

Guidelines for the Provision of Paid Leave to Certain Temporary Employees

AUTHORITY: Executive Order 01.01.2017.09

A. SCOPE: These Guidelines apply only to certain temporary employees in the State Personnel Management System regarding the receipt or use of paid leave or a dispute related to the receipt or use of paid leave as provided by Executive Order 01.01.2017.09.

B. DEFINITIONS: In these Guidelines, the terms have the following meanings:

1. "Temporary employee" includes:
 - a. a contractual employee as defined by the Annotated Code of Maryland, State Personnel and Pensions Article §13-101; and
 - b. an emergency employee.
2. "Paid leave" means personal leave with pay that may be used for any purpose and is provided pursuant to Executive Order 01.01.2017.09.
3. "Eligible temporary employee" means an employee who:
 - a. Regularly works 30 or more hours a week; and
 - b. Has been employed for 120 days or more during a 12 month period; and
 - c. Is not covered by a bona fide collective bargaining agreement.
4. "Filed" means when a fully completed **Temporary Employees' Paid Leave Grievance Form** is received by the appropriate appointing authority.

5. "Grievance" within the meaning of these Guidelines is a dispute between a temporary employee and the employee's employer about the receipt or use of paid leave as provided by Executive Order 01.01.2017.09.
6. "Day(s)" – Unless specifically provided otherwise within these Guidelines, "day" or "days" means calendar days.
7. "12-Month period" means a rolling period starting on the temporary employee's first work day.

C. ELIGIBILITY

1. Time worked in the 12-Month period prior to the implementation of these Guidelines will count toward the 120 day requirement.
2. The 120 day requirement may be met by any continuous service with an agency or agencies within the State Personnel Management System irrespective of a change in agency.

D. ACCRUAL OF LEAVE

1. Eligible temporary employees shall accrue paid leave at a rate of one hour for every 30 hours worked.
2. Paid leave shall begin to accrue on or after July 1, 2017 if the temporary employee has worked at least 120 days in a 12-month period since July 1, 2016.
3. Paid leave accruals shall not exceed 40 hours per calendar year. An eligible temporary employee may accumulate unused paid leave and may carry over from 1 year to the next year up to 40 hours of unused paid leave. Any unused paid leave in excess of 40 hours shall be forfeited at the beginning of the first full pay period of the next calendar year.
4. Paid leave accruals will be applied to an eligible temporary employee's leave balance at the beginning of the first pay period after 30 work hours.

5. An eligible temporary employee may not receive compensation for accrued paid leave upon separation; accrued paid leave is forfeited.

E. USE OF PAID LEAVE

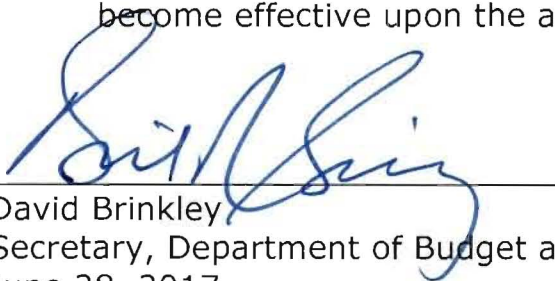
1. An eligible employee may use paid leave for any reason, after providing notice to the employee's immediate supervisor.
2. Notification of the eligible temporary employee's use of paid leave should follow the procedures for reporting employee absences established by the employing unit.
3. Supervisory approval of the leave usage is not required, except that the use of paid leave may be denied due to a critical shortage of staff.

F. GRIEVANCE PROCEDURES

1. An eligible temporary employee who has a dispute over the receipt or use of paid leave as provided by Executive Order 01.01.2017.09 may present a grievance in accordance with these Guidelines free from coercion, discrimination, interference, reprisal, or restraint.
2. The grievance procedure provided in these Guidelines is the exclusive remedy for violations of these Guidelines.
3. The grievance procedure established by these Guidelines is for the sole purpose of resolving a dispute related to receipt or use of paid leave provided by Executive Order 01.01.2017.09, and may not be used to address any other dispute.
4. An eligible temporary employee may choose any person to assist or represent the employee during the grievance process, and shall notify the employer of that choice.
5. A grievance must be filed on the form **Temporary Employees' Paid Leave Grievance Form** provided by the Department of Budget and Management's Office of Personnel Services and Benefits.

6. A grievance must be initiated by an eligible temporary employee within 20 days after: (1) the occurrence of the alleged act that is the basis of the grievance; or (2) the employee first knew of or reasonably should have known of the alleged act that is the basis of the grievance.
7. The steps in the process are:
 - a. Step 1 - A grievance may be filed with the eligible temporary employee's appointing authority. A copy of the grievance also shall be provided to the employee's supervisor.
 - i. Within 10 days after receiving a grievance, the appointing authority shall hold a conference with the employee and shall attempt to resolve the grievance.
 - ii. Within 5 days after the conference, the appointing authority shall issue a written decision and may grant a remedy that includes the use of leave or restoration of leave that the employee otherwise would have had if these Guidelines had been applied appropriately.
 - iii. A failure to issue a decision within 15 days after the grievance is filed with the appointing authority shall be considered a denial from which an appeal may be made to Step 2.
 - b. Step 2 – Within 5 days after receiving a decision at Step 1, the eligible temporary employee may appeal the decision in writing to the Secretary of Budget and Management or designee.
 - i. Within 10 days after an appeal is received, the Secretary or designee shall review the grievance record and issue a written decision and may grant a remedy that includes the use of leave or restoration of leave that the employee otherwise would have received if these Guidelines had been appropriately applied.
 - ii. Failure to issue a decision within 10 days after the appeal was received shall be considered a denial.
 - iii. The decision of the Secretary of Budget and Management is the final administrative decision.

G. EFFECTIVE DATE: These Guidelines are effective on July 1, 2017. Thereafter, any change made to these Guidelines shall become effective upon the approval of the Secretary.

A handwritten signature in blue ink, appearing to read "David Brinkley", is written over a horizontal line.

David Brinkley
Secretary, Department of Budget and Management
June 28, 2017