

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1995 Legislative Session**

Bill No. \_\_\_\_\_ CB-19-1995

Chapter No.

Proposed and Presented by Council Members Scott, Gourdine, and Maloney

Introduced by Council Members Scott, Gourdine, and Maloney

Co-Sponsors

Date of Introduction July 5, 1995

**BILL**

AN ACT concerning

Annual and Sick Leave Liquidation

For the purpose of amending the provisions regarding the pay out of accumulated sick and annual leave balances upon separation from employment, to be known as the Annual Leave and Sick Leave Reform Act of 1995.

BY repealing and reenacting with amendments:

SUBTITLE 16. PERSONNEL.

Sections 16-220, and

16-221.02,

The Prince George's County Code

(1991 Edition, 1994 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 16-220 and 16-221.02 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 16. PERSONNEL.**

**DIVISION 17. LEAVE.**

**Sec. 16-220. Annual leave.**

(a) General.

(1) Annual leave shall mean paid leave granted to employees for their personal use. Annual leave shall be requested by the employee and approved by the employee's

appointing authority. To minimize the possibility of an employee losing earned annual leave, the appointing authority shall establish a mutually agreeable alternative leave period if the employee's original leave request has been denied by the appointing authority.

(2) Annual leave for family and medical leave purposes as established in Section 16-225.02 shall be approved by an employee's appointing authority pursuant to Section 16-225.02.

(b) Annual Leave Year.

(1) The annual leave year for employees shall be the twelve (12) month period beginning on the first day of the first full pay period of the calendar year.

(c) Annual Leave Accrual.

\* \* \* \* \*

(e) Maximum Accumulation of Annual Leave.

(1) A maximum of [sixty (60) days] 240 hours of accumulated annual leave [or such other amount established in an approved Salary Plan] may be carried over from one (1) leave year to the next by an employee.

(2) [An appointing authority may authorize the conversion of an employee's excess annual leave to sick leave if, in the appointing authority's judgment, the excess annual leave was accumulated due to extenuating circumstances beyond the employee's control and it was not possible for the appointing authority to grant the employee the use of such excess annual leave. ] An employee shall be allowed to carry over annual leave earned as of the last pay period in Fiscal Year 1995 up to the maximum accumulation applicable to the employee on that date, even if such accumulated amount is in excess of the maximum allowed in Subsection (e)(1), above.

(3) Annual leave hours in excess of the maximum allowed to be carried over to the next leave year are forfeited.

\* \* \* \* \*

(j) Payment for Accumulated Annual Leave Upon Separation from County Service. Provisions are set forth in Section 16-221.02 of this Code.

\* \* \* \* \*

**Sec. 16-221.02. Sick and Annual Leave disposition upon separation.**

(a) The annual and sick leave balances accumulated by an employee shall, upon the employee's separation from employment, with proper notice of separation as determined by the employee's appointing authority, be liquidated in the following manner:

(1) The employee may elect to retain all or any portion of the employee's sick and annual leave balances credited to the employee's leave record for the period of time equal to the employee's eligibility for reappointment as determined in accordance with Section 16-148(a)(8);

(2) The employee may elect to apply all or any portion of the employee's sick and annual leave balances to employment elsewhere, provided another employer has agreed to accept accumulated sick or annual leave balances for credit on behalf of the employee;

(3) [Except in the case of an employee who is entitled to credit for sick and annual leave balances under the terms of an applicable County sponsored pension plan, t] The employee may elect to receive cash payment for all or any portion of [his/her] the employee's annual leave balance in an amount equal to the total number of unused annual leave hours multiplied by the employee's final base hourly rate of pay, up to a maximum of 240 hours of unused annual leave or the number of hours of the remaining accumulated leave earned as of the end of the last full pay period of Fiscal Year 1995. [and for all or any portion of his/her sick leave balance in an amount equal to the total number of unused sick leave hours multiplied by one-half of the employee's final base hourly rate of pay, or as otherwise established by an applicable collective bargaining agreement and/or salary schedule. Any employee who is entitled to credit for sick and annual leave under the terms of an applicable County sponsored pension plan will only be entitled to receive cash distribution for leave balances in accordance with the terms of the applicable pension plan.]

(4) Notwithstanding any provision in this Section to the contrary, an employee who is involuntarily separated from employment with the County for disciplinary reasons is not entitled to any payment for unused sick leave.

(5) Notwithstanding any provision in this Section to the contrary, an employee who has been separated from employment under a separation-disability action pursuant to Section 16-189 shall forfeit any sick leave hours accumulated at the time of the employee's separation.

(6) Upon retirement, the employee shall be entitled to receive credit for unused sick leave as creditable service in accordance with Division II, State Personnel and Pensions Article, Annotated Code of Maryland and the terms of any applicable County sponsored pension plan.

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that the provisions of any salary plans which are inconsistent with the provisions of this Act shall be void and of no effect and that all collective bargaining agreements submitted to the Council for ratification pursuant to Section 908 of the Charter and Subtitle 13A of the Code and all salary plans submitted to the Council for consideration and approval pursuant to Section 903 of the Charter and Subtitle 16 of the Code shall conform to the requirements of this Act.

SECTION 4. BE IT FURTHER ENACTED that this Act shall be known as the Annual Leave and Sick Leave Reform Act of 1995.

SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 1995.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

Anne T. MacKinnon  
Chairwoman

ATTEST:

Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY:

Wayne K. Curry  
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.