

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2002 Legislative Session

Bill No. CB-1-2002
 Chapter No. 9
 Proposed and Presented by Council Member Hendershot
 Introduced by Council Member Hendershot
 Co-Sponsors _____
 Date of Introduction March 26, 2002

BILL

1 AN ACT concerning

2 Military Leave

3 For the purpose of providing for the payment of a salary supplement to employees who are
 4 ordered to active duty in the National Guard of the United States or the Reserves in a national
 5 emergency, clarifying existing military leave provisions, providing for the continuation of fringe
 6 benefits, and making amendments to conform to controlling federal law.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 16. PERSONNEL.

9 Section 16-223,

10 The Prince George's County Code

11 (1999 Edition, 2001 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, that Section 16-223 of the Prince George's County Code be and the same is hereby
 14 repealed and reenacted with the following amendments:

15 SUBTITLE 16. PERSONNEL.

16 DIVISION 17. LEAVE.

17 **Sec. 16-223. Military leave.**

18 (a) Military leave shall be approved for an employee by the employee's appointing
 19 authority as follows:

20 (1) Military Leave With Pay - Active Duty For Training. Military leave with pay, not
 21 to exceed fifteen (15) working days per wage reporting year, shall be granted to employees who

are reservists or members of the National [Reserve or] Guard of the United States or the Reserves ordered to active [training] duty for training.

(2) Military Leave With Pay - Active Duty for Domestic Emergencies. [In addition, military] Military leave with pay shall be granted to [approved by the appointing authorities for] employees who are members of the National [Reserve or] Guard of the United States or the Reserves [when] who are ordered on domestic emergency duty related to disaster relief or civil disturbance, provided, however, that such leave shall not exceed fifteen (15) working days for each such domestic emergency, except [where longer leave periods are authorized under the provisions of] when ordered to active duty under the authority of the Governor pursuant to Article 65, Section 42 of the Annotated Code of Maryland.

(3) Salary Supplement - Extended Active Duty for National Emergencies. Employees who are members of the National Guard of the United States or the Reserves ordered to active duty by authority of the President of the United States pursuant to Title 10 or Title 32 of the United States Code for a period not to exceed twelve consecutive months shall be eligible for a salary supplement equal to the difference between the employee's base rate of pay and the employee's base military pay

[(2)] (4) Military Leave Without Pay. Military leave without pay shall be approved by an appointing authority when an employee enlists or is drafted into the uniformed services of the United States [Armed Forces during a time of war or a time of national emergency] or, upon exhaustion of an employee's military leave with pay entitlement, when a member of the National [Reserve or] Guard of the United States or Reserve is required to perform active duty for training or inactive duty training in accordance with [Section 2024 of] Title 38, Chapter 43 of the United States Code (Veterans Reemployment Rights Act of 1994).

[(3)] (5) Restoration to Position After Military Leave Without Pay. An employee shall be entitled to return to the position the employee occupied at the time the employee was granted military leave without pay, as provided in subparagraph [(a)(2)] (a)(4), above, subject to the following conditions:

(A) The employee requests the employee's appointing authority to restore the employee to the employee's position within ninety (90) calendar days after the effective date of the employee's discharge from active military duty; or

1 (B) The employee, if hospitalized at the time of discharge from active military
2 duty, requests the employee's appointing authority to restore the employee to the employee's
3 position within ninety (90) calendar days after discharge from the hospital; and

4 (C) The employee was [discharged] separated from active military duty under
5 honorable conditions and was entitled to reemployment benefits pursuant to Title 38 United
6 States Code Section 4304.

7 (D) In the event an employee sustains a disability during military service and
8 cannot perform the duties of his or her former position, the employee shall be reinstated in a
9 position with similar pay, circumstances, and seniority.

10 SECTION 2. BE IT FURTHER ENACTED that the Personnel Officer shall establish a
11 leave donation program to accept the donation of leave from County employees to fund the
12 salary supplement benefit provided by this Act; provided however, if sufficient leave is not
13 donated to the leave bank, the County will provide funds from other sources, as determined by
14 the County Executive, for the salary supplement benefit.

15 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
16 calendar days after it becomes law and the provisions of this Act shall apply retroactively to any
17 employee who was ordered to active military service on or after September 11, 2001.

SECTION 4. BE IT FURTHER ENACTED that the leave donation program and the supplement to military leave pay for employees who are no longer in a military leave with pay status created by this Act shall terminated on February 24, 2003.

Adopted this 23rd day of April, 2002.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Acting 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.

In accordance with Section 411 of the Charter of Prince George's County:
The County Executive having failed to return this Bill within ten (10) days after the date of its presentation to him with either his approval or veto, this Bill became law on 5/15/2002.

To become effective: 7/1/2002