

**OFFICE OF HUMAN RESOURCES  
ADMINISTRATION DIVISION  
DHMH TIMEKEEPING MANUAL**

**REVISED July 22, 2008**

**DHMH TIMEKEEPING MANUAL – July 22, 2008**

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## **I. INTRODUCTION AND GENERAL STATEMENT**

This manual serves as the source document for the Department of Health and Mental Hygiene's (DHMH) Timekeeping Policies and Procedures, replacing the 1984 edition. It is a compilation of the Department of Budget and Management's Title 17 COMAR Regulations, the State Personnel and Pensions Annotated Code of Maryland, and DHMH Timekeeping Policies and Administrative Practices as of July 22, 2008. In the event of any conflict between statements contained herein and provisions of the law, the law will govern.

The procedures set forth in this manual, when they address the time reporting mechanism, are based on the automated timekeeping system, which allows the Department to maintain timekeeping records in an efficient manner with minimal manual work. However, the policies herein detailed are also applicable to the Local County Health Departments on other automated or manual systems of recording employee time.

## **II. WORKWEEK, OVERTIME AND COMPENSATORY TIME**

**A. Workweek**

1. The standard workweek consists of 40 hours in a seven day period.
2. The part-time workweek consists of an average of at least 50 percent or more but less than 100 percent of the regular workweek.
3. The workweek for State Employees begins on Wednesday and ends on the following Tuesday, both days inclusive. The appointing authority may designate a different 7-day period if the designated workweek is consistent with the federal Fair Labor Standards Act (FLSA) and State Personnel and Pensions Article.
4. The appointing authority shall designate the workweek for all positions under the appointing authority's control. The designation of a workweek is effective until the appointing authority changes it.
5. The appointing authority may request and designate a regular workweek, which consists of fewer than 5 days, which is known as a compressed workweek. (All requests must be submitted and approved in advance by the Director of Personnel DHMH).
6. Overtime payments or compensatory time in accordance with State Personnel and Pensions Article, Title 8, Subtitle 3, Annotated Code of Maryland shall compensate Work Time in excess of an employee's regular workweek.

**B. Work Time**

The term "work time" includes time during which an employee:

- a. Is on duty, whether at the employee's principal job site or at a remote location as part of the telecommuting program,
- b. Is on paid leave;
- c. Participates in training activities as a job assignment;

- d. Is on the employer's premises and is on call and waiting for work;
- e. Is not on the employer's premises, but is on call and waiting for work, and the employee's personal activities are substantially restricted;
- f. Is changing into or removing program-specified clothing and equipment necessary for the performance of the job;
- g. Participates in activities that are job-related immediately before the beginning or immediately after the end of an assigned shift;
- h. Travels to and from work after being recalled to work by the appointing authority or designee after the employee has completed the regular workday;
- i. Travels to and from work after being called to work by the appointing authority or designee on an employee's scheduled day off if the employee works fewer than 8 hours;
- j. Travels between home and a work site other than the assigned office, in accordance with the Standard Travel Regulations under COMAR 23.02.011;
- k. Investigates and processes a disciplinary appeal or grievance, and participates at any conference or hearing relating to a grievance or appeal; or
- l. With prior supervisory approval, uses reasonable time to investigate and process a complaint under State Personnel and Pensions Article, Title 5, Annotated Code of Maryland;
- m. Work time includes any other time defined as work time under the Fair Labor Standard Act (FLSA), if applicable.
- n. With the exception of those categories of employees cited in the Fair Labor Standard Act, 29 U.S.C. 201 et seq., an appointing authority may exclude meal periods and a maximum of 8 hours sleep from consideration as work time for employees who are on duty for more than 24 hours. If the employee's sleep is interrupted for the

performance of work so that the employee is not able to sleep continuously for at least 5 hours, the appointing authority shall consider the entire period of sleep, up to a maximum of 8 hours, as work time.

### **C. Overtime**

- a. An appointing authority or designee may authorize an employee to work periods of time in excess of the employee's regular workday or workweek, dependent upon workload demands, and shall assure that the authorization is in writing.
- b. The appointing authority shall insure that the overtime is recorded on the DHMH 858, 566 (timesheets) and that a DHMH-38 (overtime voucher is completed and submitted to payroll for payment.
- c. Employees who are authorized by the Employer to perform work via telephone in an emergency or non emergency situation, before or after their regularly assigned shift in excess of 6 minutes for non-exempt employees, and one-half hour for exempt employees, shall be compensated at the straight time or overtime rate as appropriate and in accordance with the Fair Labor Standards Act.
- d. An employee who is pre-scheduled to work an overtime shift in a 24-hour facility and reports for duty will be guaranteed a minimum of three (3) hours overtime pay at the appropriate rate unless it is a holdover from a previous shift. The employer shall notify employees as soon as practical prior to their scheduled start time in the event the employee is not required to report for pre-scheduled overtime.
- e. Employees are entitled to stand-by or on-call pay if required to remain on the Employer's premises or so close thereto that they may not use their time effectively for their own purposes. Stand-by payment shall be at the regular or overtime rate of pay, whichever is applicable.
- f. Under the 8/80 method of overtime employees who work a non-overtime shift that begins less than 16 hours after the scheduled end of their previous shift shall be paid at time and one-half for each hour worked on the short turnaround shift. In the event the Employer

alters the employee's pre established shift with less than 24 hours notice in a manner that varies the starting and ending times, the employee shall be paid at time and one-half for all hours worked on the changed shift.

- g. Under the 40/40 method of overtime payment is when employees are paid at the straight hourly rate for all work time hours up to 40 in the regular workweek Wednesday through Tuesday, and time plus one-half for hours worked over 40.
- h. Under the 8/80 method, an employee working over 8 hours in a day or over 80 hours in a pay period is paid the higher of the two amounts. The 8/80 method of overtime is only for use in 24-hour facilities.

#### **D. Compensatory Leave**

- a. Executive, administrative, and professional employees, as defined under the Fair Labor Standards Act (FLSA) and whose classifications are not designated by the Department of Budget and Management (DBAM) to receive overtime payments, are eligible to receive compensatory time under the provisions of State Personnel and Pensions Article, Annotated Code of Maryland.
- b. Employees who have obtained prior approval may be authorized to receive compensatory time only if the employee has worked at least one-half hour beyond their regular workday. Total compensatory time earned includes the first 1/2hour worked and any time thereafter.
- c. Employees may be authorized to receive compensatory time for time worked outside the employee's regular workweek, for example, Saturdays, Sundays, holidays, only after the employee has worked in excess of one-half hour on the day for which the compensatory time is to be received. Total compensatory time includes the first ½ hour worked and any time thereafter.
- d. Non-exempt employees who do not work in a 24-7 institution, and work on a State Holiday shall earn hour for hour compensatory time for all hours worked up to their normal workday. Any hours worked

over the normal workday will be compensated at the straight or overtime rate as applicable.

Employees who provide 24-7 care where as their holidays are pre-scheduled if they are required to work on a state holiday and they are in a non-exempt classification the employee will be paid time plus one-half for all hours worked on the holiday.

- e. Compensatory time earned on a State Holiday by an exempt or non-exempt will be forfeited if not used within one year of earning.
- f. Employees in the Executive Pay Plan at a pay grade ES-6 and above are not entitled to accrue any compensatory time other than hours worked on a State holiday if the employee works 5 or more hours on that day. The employee shall receive 1 day of compensatory time for each holiday on which they work 5 hours or more.
- g. Exempt employees who earn compensatory time shall forfeit the time if it is not used within one year after earning.
- h. With the approval of the Program Director, a non- exempt employee may elect to accrue compensatory time paid at time and one-half, or for weather related emergencies, double time, in lieu of cash payments for overtime. Employees may accrue up to 240 hours of compensatory time. Non-exempt employees who elect compensatory time will never lose the time they earn. Employees shall not be required to use compensatory time. Employees will be allowed to declare their election of overtime/compensatory time on a Bi-weekly basis.

All unused compensatory time for non-exempt employees shall be paid upon an employee's leaving State service or upon death, to the employee's estate.

When a non-exempt employee is reclassified into an exempt classification, they will be paid for any compensatory time earned as a non-exempt employee at the time of the reclass.

### **III. POSITIVE TIMEKEEPING REQUIREMENTS**

Positive timekeeping records must be maintained for all Department of Health and Mental Hygiene (DHMH) employees regardless of their status, except those specifically exempted by the Secretary, DBM.

Upon submission of adequate justification, certain employees may be granted exemption from positive timekeeping requirements. If exemption is granted, the employee waives all rights to payment for any unused leave, unless earned before exemption, upon separation from State service, and any credit for unused sick leave towards retirement benefits. Employees granted exemption would not be permitted to claim, at a later date, credits for leave applicable to the period of exemption. All requests for exemption must be submitted to the Director of Human Resources, DHMH, for submission to the Secretary, DBM.

#### **A. Record Requirements**

The time reporting period must conform with the standard State workweek beginning on Wednesday and ending on the following Tuesday, both days inclusive.

The positive timekeeping record requirements are satisfied by:

1. The DHMH automated timekeeping system using the Employee Time/Status Report (DHMH-858), or other automated system;
2. A manual system using the daily Sign-in/Sign-Out form (DHMH-566)
3. Or for headquarters contractual employee's the DHMH Special Payments Voucher.

#### **B. Record Content**

Each employee's time record must include the following information:

1. Inclusive dates of the pay period covered.
2. Starting and ending time for each day worked.
3. Total number of hours worked each day, excluding lunch period.
4. Overtime or compensatory time worked.
5. All types of paid leave taken, i.e. (Annual, Sick, Personal etc.).
6. Leave without pay.
7. Suspensions.
8. Employee's signature.
9. Supervisor's signature.

### **C. DHMH Automated Timekeeping Procedures**

#### 1. DHMH-858

Employees must complete and sign their Employee Time/Status Report (DHMH-858) in accordance with the instructions on the back of the timesheet. Unit timekeepers may assist employees with the coding, provided employees personally sign their timesheets, attesting to the validity. Employees who are scheduled off the day timesheets are due must assure that their timesheets are completed, signed, and submitted to their Supervisors prior to leave so that submission deadlines can be met.

#### 2. DHMH-566

For employees approved to report time worked via DHMH-566, the unit timekeeper should prepare the Time/Status Report and write "DHMH-566" on the employee's signature line, indicating that the unit maintains a supporting Sign-In/Sign-Out form subject to audit. The

employee's completed Sign-In/Sign-Out form is to be attached to the unit's pink copy of the DHMH-858.

Exceptions to 1 and 2 are only permitted in the following circumstances:

- Sporadic, Short-Term Absences: If an employee is absent on the day that timesheets are due and the employee did not complete and sign their timesheet in advance, the unit timekeeper will code the absent days based on the employee's available leave status. The timesheet must be submitted to the Central Timekeeping Unit without the employee's signature. After processing, the Central Timekeeping Unit shall return a copy of the timesheet to be reviewed and signed by the employee and resubmitted for Central Timekeeping Records. If corrections are necessary, the timekeeper must submit a (DHMH-2454) Timekeeping Change Form signed by the appropriate supervisor or designee.
- Extended Absences: If an employee is on an extended absence spanning more than one pay period, the unit timekeeper must code the absent days based on the employee's leave status or donated leave approvals, and write on the employee's signature line, i.e., "long-term Sick Leave", "Extended Annual Leave". Upon returning to work from an extended absence the employee must review the unit copies of these timesheets. If recording corrections are necessary, the timekeeper must submit a (DHMH-2454) Timekeeping Change Form signed by the appropriate supervisor or designee.
- Field Personnel: In general, units employing field personnel such as (Ombudsmen, Health Facility Surveyors, Rights Advisors, etc.) should establish arrangements whereby these employees complete, sign, and submit their timesheet in the same manner as other employees. If such employee's work site or schedule make such arrangements impossible, these employees must personally maintain a Sign-In/Sign-Out form (DHMH-566) and submit it to the unit timekeeper at the end of each workweek.

## **D. General Timekeeping Procedures**

1. Unit timekeepers must retain the DHMH-858, DHMH-566, leave documentation, overtime vouchers, timekeeping change forms, leave cards, and any other supporting documentation for 3 years or until audited.
2. Requests for annual leave and compensatory time must be pre-approved in advance by the supervisor. Pre-approval means leave that is requested prior to the end of the shift the day before the time is being requested. Employees must request leave by completing the appropriate request for leave card.
3. Sick leave and unscheduled Personal leave will be recorded by each unit's procedures for reporting such leave.
4. Employees who fail to report to work or contact their supervisors within one-half hour of their normal start time will be considered AWOL. Refer to DHMH AWOL Policy for procedures to be followed. (See DHMH Policy 02.09.01). Employees working in a 24-7 institution that provides round the clock coverage must contact their supervisor at least 1.0 hour prior to the start of their shift.
5. Normally, work performed at home is not work time for the purposes of timekeeping, unless the employee is on an approved teleworking schedule. However upon written advanced approval from the Director of Human Resources (DHMH) and the Secretary (DHMH), compensation for work performed at home can be made to an employee. This authorization must be maintained by the Employee's supervisor and the Central Timekeeping Unit, and a copy is placed in the employee's Personnel File. Time that does not fit either category above may not be recorded on the employee's timesheet.
6. Generally, the Department prohibits early sign-in/sign-out. Employees must sign in and sign out their normal work hours unless prior approval by their supervisors has been given to earn overtime or compensatory time. The normal workday is designated by the Program Director. An employee wishing to deviate from the normal workday must have prior supervisory approval.

7. Periods of time in excess of five minutes (recorded in six minute increments) during which an employee is required to work beyond their normal workday must be counted as overtime for non-exempt employees. In addition to recording overtime on the timesheet, the employee must complete an overtime voucher.
  
8. Exempt employees must work at least one half hour beyond their normal workday before being credited with compensatory time. Time worked including the first half-hour is then recorded in increments of six minutes on the timesheet.

## **E. Absent Codes**

### **Annual Leave**

(10) Pre-Approved	Annual leave, which is not used to cover sick-related absence, and has been pre-approved by your immediate supervisor.
(12) Lateness	To be used for tardiness and with supervisor's approval in increments of 6 minutes.
(17) Emergency	With supervisor's approval to be used when emergency absences are charged to annual leave.
(18) In Lieu of Sick-Employee	Annual leave used for an employee's illness, when sick leave has been exhausted. (Will count as an occasion of sick leave unless documentation is provided).
(IA) In Lieu of Sick-Family Member	Annual leave used for an employee's family member's illness when sick leave has been exhausted. (Will count as an occasion of sick leave unless documentation is provided).
(IF) Approved FMLA	Annual leave used in accordance with FMLA. Needs documentation required by FMLA and approval of appointing authority.

### **Sick Leave**

(20) Employee Illness	Sick leave used for an employee's
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Not documented	illness. Sick leave may not be used for on the job accidents. (Will count as an occasion of sick leave unless documentation is provided).
(2J) Employee Illness Documented	Sick leave used for an employee's illness where documentation is provided.
(21) Scheduled Employee Medical Appointment	Sick leave used for a pre-scheduled medical appointment by the employee. (Will count as an occasion of sick leave unless documentation is provided).
(2A) Family Illness Not Documented	Sick leave used for an employee's family member's illness.
(2K) Family Illness Documented	Sick leave used for an employee's family member's illness where documentation is provided.
(2B) Scheduled Family Member Medical Appointment	Sick leave used for a pre-scheduled medical appointment of an employee's family member. (Will count as an occasion of sick leave unless documentation is provided).
(22) Maternity/Paternity	Sick leave used for the care of a child immediately following the birth. There is a 30-day limit, unless medical documentation is submitted to extend the time.
(23) Accident Leave	Leave granted to an employee who sustains an accidental job related injury. Accident leave pay is 2/3rds of the

employee's salary and is exempt from federal and state taxes. If employee is absent greater than 6 months they become exempt from FICA taxes.

(24) Death in the Family

Sick leave used for the death of an immediate family member or relative as defined in COMAR 17.04.11.06.

(28) Adoption

Up to 30 days of leave may be granted to an employee who has the primary responsibility for the care of the adopted child.

(29) Leave Bank

Leave granted by the Department of Budget and Management for sick leave purposes.

(2F) FMLA

Sick leave taken in accordance with FMLA. Requires medical documentation and approval by the appointing authority.

(2H) Donated Leave

Leave that has been approved by the Office of Human Resources and has been donated by another employee.

### **Grievance Leave**

(30) Hearing

Time spent at a grievance hearing by an employee who is party to or a witness. Supervisory approval and documentation is required.

(31) Preparation

To be used to record work time used for the investigation and processing of grievances. This includes grievants and

their representatives. Documentation is required.

## **Compensatory Leave**

- |                                    |   |
|------------------------------------|---|
| (40) Pre-Approved                  | Compensatory leave which is charged against the regular Comp. Leave balance. Compensatory leave is forfeited if not used within one year of earning.  |
| (41) Lateness                      | To be used when late with supervisory approval.   |
| (43) Religious                     | Compensatory time which is taken by an exempt or non-exempt employee for a religious holiday. Time must be earned prior to taking, unless approval to earn after use is obtained from supervisor. |
| (44) In Lieu of Sick Employee      | Compensatory time taken for an employee's illness when all sick leave has been exhausted. (Will count as an occasion unless documentation is provided).   |
| (4A) In Lieu of Sick Family Member | Compensatory time taken for an employee's family member's illness when all sick leave has been exhausted. (Will count as an occasion unless documentation is provided).                           |
| (47) Emergency                     | To be used when emergency absences are to be charged to compensatory time. Must have supervisor's approval.   |

## Personal Leave

- |                                       |   |
|---------------------------------------|---|
| (50) Pre-Approved                     | Personal leave which is scheduled in advance.   |
| (52) In Lieu of Sick                  | Personal leave taken for an employee's illness when all sick leave has been exhausted. (Will count as an occasion unless documentation is provided).                |
| (5A) In Lieu of Sick<br>Family Member | Personal leave taken for an employee's family members illness when all sick leave has been exhausted. (Will count as on occasion unless documentation is provided). |
| (57) Unscheduled                      | Personal leave, which has not been scheduled in advance.  |
| (58) Emergency                        | To be used when emergency absences are charged to Personal Leave.   |
| (5F) FMLA                             | Personal Leave taken in accordance with FMLA. Requires supervisory approval and documentation.  |

## Holiday Leave

- |                    |   |
|--------------------|---|
| (60) State Holiday | Leave used for absence on a legal holiday or a scheduled holiday for employees in 24-hour facilities. |
|--------------------|---|

## Release Time

- |                                  |  |
|----------------------------------|--|
| (64) Bereavement                 | 3 Days not charged to employee's accrued leave for death of an immediate family member. Bereavement leave is not available for the employee's in-laws.       |
| (65) Secretary/Agency Authorized | Administrative leave, i.e., blood drive authorized by agency. Documentation required.  |
| (66) Emergency                   | Release from work due to an emergency condition.   |
| (67) Incentive-Programs          | Leave granted under the State's incentive programs, i.e., and innovative ideas. Supervisory approval and documentation is required.                          |
| (68) Work Related                | Administrative leave authorized by Investigation agency during investigation for disciplinary purposes. Maximum 10 days.                                     |
| (69) DBM Approved Event          | Time spent during working hours by employee authorized to attend an employee organizational event. Requires DBM's & supervisor's approval and documentation. |

## Court Leave

- |                     |   |
|---------------------|---|
| (70) Witness-Unpaid | Time spent while subpoenaed to appear in court, before a grand jury, or in an administrative hearing. Only used when an employee is not a party to the case |
|---------------------|---|

or a paid witness. Documentation is required.

(71) Jury Duty

Time spent when an employee has been subpoenaed to perform jury duty. Documentation is required.

### **Military Leave**

(74) Military Leave

To be used when an employee takes military leave. Maximum 15 days per 12-month period. Documentation is required.

### **State Test/State Interview**

(75) State Test

To be used if employee takes State test during working hours. Maximum 4.0 hours per test allowed. Documentation is required. (An employee who has to travel in excess of fifty (50) miles will be given additional administrative leave not to exceed eight (8) hours total).

(76) State Interview

To be used if employee attends State Interview during working hours. Maximum 4.0 hours per interview allowed. Documentation is required. (An employee who has to travel in excess of fifty (50) miles will be given additional administrative leave not to exceed eight (8) hour total).

## **Training**

(78) In Service Training

Time spent during scheduled working hours by an employee authorized to participate in training activities and seminars. Supervisory approval is required.

This code is also used for employees who are on active duty and have been approved by the Office of Human Resources to receive Military Administrative Leave.

(79) Out Service Training

To be used for release time for the employee to attend an out-service training activity. Prior approval by supervisor and DHMH Training Services required.

## **Leave Without Pay (LAW)**

(80) Pre-Approved

Time taken when employee has exhausted their available paid leave. Supervisory approval is required. No leave earned while on LAW.

(81) In Lieu of Sick  
Employee

Time taken when an employee has exhausted all of their available leave and is absent due to their illness. No leave is earned while on LAW. (Will count as an occasion of sick leave unless documentation is provided).

(8A) In Lieu of Sick  
Family Member

Time taken when an employee has exhausted all of their available leave and is absent due to an illness of

a family member. No leave is earned while on LAW. (Will count as an occasion of sick leave unless documentation is provided).

(82) Undocumented

LAW used because required documentation was not provided. No leave is earned while on LAW.

(86) Unauthorized

Absent without supervisor's approval. Use of this leave is grounds for discipline. No leave is earned while on LAW.

(87) Emergency

Authorized emergency absence from work without paid leave available. No leave is earned while on LAW.

(8F) FMLA

LAW taken in accordance with FMLA. Requires documentation and approval by appointing authority.

### **Suspension**

(90) Disciplinary

LAW used to implement disciplinary suspensions. Requires appointing authority approval.

#### IV. LEAVE WITH PAY

##### A. Tenths Hour Chart

<b>Minutes</b>	<b>Hours</b>
06 to 11	.1 - 1/10
12 to 17	.2 - 2/10
18 to 23	.3 - 3/10
24 to 29	.4 - 4/10
30 to 35	.5 - 5/10
36 to 41	.6 - 6/10
42 to 47	.7 - 7/10
48 to 53	.8 - 8/10
54 to 59	.9 - 9/10
60	1.0 - 1 Hour

##### B. Leave - General Provisions

1. Leave time is earned by:

- a. Full-time employees;
- b. Employees who work a part-time schedule of at least 50% or higher. (pro-rated in accordance to % of employment).
- c. SS - Skilled Service  
PS - Professional Service  
MS - Management Service  
ES - Executive Service  
SA - Special Appointment

2. Individuals employed on an EM, Contractual, hourly, or daily basis do not earn and are ineligible to receive leave.

**C. Annual Leave**

1. General

When feasible, and in accordance with a unit's policies, each department head shall arrange the work of the agency so that an employee can use annual leave at the times requested by the employee.

2. Rates of Earnings

Length Of Service	# Of Annual Leave Hours Earned Per 26 Hours Worked	Maximum Allowance Of Days Per Year
1 month through 6 months	0.0	0
6 months through 5 years	1.0	10
6 years through 10 years	1.5	15
11 years through 20 years	2.0	20
21 years and over	2.5	25

- a. To determine if an employee has the leave they are using available, take the normal earnings per pay period divided by their normal hours multiplied by the hours they worked or were on paid leave for that pay period.
- b. The rate of earnings changes on the employee's Entry on Duty Date (E.O.D.), or on their anniversary of credited State service for leave earning purposes. A new employee must complete six months of employment to earn annual leave. If the employee terminates prior to working a period of six consecutive months, no annual leave is credited.

- c. For the purposes of accrual, paid leave is counted as hours worked.
- d. An individual appointed on an EM (emergency basis) pursuant to State Personnel and Pensions Article 7-301, Annotated Code of Maryland, shall be given credit for the time served as an EM appointee if there is no break in service between the time served as an EM and the individual's appointment to a budgeted position.
- e. An individual who is a contractual conversion shall be given credit for time served as a contractual employee, when the individual is appointed to a budgeted position.

### 3. Limitations Upon Earnings

Annual leave is not earned for hours worked in excess of the employee's regular workweek, or for hours on Leave Without Pay. For part-time employees, earnings are determined by the employee's percentage of employment.

### 4. Availability

- a. Annual leave shall be available to an employee to the extent earned. An employee may use annual leave only with prior approval of the employee's supervisor.
- b. Annual leave may be used in lieu of sick leave only if the employee has exhausted all accumulated sick leave. The only exception is employees who will forfeit annual leave in excess of 75 days due to an extended illness.
- c. When an illness of one day or more occurs during a period of pre-approved annual leave, the appointing authority shall grant sick leave for the period of illness, provided the employee presents proper medical documentation authenticating the period of illness.

## 5. Accumulation

- a. An employee working a 40-hour workweek may accumulate a maximum balance of 75 days or 600 hours for carry over into the next calendar year.
- b. Part-time employees may accumulate a percentage of 600 hours equal to the funded percentage of their position for carry over into the next calendar year.
- c. An employee who has been denied the use of annual leave during the year and will forfeit the leave due to the carryover being greater than 75 days or 600 hours, may request payment for unused annual leave in accordance with DHMH Guidelines for Payment of Unused Annual Leave Number 02.09.06.

## D. Sick Leave

### 1. Rate of Earning

An employee shall be credited with 1-1/2 hours of sick leave for each 26 hours worked for a maximum of 15 days per year. Part-time employees will be credited sick leave based on the funded percentage of their position. Sick leave is not earned for hours worked in excess of an employee's regular workweek, or if the employee is on Leave Without Pay.

### 2. Accumulation

Sick leave may be accumulated to the extent it is earned without limitations.

### 3. Forfeiture

Unless the employee objects, sick leave which is forfeited as a result of separation from state service is placed in the State Employee's Leave Bank. This provision does not preclude an

employee's use of unused sick leave toward credit for time in the pension system at the time of the employee's retirement.

#### 4. Use of Sick Leave

Employees may use sick leave for the following reasons:

1. Disability or illness of the employee;
2. A medical appointment for the employee;
3. A disability or illness for an employee's immediate family member listed below.
  - a. Spouse;
  - b. Children, including foster and stepchildren;
  - c. Parents, stepparents, or foster parents of the employee or spouse, or others who took the place of parents;
  - d. Legal guardians of the employee or spouse;
  - e. Brothers and sisters of the employee or spouse;
  - f. Grandparents or grandchildren of the employee or spouse; and
  - g. Other relatives living as a member of the employee's household.
4. Following the birth of an employee's child.
5. Following the placement of a newly adopted child into the employees home.
6. Death of the employee's immediate family member.

#### **E. Certification of Illness**

1. An employee must submit a medical certificate for illnesses of five or more consecutive workdays of usage for the employee or the employee's family member's illness, which authenticates the period of illness. Each certificate must contain a prognosis

regarding the employee's ability to return to work.

The medical certificate submitted must contain the following language:

John Doe has been under my care and unable to work from \_\_\_\_\_ to \_\_\_\_\_.

John Doe has been unable to work due to the illness of his wife Mary from \_\_\_\_\_ to \_\_\_\_\_ .

2. The employee shall assure that the medical certificate is signed by one of the following:
  - a. A medical doctor who is authorized to practice medicine or surgery by the State in which the doctor practices;
  - b. If authorized to practice in a state and performing within the scope of that authority;
  - c. Dentist;
  - d. Physical Therapist;
  - e. Oral Surgeon;
  - f. Chiropractor,
  - g. Podiatrist;
  - h. Certified nurse practitioner;
  - i. Certified nurse mid-wife;
  - j. Licensed certified social worker-clinical;
  - k. Optometrist;
  - l. An accredited Christian Science Practitioner; or
  - m. A health care provider as defined by the Federal Family Medical Leave Act (FMLA).
3. Employees who do not provide medical certification as required will have from the 5th day on of the absence charged to undocumented leave without pay.
4. Paid leave may not be substituted for any part of the period of absence.

5. If an employee does not seek medical attention until the 4th or 5th day of absence, and presents a medical certificate accordingly, the entire absence will be charged to sick leave. The medical certificate does not have to cover the first four days of the employee's absence.
6. In the case of an illness occurring on a day previously scheduled as a holiday, the leave will be charged to Holiday Leave as planned. Employees on continuous sick leave for an entire month shall have the appropriate number of days in the month changed from sick leave to holiday leave.
7. For absences of 4.0 hours or less, at the employee's option, the employee may submit a copy of the universal health insurance claim form or similar document from the health care provider's office showing the name of the provider, the date of treatment, and address/telephone number of the provider.

**F. Notification**

An employee or their designee will notify his/her immediate supervisor or designee at the time established by existing agency policy/practice, unless extenuating circumstances preclude this notification. When an employee calls in accordance with established practice or policy, the employee shall leave a message if the supervisor or designee is unavailable or the Employer may instruct an employee to call a secondary number, and the employee will not be required to call back. The employee or his/her designee must call each day of the absence unless a return to work date has been established.

Each unit supervisor shall advise and post his/her unit's procedures for reporting unscheduled absences. Failure to report absences due to illness may result in the employee being charged "AWOL" in accordance with the DHMH AWOL Policy Number 02.09.01.

**G. Chronic Conditions**

Employees who suffer from chronic or recurring illnesses or disabling conditions which do not require a visit to a health care provider each

time the condition is manifested, shall not be required to provide medical certification for each absence if it is less than 5 days. Employees suffering from a chronic condition must submit medical documentation regarding this condition every 6 months, unless the chronic condition is deemed to be permanent to the Office of Human Resources or their Personnel Office for inclusion in the employee's medical file.

Employees who use sick leave for a chronic condition, at the time of notification to the supervisor or their designee must inform the person the absence is due to their chronic condition.

Unless the employee submits medical documentation for each absence, it will be counted as an occurrence of sick leave.

#### **H. Attendance Control**

Each supervisor, for the purposes of controlling attendance, should refer to Article 12 of the State's Collective Bargaining Agreement.

#### **I. Death in the Employee's Immediate Family**

1. A maximum of 5 working days, depending on need, may be charged to sick leave in the event of death of the following members of the immediate family:
  - a. Spouse;
  - b. Children, including foster and stepchildren;
  - c. Parents, stepparents, or foster parents of the employee or spouse, or others who took the place of parents;
  - d. Legal guardians of the employee or Spouse;
  - e. Brothers and sisters of the employee or spouse;
  - f. Grandparents or grandchildren of the employee or spouse;
  - g. Other relatives living as a member of the employee's household.
2. The employee may elect to receive up to three (3) days of bereavement leave in lieu of three (3) of the (5) sick days upon death of the following family members:

- a. Spouse;
  - b. Children, foster children, and stepchildren;
  - c. Parents, stepparents
  - d. Brothers and sisters
  - e. Grandparents and grandchildren of the employee.
3. A maximum of one day may be charged to sick leave in the event of death of one of the following family members:
- a. Aunts and Uncles of employee or spouse;
  - b. Nephews and nieces of employee or spouse;
  - c. Brothers-in-law, sisters-in-law of employee or spouse;
  - d. Sons-in-law, daughters-in-law of employee.

**J. Maternity / Paternity Leave**

An employee who wishes to use accrued sick leave to care for a newborn or newly adopted child shall be allowed to use up to 30 days of accrued sick leave to care for the child immediately following the birth of the child. In instances where both the man and woman are state employees, a maximum of 40 days may be charged to accrued sick leave to care for the child immediately following the birth.

**K. Adoption**

An employee who wishes to use accrued sick leave to care for an adopted child may be allowed to use up to 30 days of accrued sick leave to care for the child immediately following the placement of the child into the employee's home. In instances where both the man and woman are state employees, a maximum of 40 days may be charged to accrued sick leave immediately following the adoption.

**L. Work Related Accident Leave**

State Personnel and Pensions Article, Title 9, Subtitle 7, Annotated Code of Maryland governs eligibility for work-related accident leave.

1. Each employee in the State Personnel Management System, except EM and Contractual employees, is entitled to work

related accident leave paid at 2/3rds their salary (which is exempt from federal and state taxes) if:

- a. The employee sustains a disabling work-related injury that has been determined to be compensable under the Maryland Workers Compensation Act (MWCA); and
  - b. A physician examines the employee and certifies that the employee is disabled because of the injury.
2. Within 14 days of receiving notice that an employee has been disabled by a work-related injury, the appointing authority shall notify the employee of their right to file a claim with the Maryland Workers' Compensation Commission.
  3. The employee or someone on their behalf shall provide oral or written notice of the accident to the employee's appointing authority immediately after the accident occurs.
  4. The employee or someone on their behalf shall complete a report of injury, and provide this report and any medical documentation to the employee's appointing authority within 3 working days after the accident occurs.
  5. The appointing authority shall grant work-related accident leave to an employee in accordance with State Personnel and Pensions Article 9-702.

An employee may use work-related accident leave:

- a. Beginning on the first day of disability; and continuing to the earlier of: the day that the employee is able to return to work, as certified by a physician, or 6 months from the date of disability.
- b. After an employee returns to work, work-related accident leave may be granted for continuing treatment as certified by a physician selected by the appointing authority up to 6 months from the day of the original disability. Beginning the first day of the

month that follows the last day of the 6-month period, the employee who uses accident leave is exempt from social security taxes.

6. If a Workers Compensation Commission order determines that the injury is not compensable, the appointing authority shall correct the employee's leave record to reflect a conversion of the work-related accident leave to leave with pay, or, if the employee does not have leave with pay, to leave of absence without pay.
7. The employee shall reimburse the State for any leave advanced for an injury which is subsequently determined to be noncompensable.
8. After all work-related accident leave has been used, the employee may be entitled to temporary total benefits for loss of wages according to Maryland Workers' Compensation Act (MWCA).
9. Medical and hospital expenses may be paid on behalf of an injured employee in accordance with (MWCA).
10. While EM and Contractual employees are not eligible to receive Accident Leave they are entitled to file a Workers Compensation Claim with IWIF if they sustain a work related injury.

**M. Family Medical Leave Act (FMLA)**

Each employee who has worked for the State a minimum of 12 months and 1,250 hours in the previous 12 months may use up to 12 weeks of FMLA for the following reasons:

- a. Serious illness of the employee;
- b. Serious illness of an immediate family member (in-laws are excluded);
- c. Birth of the employee's baby;
- d. Adoption of the employee's child;

- e. Absences relating to a chronic condition (i.e., diabetes, cancer, heart condition etc.).

For leave taken under FMLA for the birth or adoption of a child, the employee may use 6 weeks of sick leave immediately following the birth unless medical documentation is received for a longer period of recovery. An employee may use 6 weeks of sick leave for adoption and the additional 6 weeks as annual, personal, or unpaid leave if no leave is available. Compensatory leave used for FMLA is at the employee's discretion.

Absences taken under FMLA do not count as an occurrence of sick leave, and the employee may not be counseled for sick leave usage.

#### **N. Employee-to-Employee Leave Donations**

- a. An employee may donate annual, sick, personal leave to another employee, if that employee has exhausted all forms of leave and is out for a serious and prolonged medical condition. "Serious and prolonged medical condition" means a physical or mental impairment that substantially limits the ability of the individual to perform the essential functions of the individual's job, which cannot be accommodated through reasonable accommodation.
- b. An employee may donate annual, sick, personal leave to another employee to pay back an advanced sick leave debt.
- c. If the employee making the donation donates sick leave, they must have a balance of 240 hours of sick leave after the donation has been made. There are no balance requirements for donating any other type of leave.
- d. An employee who wishes to donate leave to another employee shall complete the MS405, Employee-to-Employee Leave Donation Form.

- e. Effective June 1, 1999, an employee may receive donated leave if they have exhausted all of their leave and are out for a catastrophic illness of an immediate family member. (Definition of catastrophic illness for family member is terminal).
- f. An employee who uses donated leave, may not receive more than a combined total of 2,080 hours from other employees or the State Employees' Leave Bank during the employee's entire State service.

**O. State Employee's Leave Bank**

- a. An employee is a member of the Leave Bank for 2 years, if they donate a minimum of 8.0 hours of annual, sick, or personal leave to the bank.
- b. If donating sick leave, the employee must have a balance of 240 hours after the donation is made. There are no balance requirements for donating annual or personal leave.
- c. An employee who wishes to donate leave to the State Employees' Leave Bank must complete an MS401, and submit it to the Office of Human Resources within 60 days of beginning employment or during open enrollment.
- d. An employee is eligible to receive leave from the Bank, if the employee has been a member of the Bank for 90 days, or has been exempted from the membership requirement by the Secretary for good cause.
- e. An employee may receive leave from the Bank if they have exhausted all forms of annual, sick, personal, and compensatory leave because of a serious and prolonged medical condition.
- f. An employee may not receive more than a combined total of 2,080 hours of leave from the Bank and other employees during the employee's entire State service.

- g. An employee may not use leave from the Bank for any continuous period that, when combined with all other forms of paid leave, exceeds 16 months.
- h. If an employee wants to request leave from the Bank, the employee or their authorized representative shall submit to Office of Human Resources an MS408 form. The request must be accompanied by the medical documentation required.
- i. Leave will be granted to employees with serious and prolonged medical conditions who have provided satisfactory medical documentation. DHMH Office of Human Resources will grant leave provided the employee meets the criteria for receiving leave bank, pending DBM's approval.
- j. Requests for leave should be submitted enough in advance so the employee does not suffer loss of pay during approval period.
- k. Approval for an eligible employee is discretionary, and denial will be based on any reason which is consistently applied and that is not illegal or unconstitutional. In denying a request DBM may consider the following factors:
  - 1. A record of sick leave abuse by the employee;
  - 2. Insufficient medical documentation of a serious and prolonged medical condition;
  - 3. Unsatisfactory employee performance ratings;
  - 4. The amount of leave previously granted from the Bank;
  - 5. Whether the employee qualifies for use of earned paid sick leave under the requirements of the employee's personnel system;
  - 6. Whether the employee will return to work;
  - 7. Whether the employee has, through intimidation, threat, or coercion, interfered with or attempted to interfere with the right of another employee to contribute or not contribute, receive, or use donated leave, promised to confer or conferred an appointment, promotion, compensation, or other benefit, or effected or threatened to effect a reprisal, including the deprivation of an

appointment, promotion, compensation, or other benefit in connection with the right of another employee to contribute, receive, use or donate leave.

- I. An employee who is denied leave from the Leave Bank may appeal within 14 days of denial by submitting the MS406 for to the Secretary of DBM, requesting reconsideration.

**P. Grievances**

- a. With prior supervisory approval an employee is given reasonable time during work hours to investigate appeals and participate in settlement conferences and hearings relating to an appeal in accordance with COMAR 17.04.07.
- b. With prior supervisory approval an employee or their representative shall be given reasonable time during work hours to investigate appeals and participate in settlement conferences and hearings relating to an appeal in accordance with COMAR 17.04.07.

**Q. Compensatory Leave**

- a. With prior supervisory approval an employee may use compensatory leave to the extent at which it was earned.
- b. Except for 7-day-a-week facilities an employee with prior supervisory approval an exempt or non-exempt employee including a temporary employee may earn and use compensatory leave for religious observances. Compensatory leave taken for a religious observance must be earned prior to using the leave. Exempt employees will earn compensatory time hour for hour. Non-exempt employees who are compensated at the 40/40 method of overtime will accumulate time plus one-half for all hours over 40 in the standard workweek Wednesday through Tuesday. Non-exempt employees who are compensated at the 8/80 method of overtime will accumulate time plus one-half for all hours over

8.0 in a day or 80 in a pay period whichever is greater.

Compensatory leave earned for religious observance, if not used, cannot be monetarily reimbursed; and will be forfeited if not used within one year of earning. Employees shall not be permitted to earn more Religious observance leave than needed for a Planned absence.

- c. An employee who has exhausted all of their sick leave and is absent due to their illness or an illness of their immediate family member may use compensatory leave in-lieu of sick leave for these instances.
- d. With prior supervisory approval, an employee may use compensatory leave due to lateness of six (6) minutes or more.
- e. With prior supervisory approval an employee may use compensatory leave for an emergency situation.

**R. Personal Leave**

- a. All employees, with the exception of EM and contractual, earn personal leave based on Entry on Duty Date and funded percentage of position.
- b. At the beginning of the first full pay period of the calendar year an employee is entitled to 6 days, not to exceed 48 hours of personal leave. Employees who are employed less than 100% shall earn a pro-rated amount of personal based on the funded percentage of the position.
- c. For a calendar year in which an employee begins employment, the employee is entitled only to the following personal leave with pay:
  - 1. 6 days, not to exceed 48 hours, if employment begins on or after January 1, and on or before the last day in February.
  - 2. 5 days, not to exceed 40 hours, if employment begins on or after March 1, and on or before April 30.

3. 4 days, not to exceed 32 hours, if employment begins on or after May 1, and on or before June 30.
  4. 3 days, not to exceed 24 hours, if employment begins on or after July 1.
- d. Personal leave may be used for any purpose to the extent to which it was earned, after notice to the employee's immediate supervisor.
  - e. Except for those employees working in a unit that provides a service continuously on a 7-day-a-week basis, an employee may take up to six (6) days of unscheduled personal leave in a calendar year. A supervisor may deny a request for personal leave only if the denial is necessary because of a critical shortage of staff in the employee's unit.
  - f. Employees in a unit that provides a service on a 7-day-a-week basis may take up to six (6) days of personal leave in a calendar year only after obtaining approval from the employee's supervisor.
  - g. If an employee requests personal leave to observe a religious holiday, the supervisor may deny the request only if:
    1. The employee's unit provides a service on a 7-day-a-week basis;
    2. The denial is necessary because of a critical shortage of staff in the unit;
    3. No reasonable accommodation to the employee's request can be made.
  - h. Once an employee has exhausted all of their accumulated sick leave, they may request personal leave for their illness or an illness of an immediate family member.
  - i. An employee may not accumulate unused personal leave. Any unused personal leave unless the employee objects shall be placed in the State Employees' Leave Bank. Employees who forfeit 8.0 hours or more of Personal leave will become

members of the State Employees' Leave Bank for a period of two years.

**S. Holiday Leave**

- a. Each employee except temporary or contractual is entitled to Holiday leave with pay for each employee holiday specified below.
- b. Employees working in a unit which provide a 7-day-a-week service will earn one (1) holiday each month except June. For years in which a general election is held these employees will earn (2) holidays in November.
- c. Except for employees working in a unit which provides a 7-day-a-week service, an employee shall use holiday leave on the day it occurs.
- d. Employees whose timesheets reflect leave without pay status at the close of the preceding shift the day before and at the beginning of the shift the day following the holiday will not be paid for the holiday.
- e. Employee Holidays include:
  1. January 1, for New Year's Day;
  2. January 15, for Dr. Martin Luther King, Jr.'s birthday, unless the United States Congress designates another day for observance of that legal holiday, in which case, the day designated by the United States Congress;
  3. The third Monday in February, for Presidents' Day;
  4. May 30, for Memorial Day, unless the United States Congress designates another day for observance of that legal holiday, in which case, the day designated by the United States Congress;
  5. July 4, for Independence Day;
  6. The first Monday in September, for Labor Day;
  7. October 12, for Columbus Day, unless the United States Congress designates another day for observance of that

legal holiday, in which case, the day designated by the United States Congress;

8. November 11, for Veterans' Day;
  9. The fourth Thursday in November, for Thanksgiving Day;
  10. The Friday after Thanksgiving Day;
  11. December 25, for Christmas Day;
  12. Each statewide general election day in this State; and
  13. Each other day that the President of the United States or the Governor designates for general cessation of business.
- f. Each employee, except those working in a unit which provide a 7-day-a-week, 24-hour service, will earn compensatory leave if they work on a day that has been declared a holiday. Compensatory leave earned for working on a State Holiday will be forfeited if not used within 1 year from the date it was earned.
- g. Employees in the Executive Pay Plan at a pay grade of (ES) 6 or above may receive compensatory leave earned for each holiday only if the employee works 5 or more hours on that day. The employee shall receive 1 day of compensatory time if they work 5 or more hours.
- h. Employees who work a compressed workweek shall be entitled to 8.0 hours or to a percentage of 8.0 hours holiday leave equal to the funded percentage of their position. The balance of the day must be work time, paid leave, or leave without pay if no leave is available.

**T. Release Time**

- a. One day of release time will be granted to employees of the Department of Health and Mental Hygiene who donate blood three (3) times during a fiscal year. Documentation is required when an employee uses this time.
- b. Emergency release time is used when an employee is released from duty due to an emergency condition.

- c. Incentive Programs-State is a release from work awarded due to an innovative idea.
- d. An appointing authority may authorize paid administrative leave, not to exceed 10 work days, in order to remove an employee from the workplace when the employee:
  - 1. May pose a threat to self, another individual, or State property;
  - 2. May be incapable of properly performing the employee's duties because of extraordinary circumstances; or
  - 3. Is under investigation for work-related conduct.
- e. Administrative leave granted in (d) is not a disciplinary action.
- f. Employees may be granted release time to attend union activities. Release time under this section requires prior approval from the employee's supervisor and the Department of Budget and Management. Documentation is required when using this type of leave.

**U. Court Leave**

- a. An employee who serves as a member of a jury is entitled to leave with pay. Employees who are scheduled to work other than a day shift shall be reassigned to a day shift during the period of jury duty service. If, after reporting for jury duty, the employee is dismissed for the day, the employee shall return to work if time permits. A copy of the subpoena for jury duty is required.
- b. An employee who is summoned to appear in a court action, before a grand jury, before an administrative agency, or for a deposition, and is neither a party to the action or a paid witness, may be absent from work without loss of pay or leave. A copy of the subpoena is required.

**V. Military Leave**

An employee who is a member of a reserve unit of the armed forces, or in the organized militia, is entitled to leave with pay for military training for a period of not more than 15 days annually without loss of pay or charge against leave. A copy of the military orders is required.

**W. State Interview/State Test**

- a. An employee may use up to 4.0 hours without loss of pay or charge against leave to take a State test on the employee's scheduled work day. An employee who has to travel in excess of fifty (50) miles will be given additional administrative leave not to exceed eight (8) hours in total. (Documentation is required).
- b. An employee may use up to 4.0 hours without loss of pay or charge against leave to attend a State interview on the employee's scheduled work day. An employee who has to travel in excess of fifty (50) miles will be given additional administrative leave not to exceed eight (8) hours in total. (Documentation is required).

**X. Training**

- a. An employee may be granted time during work hours to participate in training activities and seminars. Use of this leave requires prior supervisory approval.
- b. An employee may be granted time during work hours to participate in an out-service training. Use of this leave requires prior approval from the supervisor and DHMH Training Services Administration.

**Y. Leave of Absence without Pay (LAW)**

- a. An employee may be granted leave without pay only after the employee has exhausted all available leave. No leave will be earned while the employee is on LAW.

- b. An employee who has exhausted all available leave and is absent due to their illness or the illness of an immediate family member may be granted LAW for that leave. No leave will be earned while the employee is on LAW.
- c. An employee who fails to submit documentation required for an absence shall be placed on Undocumented LAW. No leave will be earned while the employee is on LAW.
- d. An employee who is absent without prior approval shall be placed on Unauthorized LAW, and may be disciplined. No leave shall be earned while the employee is on LAW.
- e. An employee who has exhausted all paid leave may be granted emergency LAW with prior supervisory approval. No leave will be earned while the employee is on LAW.
- f. An employee who has exhausted all paid leave with the exception of compensatory leave may be granted LAW for an absence charged to FMLA. Use of this leave requires documentation and approval by the Appointing Authority.

**Z. Suspensions**

- a. LAW used to implement disciplinary suspensions. Requires approval from the Appointing Authority. No leave shall be earned while the employee is suspended.

**Other Types of Leave**

- a. Disaster Service Leave applies to all employees including temporary employees. On request, an employee subject to this section may be entitled to 15 days of disaster service leave in any 12-month period only after obtaining approval from the employee's appointing authority if:
  - 1. The employee is certified by the American Red Cross as a disaster service volunteer; and

2. The American Red Cross requests the services of the employee during a disaster that: Occurs in the State or a state that is contiguous to the State; and Is designated at Level 11 or above in the regulations and procedures of the National Office of the American Red Cross.

For purposes of workers' compensation and The Maryland Tort Claims Act, while an employee is using disaster leave, the employee is deemed not to be a State employee.

- b. An employee is entitled to receive appropriate health care to be provided by the appointing authority and leave with pay if:
  1. The employee has a positive tuberculin skin test result on a test taken by the employee at the discretion of the employee's appointing authority; and
  2. The Secretary of Health and Mental Hygiene determines that, for public health reasons, the employee should not work for a given period of time.

Leave granted for public health reasons may not exceed 90 days. If it is determined that a longer absence is medically required, the employee may use other forms of leave to the extent authorized.

## V. COMPENSATION REQUIREMENTS

### A. Computation of Cash Overtime Rates

1. Employees not working in a 7-day-a-week unit will be compensated at the regular straight-time hourly rate of pay for all hours worked up to 40 during the standard work-week Wednesday through Tuesday, and time plus one-half the hourly rate of pay for all hours exceeding 40 during the standard workweek Wednesday through Tuesday. The method used to determine an employee's hourly rate is: take the bi-weekly salary and divide it by the number of hours scheduled according to the employee's funded percentage. To determine the time plus one-half rate, take the hourly rate times 1.5 (see example below).

John Doe is a 100% employee who was leave without pay in the 1st week 6.0 hours, but worked 2.0 hours overtime on Saturday. In the 2nd week, he worked a total of 44.0 hours. He is entitled to 6.0 hours of overtime compensation, 2.0 at straight time, and 4.0 at time plus one-half, shown below:

$\$665.37 / 80.0 = 8.317125$  straight hourly rate

$8.317125 \times 1.5 = 12.475688$  time plus one-half

The total overtime amount due John Doe is:

$8.317125 \times 2.0 \text{ hours} = \$16.63$ .  $12.475688 \times 4.0 = \$49.90$  for a total overtime payment of  $\$66.53$ .

2. Agencies, which operate on a 7-day-a-week schedule, will compensate all shift employees overtime at the 8/80 method, unless the employee is on an approved compressed work schedule. Under the 8/80 method of overtime, all hours worked over 8.0 in a day or 80.0 in a pay period are compensated at time plus one-half. For the purposes of computing overtime a day is considered the 24-hour period beginning with the start of

the employee's shift. Consequently, any hours worked in that 24-hour period are considered to have been worked in the same day even if the hours worked cover two (2) separate shifts. Employees working under the 8/80 method of overtime compensation should be given off 16 hours between shifts. In instances where the employee has less than 16 hours between shifts, the employee will be compensated at time plus one-half for all hours within the 24-hour period. An example of this is as follows:

If an employee works from 3:00 p.m. to 11:30 p.m. on June 1, and works from 1:00 p.m. to 9:30 p.m. on June 2, then the employee is entitled to 6.0 hours at straight time and 2.0 hours at time plus one-half. The employee is only entitled to time plus one-half for the 2.0 hours within the 24-hour period. The hours worked after 3:00 p.m. are considered another day.

Example 1:

Jane Doe is employed in a 7-day-a-week unit and works a rotating shift. Ms. Doe worked a total of 84.0 hours during the pay period. On June 1st, Ms. Doe worked 3:00 p.m. to 3:30 a.m., then on June 2nd, she worked 3:00 p.m. to 11:30 p.m.

The method used to compute Ms. Doe's overtime is as follows:

$$\underline{\$665.37 / 80.0 = 8.317125}$$

bi-weekly rate of pay divided by the regular hours worked in the pay period equals the straight time hourly rate.

$$\underline{8.317125 \times 4.0 \text{ hours} = \$33.27}$$

the straight time hourly rate multiplied by the 4.0 hours worked over 8.0 in a day equals the straight overtime amount due.

$$\underline{\$665.37 + 33.27 + 50.00 = \$748.64}$$

the employee's bi-weekly salary plus the amount due at straight time for working 4.0 hours overtime plus the amount of shift differential due the employee for the pay period equals the adjusted bi-weekly salary.

$$\underline{84.0 \text{ hours} \times 2 = 168.0 \text{ hours}}$$

the total hours the employee worked in the pay period multiplied by 2.

$$\underline{\$748.64 / 168.0 \text{ hours} = 4.456190}$$

the adjusted bi-weekly rate of pay divided by the above hours equals the half time rate due the employee.

$$\underline{4.456190 \times 4.0 \text{ hours} = \$17.82}$$

the half-time hourly rate multiplied by the 4.0 hours of overtime worked equals the half time rate due employee.

$$\underline{\$33.27 + 17.82 = \$51.09}$$

the amount due at straight time plus the amount due at half time equals the time plus on-half amount due the employee who works over 80 hours and shift differential in the pay period.

### Example 2:

John Doe is employed in a 7-day-a-week unit and works a rotating shift. Mr. Doe only worked 80 hours during the pay period. On June 1st, Mr. Doe worked 3:00 p.m. to 11:30 p.m., and then on June 2nd, Mr. Doe worked 1:00 p.m. to 9:30 p.m., 2.0 hours within the 16 hours between shifts. The method used to compute Mr. Doe's rate of pay for the pay period is as follows:

$$\underline{\$665.37 / 80.0 \text{ hours} = 8.317125}$$

biweekly rate of pay divided by the regular hours worked in the pay period equals the straight time hourly rate.

$$\underline{8.317125 \times 78.0 \text{ hours} = \$648.74}$$

the straight time hourly rate multiplied by the hours the employee worked equals the regular rate of pay for the pay period.

$$\underline{8.317125 \times 2.0 \text{ hours} = \$16.63}$$

the straight time hourly rate multiplied by the hours the employee worked overtime due to not receiving 16 hours off

between shifts equals the straight overtime amount due.

$$\underline{\$648.74 + \$16.63 + \$45.00 = \$710.37}$$

the employee's bi-weekly salary for working 78.0 hours plus the amount due for working 2.0 hours overtime plus the shift differential the employee is due for the pay period equals the adjusted bi-weekly salary.

$$\underline{80.0 \text{ hours} \times 2 = 160.0 \text{ hours}}$$

the total hours the employee worked multiplied by 2.

$$\underline{\$710.37 / 160.0 \text{ hours} = 4.439813}$$

the adjusted bi-weekly salary divided by the total hours above equals the half-time rate due employee.

$$\underline{4.439813 \times 2.0 \text{ hours} = \$8.88}$$

the half-time hourly rate multiplied by the 2.0 hours overtime worked equals the half-time amount due employee.

$$\underline{\$16.63 + \$8.88 = \$25.51}$$

the amount due at straight time plus the amount due at half time equals the amount due employee at time plus one-half.

$$\underline{\$648.74 + 25.51 = \$674.25}$$

the amount due the employee for working 78.0 hours regular time plus the amount due for working 2.0 hours overtime at time plus one-half equals the employees total paycheck for the pay period.

For the purposes of computing overtime for employees paid on the 40/40 or 8/80 method of overtime, **paid leave counts as work time.**

## **B. Shift Differential**

- a. The state shall pay shift differential to an between pay grades 5 through 17 in a position, designated by the appointing authority, who works a qualifying shift which starts at or after 2 p.m. and at or before 1 a.m.

- b. For classifications in salary grades 5 through 17, the rate of shift differential pay will be \$ .625 per hour. The breakdown for shift in hours and tenths is as follows:

Shift Differential Pay Grades 5 through 17: \$5.00 per 8.0 Hour Shift			
Hours Worked	Amount Due	Tenths Worked	Amount Due
1.0 hour	\$0.63	.1 tenth	\$ .06
2.0 hours	\$1.25	.2 tenths	\$ .13
3.0 hours	\$1.88	.3 tenths	\$ .19
4.0 hours	\$2.50	.4 tenths	\$ .25
5.0 hours	\$3.13	.5 tenths	\$ .31
6.0 hours	\$3.75	.6 tenths	\$ .38
7.0 hours	\$4.38	.7 tenths	\$ .44
8.0 hours	\$5.00	.8 tenths	\$ .50
		.9 tenths	\$ .56

The State shall pay \$1.00 per hour for the following classifications that work on weekends: Direct Care Assistants, Certified Nursing Assistants, Geriatric Nursing Assistants, Developmental Disability Associates, Health Aides, Licensed Practical Nurses, Security Attendant Nursing, Security Attendant – Rosewood Jessup, Dialysis Technicians

Shift Differential Pay Grades 5 through 17: \$8.00 per 8.0 Hour Shift Working on Weekends.

Hours Worked	Amount Due	Tenths Worked	Amount Due
1.0 hour	\$1.00	.1 tenth	\$ .10
2.0 hours	\$2.00	.2 tenths	\$ .20
3.0 hours	\$3.00	.3 tenths	\$ .30
4.0 hours	\$4.00	.4 tenths	\$ .40
5.0 hours	\$5.00	.5 tenths	\$ .50
6.0 hours	\$6.00	.6 tenths	\$ .60
7.0 hours	\$7.00	.7 tenths	\$ .70
8.0 hours	\$8.00	.8 tenths	\$ .80
		.9 tenths	\$ .90

- c. For sworn police officers, the rate of shift differential pay will be 1.00 per hour. The breakdown for shift in hours and tenths is as follows:

Shift Differential For Sworn Police Officers: \$8.00 per 8.0 Hour Shift			
Hours Worked	Amount Due	Tenths Worked	Amount Due
1.0 hour	\$1.00	.1 tenth	\$ .10
2.0 hours	\$2.00	.2 tenths	\$ .20
3.0 hours	\$3.00	.3 tenths	\$ .30
4.0 hours	\$4.00	.4 tenths	\$ .40
5.0 hours	\$5.00	.5 tenths	\$ .50
6.0 hours	\$6.00	.6 tenths	\$ .60
7.0 hours	\$7.00	.7 tenths	\$ .70
8.0 hours	\$8.00	.8 tenths	\$ .80
		.9 tenths	\$ .90

- d. The State shall pay shift differential on a pro-rated basis to an employee who works any part of a qualifying shift.
- e. The State shall pay a separate shift differential to an employee who works overtime from a qualifying shift into another qualifying shift, in addition to any overtime payment or compensatory time to which the employee may be entitled.
- f. The State shall pay a separate shift differential, in addition to any overtime or compensatory time to which the employee may be entitled, to an employee who works overtime from a non-qualifying shift into a qualifying shift, if the employee works at least half of the qualifying shift.
- g. Shift differential will not be paid for hours when an employee is on leave.

**C. Nursing Differential**

- a. For registered nurses through grade 19 in State institutions, Clifton T. Perkins, the state shall pay \$2.60 per hour shift differential for working weekday evening shift 2.
- b. For registered nurses through grade 20 at Clifton T. Perkins, the state shall pay \$2.60 per hour shift differential for working weekday evening shift 2. The breakdown for shift in hours and tenths is as follows:

Shift Differential For Registered Nurses through Grade 20: \$20.80 per 8.0 Hour Shift working weekday evening shift 2			
Hours Worked	Amount Due	Tenths Worked	Amount Due
1.0 hour	\$ 2.60	.1 tenth	\$ .26
2.0 hours	\$ 5.20	.2 tenths	\$ .52
3.0 hours	\$ 7.80	.3 tenths	\$ .78
4.0 hours	\$10.40	.4 tenths	\$ 1.04
5.0 hours	\$13.00	.5 tenths	\$ 1.30
6.0 hours	\$15.60	.6 tenths	\$ 1.56
7.0 hours	\$18.20	.7 tenths	\$ 1.82
8.0 hours	\$20.80	.8 tenths	\$ 2.08
		.9 tenths	\$ 2.34

- c. In addition to shift differentials and any other differential paid, the State shall pay \$2.00 per hour to registered nurses through Salary grade 19 who work weekday nights shift 3 in State institutions, except Clifton T. Perkins.
- d. In addition to shift differentials and any other differential paid, the State shall pay \$2.00 per hour to registered nurses through Salary grade 20 who work weekday night's shift 3 at Clifton T. Perkins. The breakdown for shift in hours and tenths is as follows:

Shift Differential For Registered Nurses through Grade 20 working weekday nights shift 3: \$16.00 per 8.0 Hour Shift			
Hours Worked	Amount Due	Tenths Worked	Amount Due
1.0 hour	\$ 2.00	.1 tenth	\$ .20
2.0 hours	\$ 4.00	.2 tenths	\$ .40
3.0 hours	\$ 6.00	.3 tenths	\$ .60
4.0 hours	\$ 8.00	.4 tenths	\$ .80
5.0 hours	\$10.00	.5 tenths	\$1.00
6.0 hours	\$12.00	.6 tenths	\$1.20
7.0 hours	\$14.00	.7 tenths	\$1.40
8.0 hours	\$16.00	.8 tenths	\$1.60
		.9 tenths	\$1.80

- e. The State shall pay registered nurses through grade 19 who work weekend day shifts in State institutions except Clifton T. Perkins, \$2.00 per hour shift differential.
- f. The State shall pay registered nurses through grade 20 who work weekend day shifts at Clifton T. Perkins, \$2.00 per hour shift differential. The breakdown in hours and tenths is as follows:

Weekend differential runs from 3<sup>rd</sup> shift on Friday through 2<sup>nd</sup> shift on Sunday.

Shift Differential For Registered Nurses through Grade 20 who work weekend day shifts: \$16.00 per 8.0 Hour Shift			
Hours Worked	Amount Due	Tenths Worked	Amount Due
1.0 hour	\$ 2.00	.1 tenth	\$ .20
2.0 hours	\$ 4.00	.2 tenths	\$ .40
3.0 hours	\$ 6.00	.3 tenths	\$ .60
4.0 hours	\$ 8.00	.4 tenths	\$ .80
5.0 hours	\$10.00	.5 tenths	\$1.00
6.0 hours	\$12.00	.6 tenths	\$1.20
7.0 hours	\$14.00	.7 tenths	\$1.40
8.0 hours	\$16.00	.8 tenths	\$1.60
		.9 tenths	\$1.80

- g. The State shall pay registered nurses through grade 19 who work weekend evening shifts in State institutions except Clifton T. Perkins, \$4.60 per hour shift differential.
- h. The State shall pay registered nurses through grade 20 who work weekend evening shifts in State institutions at Clifton T. Perkins, \$4.60 per hour shift differential.

Shift Differential for Registered Nurses through grade 20 - working weekend evening shift 2: \$36.80 per 8.0 hour shift.

Hours Worked	Amount Due	Tenths Worked	Amount Due
1.0 hour	\$ 4.60	.1 tenth	\$ .46
2.0 hours	\$ 9.20	.2 tenths	\$ .92
3.0 hours	\$13.80	.3 tenths	\$1.38
4.0 hours	\$18.40	.4 tenths	\$1.84
5.0 hours	\$23.00	.5 tenths	\$2.30
6.0 hours	\$27.60	.6 tenths	\$2.76
7.0 hours	\$32.20	.7 tenths	\$3.22
8.0 hours	\$36.80	.8 tenths	\$3.68
		.9 tenths	\$4.14

- i. The State shall pay registered nurses through grade 19 who work weekend night shifts in State institutions except at Clifton T. Perkins, \$4.00 per hour shift differential.
- j. The State shall pay registered nurses through grade 20 who work weekend night shifts at Clifton T. Perkins, \$4.00 per hour shift differential.

Shift Differential for Registered Nurses through grade 20- working weekend night shift 3: \$32.00 per 8.0 hour shift.

Hours Worked	Amount Due	Tenths Worked	Amount Due
1.0 hour	\$ 4.00	.1 tenth	\$ .40
2.0 hours	\$ 8.00	.2 tenths	\$ .80
3.0 hours	\$12.00	.3 tenths	\$ 1.20
4.0 hours	\$16.00	.4 tenths	\$ 1.60
5.0 hours	\$20.00	.5 tenths	\$ 2.00
6.0 hours	\$24.00	.6 tenths	\$ 2.40
7.0 hours	\$28.00	.7 tenths	\$ 2.80
8.0 hours	\$32.00	.8 tenths	\$ 3.20
		.9 tenths	\$ 3.60

k. The State shall pay a registered nurse that works in a State institution time plus one-half the regular rate of pay for any shift on any of the following holidays:

- a. New Year's Day;
- b. Memorial Day;
- c. Independence Day;
- d. Labor Day
- e. Thanksgiving Day;
- f. The day after Thanksgiving;
- g. Christmas Day.

l. The State shall pay community health nurses through salary grade 16 assigned to the Home Health Program of the Department of Health and Mental Hygiene who are required to be available for consultations on an on-call basis a differential of \$1.50 per hour during the period of time on-call. If the nurse is required to work during the period of on-call, the shift differential will stop and the nurse will be compensated either by overtime or compensatory time, whichever is applicable.

Listed below are the shift differential codes presently used by the DHMH Timekeeping System:

EXPLANATION /24-7 shift codes with the exception of RN's	TIME/IN-OUT	SHIFT CODE	DCA/all other
Monday - Friday shift-1	7 am - 3 pm	1	
Monday - Friday shift-2 -no overtime	3 p.m- 11 pm	2	0.625
Sunday - Thursday shift-3 no overtime	11 p.m - 7 am	3	0.625
Friday/ Saturday shift-3 no overtime	11 p.m - 7 am	3	\$1.00
Monday - Thursday ( Friday shift1 + shift 2 only) - no shift paid on regular hours	work regular hours + OT/Comp hrs	4	0.625
Monday - Thursday - shift-2 reg. hrs shift-3 ot/comp (or reverse) -all hrs worked	3 pm - 11 pm reg. hrs / 11 pm - 7 am ot/comp or 3 - 11 ot/comp / 11 pm - 7 am reg. hrs	5	0.625
Friday - shift-3 reg. hrs shift-2 ot/comp hrs	11 pm - 7 am 3pm - 11 pm ot/comp	6	1.00 reg. hrs / .625 ot/comp
Friday shift-2 regular hrs shift-3 ot/comp	3 pm - 11 pm 11 p m - 7am ot/comp	A	.625 reg. hrs 1.00 OT hrs
Saturday & Sunday shift - 1 reg. hrs	7 am - 3 pm	B	1.00 reg. hrs
Saturday & Sunday - shift -1 reg. hrs shift -2 ot/comp	7 am - 3 pm 3 pm - 11 pm ot/comp	C	1.00 all hrs worked
Saturday - shift-2 reg. hrs shift-3 ot/comp	3 pm - 11 pm 11pm - 7 am ot/comp	D	\$1.00 reg. hrs/ 1:00 ot/comp
Sunday shift-2 shift-3 ot/comp	3 pm - 11 pm 11pm - 7 am ot/comp	E	\$1.00 reg. hrs .625 OT/comp
Friday - shift-1 reg. hrs shift-3 ot/comp hrs	7am - 3 pm 11pm - 7am ot/comp	I	1.00 OT/comp hrs
Friday& Saturday - shift-3 reg. hrs shift-1 ot/comp hours	11 pm - 7 am 7 am -3 pm ot/comp	J	1.00 all hours worked
Saturday - shift 1 reg. hrs shift 3 ot/comp	7 - 3 reg. hrs 11 - 7 am ot/comp hrs	K	1.00 all hours worked
Sunday - shift 1 reg. hrs shift 3 ot/comp	7 - 3 reg. hrs 11 - 7 am ot/comp hrs	L	\$1.00 reg. hrs .625 OT/comp
note - Sunday - Thursday shift 3 no ot for hours worked on shift 1			

EXPLANATION - RNS ONLY	TIME/IN-OUT	SHIFT CODE	RN's
Monday - Friday shift-1	7 am - 3 pm	1	
Monday - Friday shift-2 -no overtime	3 p.m- 11 pm	2	\$2.60
Sunday - Thursday shift-3 no overtime	11 p.m - 7 am	3	\$2.00
Friday - Saturday shift-3 no overtime	11 p.m - 7 am	3	\$4.00
Friday - shift-3 reg. hrs shift-2 ot/comp	11 pm - 7 am 3 pm - 11 p.m ot/comp	6	\$4.00 reg. hrs \$2.60 OT/Comp
Monday - Friday -shift-1 reg. hrs shift-2 ot/comp	7 am - 3 pm 3 pm - 11 pm ot/comp	7	\$2.60 OT/comp
Monday - Thursday - shift-2 reg. hrs shift-3 ot/comp	3 pm - 11 pm 11pm - 7 am ot/comp	8	\$2.60 reg. hrs \$2.00 Ot/comp
Friday - shift-2 reg. hrs shift-3 ot/comp	3 pm - 11 pm 11pm - 7 am ot/comp	A	\$2.60 reg. hrs \$4.00 Ot/comp
Saturday & Sunday - shift 1	7 am - 3 pm	B	\$2.00 reg. hrs
Saturday & Sunday - shift -1 shift -2 ot/comp	7 am - 3 pm 3 pm - 11 pm ot/comp	C	\$2.00 reg. hrs \$4.60 OT/comp
Saturday - shift-2 reg. hrs shift-3 ot/comp	3 pm - 11 pm 11 pm - 7 am ot/comp	D	\$4.60 reg. hrs \$4.00 OT/comp
Sunday -shift-2 reg. hrs shift-3 ot/comp	3 pm - 11 pm 11pm - 7 am ot/comp	E	\$4.60 reg. hrs \$2.00 OT/comp
Friday - shift-1 reg. hrs shift-3 comp/OT hrs	7 am - 3 pm 3 pm - 11 pm ot/comp	I	2.60 OT/COMP hrs only
Friday & Saturday - shift 3 reg. hrs shift 1 ot/comp hrs	11 pm - 7 am 7 am - 3 pm ot/comp	J	\$4.00 reg. hrs \$2.00 OT/comp
Saturday- shift 1 reg. hrs shift 3 ot/comp	7 am - 3 pm 11 pm - 7 am ot/comp	K	\$2.00 reg. hrs \$4.00 OT/comp
Sunday - shift 1 reg. hrs shift 3 ot/comp	7am - 3 pm 11 pm - 7am ot/comp	L	\$2.00 reg. hrs \$2.00 OT/comp

#### **D. Acting Capacity Pay**

a. An appointing authority may designate an employee to perform temporary duties in a classification for which the rate of pay is higher than that of the employee's classification for any of the following reasons:

1. The temporary absence of an incumbent;

2. A vacancy exists for which recruitment is underway; or
  3. Unusual circumstances which necessitate assignment of duties at a level higher than that of the employee's classification.
- b. An appointing authority shall ensure that an employee designated to receive acting capacity pay meets the minimum qualifications of the higher level classification and any special requirements of the position.
  - c. An appointing authority may not designate an employee to perform temporary duties in a classification for which the rate of pay is higher than that of the employee's classification if:
    1. The reason is to replace an employee who is using annual leave unless the employee is using that annual leave because of illness, imminent retirement, or resignation;
    2. The reason is to replace an employee who is attending a training program; or
    3. Both the employee's classification and the higher classification are within the same noncompetitive promotion classification series.
  - d. Payment for acting in a higher classification shall be made as follows when the employee's normal rate of compensation is:
    1. Between the grades of 1 through 10, additional compensation shall be paid for the period in excess of 10 continuous work days.
    2. For grades 11 and above, additional compensation shall be paid for the period in excess of 20 continuous work days.
  - e. The initial period of acting capacity pay is limited to 6 months or less and may be extended for periods up to 6 months.
  - f. Employees who are acting in a classification which has been deemed non-exempt by DBM will receive overtime payment for

all hours worked in excess of the employee's normal work day while in the acting capacity status.

- g. Employees who are acting in a classification which has been deemed exempt by DBM will receive compensatory time for hours worked in excess of the employee's normal work day, if the employee works at least 30 minutes past the end of the shift. This will continue for the time the employee is acting in an exempt classification.
- h. At the time the acting capacity is received in the payroll office, the employee will receive cash or compensatory time according to the acting capacity classification. Payroll offices will not penalize employees for overtime, which they may have received prior to receiving acting capacity paperwork.

**E. Bilingual Pay**

- a. An employee may be designated by an appointing authority to provide translation services when the appointing authority determines that these services are necessary to conduct the business of the unit.
- b. Unless bilingual skill is in the classification specification, an appointing authority may not require an employee to use bilingual skills to serve as a translator unless the employee is paid minimum bilingual bonus of \$25.00 per pay period.

**F. Call-Back Pay**

- a. An employee who is called to report to work on the employee's regular day off or who has been recalled to work after having left the employer's premises, shall be guaranteed the greater minimum of 2 hours of pay plus travel time at the:
  - 1. Regular rate of pay; or
  - 2. Applicable overtime rate.

- b. An employee who is currently guaranteed a minimum of pay of greater than 2 hours shall continue to be paid at the greater minimum.
- c. If the employee is paid for 8 hours or more, travel time may not be paid.

**G. Report Pay**

An employee who is pre-scheduled to work overtime in a 24-hour facility and reports for duty will be guaranteed a minimum of three (3) hours overtime pay at the appropriate rate unless it is a holdover from a previous shift. The employer shall notify employees as soon as practical of their scheduled start time in the event the employee is not required to report for prescheduled overtime.

**H. Short Turnaround Pay**

Shift employees of the department including Dietary Workers who work a non-overtime shift that begins less than 24-hours after the start of their previous shift, shall be paid time and one-half for all time worked on the short turnaround shift that occurs within 24-hours of the start of the previous days' shift.

**I. Daylight Savings Time**

All employees on duty during the conversion from Daylight Savings Time to Standard Time shall be given an extra hour compensation to be computed as overtime. All employees on duty during the conversion from Standard Time to Daylight savings Time shall be compensated for their regular shift.

**J. Computation of Leave upon Separation From State Service**

- a. An employee who separates from State service for resignation, leave of absence, retirement is to be paid for up to 50 days carried over from the previous year and any accrual in the year of the resignation, leave of absence or retirement. Employees who elect to carry over 75 days of annual leave must use the

additional 25 days in the year they leave state service or the time is forfeited.

- b. An employee whose State employment is terminated for a cause involving moral turpitude forfeits all unused annual leave and all compensation for unused annual leave.
- c. An employee who terminates prior to working 6 months from the date of employment is not eligible for annual leave or annual leave compensation.
- d. In accordance with FLSA an exempt employee upon separation from State service shall be compensated in cash for up to a maximum of 2 working days of unused compensatory leave. Part-time employee's compensation for compensatory leave shall be pro-rated equal to 2 working days as determined by the funded percentage of employment.
- e. In accordance with FLSA a non-exempt employee with approved compensatory time in lieu of cash, shall be compensated up to 30 days of compensatory time equal to the greater of.
  - 1. The average regular rate received by the employee during the last 3 years of employment; or
  - 2. The final regular rate received by the employee.
- f. Once an employee has given notice of resignation, the employee may not use more than 10 days of annual leave, personal leave, or compensatory leave, or any combination of those types of leave, between the time notice is given and the date of resignation.
- g. Unless the employee objects, unused sick leave at the time of separation shall be placed in the State Employees' Leave Bank.
- h. Unless the employee objects, unused personal leave at the time of separation will be placed in the State Employees' Leave Bank.

**K. Leave of Absence Without Pay**

- a. An employee in the State Personnel Management System may apply for, and the appointing authority may grant, a leave of absence without pay:
  - 1. For personal reasons for a period not to exceed 30 calendar days. If the employee is granted the 30 calendar days, they are not separated from payroll.
  - 2. Under the Family and Medical Leave Act (FMLA) for up to a maximum of 12 weeks as permitted by FMLA; or
  - 3. Up to a maximum of 6 months, for employee's documented temporary illness or disability, when there is medical documentation that the employee can return to the employee's full range of duties within 6 months.
  
- b. A leave of absence without pay may not exceed 2 years except for leave to enter the armed services. Leave to enter the armed services shall be for the period of time of the employee's initial tour of duty in the armed services.
  
- c. For the following conditions, the appointing authority shall automatically authorize leave of absence without pay, unless the employee wishes to resign:
  - 1. An employee who is a member of the armed forces and is called to active service in the armed forces; or
  - 2. An employee injured in the line of duty who, following a period of work related accident leave, has exhausted all paid leave before the employee is able to return to active duty.
  
- d. Except for a leave of absence for military purposes, an employee granted a leave of absence without pay for more than 30 calendar days, and who is ready to return to duty at or before the expiration date of the leave, shall notify the appointing authority of the employee's readiness to return and may be restored if a vacancy exists in the employee's classification within the appointing authority. If the employee is

not restored to duty, the employee may request that the Secretary place the employee's name on the appropriate eligible list as a reinstatement candidate.

- e. An employee, who does not notify the appointing authority in writing of the employee's desire to return to duty before the expiration date of the leave of absence, shall be considered resigned from State Service.
- f. Except employees taking a leave of absence without pay for military purposes, must be compensated for all unused annual leave and up to 2 days of compensatory time at the time of their leave of absence. Part-time employees shall be compensated for all unused annual leave, and the percentage of 2 days compensatory time based on the funded percentage of their position.
- g. When an employee enters military training or service for a period of at least 16 days up to a maximum of 4 years, the employee may request to bank the employee's annual leave earned up to the date of departure for military training or service or to be paid for that earned annual leave. However, after the completion of 4 years, the employee shall be paid for all accumulated annual leave earned up to the date of departure for military service whether or not the employee returns to State service.

**L. Transfer of Leave Earnings**

- a. An employee who transfers to a position in any unit of State government, regardless of the personnel system governing the position shall do so without loss of leave earned or credit for State employment in other units of State government.
- b. Fair Labor Standards Act exempt employees may transfer up to 10 days of compensatory time earned for working additional hours.

- c. Exempt employees, who transfer from one DHMH unit to another, may transfer all unused compensatory time to the new unit regardless of the amount of time.
- d. Fair Labor Standards Act non-exempt employees who have been approved to earn compensatory time in-lieu of cash may transfer up to 30 days of compensatory time.

**M. Record Retention**

When an employee separates from State service, the unit shall retain the employee's last leave record for a period of not less than 4 calendar years from the separation date. If an employee is reinstated within 3 years of separation, into another unit, the new unit shall request the former unit to forward the employee's leave record.

**N. Travel Time**

Normal travel from home to work and from work to home is commuting time and is not work time except for instances described in (Call Back Pay). This is true whether an employee works at a fixed location or at different job sites.

For the purposes of computing compensatory time earned and/or overtime earned while on travel status each employee must deduct their normal commute to and from the office.

For example, if an employee who lives in Baltimore were required to be in Hagerstown (normal travel time - 1 hour, 30 minutes) at 8:30 a.m. (also his normal starting time) he would leave Baltimore at 7:00 a.m. His sign-in/sign-out time would indicate his starting time at 8:00 a.m. (actual start time less 1.0 hour normal commute time). He/she would earn 30 minutes of overtime or compensatory time, as appropriate. The same would apply if he/she left Hagerstown at 5:00 p.m. (normal quitting time) to return home.

If he/she must report in Hagerstown at 9:30 a.m., and leaves Baltimore at 8:00 a.m. This is less than his or her average commute time of 1.0 hour, therefore all travel time is considered work time and no overtime or compensatory time is earned.

**References:**

COMAR Title 17

State Personnel & Pensions Annotated Code of Maryland

Collective Bargaining Agreements

DHMH Policies and Procedures