

**PERTAINING TO THE AMENDMENT OF CHAPTER 86 OF THE CODE OF
PUBLIC LOCAL LAWS OF CALVERT COUNTY TO ALLOW THE SURRENDER OF
CERTAIN TYPES OF LEAVE TO PURCHASE PRIOR SERVICE CREDITS BY
ELIGIBLE INDIVIDUALS**

WHEREAS, *Local Government Article*, Section 12-103 of the Maryland Annotated Code, as amended, authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter, the “Board of County Commissioners”) to establish a merit system in connection with the appointment of all county officials and employees not elected or appointed under the Constitution or public general laws of the State;

WHEREAS, by Ordinance 42-09, the Board of County Commissioners did adopt such a merit system, which is codified at Title 86 of the Code of Public Local Laws of Calvert County, Maryland, being Title 86 of *Article 5* of the Code of Public Laws of Maryland (hereinafter, the “Code”), the Annual Budget and Appropriation Act each year;

WHEREAS, the Office of Personnel has recommended amendments to Chapter 86 of the Code more specifically set forth below to address changes to the Calvert County Sheriff’s Department Pension Plan that allows certain personnel to purchase prior service credits, which purchase may be made, in whole or in part, by surrendering certain types of leave;

WHEREAS, the Office of Personnel has recommended amendments to Chapter 86 of the Code be amended to allow the surrender of certain types of leave to purchase prior service credits by eligible individuals;

WHEREAS, a public hearing regarding the certain amendment of Chapter 86 of the Code was duly advertised for two consecutive weeks before the public hearing held on December 13, 2016, at which time the proposed amendments were discussed, staff’s recommendations were considered, and public comment was solicited; and

WHEREAS, upon due consideration of the comments of the public and staff, the Board of County Commissioners finds it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland to adopt those amendments to Chapter 86 of the Code set forth below.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners of Calvert County, Maryland hereby approves and enacts the following amendments to Chapter 86 of the Code by:

1. Repealing and readopting with amendments the title of Section 86-3-207 of the Code, which, upon amendment, shall read as follows: “§ 86-4-103. Carryover, payout, and use to purchase service credits.”
2. Append to the end of § 86-4-103 of the Code a new subpart D, which shall provide:
 - D. Notwithstanding any provision to the contrary, members of the Calvert County Sheriff’s Department Pension Plan (the “Plan”) subject to this Part 4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused, accrued annual leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service is the result

of multiplying the number of hours of unused, accrued annual leave surrendered times the member's straight time hourly rate of pay at the time of surrender. Nothing in this Subpart D authorizes more hours of annual leave be carried forward from one pay year to the next than prescribed in Subparts A or B, above, whichever applies to the member.

3. Repealing and readopting with amendments the title of Section 86-3-207 of the Code, which, upon amendment, shall read as follows: “§ 86-4-203. Carryover, payout, and use for purchasing service credits.”
4. Append to the end of § 86-4-203 of the Code a new subpart C, which shall provide:
 - C. Members of the Calvert County Sheriff's Department Pension Plan (the “Plan”) subject to this Part 4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused personal leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service is the result of multiplying the number of hours of unused, accrued personal leave surrendered times the member's straight time hourly rate of pay at the time of surrender. Nothing in this subpart C authorizes personal leave to be carried over from one pay year to the next.
5. Repealing and readopting with amendments Section 86-3-1003(A)(6)-(7) of the Code, and appending to the end of Section 86-3-1003(A) of the Code new subpart (8), all of which will, upon amendment, shall read as follows:
 - (6) Necessary medical or dental appointments of the employee or an individual as described in Subsection A(5) above when unable to attend the appointment alone and when no other responsible adult is available;
 - (7) Death in an employee's family including death of a spouse, child, parent, step-parent, step-child, sibling, grandparent, grandchild, great-grandparent, or in-law (parent, son, daughter, sister, or brother), not to exceed five days per death; or
 - (8) Members of the Calvert County Sheriff's Department Pension Plan (the “Plan”) subject to this Part 4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused, accrued sick leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service shall be calculated in accordance with the payout provisions in § 86-4-1006(A) or (B), below, whichever would apply to the member if the member were separating from County service.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that Chapter 86 of the Code, as amended hereby, shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County

Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 10th day of January, 2017, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Maureen L. Frederick
Maureen L. Frederick, Clerk

Tom Hejl
Tom Hejl, President

Approved for form and legal
sufficiency by:

Evan K. Slaughenhoupt Jr.
Evan K. Slaughenhoupt Jr., Vice-President

Mike Hart
Mike Hart

John B. Norris, III
John B. Norris, III, County Attorney

Pat Nutter
Pat Nutter

Received for Record January 18, 2017
at 11:52 o'clock A M. Same day
Recorded in Liber KPS No. 50 Steven R. Weems
Folio 486 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Garry P. Smith

Chapter 86, Personnel, of the Calvert County Code**Part 4
Leave Administration****ARTICLE I
Annual Leave****§ 86-4-101. Eligibility.**

Annual leave is paid leave granted to eligible employees for their personal use. Merit employees and part-time and grant-funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for annual leave in accordance with the terms of this article. Contractual and appointed employees are eligible for annual leave only if such leave is granted by an express term of their employment contract or appointment, respectively. Annual leave is accrued while serving an initial probationary period, but it may not be used until satisfactorily completing the probationary period.

§ 86-4-102. Accrual.

- A. Eligible full-time employees shall earn annual leave in proportion to hours paid, exclusive of overtime at the following rates:
- (1) Zero through two years of service: 10 leave days per year.
 - (2) Three through five years of service: 12 leave days per year.
 - (3) Six through ten years of service: 15 leave days per year.
 - (4) 11 through 19 years of service: 20 leave days per year.
 - (5) 20 or more years of service: 25 leave days per year.
- B. Years of service must be continuous with no break in service.
- C. For purposes of this article, the number of hours in an earned annual leave day for full-time employees shall be determined by dividing the number of hours in the standard equivalent full-time pay period by 10.
- D. Eligible part-time employees earn annual leave in proportion to hours paid up to 100% of an equivalent full-time position.

§ 86-4-103. Carryover, ~~and payout~~ and use to purchase service credits. [Amended 8-25-2015 by Ord. No. 35-15]

- A. Employees who became eligible for annual leave prior to September 7, 2015 may carry over into a new year, a maximum of 30 leave days (total) of annual leave during the first five years of employment. Starting with the sixth year of employment, an additional five leave days per year may be carried over to a maximum of 100 leave days. Full-time employees may reach the maximum carryover the beginning of their 19th year. For part-time employees, their maximum carryover year shall vary and shall depend on their leave earning rate. This carryover shall be

accomplished effective the beginning of the first full pay period in January. Any excess annual leave over these amounts is automatically converted to sick leave. Employees may elect to accept compensation rather than time off for up to 10 leave days of annual leave each calendar year. Employees are not eligible to sell annual leave which would be paid during a period of suspension.

- B. Employees who became eligible for annual leave on or after September 7, 2015 may carry over into a new year, a maximum of 50 leave days (total) of annual leave. For part-time employees, their maximum carryover year shall vary and shall depend on their leave earning rate. This carryover shall be accomplished effective the beginning of the first full pay period in January. Any excess annual leave over this amount is automatically converted to sick leave. Employees may elect to accept compensation rather than time off for up to 10 leave days of annual leave each calendar year. Employees are not eligible to sell annual leave which would be paid during a period of suspension.
- C. Upon separation from County service for disability or nondisciplinary reasons employees who are eligible to request the use of accrued annual leave or their beneficiaries shall be paid for all of their unused accrued annual leave. If the County Sheriff establishes a probationary period in excess of one year, upon separation deputy sheriffs shall be paid for all of their unused accrued annual leave upon completion of one year of service if they have received a satisfactory performance evaluation and a favorable recommendation from the Sheriff. In lieu of payment, employees may elect to donate all or part of their annual leave to an employee with a known sick leave need, in accordance with Article X, Sick Leave, § 86-4-1008, Sick leave donations. Any unused accrued annual leave hours not donated shall be paid. Employees who donate annual leave hours forfeit any leave payout of those donated hours. This payment may be withheld at the request of the Department Head for employees who do not give proper notice in accordance with § 86-2-601.
- D. Notwithstanding any provision to the contrary, members of the Calvert County Sheriff's Department Pension Plan (the "Plan") subject to this Part 4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused, accrued annual leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service is the result of multiplying the number of hours of unused, accrued annual leave surrendered times the member's straight time hourly rate of pay at the time of surrender. Nothing in this Subpart D authorizes more hours of annual leave be carried forward from one pay year to the next than prescribed in Subparts A or B, above, whichever applies to the member.**

§ 86-4-104. Procedures.

Employees must receive prior approval from their Supervisor or designee, as appropriate, before using their leave. Leave is not a right but a privilege, and shall be approved or disapproved, based upon the operations and work load of the department, employee's leave record, and in consideration of the leave requests from other employees. If the County has not acted on a request in advance of the date the leave is to begin, it does not constitute approval. The employee must use other approved leave, change his plans, or be placed in an absent without leave status and subject to disciplinary action.

ARTICLE II
Personal Leave

§ 86-4-201. Eligibility.

Personal leave is paid leave granted to eligible employees that may be used for any purpose. Merit employees and part-time and grant-funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for personal leave in accordance with the terms of this article. Contractual and appointed employees are eligible for personal leave only if such leave is granted by an express term of their employment contract or appointment, respectively.

§ 86-4-202. Conditions.

- A. Except as noted below, full-time employees shall be granted five personal leave days, and part-time employees shall be granted 2½ personal leave days the first full pay period of the pay year.
- (1) Prior to receiving personal leave for the first time, full-time employees must successfully complete a six month probationary period (or six months of service where a longer probationary period has been established). Part-time employees must successfully complete six months of service. For all other eligible employees, personal leave shall be credited upon completion of six months of service.
 - (2) Personal leave in the amount set forth below shall be awarded the first full pay period after completion of the probationary period, provided that completion of the probationary period occurs by the last day of the pay year:
 - (a) Full-time employees hired during pay periods one through 14 shall be credited with 2½ days; part-time employees shall be credited with 1¼ days.
 - (b) Full-time employees hired during pay periods 15 through and the last pay period in the pay year shall be credited with five days; part-time employees shall be credited with 2½ days.

§ 86-4-203. Carryover, ~~and~~ payout and use for purchasing service credits.

- A. Personal leave may not be carried over from one pay year to the next. It must be used prior to the beginning of the first full pay period following January 1.
- B. Upon separation from County service for disability or nondisciplinary reasons employees who are eligible to request the use of personal leave or their beneficiaries shall be paid for all of their unused personal leave. This payment may be withheld at the request of the Department Head for employees who do not give proper notice in accordance with § 86-2-601.
- C. Members of the Calvert County Sheriff's Department Pension Plan (the "Plan") subject to this Part 4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused personal leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service is the result of multiplying the number of hours of unused, accrued personal leave

surrendered times the member's straight time hourly rate of pay at the time of surrender. Nothing in this subpart C authorizes personal leave to be carried over from one pay year to the next.

§ 86-4-204. Procedures.

Employees must receive prior approval from their Supervisor or designee, as appropriate, before using their leave. Leave is not a right but a privilege, and shall be approved or disapproved, based upon the operations and work load of the department, employee's leave record, and in consideration of the leave requests from other employees. If the County has not acted on a request in advance of the date the leave is to begin, it does not constitute approval. The employee must use other approved leave, change his plans, or be placed in an absent without leave status and subject to disciplinary action.

ARTICLE X

Sick Leave

[Amended 3-12-2013 by Ord. No. 07-13]

§ 86-4-1001. Eligibility.

Sick leave is paid leave granted to eligible employees for their personal use. Merit employees and part-time and grant-funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for sick leave in accordance with the terms of this article. Contractual and appointed employees are eligible for sick leave only if such leave is granted by an express term of their employment contract or appointment, respectively.

§ 86-4-1002. Accrual and carryover.

- A. Eligible full-time employees accrue sick leave in proportion to hours paid, exclusive of overtime, at the rate of 15 leave days per year. All accrued sick leave may be carried over from year to year.
- B. Eligible part-time employees shall earn sick leave in proportion to hours paid up to 100% of an equivalent full-time position.
- C. For purposes of this section, the number of hours in an accrued sick-leave day for full-time employees shall equal the number of hours in the standard equivalent full-time pay period divided by 10.

§ 86-4-1003. Authorized uses.

- A. Sick leave may be used for:
 - (1) Incapacitating sickness or disability including maternity when medically necessary on the part of the mother or the infant;
 - (2) Quarantine confinement;
 - (3) Child care responsibilities associated with adoption or placement of the child with the employee is not to exceed five days. This may be used only once per child for either the adoption or the placement;

- (4) Parental responsibilities associated with birth, not to exceed five days per birth;
- (5) Illness of a family member living in the home of the employee, or an employee's parent or child regardless of their place of residence, when no other responsible adult is available to care for the family member and care is required. For purposes of this subsection, the term parent means the biological parent of the employee or employee's spouse or an individual who stood in loco parentis (in place of a parent) to an employee or employee's spouse when the employee or employee's spouse was a child. The term child means a biological, adopted or foster child, a stepchild or a legal ward of an employee or employee's spouse or an individual to whom the employee or employee's spouse stood in loco parentis when the individual was a child;
- (6) Necessary medical or dental appointments of the employee or an individual as described in Subsection A(5) above when unable to attend the appointment alone and when no other responsible adult is available; or
- (7) Death in an employee's family including death of a spouse, child, parent, step-parent, step-child, sibling, grandparent, grandchild, great-grandparent, or in-law (parent, son, daughter, sister, or brother), not to exceed five days per death.

(8) Members of the Calvert County Sheriff's Department Pension Plan (the "Plan") subject to this Part 4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused, accrued sick leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service shall be calculated in accordance with the payout provisions in § 86-4-1006(A) or (B), below, whichever would apply to the member if the member were separating from County service.

- B. If an employee becomes ill or injured while on annual, personal, compensatory, or other paid leave, the period of such incapacity may be changed to sick leave if the employee so requests. A supervisor may request medical documentation from a physician.

§ 86-4-1004. Incentive. [Amended 8-25-2015 by Ord. No. 35-15]

Any eligible full-time employee who: (1) became eligible for sick leave prior to September 7, 2015; (2) is employed on the first workday in a pay year; and (3) uses two or fewer sick leave days during a pay year is eligible for the incentive bonus which is equivalent to one day's pay. Eligible part-time employees who became eligible for sick leave prior to September 7, 2015 and use the equivalent of a full-time employee's standard workday or less of sick leave shall be credited with half of the pay granted to the full-time employee. An employee who donates leave shall not be penalized for such donation for the purpose of computing eligibility for the extra pay. For purposes of this section, the number of hours in a day for full-time employees shall equal the number of hours in the standard equivalent full-time pay period divided by 10.

§ 86-4-1005. Procedures.

- A. An employee who intends to use sick leave must notify the supervisor not more than one hour after the employee's normal reporting time each day unless the employee is under a physician's care for an extended period with the supervisor's knowledge or there is a medical emergency. If an employee fails to provide proper notification, the employee may be charged unpaid absence without leave up to the time of notification and may be subject to disciplinary action. Upon returning to work, the employee must submit a leave request form.
- B. When an employee knows in advance of a need to use sick leave, the employee must request the leave in advance.
- C. An employee who uses sick leave for more than three consecutive days may be required to submit proof of the reason for the leave (i.e., a physician's certificate). Proof may also be required in cases of frequent but nonconsecutive absences or when circumstances indicate potential abuse of sick leave. Sick leave can be denied if a supervisor requests medical documentation and it is not produced or is insufficient to justify the amount of sick leave taken.

§ 86-4-1006. Separation and Payout. [Amended 8-25-2015 by Ord. No. 35-15]

- A. Upon separation from County service for disability or nondisciplinary reasons after successfully completing the initial probationary period, employees who became eligible for sick leave prior to September 7, 2015, or their beneficiaries, shall be paid for their unused accrued sick leave as follows: $\frac{1}{4}$ of the Employee's current hourly rate multiplied by the number of sick leave days up to and including 100, plus $\frac{1}{2}$ of the Employee's current hourly rate multiplied by the number of sick leave days in excess of 100. This payment may be withheld at the request of the Department Head for employees who do not give proper notice in accordance with § 86-2-601.
- B. Upon separation from County service for disability or nondisciplinary reasons after successfully completing the initial probationary period, employees who became eligible for sick leave on or after September 7, 2015, or their beneficiaries, shall be paid for their unused accrued sick leave as follows: $\frac{1}{4}$ of the Employee's current hourly rate multiplied by the number of sick leave days. This payment may be withheld at the request of the Department Head for employees who do not give proper notice in accordance with § 86-2-601.
- C. In lieu of payment:
 - (1) Employees may elect to have their sick leave balance credited toward computation of retirement benefits as may be provided under each plan, if eligible to retire at time of separation; or
 - (2) Eligible employees may elect to donate all or part of their sick leave to an employee with a known sick leave need, in accordance with Article X Sick Leave § 86-4-1008 Sick leave donations. Any unused accrued sick leave hours not donated shall be paid out in accordance with this section. Employees who donate sick leave hours forfeit any leave payout of those donated hours. For purposes of this section, the number of hours in a workday shall equal the number of hours in the equivalent full-time pay period divided by 10.

§ 86-4-1007. Advance of sick leave.

Sick leave ordinarily may not be used before it is accrued; however, with appropriate certification of need and upon consideration of the Department Head's recommendation, sick leave may be advanced by the

Board of County Commissioners. The receiving employee may request an advance of sick leave, but it may not be used until leave balances of any type (annual, personal, and sick) and compensatory time are exhausted. Future accruals of annual leave, sick leave, and compensatory time, equal to the sick leave advance, shall be applied to eliminate the deficit sick leave balance. An employee who terminates with a deficit sick leave balance shall have this amount deducted from paychecks, or be required to reimburse the County.

§ 86-4-1008. Sick leave donations.

- A. An employee may donate accrued sick or annual leave for a known sick leave need on an hour-for-hour basis to another employee. The receiving employee may solicit donations while still having a leave balance, but the Department Head may only approve the use of donated leave when all leave balances of any type (annual, personal, and sick) and compensatory time are exhausted, with the exception in B. below. An employee may accrue leave (annual, personal, and sick) and compensatory time while using a sick leave donation; however, the accrued leave must be exhausted prior to the use of donated sick leave. Donated leave may be used for authorized incapacitating illness or disability of the employee or a family member in accordance with § 86-4-1003A(5).
- B. If future accruals of leave, as identified in § 86-4-1007, are to be applied due to an advance of sick leave, donated leave may be solicited and used upon Department Head approval. Donated leave shall be used first when an employee has been granted an advance of sick leave and has also received donated leave.
- C. Donations must be voluntary and made from accrued, not advanced leave. An employee who has received a donation or an advance may not in turn donate this amount to another employee. An employee who has a negative leave balance may not use donated leave to reduce the negative balance.
- D. Donated sick leave is to be used only for the illness or disability originally designated. Donations for a different, unrelated illness or disability must be submitted on another Leave Donation Form. Unused leave shall be returned to the donating employee.
- E. Once donated and used, the leave may not be recovered except as described in Subsection F. below. Any annual leave donated shall be converted to sick leave. Leave may not be donated retroactively. It must be donated in advance of or coinciding with its use. A Department Head who believes that the use of donated leave is jeopardizing the County's best interests may curtail the donation of leave to the employee.
- F. If workers' compensation reimburses the County for an employee's leave, the donating employee shall have their leave reinstated.

Part 4
Leave Administration

ARTICLE I
Annual Leave

§ 86-4-101. Eligibility.

Annual leave is paid leave granted to eligible employees for their personal use. Merit employees and part-time and grant-funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for annual leave in accordance with the terms of this article. Contractual and appointed employees are eligible for annual leave only if such leave is granted by an express term of their employment contract or appointment, respectively. Annual leave is accrued while serving an initial probationary period, but it may not be used until satisfactorily completing the probationary period.

§ 86-4-102. Accrual.

- A. Eligible full-time employees shall earn annual leave in proportion to hours paid, exclusive of overtime at the following rates:
- (1) Zero through two years of service: 10 leave days per year.
 - (2) Three through five years of service: 12 leave days per year.
 - (3) Six through ten years of service: 15 leave days per year.
 - (4) 11 through 19 years of service: 20 leave days per year.
 - (5) 20 or more years of service: 25 leave days per year.
- B. Years of service must be continuous with no break in service.
- C. For purposes of this article, the number of hours in an earned annual leave day for full-time employees shall be determined by dividing the number of hours in the standard equivalent full-time pay period by 10.
- D. Eligible part-time employees earn annual leave in proportion to hours paid up to 100% of an equivalent full-time position.

§ 86-4-103. Carryover, payout and use to purchase service credits. [Amended 8-25-2015 by Ord. No. 35-15]

- A. Employees who became eligible for annual leave prior to September 7, 2015 may carry over into a new year, a maximum of 30 leave days (total) of annual leave during the first five years of employment. Starting with the sixth year of employment, an additional five leave days per year may be carried over to a maximum of 100 leave days. Full-time employees may reach the maximum carryover the beginning of their 19th year. For part-time employees, their maximum carryover year shall vary and shall depend on their leave earning rate. This carryover shall be accomplished effective the beginning of the first full pay period in January. Any excess annual leave over these amounts is automatically converted to sick leave. Employees may elect to accept compensation rather than time off for up to 10 leave days of annual leave each calendar year.

Employees are not eligible to sell annual leave which would be paid during a period of suspension.

- B. Employees who became eligible for annual leave on or after September 7, 2015 may carry over into a new year, a maximum of 50 leave days (total) of annual leave. For part-time employees, their maximum carryover year shall vary and shall depend on their leave earning rate. This carryover shall be accomplished effective the beginning of the first full pay period in January. Any excess annual leave over this amount is automatically converted to sick leave. Employees may elect to accept compensation rather than time off for up to 10 leave days of annual leave each calendar year. Employees are not eligible to sell annual leave which would be paid during a period of suspension.
- C. Upon separation from County service for disability or nondisciplinary reasons employees who are eligible to request the use of accrued annual leave or their beneficiaries shall be paid for all of their unused accrued annual leave. If the County Sheriff establishes a probationary period in excess of one year, upon separation deputy sheriffs shall be paid for all of their unused accrued annual leave upon completion of one year of service if they have received a satisfactory performance evaluation and a favorable recommendation from the Sheriff. In lieu of payment, employees may elect to donate all or part of their annual leave to an employee with a known sick leave need, in accordance with Article X, Sick Leave, § 86-4-1008, Sick leave donations. Any unused accrued annual leave hours not donated shall be paid. Employees who donate annual leave hours forfeit any leave payout of those donated hours. This payment may be withheld at the request of the Department Head for employees who do not give proper notice in accordance with § 86-2-601.
- D. Notwithstanding any provision to the contrary, members of the Calvert County Sheriff's Department Pension Plan (the "Plan") subject to this Part 4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused, accrued annual leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service is the result of multiplying the number of hours of unused, accrued annual leave surrendered times the member's straight time hourly rate of pay at the time of surrender. Nothing in this Subpart D authorizes more hours of annual leave be carried forward from one pay year to the next than prescribed in Subparts A or B, above, whichever applies to the member.

§ 86-4-104. Procedures.

Employees must receive prior approval from their Supervisor or designee, as appropriate, before using their leave. Leave is not a right but a privilege, and shall be approved or disapproved, based upon the operations and work load of the department, employee's leave record, and in consideration of the leave requests from other employees. If the County has not acted on a request in advance of the date the leave is to begin, it does not constitute approval. The employee must use other approved leave, change his plans, or be placed in an absent without leave status and subject to disciplinary action.

ARTICLE II Personal Leave

§ 86-4-201. Eligibility.

Personal leave is paid leave granted to eligible employees that may be used for any purpose. Merit employees and part-time and grant-funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for personal leave in accordance with the terms of this article. Contractual and appointed employees are eligible for personal leave only if such leave is granted by an express term of their employment contract or appointment, respectively.

§ 86-4-202. Conditions.

- A. Except as noted below, full-time employees shall be granted five personal leave days, and part-time employees shall be granted 2½ personal leave days the first full pay period of the pay year.
- (1) Prior to receiving personal leave for the first time, full-time employees must successfully complete a six month probationary period (or six months of service where a longer probationary period has been established). Part-time employees must successfully complete six months of service. For all other eligible employees, personal leave shall be credited upon completion of six months of service.
 - (2) Personal leave in the amount set forth below shall be awarded the first full pay period after completion of the probationary period, provided that completion of the probationary period occurs by the last day of the pay year:
 - (a) Full-time employees hired during pay periods one through 14 shall be credited with 2½ days; part-time employees shall be credited with 1¼ days.
 - (b) Full-time employees hired during pay periods 15 through and the last pay period in the pay year shall be credited with five days; part-time employees shall be credited with 2½ days.

§ 86-4-203. Carryover, payout and use for purchasing service credits.

- A. Personal leave may not be carried over from one pay year to the next. It must be used prior to the beginning of the first full pay period following January 1.
- B. Upon separation from County service for disability or nondisciplinary reasons employees who are eligible to request the use of personal leave or their beneficiaries shall be paid for all of their unused personal leave. This payment may be withheld at the request of the Department Head for employees who do not give proper notice in accordance with § 86-2-601.
- C. Members of the Calvert County Sheriff's Department Pension Plan (the "Plan") subject to this Part 4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused personal leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service is the result of multiplying the number of hours of unused, accrued personal leave surrendered times the member's straight time hourly rate of pay at the time of surrender. Nothing in this subpart C authorizes personal leave to be carried over from one pay year to the next.

§ 86-4-204. Procedures.

Employees must receive prior approval from their Supervisor or designee, as appropriate, before using their leave. Leave is not a right but a privilege, and shall be approved or disapproved, based upon the operations and work load of the department, employee's leave record, and in consideration of the leave requests from other employees. If the County has not acted on a request in advance of the date the leave is to begin, it does not constitute approval. The employee must use other approved leave, change his plans, or be placed in an absent without leave status and subject to disciplinary action.

ARTICLE X
Sick Leave
[Amended 3-12-2013 by Ord. No. 07-13]

§ 86-4-1001. Eligibility.

Sick leave is paid leave granted to eligible employees for their personal use. Merit employees and part-time and grant-funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for sick leave in accordance with the terms of this article. Contractual and appointed employees are eligible for sick leave only if such leave is granted by an express term of their employment contract or appointment, respectively.

§ 86-4-1002. Accrual and carryover.

- A. Eligible full-time employees accrue sick leave in proportion to hours paid, exclusive of overtime, at the rate of 15 leave days per year. All accrued sick leave may be carried over from year to year.
- B. Eligible part-time employees shall earn sick leave in proportion to hours paid up to 100% of an equivalent full-time position.
- C. For purposes of this section, the number of hours in an accrued sick-leave day for full-time employees shall equal the number of hours in the standard equivalent full-time pay period divided by 10.

§ 86-4-1003. Authorized uses.

- A. Sick leave may be used for:
 - (1) Incapacitating sickness or disability including maternity when medically necessary on the part of the mother or the infant;
 - (2) Quarantine confinement;
 - (3) Child care responsibilities associated with adoption or placement of the child with the employee is not to exceed five days. This may be used only once per child for either the adoption or the placement;
 - (4) Parental responsibilities associated with birth, not to exceed five days per birth;
 - (5) Illness of a family member living in the home of the employee, or an employee's parent or child regardless of their place of residence, when no other responsible adult is available to care for the family member and care is required. For purposes of this subsection, the term parent means the biological parent of the employee or employee's spouse or an individual who stood in loco parentis (in place of a parent) to an employee

or employee's spouse when the employee or employee's spouse was a child. The term child means a biological, adopted or foster child, a stepchild or a legal ward of an employee or employee's spouse or an individual to whom the employee or employee's spouse stood in loco parentis when the individual was a child;

- (6) Necessary medical or dental appointments of the employee or an individual as described in Subsection A(5) above when unable to attend the appointment alone and when no other responsible adult is available;
- (7) Death in an employee's family including death of a spouse, child, parent, step-parent, step-child, sibling, grandparent, grandchild, great-grandparent, or in-law (parent, son, daughter, sister, or brother), not to exceed five days per death; or
- (8) Members of the Calvert County Sheriff's Department Pension Plan (the "Plan") subject to this Part 4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused, accrued sick leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service shall be calculated in accordance with the payout provisions in § 86-4-1006(A) or (B), below, whichever would apply to the member if the member were separating from County service.

- B. If an employee becomes ill or injured while on annual, personal, compensatory, or other paid leave, the period of such incapacity may be changed to sick leave if the employee so requests. A supervisor may request medical documentation from a physician.

§ 86-4-1004. Incentive. [Amended 8-25-2015 by Ord. No. 35-15]

Any eligible full-time employee who: (1) became eligible for sick leave prior to September 7, 2015; (2) is employed on the first workday in a pay year; and (3) uses two or fewer sick leave days during a pay year is eligible for the incentive bonus which is equivalent to one day's pay. Eligible part-time employees who became eligible for sick leave prior to September 7, 2015 and use the equivalent of a full-time employee's standard workday or less of sick leave shall be credited with half of the pay granted to the full-time employee. An employee who donates leave shall not be penalized for such donation for the purpose of computing eligibility for the extra pay. For purposes of this section, the number of hours in a day for full-time employees shall equal the number of hours in the standard equivalent full-time pay period divided by 10.

§ 86-4-1005. Procedures.

- A. An employee who intends to use sick leave must notify the supervisor not more than one hour after the employee's normal reporting time each day unless the employee is under a physician's care for an extended period with the supervisor's knowledge or there is a medical emergency. If an employee fails to provide proper notification, the employee may be charged unpaid absence without leave up to the time of notification and may be subject to disciplinary action. Upon returning to work, the employee must submit a leave request form.
- B. When an employee knows in advance of a need to use sick leave, the employee must request the leave in advance.

- C. An employee who uses sick leave for more than three consecutive days may be required to submit proof of the reason for the leave (i.e., a physician's certificate). Proof may also be required in cases of frequent but nonconsecutive absences or when circumstances indicate potential abuse of sick leave. Sick leave can be denied if a supervisor requests medical documentation and it is not produced or is insufficient to justify the amount of sick leave taken.

§ 86-4-1006. Separation and Payout. [Amended 8-25-2015 by Ord. No. 35-15]

- A. Upon separation from County service for disability or nondisciplinary reasons after successfully completing the initial probationary period, employees who became eligible for sick leave prior to September 7, 2015, or their beneficiaries, shall be paid for their unused accrued sick leave as follows: $\frac{1}{4}$ of the Employee's current hourly rate multiplied by the number of sick leave days up to and including 100, plus $\frac{1}{2}$ of the Employee's current hourly rate multiplied by the number of sick leave days in excess of 100. This payment may be withheld at the request of the Department Head for employees who do not give proper notice in accordance with § 86-2-601.
- B. Upon separation from County service for disability or nondisciplinary reasons after successfully completing the initial probationary period, employees who became eligible for sick leave on or after September 7, 2015, or their beneficiaries, shall be paid for their unused accrued sick leave as follows: $\frac{1}{4}$ of the Employee's current hourly rate multiplied by the number of sick leave days. This payment may be withheld at the request of the Department Head for employees who do not give proper notice in accordance with § 86-2-601.
- C. In lieu of payment:
- (1) Employees may elect to have their sick leave balance credited toward computation of retirement benefits as may be provided under each plan, if eligible to retire at time of separation; or
 - (2) Eligible employees may elect to donate all or part of their sick leave to an employee with a known sick leave need, in accordance with Article X Sick Leave § 86-4-1008 Sick leave donations. Any unused accrued sick leave hours not donated shall be paid out in accordance with this section. Employees who donate sick leave hours forfeit any leave payout of those donated hours. For purposes of this section, the number of hours in a workday shall equal the number of hours in the equivalent full-time pay period divided by 10.

§ 86-4-1007. Advance of sick leave.

Sick leave ordinarily may not be used before it is accrued; however, with appropriate certification of need and upon consideration of the Department Head's recommendation, sick leave may be advanced by the Board of County Commissioners. The receiving employee may request an advance of sick leave, but it may not be used until leave balances of any type (annual, personal, and sick) and compensatory time are exhausted. Future accruals of annual leave, sick leave, and compensatory time, equal to the sick leave advance, shall be applied to eliminate the deficit sick leave balance. An employee who terminates with a deficit sick leave balance shall have this amount deducted from paychecks, or be required to reimburse the County.

§ 86-4-1008. Sick leave donations.

- A. An employee may donate accrued sick or annual leave for a known sick leave need on an hour-for-hour basis to another employee. The receiving employee may solicit donations while still

having a leave balance, but the Department Head may only approve the use of donated leave when all leave balances of any type (annual, personal, and sick) and compensatory time are exhausted, with the exception in B. below. An employee may accrue leave (annual, personal, and sick) and compensatory time while using a sick leave donation; however, the accrued leave must be exhausted prior to the use of donated sick leave. Donated leave may be used for authorized incapacitating illness or disability of the employee or a family member in accordance with § 86-4-1003A(5).

- B. If future accruals of leave, as identified in § 86-4-1007, are to be applied due to an advance of sick leave, donated leave may be solicited and used upon Department Head approval. Donated leave shall be used first when an employee has been granted an advance of sick leave and has also received donated leave.
- C. Donations must be voluntary and made from accrued, not advanced leave. An employee who has received a donation or an advance may not in turn donate this amount to another employee. An employee who has a negative leave balance may not use donated leave to reduce the negative balance.
- D. Donated sick leave is to be used only for the illness or disability originally designated. Donations for a different, unrelated illness or disability must be submitted on another Leave Donation Form. Unused leave shall be returned to the donating employee.
- E. Once donated and used, the leave may not be recovered except as described in Subsection F. below. Any annual leave donated shall be converted to sick leave. Leave may not be donated retroactively. It must be donated in advance of or coinciding with its use. A Department Head who believes that the use of donated leave is jeopardizing the County's best interests may curtail the donation of leave to the employee.
- F. If workers' compensation reimburses the County for an employee's leave, the donating employee shall have their leave reinstated.