

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1991 _____

Bill No. _____ CB-113-1991 _____

Chapter No. _____ 93 _____

Proposed and Presented by _____ The Chairman (by request -
_____ County Executive) _____

Introduced by _____ Council Members Castaldi, Casula, and
_____ Fletcher _____

Co-Sponsors _____

Date of Introduction _____ November 5, 1991 _____

EMERGENCY BILL

AN EMERGENCY 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.

BY repealing and reenacting with amendments:

SUBTITLE 16. PERSONNEL.

Sections 16-220 and

16-221,

The Prince George's County Code

(1987 Edition and 1990 Supplement).

BY adding:

SUBTITLE 16. PERSONNEL.

Section 16-221.2,
 The Prince George's County Code
 (1987 Edition and 1990 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 16-220 and 16-221 of the Prince George's County Code be and the same are hereby repealed and reenacted with amendments as follows:

SUBTITLE 16. PERSONNEL.

DIVISION 17. LEAVE.

Sec. 16-220. Annual leave.

* * * * *

(j) Payment for Accumulated Annual Leave Upon Separation from County Service. Provisions are set forth in Section 16-221.2 of this Code.

[An employee who is separated or dismissed from County employment under any circumstances shall be entitled to receive a lump sum cash payment for the annual leave balance to the employee's credit accumulated through the last full pay period immediately prior to the employee's separation date, provided that the employee has given fourteen (14) calendar days advance written notice of resignation. However, an appointing authority, with the approval of the Personnel Officer, may waive the advance notification requirement if, in the appointing authority's judgment, exceptional circumstances warrant such waiver.

Notwithstanding the preceding paragraph, the County shall not be obligated to make a lump sum cash payment for an employee's

accumulated annual leave balance if the following conditions are satisfied:

(1) the employee is terminated concomitant with an agreement between the County and any other person which provides for the employment by the latter of the employee;

(2) the aforementioned agreement provides for the recognition by the other person of accumulated annual leave rights of the employee not less than as provided in the preceding paragraph of this Section;

(3) the employee accepts employment with the other person; and

(4) the other person grants to the employee his accumulated leave rights as provided under this paragraph. In the event that the other person fails to grant to a terminated employee accumulated annual leave rights as provided in this paragraph, the County shall be obligated to make a lump sum cash payment for the amount of accumulated annual leave on the date of the employee's termination from County employment less the amount of annual leave used by the employee prior to the date of the other person's dishonor of the employee's accumulated annual leave rights.]

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Sec. 16-221. Sick leave.

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(j) Disposition of Accumulated Sick Leave Upon Termination of Employment. Provisions are set forth in Section 16-221.2 of this Code.

[Whenever any employee is separated from County employment with an accumulated sick leave balance to the employee's credit at the time of such separation, such accumulated sick leave balance shall be liquidated as follows:

(1) where the employee has been separated under a separation -- reduction-in-force action, the employee's accumulated sick leave balance shall remain credited to the employee's leave record for a period of time equal to the period of the employee's eligibility for reemployment as determined in accordance with Section 16-148(a)(5);

(2) where the employee has resigned, or where the employee has been separated under a separation -- reduction-in-force action and the period of the employee's eligibility for reemployment has expired, the employee's accumulated sick leave balance shall remain credited to the employee's leave record for a period of time equal to the period of the employee's eligibility for reappointment as determined in accordance with Section 16-148(a)(8), less the period of time equal to the employee's eligibility for reemployment;

(3) an employee's accumulated sick leave balance shall not be credited to the employee's leave record as provided in paragraphs (1) and (2) but shall be deemed to be forfeited upon termination of the employee under the following circumstances:

(i) the employee is terminated concomitant with an agreement between the County and any other person which provides for the employment by the latter of the employee;

(ii) the aforementioned agreement provides for the

recognition by the other person of accumulated sick leave rights of the employee not less than as provided in paragraphs (1) and (2);

(iii) the employee accepts employment with the other person; and

(iv) the other person grants to the employee his accumulated leave rights as provided under this Subsection.

In the event that the other person fails to grant to a terminated employee accumulated sick leave rights as provided in this Subsection, the County shall credit to the employee's leave record the balance of the employee's accumulated sick leave less the amount of sick leave used by the employee prior to the date of the other person's dishonor of the employee's accumulated sick leave rights in accordance with paragraphs (1) and (2);

(4) where the employee has been separated under a separation -- disability action based on a total disability or a dismissal action, the employee shall forfeit any sick leave accumulated at the time of any such separation or dismissal.]

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SECTION 2. BE IT FURTHER ENACTED that a new Section 16-221.2 be and the same is hereby added to the Prince George's County Code to read as follows:

SUBTITLE 16. PERSONNEL.

DIVISION 17. LEAVE.

Sec. 16-221.2. 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, the employee may elect to receive cash payment for all or any portion of his/her 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 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.

SECTION 3. BE IT FURTHER ENACTED that in accordance with the provisions of Section 317 of the Charter, the County Council hereby declares that a public emergency exists affecting the public health, safety, and welfare; said emergency being the immediate need to amend certain provisions of the Personnel Law in order to provide for the liquidation of accumulated annual and sick leave balances of employees who leave employment to reduce the compensation expenditures of the County in anticipation of a newly projected shortfall in revenue for the current fiscal year.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it becomes law.

Adopted this 26th day of November, 1991, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Parris N. Glendening
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.