 ~~State Employees' Leave Bank to certain employees; and generally relating to~~

1 ~~leave for State employees; authorizing the provision of military administrative~~
 2 ~~leave for certain State employees who are on active military duty on a certain~~
 3 ~~date or are activated for military duty on or after a certain date; requiring certain~~
 4 ~~employees to use military administrative leave or certain paid leave; specifying~~
 5 ~~the amount of military administrative leave that may be provided; requiring the~~
 6 ~~Department of Budget and Management to keep a record of the use of military~~
 7 ~~administrative leave; providing for the termination of this Act; and generally~~
 8 ~~relating to military administrative leave for State employees.~~

9 BY adding to
 10 Article - State Personnel and Pensions
 11 Section 9-1107
 12 Annotated Code of Maryland
 13 (1997 Replacement Volume and 2002 Supplement)

14 ~~BY repealing and reenacting, with amendments,~~
 15 ~~Article - Public Safety~~
 16 ~~Section 13-707~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2003)~~

19 ~~BY repealing and reenacting, without amendments,~~
 20 ~~Article - State Personnel and Pensions~~
 21 ~~Section 9-603(e)~~
 22 ~~Annotated Code of Maryland~~
 23 ~~(1997 Replacement Volume and 2002 Supplement)~~

24 ~~BY repealing and reenacting, with amendments,~~
 25 ~~Article - State Personnel and Pensions~~
 26 ~~Section 9-608~~
 27 ~~Annotated Code of Maryland~~
 28 ~~(1997 Replacement Volume and 2002 Supplement)~~

29 ~~BY repealing and reenacting, with amendments,~~
 30 ~~Chapter 285 of the Acts of the General Assembly of 2002~~
 31 ~~Section 4~~

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

Article—Public Safety

1 ~~13-707.~~

2 (a) An officer or employee of the State, a county, or other political subdivision
3 of the State who is a member of the organized militia is entitled to a leave of absence
4 from duties, without loss of pay, time, or efficiency rating:

5 (1) on each day engaged in field or coast defense or other training
6 ordered or authorized under this title; or

7 (2) under any law of the United States while on inactive duty training,
8 not to exceed 15 days annually.

9 (b) In addition to the 15-day period specified in subsection (a) of this section,
10 a member of the organized militia who is ordered to State active duty under authority
11 OR WITH THE CONSENT of the Governor is entitled to leave of absence without loss of
12 pay, time, or efficiency rating while actually serving under the State active duty
13 orders.
14

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
16 construed to apply retroactively and shall be applied to and interpreted to affect any
17 member of the organized militia subject to this Act who is ordered to active duty with
18 the consent of the Governor on or after September 11, 2001.

Article—State Personnel and Pensions

19 ~~9-603.~~

20 (e) The Secretary may grant leave from the State Employees' Leave Bank to
21 an employee who:

22 (1) (i) has exhausted all forms of annual, personal, sick, and
23 compensatory leave because of a serious and prolonged medical condition;

24 (ii) provides a certificate of illness or disability; and

25 (iii) 1. is a member of the State Employees' Leave Bank; or

26 2. is granted an exemption by the Secretary from the
27 membership requirement for good cause; or

28 (2) is eligible to receive leave under § 9-608 of this subtitle.

29 ~~9-608.~~

30 (a) This section applies to an employee, except a temporary employee, in the
31 State Personnel Management System or an independent personnel system who:

32 (1) is A MEMBER OF THE MARYLAND NATIONAL GUARD AND HAS BEEN
33 ordered into active military service on or after September 11, 2001;
34

1 (1) IS ON ACTIVE MILITARY DUTY ON JULY 1, 2003; OR

2 (2) IS ACTIVATED FOR MILITARY DUTY ON OR AFTER JULY 1, 2003.

3 (C) (1) AN EMPLOYEE WHO IS ELIGIBLE TO RECEIVE MILITARY
4 ADMINISTRATIVE LEAVE UNDER THIS SECTION IS ENTITLED TO LEAVE IN AN
5 AMOUNT SUFFICIENT TO COMPENSATE THE EMPLOYEE, DURING EACH PAY PERIOD
6 FOR WHICH THE EMPLOYEE IS ELIGIBLE TO RECEIVE MILITARY ADMINISTRATIVE
7 LEAVE UNDER THIS SECTION, FOR THE DIFFERENCE BETWEEN THE EMPLOYEE'S
8 ACTIVE DUTY BASE SALARY PAID BY THE FEDERAL GOVERNMENT AND THE
9 EMPLOYEE'S STATE BASE SALARY OR DIRECT WAGES.

10 (2) COMPENSATION PROVIDED UNDER THIS SUBSECTION MAY NOT
11 EXCEED AN EMPLOYEE'S STATE BASE SALARY OR DIRECT WAGES.

12 (D) AN EMPLOYEE ELIGIBLE TO RECEIVE MILITARY ADMINISTRATIVE LEAVE
13 UNDER THIS SECTION WHO IS ACTIVATED FOR MILITARY DUTY ON OR AFTER JULY 1,
14 2003, SHALL ELECT TO USE EITHER MILITARY ADMINISTRATIVE LEAVE OR PAID
15 LEAVE AS PROVIDED IN § 9-1104(3) OF THIS SUBTITLE.

16 (E) THE DEPARTMENT SHALL KEEP A RECORD OF THE USE OF MILITARY
17 ADMINISTRATIVE LEAVE UNDER THIS SECTION.

18 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect
19 July 1, 2003. It shall remain effective for a period of 1 year and, at the end of June 30,
20 2004, with no further action required by the General Assembly, this Act shall be
21 abrogated and of no further force and effect.