OFFICE OF PERSONNEL SERVICES AND BENEFITS POLICY

SUBJECT: Advanced Sick Leave

Issued: September 17, 2009
Version No.: 1

Effective: Immediately

APPROVED: _____
Cynthia A. Kollner, OPSB Executive Director

Policy
It is the policy of the State of Maryland to allow employees to be advanced sick leave when the Secretary of Budget and Management ("the Secretary"), in consultation with the Secretary of Health and Mental Hygiene, has determined that there is a strong likelihood of a Statewide health emergency, the Secretary may implement this Advanced Sick Leave Policy ("the Policy").

This Policy shall be discontinued when the Secretary, in consultation with the Secretary of Health and Mental Hygiene, determines that the Statewide health emergency, or threat thereof, has ended.

Purpose
Such determinations are made when the Secretary deems the implementation of the Policy to be in the best interest of State employees and members of the public, in order to minimize exposure to health threats and the spread of disease.

Applicability
This policy applies to all Executive Branch agencies in the State Personnel Management System (SPMS).

Authority
State Personnel and Pensions Article, 9-101
Code of Maryland Regulations (COMAR) 17.04.11.05 I.

Definitions
Advanced sick leave
Sick leave with pay that shall be repaid.

Immediate family member

The employee's spouse; the employee's children (including foster and stepchildren); parents, stepparents, or foster parents of the employee or spouse, or others who took the place of parents; legal guardians of the employee or spouse; brothers and sisters of the employee or spouse; grandparents and grandchildren of the employee or spouse; and other relatives living as members of the employee's household.

Flu-like illness

A condition under which a person displays some or all of the following symptoms typically associated with the flu: fever, chills, cough, sore throat, runny nose, body aches, headache, tiredness, diarrhea, or vomiting. Fever is usually described as temperature of 100° F (37.8° C) or greater. Symptoms of flu-like illness occurring during a period of a pandemic flu outbreak will be presumed to be pandemic flu.

1. Eligibility

1.1 The Policy applies to Executive Branch employees within the State Personnel Management System, except temporary employees.

1.2 The employee has a need to use sick leave as a result of a flu-like illness for the employee's illness or that of an immediate family member in accordance with State Personnel and Pensions Article, § 9-501(b)(1)-(2) and (5), and has exhausted all earned sick, annual, and personal leave, and compensatory time earned, and makes a request for advanced sick leave.

1.3 The employee works in an agency or area that has been designated at Level II (Flexible Operations) or Level III (Emergency Operations) of the Pandemic Flu Attendance and Leave Policy.

1.4 The employee agrees to pay back the advanced sick leave at the prescribed rate.

2. Repayment

2.1 An employee who has been granted leave under the Policy must agree to repay the advanced sick leave at a rate of 50% of earned sick leave, as it is earned, upon the employee's return-to-work.

2.2 At the employee's discretion, an employee who has been granted leave under the Policy may apply additional accrued annual or personal leave to the amount to be repaid, or elect to make repayment in cash at a repayment rate of 100%.

2.3 An employee who has been granted leave under the Policy agrees that any outstanding leave repayment amount due upon the employee's separation for any reason from State service shall be considered a debt to the State.

2.4 An employee who does not return to work after a period of absence on advanced sick leave, or subsequently separates from State service without fully repaying the outstanding leave repayment amount, shall be referred to the Central Collection Unit within the Department of Budget and Management for collection proceedings in accordance with COMAR 17.01.01.

3. Recordkeeping Requirements

3.1 An appointing authority shall maintain records for each employee (who requests) granted advanced sick leave pursuant to this Policy. At a minimum, these records shall include:

3.1.1 The name of the employee;
3.1.2 The date of the request;
3.1.3 The total number of advanced sick leave hours granted; and
3.1.4 The date(s) and amount(s) of repayment.