

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1995 Legislative Session

Bill No. _____ CB-60-1995

Chapter No.

Proposed and Presented by Chairwoman MacKinnon (by request of County Executive)

Introduced by _____ Council Member Del Giudice

Co-Sponsors

Date of Introduction _____ July 5, 1995

EMERGENCY BILL

AN ACT concerning

Annual and Sick Leave

For the purpose of amending the provisions of the County Code regarding the accumulation and carryover of annual leave, and payout of accumulated balances upon separation from County service.

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County, Maryland, that Sections 16-220 and 16-221.02 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments: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

* * * * *

(e) Maximum Accumulation of Annual Leave.

(1) A maximum of [sixty (60) days] 360 hours of accumulated annual leave earned beginning with the first pay period in Fiscal Year 1996, 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 employee shall be allowed to carry over annual leave earned as of the last full pay period in Fiscal Year 1995, even if such accumulated amount is in excess of the maximum allowed in Subsection (e)(1), above.

[(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.]

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

* * * * *

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, 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, subject to the following limitation:

i. The maximum total amount of earned annual leave eligible for cash payment upon separation shall be the amount of remaining accumulated leave earned as of the end of the last full pay period in Fiscal Year 1995, or 360 hours, whichever is greater.

(4) [and for] For all or any portion of [his/her] the employee's sick leave balance earned as of the end of the last full pay period of Fiscal Year 1995, an employee separating from County service on or before September 1, 1995, may elect to receive cash payment 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 as of June 30, 1995, or as otherwise established by an applicable collective bargaining agreement and/or salary schedule. An employee separating from County service on or after September 2, 1995, but on or before October 1, 1995, may elect to receive cash payment in an amount equal to the total number of unused sick leave hours earned as of the end of the last full pay period of Fiscal Year 1995 multiplied by one-quarter of the employee's base hourly rate of pay as of June 30, 1995, or as otherwise established by an applicable collective bargaining agreement and/or salary schedule. Sick leave earned beginning the first pay period of Fiscal Year 1996 and, for an employee who separates from County service on or after October 2, 1995, all accumulated sick leave, is not subject to cash payment to the employee upon separation except as may be 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)] (5) 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)] (6) 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.

(7) Upon retirement, an employee shall be entitled to receive credit on an actuarial equivalent basis for unused sick leave for which an authorized cash payment has not been elected, or for which cash payment is not authorized as creditable service in accordance with the applicable provisions of the State Personnel and Pension 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 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 of the citizens of Prince George's County, said emergency being the need to implement revised policies concerning the accumulation and disposition of annual and sick leave in order to protect the long term financial interests of the County.

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

Adopted this _____ day of _____, 1995, by an affirmative vote of two-thirds of the members of the full County Council.

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.