
By: **Delegates McKee and Shank**

Introduced and read first time: February 6, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Retirement and Pensions - State Employees - Credit for Unused Sick Leave**

3 FOR the purpose of altering the computation of credit for unused sick leave for State
4 employees who are members of certain State retirement and pension systems;
5 and generally relating to computation of credit for unused sick leave for State
6 employee members of certain State retirement and pension systems.

7 BY repealing and reenacting, with amendments,
8 Article - State Personnel and Pensions
9 Section 20-206
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2005 Supplement)

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

14 **Article - State Personnel and Pensions**

15 20-206.

16 (a) In this section, "unused sick leave" means sick leave credit that has not
17 been used before retirement.

18 (b) This section does not apply to:

19 (1) the Judges' Retirement System; or

20 (2) the Legislative Pension Plan.

21 (c) A member is entitled to receive creditable service for unused sick leave if
22 the member retires on or before 30 days after the member is separated from
23 employment with a participating employer or a participating governmental unit that
24 has withdrawn from one of the several systems under Title 31 of this Article.

25 (d) (1) At retirement, a member is entitled to receive creditable service for
26 unused sick leave, on verification of the unused sick leave to the Board of Trustees.

1 (2) (i) This subsection does not apply to the Local Fire and Police
2 System or the Law Enforcement Officers' Pension System.

3 (ii) A member who separates from employment for reasons other
4 than retirement on or before June 30, 1990, is entitled to receive creditable service for
5 unused sick leave that is reported by the member's employer at the member's
6 separation from employment if the member was entitled to a vested allowance at the
7 time of separation.

8 (e) (1) Subject to [paragraph (3)] PARAGRAPHS (3) AND (4) of this
9 subsection, for 22 days of unused sick leave a member is entitled to receive 1 month of
10 creditable service.

11 (2) If fractional days totaling 11 or more result from the application of
12 the formula described in paragraph (1) of this subsection, a member is entitled to
13 receive 1 additional month of creditable service.

14 (3) For the purposes of this section:

15 (i) a member may not accumulate more than 15 days of sick leave
16 per year;

17 (ii) unless sick leave credit is accepted and credited by the current
18 participating employer, a member may not receive credit for unused sick leave
19 granted by a former employer; and

20 (iii) if a participating employer provides a member with more than
21 15 days of sick leave per year, before crediting the member with additional sick leave
22 for a year, the Board of Trustees shall reduce the member's accumulated sick leave by
23 the lesser of:

24 1. the days of sick leave used by the member in that year; or

25 2. the number of days of sick leave provided by the
26 participating employer for the year, less 15.

27 (4) (I) THIS PARAGRAPH APPLIES ONLY TO STATE EMPLOYEES.

28 (II) A MEMBER WHO HAS AT LEAST 16 YEARS OF STATE SERVICE
29 SHALL RECEIVE SICK LEAVE AS PROVIDED IN THIS PARAGRAPH.

30 (III) A MEMBER WHO HAS UNUSED SICK LEAVE EQUAL TO LESS
31 THAN 50% OF THE SICK LEAVE CREDITS THAT THE MEMBER RECEIVED DURING
32 EMPLOYMENT SHALL RECEIVE THE SICK LEAVE THAT THE MEMBER WOULD BE
33 ENTITLED TO UNDER PARAGRAPH (1) OF THIS SUBSECTION.

34 (IV) A MEMBER WHO HAS UNUSED SICK LEAVE EQUAL TO AT LEAST
35 50% BUT LESS THAN 70% OF THE SICK LEAVE CREDITS THAT THE MEMBER RECEIVED
36 DURING EMPLOYMENT SHALL RECEIVE TWO TIMES THE SICK LEAVE THAT THE
37 MEMBER WOULD BE ENTITLED TO UNDER PARAGRAPH (1) OF THIS SUBSECTION.

1 (V) A MEMBER WHO HAS UNUSED SICK LEAVE EQUAL TO AT LEAST
2 70% BUT LESS THAN 80% OF THE SICK LEAVE CREDITS THAT THE MEMBER RECEIVED
3 DURING EMPLOYMENT SHALL RECEIVE THREE TIMES THE SICK LEAVE THAT THE
4 MEMBER WOULD BE ENTITLED TO UNDER PARAGRAPH (1) OF THIS SUBSECTION.

5 (VI) A MEMBER WHO HAS UNUSED SICK LEAVE EQUAL TO AT LEAST
6 80% BUT LESS THAN 100% OF THE SICK LEAVE CREDITS THAT THE MEMBER
7 RECEIVED DURING EMPLOYMENT SHALL RECEIVE FOUR TIMES THE SICK LEAVE
8 THAT THE MEMBER WOULD BE ENTITLED TO UNDER PARAGRAPH (1) OF THIS
9 SUBSECTION.

10 (f) Credit for unused sick leave may not be used under this section:

11 (1) to determine years of eligibility service required for a benefit under
12 this Division II; or

13 (2) to compute average final compensation.

14 (g) A State employee who came into the State system while retaining sick
15 leave and annual leave benefits under a county system and who came under the
16 provisions of Chapter 423 of the Acts of 1971 shall be entitled to the same full credit
17 toward retirement as provided by this section.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2006.