

POLICY

SUBJECT: Other Leave
NUMBER: HR-426-18
APPLICABLE TO: All DJS Employees

APPROVED: _____ /s/ signature on original
Sam Abed, Secretary
DATE: _____ 8/1/18

I. POLICY

The Maryland Department of Juvenile Services (DJS) implements and manages all types of leave in accordance with Maryland law, regulations, and guidelines. Employees are eligible to be granted other types of paid leave based on the need for the specific leave.

Besides annual, personal, and sick leave, other types of paid leave available to employees include:

- Administrative;
- Bereavement;
- Disaster;
- Employee Organization Events;
- Examinations and Interviews;
- Jury Service;
- Legal Actions;
- Military Administrative;
- Positive Tuberculin Skin;
- Religious Observance; and
- Work-related Accident.

II. AUTHORITY

- A. Md. Code Ann., Human Services, §9-203 and §9-204
- B. Md. Code Ann., State Personnel and Pensions Article, Title 9
- C. COMAR 17.04 11
- D. American Correctional Association (ACA) Standard, 4-JCF-6D-01

III. DIRECTIVES/POLICIES RESCINDED

None

IV. FAILURE TO COMPLY

Failure to comply with the Department's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed.

VI. REVISION HISTORY

DESCRIPTION OF REVISION	DATE OF REVISION
New policy issued.	8/1/18

PROCEDURES

SUBJECT: Other Leave
NUMBER: HR-426-18
APPLICABLE TO: All DJS Employees

APPROVED: _____ /s/ signature on original
Lynette Holmes, Deputy Secretary
DATE: _____ 7/30/18

I. PURPOSE

To provide guidelines to employees for earning and using other types of leave except for annual and sick leave.

II. DEFINITIONS

Appointing Authority means an individual or a unit of government that has the power to make appointments. For purposes of this policy, appointing authority means the DJS Secretary or designee. Only the Secretary can terminate an employee.

Employee Organization Events means an event for which leave is approved by Department of Budget and Management (DBM) and which allows employees to attend collective bargaining organization events.

III. PROCEDURES

A. Granting and Eligibility

1. All employees in budgeted positions whose percentage of employment is at least 50% are eligible for leave under this policy.
2. Temporary Employees (Contractual and Emergency) are eligible for all leave under this policy except Bereavement (sick leave), Military Administrative Leave, and Work-related Accident Leave.

B. Administrative Leave

1. The Director and Deputy of Office of Human Resources (OHR) or the Secretary of Department of Budget and Management (DBM) may authorize Administrative Leave for:
 - a. incentive awards (not to exceed three (3) days);
 - b. removal of an employee from the workplace (not to exceed 10 workdays) if the employee:
 - 1) poses a threat to self, another individual, or State property;

- 2) is incapable of properly performing the employee's duties because of extraordinary circumstances; or
- 3) is under investigation for work-related conduct.

C. Bereavement Leave

1. An employee may take a maximum of five (5) days of sick leave, depending on need, in the event of death of one of the following members of the immediate family:
 - a. Spouse;
 - b. Children, including foster and stepchildren;
 - c. Parents, stepparents or foster parents of the employee or spouse, or others who took the place of parents;
 - d. Legal guardians of the employee or spouse;
 - e. Brothers and sisters of the employee or spouse;
 - f. Grandparents or grandchildren of the employee or spouse; and
 - g. Other relatives living as a member of the employee's household.
2. An employee may take up to three (3) days of bereavement leave with pay, instead of using three (3) of the five (5) sick days that an employee is allowed to use, upon the death of the following members of the employee's immediate family:
 - a. Spouse;
 - b. Children, including foster and stepchildren;
 - c. Parents, stepparents, or foster parents of the employee;
 - d. Brothers and sisters of the employee;
 - e. Grandparents and grandchildren of the employee.
3. An employee may take a maximum of one (1) sick day in the event of the death of one of the following relatives:
 - a. Aunts and uncles of the employee or spouse;
 - b. Nephews and nieces of the employee or spouse;
 - c. Brothers-in-law and sisters-in-law of the employee or employee's spouse; and
 - d. Sons-in-law and daughters-in-law.
4. If additional time is required by the employee, the supervisor shall make reasonable efforts to arrange the employee's work so that the employee may take other accrued leave for this purpose.

D. Disaster Leave

1. With the appointing authority's approval, an employee, under certain circumstances, may be entitled to up to 15 days of Disaster Leave in any 12-month period if the following requirements are met:
 - a. The employee provides documentation that he/she is certified by the American Red Cross as a disaster service volunteer; and
 - b. The American Red Cross requests the services of the employee during a disaster that is designated at Level II or above in the regulations and procedures of the National Office of the American Red Cross and documentation is provided.

2. For purposes of workers' compensation and the Maryland Tort Claims Act, employees on Disaster Leave shall not be considered to be State employees.
- E. Employee Organization Events Leave
1. An employee who is a member of an employee organization which is permitted to collect dues by check-off may take leave when the organization has requested that its members be released from their normal duties for the purpose of participating in organization activities approved by the Secretary of DBM.
 2. Such leave is available in increments of no less than one hour with the supervisor's prior approval.
 3. This leave is not available for union organizing activities.
- F. Examinations and Interviews
1. An employee is allowed up to four hours of leave per occasion to take State examinations and to attend interviews for State positions.
 2. The employee shall obtain prior approval of the interview or examination leave request no later than the close of the employee's previous shift.
 3. The employee shall provide verification of the examination taken or the interview attended.
 4. The appointing authority may limit the number of interviews and the time allotted when abuse is apparent.
- G. Jury Service Leave
1. Employees may take Jury Service Leave only when summonsed to serve as a member of a jury and the service occurs during the employee's scheduled work hours.
 2. The Appointing Authority may request that the employee be excused from jury service if the public interest requires the employee not to be absent from work.
 3. If, after reporting for jury service, the employee is dismissed for the day, the employee is required to return to work if time permits.
 4. If selected for jury service, the employee shall notify the supervisor immediately and provide a copy of the summons and verification of the dates of service.
- H. Legal Actions
1. An employee may take leave when summonsed to appear, relative to a matter to which the employee is neither a party nor a paid witness
 - a. in a court action;
 - b. before a grand jury;
 - c. before an administrative agency; or
 - d. for a deposition.

I. Military Training

1. An employee in a budgeted position who is a member of a reserve unit of the Armed Forces or is in the organized militia may take leave for a period of not more than 15 days per calendar year.
2. The employee must provide a copy of the Official Orders to their supervisor prior to the use of this type of leave.
3. Temporary Employees are not eligible for this type of leave.

J. Positive Tuberculin Test Leave

1. Any employee who, at the direction of the appointing authority is tested and receives a positive tuberculin skin test result, and for public health reasons as determined by the Secretary of DBM, should not work for a specified period, may take paid leave.
2. Any employee who receives such a positive test result is entitled to receive appropriate health care to be provided by the appointing authority.
3. The length of this type of leave for public health reasons may not exceed 90 days. If it is determined, however, that a longer absence is medically required, the employee may use other forms of leave to the extent authorized by law.

K. Work-related Accident Leave

1. An employee in a budgeted position who sustains a disabling personal injury shall be placed on Work-related Accident Leave at two-thirds pay if:
 - a. the injury would be compensable under the Maryland Workers' Compensation Act; and
 - b. the employee is examined by a physician who certifies the employee is disabled because of the injury.
2. The Appointing Authority shall notify the employee entitled to Work-related Accident Leave within 24 hours of the time of injury of the employee's right to file a claim with the Workers' Compensation Commission.
3. An employee must use Work-related Accident Leave beginning on the first day of the disability and continuing until the earlier of:
 - a. the day that the employee is able to return to work, as certified by a physician; or
 - b. six months from the day of disability.
4. If the Injured Workers' Insurance Fund (IWIF) determines that the disabling personal injury is not compensable under the Maryland Workers' Compensation Act, the Work-related Accident Leave will be converted to the appropriate leave. Any necessary adjustments to the employee's leave and/or pay will be made retroactive to the first date the employee was placed on Work-related Accident Leave.
5. After an employee returns to work, Work-related Accident Leave may be granted for continuing treatment up to six months from the day of the

original disability as certified by a physician selected by the Appointing Authority.

6. If the State Medical Director orders the employee back to work and the employee request Family Medical Leave Act (FMLA), the employee will not be allowed to use any paid leave and the employee will be on FMLA unpaid leave.
7. An employee may be granted Work-related Accident Leave up to an additional six (6) months if:
 - a. the employee is certified by a physician selected or accepted by the appointing authority; and
 - b. no decision has been reached on the employee's claim by the Workers' Compensation Commission.
8. Temporary Employees are not eligible for Work-related Accident Leave.

L. Religious Observance

Employees whose religious beliefs require absence from work shall be allowed to perform optional, compensatory work outside of their regular work hours to offset the absence.

1. If an employee who is entitled to overtime pay elects to perform compensatory work
 - a. for any workweek in which the employee works 40 hours or less, each hour of compensatory work offsets one (1) hour of absence for religious observance; and
 - b. for any workweek in which the employee works more than 40 hours, each hour of compensatory work over 40 hours offsets 1.5 hours of absence for religious observance.
2. If an employee who is exempt from overtime pay elects to perform compensatory work under this section, each hour of compensatory work offsets one (1) hour of absence for religious observance.

M. Requesting Leave

1. An employee requesting to use leave shall submit a Request for Leave for their supervisor's approval in writing by the close of the employee's previous shift or, when applicable, as soon as the employee receives knowledge of the need for such leave.
2. The supervisor will return the Request for Leave directly to the employee noting approval or disapproval within one week and any supporting documentation is maintained with the Request for Leave in the employee's file.
3. Each eligible employee is responsible for reporting all leave used during a biweekly pay period on the DJS Timekeeping Record.

N. Records

1. The Payroll Unit shall track and maintain records on all leave used under this policy and procedure. Such records will be used for preparation of

reports to the DBM Office of Personnel Services and Benefits (OPSB) and for auditing purposes.

2. Supervisors, upon signing an employee's Timekeeping Record, shall ensure that the use of leave is accurately recorded as reported by the employee and, when required, the appropriate documentation is attached.
3. The Payroll Unit shall:
 - a. review the employee's Timekeeping Record for accuracy and completeness and contact the employee or supervisor, if necessary, to make corrections;
 - b. enter any leave used into the employee's official leave record; and
 - c. maintain all required documentation and relevant data on leave usage for auditing purposes as required.

IV. RESPONSIBILITY

The Office of Human Resources (OHR), Administrators, Regional Directors and Superintendents are responsible for implementation and compliance with this procedure within 30 days of issuance.

V. INTERPRETATION

The Deputy Secretary for Support Services shall be responsible for interpreting and granting any exceptions to these procedures.

VI. LOCAL OPERATING PROCEDURES REQUIRED

No

VII. DIRECTIVES/POLICIES REFERENCED

No policies referenced.

VIII. RETENTION OF RECORDS

OHR shall scan and maintain all personnel records in accordance with the DJS Record Retention Schedule and destroy all paper copies of records once scanned.

IX. MARYLAND STATUTE/REGULATION REFERENCED

Note: Copies of all statute, regulation and DBM Guidance referenced below regarding Other Leave are attached to this policy.

- Md. Code Ann., State Personnel and Pensions Article, Title 9
 - [Subtitle 9-1101](#)
 - [Subtitle 9-1102](#)
 - [Subtitle 9-1103](#)
 - [Subtitle 9-1104](#)
 - [Subtitle 9-1105](#)
 - [Subtitle 9-1106](#)
 - [Subtitle 9-1107](#)
- [COMAR 17.04 11](#)
- [DBM Guidance on Leave](#)

X. APPENDICES

None



DJS POLICY AND STANDARD OPERATING PROCEDURES

Statement of Receipt and Acknowledgment of Review and Understanding

SUBJECT: Other Leave
NUMBER: HR-426-18
APPLICABLE TO: All DJS Employees

I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE

PRINT FULL NAME

DATE

WORK LOCATION

SEND THE ORIGINAL, SIGNED COPY TO THE DIRECTOR OF THE DJS OFFICE OF HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.