



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Earned Sick and Safe Leave	<b>Number</b> 19-16
<b>Originating Department</b> Office of Human Resources	<b>Effective Date</b>

## Earned Sick and Safe Leave

Executive Regulation No. 19-16

COMCOR No. 33.07.01

Issued by: County Executive

Supersedes: Executive Regulation No. 12-00AM II, in part

Authority: Montgomery County Code, 2004, §33-7(b)

Council review: Method 1

*Montgomery County Register* Volume 33, Issue 8

Comment deadline: August 31, 2016

Effective date: \_\_\_\_\_

**Summary:** This regulation implements Bill No. 60-14, Earned Sick and Safe Leave, enacted by the Council on June 23, 2015. The regulation amends Sections 17 and 34 of the 2001 Montgomery County Personnel Regulations to establish and maintain an earned sick and safe leave program whereby most temporary and seasonal County employees will earn 1 hour of sick and safe leave for every 30 hours worked up to a maximum of 56 hours in a calendar year. Regular County employees will not receive any additional leave nor will MLS employees. However, regular County employees will be able to use accrued sick leave for an additional purpose – safe leave – when absence from work is due to domestic violence, sexual assault, or stalking suffered by an employee or family member of the employee.

**Address for comments:** Office of Human Resources, Executive Office Building, 7th Floor  
101 Monroe Street, Rockville, Maryland 20850

**Staff contact:** Stuart Weisberg, 240-777-5154, or [stuart.weisberg@montgomerycountymd.gov](mailto:stuart.weisberg@montgomerycountymd.gov)

Please use the key below when reading this regulation:

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing regulation by proposed regulation.</i>
[Single boldface brackets]	<i>Deleted from existing regulation by proposed regulation.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing or proposed regulation by amendment.</i>
* * *	<i>Existing language unchanged by executive regulation.</i>



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## SECTION 17. SICK LEAVE

### 17-1. Definitions.

\* \* \*

- (b) **Earned sick and safe leave:** Paid leave away from work that is provided by the County to eligible temporary and seasonal employees for purposes described in Section 17-19(d).
- (c) [b] **Employee donor:** \* \* \*
- (d) [c] **Employee recipient:** \* \* \*
- (e) [d] **Family sick leave:** Sick leave that an eligible employee may use to care for the immediate family as defined in Section 1-32, or for a family member as defined in Section 17-19(c).
- (f) **Safe leave:** Absence from work due to domestic violence, sexual assault, or stalking suffered by an employee or family member of the employee that is taken as sick leave.
- (g) [(e)] **Sick leave:** \* \* \*
- (h) [(f)] **Sick Leave Donor Program** \* \* \*
- (i) [(g)] **Sick Leave or PTO donation:** \* \* \*
- (j) [(h)] **Sick Leave Restriction:** \* \* \*
- (k) [(i)] **Single extended illness or injury:** \* \* \*

\* \* \*

### 17-7. Use of family sick leave and safe leave.

\* \* \*

- (f) An employee may use up to 80 hours of accrued sick leave in a leave year as earned sick leave or safe leave involving the employee or family member of the employee as described in Section 17-19(c) and (d).



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## 17-19. Earned Sick and Safe Leave.

- (a) Eligibility for Earned Sick and Safe Leave. A temporary or seasonal employee is eligible for sick and safe leave unless the employee:
  - (1) regularly works 8 hours or less each week;
  - (2) does not have a regular work schedule;
  - (3) contacts the employer for work assignments and is scheduled to work the assignments within 48 hours after contacting the employer;
  - (4) has no obligation to work for the employer if the individual does not contact the employer for work assignments; or
  - (5) is employed by a temporary placement agency.
- (b) Earned sick and safe leave accrual rates, carryover, disposition of accumulated earned sick and safe leave at separation from County service, and restoration of leave upon rejoining County employment.
  - (1) An eligible temporary or seasonal employee earns 1 hour of sick and safe leave for every 30 hours worked up to a maximum of 56 hours in a calendar year.
  - (2) Up to 56 hours of sick and safe leave can be carried over from year to year.
  - (3) A temporary or seasonal employee may use up to 80 hours of sick and safe leave in a calendar year.
  - (4) A temporary or seasonal employee forfeits all accumulated earned sick and safe leave when the employee leaves County employment.
  - (5) If a temporary or seasonal employee is rehired by the County within 9 months of separation from County service, the County must reinstate any unused earned sick and safe leave that the employee had when the



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employee left employment, unless the employee would not be eligible for unemployment benefits due to leaving voluntarily without good cause.

- (c) A family member for purposes of earned sick and safe leave includes:
- (1) a biological child, adopted child, foster child, or stepchild of the employee;
  - (2) a child for whom the employee has legal or physical custody or guardianship;
  - (3) a child for whom the employee is the primary caregiver;
  - (4) a biological parent, adoptive parent, foster parent, or stepparent of the employee or the employee's spouse;
  - (5) the legal guardian of the employee;
  - (6) an individual who served as the primary caregiver of the employee when the employee was a minor;
  - (7) the spouse of the employee;
  - (8) a grandparent of the employee;
  - (9) the spouse of a grandparent of the employee;
  - (10) a grandchild of the employee;
  - (11) a biological, adopted, or foster sibling of the employee; or
  - (12) the spouse of a biological, adopted, or foster sibling of the employee.
- (d) An employee may use earned sick and safe leave:
- (1) to care for or treat the employee's mental or physical illness, injury, or condition;
  - (2) to obtain preventive medical care for the employee or family member;
  - (3) to care for a family member with a mental or physical illness, injury or condition;



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- (4) if the employer's place of business has closed by order of a public official due to a public health emergency;
- (5) if the school or child care center for the employee's family member is closed by order of a public official due to a public health emergency;
- (6) to care for a family member if a health official or health care provider has determined that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease; or
- (7) if the absence from work is due to domestic violence, sexual assault, or stalking committed against the employee or family member and the leave is used:
  - (A) by the employee to obtain for the employee or family member:
    - (i) medical attention needed to recover from a physical or psychological injury due to domestic violence, sexual assault, or stalking;
    - (ii) services from a victim services organization related to the domestic violence, sexual assault, or stalking;
    - (iii) legal services, including preparing for or participating in a civil or criminal proceeding related to the domestic violence, sexual assault, or stalking;
  - or
  - (B) during the time that the employee has temporarily relocated due to the domestic violence, sexual assault, or stalking.
- (e) An employee must request earned sick and safe leave under established department procedures or practices.
- (f) If an employee uses 3 or more consecutive days of earned sick and safe



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leave, a supervisor may require reasonable documentation.

- (1) Reasonable documentation to support the use of sick leave includes:
  - (A) medical certification from a licensed health care provider.
- (2) Reasonable documentation to support the use of safe leave includes:
  - (A) a police report indicating that the employee or a family member was a victim of domestic violence, sexual abuse, or stalking;
  - (B) a court order; or
  - (C) a signed statement from a victim and witness advocate, or domestic violence counselor, affirming that the employee or employee's family member is involved in a legal action relating to domestic violence, sexual abuse, or stalking.

\* \* \*

## SECTION 34. GRIEVANCES

\* \* \*

### 34-2. Eligibility to file a grievance.

- (a) A merit system employee who has successfully completed the probationary period and has merit system status, including a term employee, may file a grievance on a matter described in Section 34-4.
- (b) A probationary or temporary employee may file a grievance over a disciplinary action, except for an oral admonishment, or may file a grievance relating to earned sick and safe leave, but may not appeal a grievance decision



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by the CAO to the MSPB.

\* \* \*

Approved: \_\_\_\_\_  
Isiah Leggett, County Executive

\_\_\_\_\_  
Date

Approved as to form and legality:

Aune T. Willee  
Office of the County Attorney

7/21/16  
Date