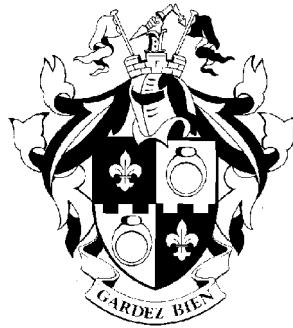


# **EMPLOYEE WORK HOURS AND LEAVE IN MONTGOMERY COUNTY GOVERNMENT**



**OFFICE OF LEGISLATIVE OVERSIGHT  
REPORT NUMBER 2013-3**

**March 5, 2013**

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# Employee Work Hours and Leave in Montgomery County Government

## Office of Legislative Oversight Report 2013-3 • March 5, 2013

The total hours worked by County employees directly correlates with overtime hours worked and with the total number of County Government employees needed to provide services to County residents. Understanding and analyzing employee work hours and leave use can help an employer increase employee availability, quantify the cost of leave, and identify opportunities to improve leave administration.

### EMPLOYEE LEAVE IN MONTGOMERY COUNTY GOVERNMENT

Governed by the Personnel Regulations and collective bargaining agreements, County Government employees annually accrue between 298 and 441 hours of paid leave, varying by employee group and years of service. County employees can supplement accrued leave with nine other types of leave: (1) Family and Medical leave (FMLA); (2) Disability leave; (3) Parental leave; (4) Administrative leave; (5) Compensatory leave; (6) Holiday leave; (7) Military leave; (8) Religious leave; and (9) Leave Without Pay.

Employee Group	Leave Hours Accrued Annually				
	Annual	Personal	Sick	Comp.	Total
FOP	120-208	32-40	120	26	<b>298-394</b>
MC GEO, IAFF 2,080 Employees, and Unrepresented Employees	120-208	24*	120	None	<b>264-352</b>
IAFF 2,184 Employees	126-219	48	126	None	<b>276-369</b>
IAFF 2,496 Employees	144-249	48	144	None	<b>336-441</b>

\*Personal leave does not include bus operators who receive one personal day and additional compensatory time and IAFF 2,080 members who receive 40 hours of personal leave per year.

Compared to other local jurisdictions, Montgomery County generally offers more annual and personal leave in the first years of service. As years of service increase, earned leave becomes more equal across the jurisdictions.

### LEAVE ADMINISTRATION IN MONTGOMERY COUNTY GOVERNMENT

Leave administration occurs primarily at the department level; the Office of Human Resources is responsible only for the administration of leave without pay and, as of December 2012, Family and Medical leave. OHR provides training on FMLA leave and, if requested by a department, other types of leave. OLO reviewed leave practices in the seven largest (by FTEs) Executive Branch departments:

- Corrections and Rehabilitation Services (DOCR);
- General Services (DGS);
- Health and Human Services (DHHS);
- Liquor Control (DLC);
- Transportation (DOT);
- Fire and Rescue Services (MCFRS); and
- Police (MCPD).

Overall, the administration of leave varies across departments. Examples of variations include:

- Supervisors across departments are trained on leave by internal department staff, OHR, or not at all;
- The request for and tracking of leave across department can be electronic or hand written; and
- Some departments use “leave buddies” where employees coordinate leave to ensure work coverage.

One of the largest variations in leave administration is that departments/divisions with minimum staffing requirements have annual “vacation” picks and may limit the amount of annual leave that an employee can take during the year. Representatives from the employee unions report that these restrictions result in decreased morale, primarily due to an increased workload and decreased time off. Department managers report observing higher levels of leave abuse/misuse as a consequence of restricted annual leave.

## **LEAVE USE IN MONTGOMERY COUNTY GOVERNMENT**

OLO analyzed data from the County Government's MTime electronic time and attendance system, including hours worked, leave used, and overtime hours, for 6,789 full-time Executive Branch staff employed continuously between January 2, 2011 and June 30, 2012.

On an annualized basis, full-time Executive Branch employees took approximately 2.7 million hours of leave in a year. Annual, sick, and compensatory leave accounted for 74% of Executive Branch employees' leave use.

**Availability.** On average, employees were available to work 81% of the time. DLC employees had the highest availability (84% of the time) and MCFRS employees had the lowest (79%). Additionally, unrepresented employees had the highest availability (84% of the time) and IAFF members had the lowest (79%).

Department	# of Employees	Availability	Average Leave Taken Annually (in hours)				
			Total	Annual	Sick	Comp.	Other
MCFRS	1,121	78.7%	516**	167	129	76	139
DOCR	447	79.8%	418	144	107	50	107
DGS	358	80.9%	396	141	106	47	98
DHHS	1,038	81.0%	391	148	106	26	110
MCPD	1,456	81.3%	389	127	81	73	100
Other**	1,131	82.1%	372	145	92	33	101
DOT	1,013	82.5%	363	134	106	27	93
DLC	225	83.8%	334	128	85	27	91
<b>Average</b>	<b>6,789</b>	<b>81.0%</b>	<b>404</b>	<b>143</b>	<b>101</b>	<b>49</b>	<b>107</b>

\* Other (departments) includes all other Executive Branch departments.

\*\* Note that most MCFRS employees have a 2,496-hour work year. Employees in other departments typically have a 2,080-hour work year.

**Administrative Leave.** Six percent of all leave taken was administrative leave. Temporary disability leave was the most commonly used type of administrative leave (33% of admin. leave), used when an employee injures himself on the job and is awaiting a Worker's Compensation determination. Another 25% of leave was unclassified. In May 2012, several County Government departments (MCPD, MCFRS, DOCR, OHR, OMB, and Finance) formed a joint Public Safety Work Group to address increasing Worker's Compensation costs.

## **LEAVE ABUSE IN MONTGOMERY COUNTY GOVERNMENT**

Departments report that only a small percent of employees misuse or abuse leave. Department staff report that it is difficult to successfully identify leave abusers to prevent future abuse. Department staff report that employees most commonly abuse sick leave and FMLA leave.

Most departments infrequently place employees on sick leave restriction or give written reprimands for leave abuse. During FY12, only two departments placed more than 1% of employees on sick leave restriction (DOCR and DOT placed 11% and 6% of employees on sick leave restriction, respectively). Additionally, only 25 employees were issued a written reprimand for leave abuse. Department staff report that the process for documenting leave abuse is difficult and time-consuming.

## **OVERTIME USE IN MONTGOMERY COUNTY GOVERNMENT**

Executive Branch employees worked approximately one million overtime hours. Departments with minimum staffing requirements accounted for roughly 90 percent of overtime hours (MCFRS (34%), DOT (23%) and MCPD (23%). By union, MCGEO employees worked almost half of all overtime hours (42%), followed by IAFF (34%), FOP (17%), and unrepresented employees (7%). On average, employees worked one overtime hour for every 11 regular hours worked.

Number of Regular Hours Worked for Each Overtime Hour								
DHHS	Other	DLC	DGS	MCPD	DOCR	DOT	MCFRS	All Depts.
78	45	24	18	10	8	7	6	11

Approximately 83% of all employees (5,605 employees) logged overtime hours between January 2011 and June 2012, with 5% (260 employees) logging over 1,000 hours each. MCFRS, DOT, and MCPD – all departments with minimum staffing requirements – had the highest share of employees who each worked more than 500 overtime hours (MCFRS (44%), DOT (26%) and MCPD (19%)).

**Overtime in Pay Periods with Few Regular Hours.** Roughly 9% of all overtime hours (132,000 hours) were logged in pay periods when an employee worked half or fewer of their regular hours. Employees worked more than 5,000 hours of overtime in pay periods where the employee worked no regular hours. MCFRS had the highest percent of department overtime worked by employees who worked fewer than half their expected hours in a pay period (12% of overtime hours). Additionally, among all employees who worked overtime hours during pay periods while working no regular hours – 62% were MCFRS employees.

## **LEAVE DATA MANAGEMENT**

OHR has no centralized requirements or procedures in place for reporting or monitoring employees' leave use across the County Government as a whole. Instead, OHR allows individual departments the discretion to monitor their employees' leave use, or not. OLO found that some departments have a process to track and monitor employee leave use for the whole department while other departments do not.

OLO found inconsistencies and variation in MTime time and attendance data among Executive Branch employees and departments. Some possible reasons for these variations could include:

- Departments may use different rules for granting or implementing certain types of leave;
- Departments may record the use of specific types of leave differently (or not at all) in MTime; and/or
- Employees may be misusing or abusing certain types of leave.

FMLA Leave	FMLA leave made up 3.5% of all leave – ranging from 1-3% of leave in most departments, but making up 8% of leave in both DOCR and DOT.
Parental Leave	The average employee used fewer than five hours of parental leave, except DOCR employees used 12 hours and MCFRS employees used 37 hours, on average. Employees use parental leave when they have a baby or adopt a child.
Unscheduled Leave	Unscheduled leave made up 5.5% of all leave – ranging from 3-14% of leave in most departments, but only one half of a percent of all leave in MCFRS. MCFRS reports that the department does not record leave for IAFF employees as “unscheduled” because the term is not defined in the IAFF CBA.



## RECOMMENDATIONS

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OLO recommends the following:

**1. Request that the County Executive expand the role of the Office of Human Resources in County Government leave administration.**

OLO suggests that OHR actively increase its role in leave administration in order to enhance consistency across departments and to develop a routine process for analyzing and reporting on leave use across County Government departments. Opportunities for additional oversight and direction from OHR include: developing training on leave administration; ensuring that employees are reporting leave correctly; evaluating potential electronic leave request processes; and monitor the new FMLA leave administration processes.

**2. Request a bi-annual report from the Executive Branch on employee attendance and leave use.**

The Council should request a bi-annual (twice a year) report on employee leave use and trends across the County Government, including employee availability, leave use by type, and overtime use.

**3. Review and determine whether there is a reasonable number of required regular hours that an employee should work before being able to work overtime hours.**

With the County Executive, the Council should review the rules and policies that allow employees to work overtime in pay periods where they work fewer than their expected hours. Recognizing that there are some circumstances in which an employee might work overtime while not working all regular hours (e.g., vacation), the Council should discuss the merits of changing existing policies.

**4. Ask the County Executive to undertake a more in-depth review of certain issues related to employee leave.**

OLO's data analysis revealed areas that may merit further study and OLO recommends that the Council consider asking the County Executive to do more analysis and report back to the Council on the following:

- Review and, if necessary, revise the process surrounding the Workers' Compensation program processing times and claim recordation practices.
- Examine options to improve sick leave management and support ongoing County Government efforts to promote a healthier workforce.
- Undertake a more in-depth analysis of Montgomery County Fire and Rescue Services' leave usage and recordation practices.

**5. Recommend that the County Executive engage a consultant to undertake a study on Total Absence Management across the County Government, as recommended by the County Government's Public Safety Work Group.**

OLO recommends that the Council endorse the Public Safety Work Group's recommendation to undertake a Total Absence Management study for the County Government. The study should measure and analyze employee absence and staffing levels across the entire County Government.

For a full copy of this report, please visit [www.montgomerycountymd.gov/olo](http://www.montgomerycountymd.gov/olo)

Available in alternative formats upon request.

# **EMPLOYEE WORK HOURS AND LEAVE IN MONTGOMERY COUNTY GOVERNMENT**

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## **Chapter I. Authority, Scope, and Organization**

### **A. Authority**

Council Resolution 17-517, *FY 2013 Work Program for Office of Legislative Oversight*, adopted July 31, 2012.

### **B. Scope, Purpose, and Methodology**

Employees are the backbone of Montgomery County Government – driving busses, responding to public health needs, and answering emergency calls. To meet workload demands and cover essential positions, County managers schedule their staff based on the number of employees available to them at any given time. Scheduling employees effectively requires easy/regular access to data and information to determine and predict changes in employee availability (e.g., total number of staff; individual leave use patterns).

The average total hours worked directly correlates with overtime hours and/or the total number of employees needed in the County Government's workforce. Understanding and analyzing employee availability can help an employer quantify costs associated with employee leave use and can help identify opportunities to improve leave administration and increase employee availability. While there are analyses available on employee work hours and leave use in the private sector, there is limited analysis on public sector employers. One survey estimated that the total cost of employee leave can equal 35 percent of an employer's base payroll,<sup>1</sup> while another survey found that 50 percent of employers did not know the cost of employee leave in their organization.<sup>2</sup>

The County Government's Personnel Regulations and three collective bargaining agreements (CBAs) establish the personnel rules and regulations that govern work hours and leave for County Government employees.<sup>3</sup> This report examines the hours employees work, their use of leave and some of the ways employee leave use impacts personnel costs. Focusing on the seven largest County Government departments,<sup>4</sup> this report:

- Summarizes the types of leave available to County Government employees;
- Provides an overview of the regulations and agreements governing employee leave;
- Describes Executive Branch departments' administration of employees' use of leave;
- Analyzes Executive Branch employees' net annual work hours;
- Includes feedback from Executive Branch staff and employee union representatives on employee work hours and leave; and
- Provides a comparison of employee leave available in other jurisdictions.

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<sup>1</sup> *Survey on the Total Financial Impact of Employee Absences*, Mercer, at p. 8 (June 2010).

<sup>2</sup> *The Missing Piece of Absence Management – Turning Data into Dollars*, Liberty Mutual, at p. 4 (April 2011 survey).

<sup>3</sup> The Personnel Regulations are set to expire on January 5, 2014.

<sup>4</sup> This report presents data for full-time Executive Branch employees employed continuously between January 2, 2011 and June 30, 2012 – a total of 6,789 employees. OLO did not include Legislative Branch employees in this report because the total Legislative Branch employee complement (both full-time and part-time employees) includes only about 100 employees.

The Council requested this project to help it better understand how the leave policies in the CBAs and the Personnel Regulations impact personnel management and costs and anticipates the results of this review will help identify opportunities for change or improvement.

### **C. Organization of Report**

**Chapter II, Employee Leave in Montgomery County**, summarizes the types of leave available to County Government employees and describes how the County's Personnel Regulations and union contracts affect employee work hours;

**Chapter III, Administration of Leave in County Government**, describes how the seven largest Executive Branch departments (by FTEs) administer leave;

**Chapter IV, Data on Leave Use in County Government**, presents data on Executive Branch employees' work hours, availability for work, use of leave, and leave balances;

**Chapter V, Overtime Hours in Montgomery County Government**, presents data on overtime hours worked by Executive Branch employees;

**Chapters VI and VII** summarize the report's key **Findings** and **Recommendations** for Council action and discussion; and

**Chapter VIII** includes the Executive Branch's comments on the final draft of the report.

### **D. Acknowledgements**

OLO received a high level of cooperation from the many individuals who helped compile this report. OLO appreciates the information shared and insights provided by all who participated. In particular, OLO would like to acknowledge the time and expertise of the following individuals:

#### **COUNTY GOVERNMENT**

##### **Department of Corrections**

Arthur Wallenstein, Director  
Robert Green  
Ivonne Gutierrez-Anglin

Felicia Turner  
Stuart Venzke  
Anita Williams

##### **Department of General Services**

Beryl Feinberg  
Angela Dizelos  
Bill Griffiths  
Michelle Hahn  
Frank Howard  
Juanita Johnson  
Peggy Lynch  
Rick Taylor

##### **Department of Liquor Control**

Gus Montes de Oca  
Lynn Duncan

##### **Department of Transportation**

William Selby  
Darlene Flynn  
Steve Wells

##### **Montgomery County Fire and Rescue Service**

Chief Richard Bowers  
Dominic Del Pozzo  
Debbie Shaw

##### **Department of Health and Human Services**

Raymond Crowel  
Kate Garvey  
JoAnn Barnes  
Patricia Brennan  
Mary Dewease  
Scott Greene  
Agnes Leshner  
Marc Levant  
Adriene Schifrien

##### **Montgomery County Police Department**

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**Office of the County Attorney**

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**Municipal & County Government Employees Organization, United Food and Commercial Workers, Local 1994 (MCGEO)**

Gino Renne, President  
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We would also like to thank OLO staff members Sue Richards and Kelli Robinson.

## **Chapter II. Employee Leave in Montgomery County**

The Montgomery County Personnel Regulations (“Personnel Regulations”) and three collective bargaining agreements (CBAs) determine leave policies for County Government employees. The Personnel Regulations govern leave types, accrual rates, eligibility criteria and use rules for all (including unrepresented) employees in the County Government. The CBAs govern these leave issues for represented employees.<sup>1</sup> The three County Government employee unions are:

- The Municipal and County Government Employees Organization (MCGEO) – representing office, professional, technical, and paraprofessional employees, Ride-On bus drivers, facilities and maintenance workers, and those with specialized manual skills
- The International Association of Fire Fighters – representing firefighters and emergency medical personnel; and
- The Fraternal Order of Police – representing police officers.

This chapter summarizes the types of leave County Government employees are eligible for and describes how the County’s regulations and union contracts affect employee work hours. It is organized as follows:

<b>Section</b>		<b>Type of Leave</b>
<b>A</b>	<b>Personal Leave</b>	Annual Leave Paid Time Off (PTO) Personal Leave
<b>B</b>	<b>Leave for Medical Purposes</b>	Sick Leave Family and Medical Leave Disability Leave Parental Leave
<b>C</b>	<b>Administrative Leave</b>	Administrative Leave
<b>D</b>	<b>Overtime and Compensatory Leave</b>	Overtime Compensatory Leave
<b>E</b>	<b>Other Types of Leave</b>	Holiday Leave Military Leave Religious Leave
<b>F</b>	<b>Other Statuses Related to Leave</b>	Leave Without Pay Absent Without Official Leave

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<sup>1</sup> See Agreement Between Municipal & County Government Employees Organization, United Food and Commercial Workers, Local 1994, and Montgomery County Government for the Years July 1, 2011 through June 30, 2012 and Memorandum of Agreement Between Municipal & County Government Employees Organization, United Food and Commercial Workers, Local 1994 (hereinafter “MCGEO CBA”); Agreement Between Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664, AFL-CIO and Montgomery County Government/Montgomery County, Maryland for the Years July 1, 2011 through June 30, 2013 (hereinafter “IAFF CBA”), Agreement between Fraternal Order of Police Montgomery County Lodge 35, Inc. and Montgomery County Government, Montgomery County, Maryland, July 1, 2012 through June 30, 2013 (hereinafter “FOP CBA”).

This chapter uses certain terminology specific to this topic. Terms include:

**Leave year:** The annual period designated for leave accrual and use that begins with the first full payroll period of a calendar year and ends with the payroll period in which December 31 falls.

**IAFF 2,496, 2,184 or 2,080 Employees:** The number of hours that a Montgomery County Fire and Rescue Service (MCFRS) employee is scheduled to work in one year differs by position. For example, since employees who staff the County's fire stations are scheduled to work 2,496 hours a year (which is 20% more hours than 2,080 employees), this Chapter refers to these employees who are represented by the IAFF as "IAFF 2,496 Employees." Similarly, represented employees in the County Government's Emergency Communications Center who are scheduled to work 2,184 hours a year are "IAFF 2,184 Employees."

For a history of the County Personnel Regulations since 2000, along with a summary of leave-related changes in collective bargaining agreements over the years, please see Appendix A.

## **A. Types of Personal Use Leave**

County employees are eligible to earn or use several types of leave for personal use, including annual leave, paid time off, personal days, and compensatory leave ("comp. leave").<sup>2</sup> The annual rate at which most employees accrue or receive annual leave and personal days is based on how long they have worked for the County and when they were hired.

Most County employees, including union employees, are eligible to earn or receive multiple types of personal leave, including annual leave, personal days and compensatory leave. An exception to this is a subset of Management Leadership Services (MLS) employees hired after October 7, 2001. Instead of earning annual and sick leave, these MLS employees receive paid time off (PTO), which can be used for any leave purpose (e.g., vacation, illness, FMLA). The remainder of this section describes these types of personal leave.

### **1. Annual Leave**

Annual leave is "earned, paid leave granted to eligible employees for vacation and other personal use."<sup>3</sup> Under County policy, the annual leave earning rates are uniform across all employee positions. For a newly hired employee, the County's annual leave benefit can be used for 5.8% of the employee's expected annual work hours. After three years, this percentage grows to 7.7% and after fifteen years, to 10%. Part-time employees earn a prorated amount of annual leave. Annual leave is credited to an employee on a bi-weekly basis based on the County Government's pay periods. Table 2-1 shows how yearly annual leave totals vary across three employee categories based on an employee's total paid annual hours and length of service.

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<sup>2</sup> See Section D on page 15 for a discussion of compensatory leave.

<sup>3</sup> See MCGEO CBA Article 14; IAFF CBA Article 6; FOP CBA Article 18, Personnel Reg. § 16.

**Table 2-1. Summary of Hourly Annual Leave Rates and Amounts**

Employee Group	Paid Annual Hours Worked	Length of Service	Total Annual Leave Hours Earned in One Year
FOP, MCGEO, IAFF 2,080 Employees, Unrepresented Employees*	2,080	Under 3 Years	120
		From 3-15 Years	160
		Over 15 Years	208
IAFF 2,184 Employees	2,184	Under 3 Years	126
		From 3-15 Years	168
		Over 15 Years	219
IAFF 2,496 Employees	2,496	Under 3 Years	144
		From 3-15 Years	192
		Over 15 Years	249

\*Also applies to MLS employees hired before October 7, 2001 who accrue annual leave.

Source: MCGEO CBA Article 14, IAFF CBA Article 6, FOP CBA § 18(E), Personnel Reg. § 16.

**Annual Leave Carryover Limits.** The Personnel Regulations and the CBAs cap the hours of annual leave an employee can carry over from one leave year to the next. The table below summarizes these limits.

**Table 2-2. Summary of Maximum Annual Leave Carryover from Year to Year**

Employee Group	Hire Date	Limit on Annual Leave Carryover from Year to Year
FOP MCGEO IAFF 2,080 Employees Unrepresented Employees*	Hired before 1/1/57	560 hours
	Hired between 1/1/57 & 6/30/72	320 hours
	Hired After 6/30/72	240 hours
IAFF 2,184 Employees	Hired before 1/1/57	588 hours
	Hired between 1/1/57 & 6/30/72	336 hours
	Hired After 6/30/72	252 hours
IAFF 2,496 Employees	Hired before 1/1/57	672 hours
	Hired between 1/1/57 & 6/30/72	384 hours
	Hired After 6/30/72	288 hours

\* MLS employees may carry over 320 hours of annual leave, regardless of their hire date.

Source: MCGEO CBA § 14.8, IAFF CBA § 6.7, FOP CBA § 18(I), Personnel Reg. § 16.

**Policies Governing Use of Leave.** The MCGEO and FOP CBAs have similar language regarding the scheduling and use of annual leave. Under these agreements, an employee can use annual leave that is approved by a supervisor, based on procedures established by a department head and the CAO. The IAFF CBA establishes a formula that sets a maximum number of annual leave “slots” that are available each day. Chapter III describes in more detail MCFRS’ process for establishing leave slots and granting leave.

The CBAs and the Personnel Regulations require County Government managers to make “every effort” to allow an employee to use annual leave accrued by an employee. The Personnel Regulations and the MCGEO CBA require supervisors to approve or deny leave requests within five days, absent extenuating circumstances. This requirement is new to the MCGEO CBA in FY13.<sup>4</sup>

**Excess Annual Leave.** If a County Government employee has annual leave at the end of a leave year that exceeds the maximum carryover limits in Table 2-2, the employee may:

- Convert the excess annual leave into sick leave; or
- Elect to be paid for up to 50% of the excess leave and transfer the remaining leave to sick leave, if funds permit; or
- Employees denied the use of annual leave during the leave year may carry over and use the amount of denied leave into the next leave year. Leave not used in the next leave year will be converted to sick leave.

**Transfer of Annual Leave to Other County Government Employees.** The MCGEO CBA allows County Government employees married to each other to transfer annual leave to a spouse for childcare purposes to care for dependents under age 13 or older children with medically certified disabilities.<sup>5</sup> The FOP CBA allows the FOP to administer an annual leave transfer program to allow FOP members to donate annual leave to members who have used all of their annual leave.<sup>6</sup>

**Annual Leave at Separation from County Government.** Each CBA and the Personnel Regulations state that the County Government will pay an employee for accrued annual leave when the employee leaves County Government employment.

## **2. Paid Time Off**

Employees in the Management Leadership Service (MLS) who are in the Retirement Savings Plan (RSP) or the Guaranteed Retirement Income Plan (GRIP) (i.e., non-public safety employees hired on or after October 1, 1994) earn paid time off (PTO) in lieu of annual leave or sick leave that can be used for either purpose.<sup>7</sup>

Full-time employees who earn PTO receive 140 PTO hours at the beginning of a leave year and another 140 hours at the beginning of the 14th pay period of the leave year. Part-time employees earn a prorated amount of PTO. Employees can carry over an unlimited amount of PTO annually. After separation from the County, an employee who earns PTO must be paid for:

- (1) a prorated portion of the PTO hours granted for the final year of employment; and
- (2) up to 600 PTO hours, including the prorated hours from the final year of employment.

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<sup>4</sup> MCGEO CBA § 14.6. Prior MCGEO CBAs stated that supervisors “should” approve or deny leave within five days.

<sup>5</sup> See MCGEO CBA § 14.14.

<sup>6</sup> See FOP CBA § 18(N).

<sup>7</sup> See Personnel Reg. § 16.

### 3. Personal Leave

Besides yearly annual leave or paid time off, County Government employees also receive personal leave.<sup>8</sup> Unlike annual leave, personal leave:

- Is awarded to employees as a lump sum at the beginning of a leave year instead of accrued in increments throughout the year;
- Is earned at rates that differ by employee group but not by length of service;
- Must be used in full days instead of in hourly increments; and
- Cannot be carried over from year-to-year.

Like annual leave awards, personal leave awards increase overall employee compensation by increasing paid time off – for FOP, IAFF 2,184 and IAFF employees, accrued personal leave accounts for 1.9% of expected annual work hours. For all other employees, personal leave accounts for 1.2%. Award amounts vary by bargaining unit and employee positions as shown in the table below.

In addition, the County Government also gives employees personal leave in certain situations. For example, the County gave each employee one additional personal day per year in exchange for removing Columbus Day as a County Government holiday.

**Table 2-3. Annual Personal Leave Awards**

Employee Group	Personal Leave Accrual
FOP	4 days
IAFF	
2,496 Employees	48 hours*
2,184 and 2,080 Employees	Prorated
MCGEO & Unrepresented Employees	
General employees	3 days
24-hour shift & Transit Services employees	1 day
Additional compensatory time given to employees who work:	
8 hour days	22 hours
9 hour days	24 hours
10 hour days	26 hours
12 hour days	30 hours

\* Must be used in full shifts.

Source: MCGEO CBA Article 20; IAFF CBA Article 6; FOP CBA Article 14, Personnel Reg. § 25.

<sup>8</sup> See MCGEO CBA Article 20; IAFF CBA Article 6; FOP CBA Article 14, Personnel Reg. § 25.

## B. Types of Leave for Medical Purposes

County Government employees earn leave that they can use for several types of medical issues, including short- and long-term illness (personal and family), injury on the job, pregnancy and/or childbirth, and disabilities. This section describes these types of leave.

### 1. Sick Leave

The Personnel Regulations and the CBAs all define sick leave similarly.<sup>9</sup> Sick leave is paid time off from work due to:

- Personal illness or injury;
- Medical quarantine;
- Medical, dental, or optical examinations and treatments;<sup>10</sup> or
- Temporary disability related to pregnancy, miscarriage, or childbirth.

Sick leave also can be used to care for an immediate family member for the reasons listed above. The Personnel Regulations and the CBAs cap the amount of sick leave that can be used to care for an immediate family member at the amount of sick leave an employee earns in a calendar year (excluding sick leave used for parental leave – see page 13).

The table below summarizes the amount of sick leave that full-time employees earn annually. The rates are uniform across all employee groups. For all County employees, the County's sick leave benefit can be used for 5.8% of the employee's expected annual work hours. Part-time employees earn prorated amounts of sick leave. There is no limit on the amount of sick leave that an employee can accrue and carry over from year to year and sick leave is credited to an employee on a bi-weekly basis based on the County Government's pay periods.

**Table 2-4. Summary of Employee Sick Leave Accrual Rates**

Employee Group	Sick Leave Accrual
FOP MCGEO IAFF 2,080 Employees Unrepresented Employees*	120 hours/year
IAFF 2,184 Employees	126 hours/year
IAFF 2,496 Employees	144 hours/year

\* Also applies to MLS employees hired before October 7, 2001 who accrue sick leave.

Source: MCGEO CBA Article 15, IAFF CBA Article 7, FOP CBA Article 19, Personnel Reg. § 17.

**Policies and Restrictions on Sick Leave Use.** The Personnel Regulations allow department directors to establish procedures for sick leave use to help ensure that a department is able to meet its service requirements. The Personnel Regulations and the MCGEO and IAFF CBAs also include provisions that address the use and suspected misuse or abuse of sick leave. For example, employees in the County Government Employee Retirement System (pension system) can apply up to two years of accrued sick leave toward the calculation of their years of service for retirement purposes.

<sup>9</sup> See MCGEO CBA Article 15, IAFF CBA Article 7, FOP CBA Article 19, Personnel Reg. § 17.

<sup>10</sup> The MCGEO CBA also states that sick leave may be used for psychological exams or treatment. MCGEO CBA § 15.1.

If a supervisor suspects that an employee is misusing or abusing sick leave, the supervisor can place an employee on sick leave restriction and require an employee to provide medical certification from a physician (or “licensed health care provider” for MCGEO and IAFF members) for future absences for a period of time. The FOP CBA does not have provisions to restrict sick leave use. The table below summarizes the criteria in the Personnel Regulations or CBAs that can cause a supervisor to place restrictions on an employee’s use of sick leave.

**Table 2-5. Criteria for Sick Leave Restriction**

Employee Group	Criteria
IAFF	<ul style="list-style-type: none"><li>• After four incidents of sick leave use in a consecutive 12-month period</li><li>• If unable to report to work for more than a week</li><li>• If on sick leave restriction</li><li>• Any time the employer has “reasonable cause” to believe an employee is misusing/abusing sick leave</li></ul>
Personnel Regulations	<ul style="list-style-type: none"><li>• If absent for more than five consecutive workdays</li><li>• If supervisor suspects leave misuse or abuse</li><li>• If supervisor is not familiar with the employee</li><li>• The employee requests leave on a holiday or when the employee would not be able to use leave</li><li>• If approval would result in hardship on the workload</li></ul>
MCGEO	<ul style="list-style-type: none"><li>• If absent for more than five consecutive work days (including for family sick leave)</li></ul>
FOP	<ul style="list-style-type: none"><li>• None</li></ul>

Source: MCGEO CBA Article 15, IAFF CBA Article 7, Personnel Reg. § 17

The IAFF CBA provides examples of sick leave misuse and abuse. They include:

- Repeated use of sick leave when annual or compensatory leave has been denied;
- Repeated use of sick leave on a shift before or after a Kelly day, holiday, or weekend day;
- Excessive use of sick leave;
- Use of more sick leave than earned in a calendar year;
- Repeated use of sick leave during heavy or undesirable work or when work involves special projects or functions; and
- Working in outside employment while using sick leave without prior approval.

IAFF members placed on sick leave restriction who use sick leave without providing medical documentation can be recorded as absent without leave (AWOL) and subject to discipline.



Other rules limit an employee's use of sick leave, besides misuse or abuse of sick leave. For example,

- In a given leave year, employees can use no more than the amount of sick leave that they earn in a calendar year to care for immediate family members; or
- When taken as parental leave, employees can use no more than 720 hours of leave (including sick leave) in a 24-month period.

See Section 4 below for a more detailed description of parental leave.

**Sick Leave Donation.** The Personnel Regulations and the collective bargaining agreements all include programs for employees to donate sick leave to each other.<sup>11</sup> Employees can donate sick leave to other employees who are in need of leave and have used all of their available leave (annual, sick, personal, and compensatory).<sup>12</sup> Employees may receive up to half a year of donated sick leave in a leave year.

Employees may receive donated sick leave if they have an extended illness or injury (unable to work for seven consecutive calendar days). The Personnel Regulations and the MCGEO CBA also allow donated sick leave if an employee's spouse or child has a serious health condition. The IAFF and FOP CBAs do not indicate that employees can use donated sick leave to care for a spouse or child.

See Appendix B for details on eligibility to donate and receive sick leave.

**Sick leave at separation from the County Government.** In the Personnel Regulations and the MCGEO CBA, unused sick leave is forfeited when an employee leaves County Government service (excluding sick leave applied to an employee's credited service for pension calculations). The IAFF and FOP CBAs indicate that when a union member leaves County Government service, his or her unused sick leave goes into a sick leave donation bank maintained by each union.

## **2. Family and Medical Leave**

Under the Federal Family and Medical Leave Act of 1993 (FMLA), eligible County Government employees are entitled to use up to 12 weeks of paid or unpaid leave in a calendar year to address certain medical conditions and then entitled to return to work.<sup>13</sup>

County provisions to ensure compliance with the FMLA are found in the County's Personnel Regulations and the CBAs. These provisions govern FMLA by identifying medical conditions that require an FMLA designation, conditions that permit an FMLA designation, and the types of leave that qualify for an FMLA designation.

Under County policy, a County Government employee who uses leave for an FMLA purpose must designate it as FMLA leave even if the employee does not specifically request FMLA leave. As stated in the Personnel Regulations and the CBAs, the circumstances where an employee must take FMLA leave include the following:<sup>14</sup>

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<sup>11</sup> Employees can donate sick leave to any eligible County Government employee – not just to employees within (or outside of) the same union.

<sup>12</sup> In its most recent CBA, MCGEO negotiated the establishment of a new Sick Leave Bank for MCGEO employees and negotiations to establish this Sick Leave Bank are underway. The current sick leave bank will remain in effect until the new bank is established. See MCGEO CBA § 15.12.

<sup>13</sup> See MCGEO CBA Article 45, IAFF CBA Article 11, FOP CBA Article 59, Personnel Reg. § 19.

<sup>14</sup> Each CBA incorporates language that mirrors the language in the Personnel Regulations to describe the same circumstances.

- To care for the employee's newborn daughter or son, newly adopted daughter or son, or newly placed foster daughter or son within the first 12 months after the birth, adoption, or placement of the daughter or son;
- To arrange for the adoption or foster care placement of a daughter or son with the employee;
- To obtain prenatal care for the employee;
- To care for, which may include providing psychological comfort and reassurance, or arrange care for, any of the following with a serious health condition: the employee's spouse, domestic partner, parent, daughter, or son; or
- If an employee's serious health condition that makes the employee unable to perform the essential functions of the employee's position.

The Personnel Regulations include two additional situations where an employee may take FMLA leave:<sup>15</sup>

- To handle an exigency arising from the employee's spouse, domestic partner, parent, daughter, or son serving on active duty under a call or order or being notified of an impending call or order to active duty in support of a contingency operation; or
- To care for the employee's spouse, domestic partner, parent, daughter, son, or next of kin on active duty with a serious injury or illness incurred in the line of duty.

An employee is eligible for the protections granted under the federal FMLA leave if he or she has been employed by the County Government for at least 12 months and was in work status (or were paid for work) for 1040 hours in the preceding 12 months. An employee can use any of the following types of leave for FMLA purposes:

- Annual leave;
- Sick leave;
- Paid time off;
- Leave without pay;
- Parental leave;
- Disability leave; or
- Personal days.

An employee cannot use compensatory leave for FMLA purposes. An employee who has used all of his or her available leave must be allowed to take leave without pay for FMLA purposes.

### **3. Disability Leave**

Employees take disability leave when they become temporarily disabled due to an injury or illness sustained while they are performing their work.<sup>16</sup> The County Government's disability leave system supplements payments that employees receive under the State's Workers' Compensation law to allow employees to receive full pay when they cannot work due to a covered work-related temporary disability.

When an employee becomes injured or ill as a result of his or her job, the employee is placed immediately on administrative leave (see page 14 for a description of administrative leave). The Department of Finance's Division of Risk Management then makes a determination, through a third-party administrator, whether the employee is eligible for Workers' Compensation and disability leave. If the Division of Risk Management determines that an employee is not eligible for Workers' Compensation and disability leave, the County Government will adjust the employee's pay and leave balances accordingly.

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<sup>15</sup> See Personnel Regs. § 19-11(a) to (b).

<sup>16</sup> See MCGEO CBA Article 17, IAFF CBA Article 10, FOP CBA Article 17, Personnel Reg. § 18.

The Personnel Regulations and the CBAs for MCGEO and the IAFF limit disability leave to 18 months as long as employees receive care for their injury or illness through a County Government-provided managed care program. If employees choose to receive care outside of the County Government-provided program, their disability leave is limited to 12 months.

The FOP CBA limits disability leave to 18 months regardless of where an employee receives his or her care. The CBA indicates that the County Government will provide the option of a managed care program for work-related disabilities, but its use is voluntary for FOP members. FOP members who receive care outside of the managed care program will still receive disability leave for up to 18 months.

If an employee cannot return to work at the end of the 12 or 18 month period, the employee can use other types of paid leave to make up the shortfall between and the Workers' Compensation benefit and the employee's pay. For example, after 18 months of disability leave, the FOP CBA allows a member on disability leave to receive and use sick leave donations instead of exhausting their available annual, sick, and compensatory leave.

#### **4. Parental Leave**

An employee can use any combination of annual, sick, and compensatory leave and leave without pay for the purposes of parental leave,<sup>17</sup> which allows an employee to take leave to care for either their newborn or newly adopted child.

The Personnel Regulations and the CBAs cap the total amount of leave employees can take as parental leave in a 24-month period and also require the leave to be used within 12 months of the birth of a child or placement of a child with an employee for adoption. The table below summarizes the limits on parental leave.

**Table 2-6. Limits on Parental Leave in Any 24-Month Period**

Employee Group	Parental Leave Limit
FOP MCGEO IAFF 2,080 Employees Unrepresented Employees	720 hours
IAFF 2,184 Employees	756 hours
IAFF 2,496 Employees	864 hours

Source: MCGEO CBA Article 18, IAFF CBA Article 8, FOP CBA Article 16, Personnel Reg. § 20.

Within these parameters, the use of parental leave is flexible. For example, an employee can use all of the leave at once; or, with a supervisor's approval, adjust his or her work schedule to take parental leave intermittently to reduce the length of the work day or work week.

#### **C. Administrative Leave**

The Personnel Regulations and the CBAs broadly defined administrative leave as paid leave that the Chief Administrative Officer may grant to employees in certain situations. The CBAs also include provisions that authorize leave for specific union related activities. The Personnel Regulations and the CBAs allow administrative leave in the following situations:

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<sup>17</sup> See MCGEO CBA Article 18, IAFF CBA Article 8, FOP CBA Article 16, Personnel Reg. § 21.

- For general public emergencies;
- For unhealthy or dangerous situations in a County facility;
- For employees who are facing removal from duty for: 1) investigation of incidents or charges, 2) removal, or 3) a determination of fitness for continued duty;
- For attendance at officially approved meetings or conferences;<sup>18</sup>
- For jury duty;
- When an employee has been subpoenaed as a witness in a civil or criminal case or administrative hearing that relates to the employee's job duties;
- For bereavement leave; and
- For annual U.S. military reserve training.

In addition, employees who are injured on the job are placed on administrative leave until the Department of Finance's Division of Risk Management makes a determination of whether an employee is eligible for Workers' Compensation and County Government disability leave.

Given the breadth of circumstances that administrative leave covers, administrative leave purposes are not uniform across all employee groups. The table below displays how the purpose of administrative leave differs by employee group.

**Table 2-7. Summary of Administrative Leave Available to Certain Groups of Employees**

Administrative Leave Purpose	Personnel Regulations	MC GEO	IAFF	FOP
Blood donation		✓		✓
Organ donations	✓		✓	✓
Voting	✓	✓		
Professional improvement	✓	✓		✓
An employee with a family member returning from military deployment to a foreign location			✓	

Source: MC GEO CBA Article 18, IAFF CBA Article 8, FOP CBA Article 16 and Article 22, Personnel Reg. § 21.

**Administrative Leave for Union Activities.** Each CBA includes provisions that authorize administrative leave for union officials and members to conduct union business. The three CBAs have provisions that assess union members for administrative leave to create leave banks for use by union officers and officials. The table on the next page summarizes these provisions.

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<sup>18</sup> The language in the Personnel Regulations also allows administrative leave for seminars and trainings.

**Table 2-8. Administrative Leave Provisions for Union-Related Business and Activities**

<b>Bargaining Unit</b>	<b>The County Government provides...</b>
MCGEO	<ul style="list-style-type: none"> <li>• 700 hours of administrative leave per year for Service, Labor, and Trades (SLT) Unit Council reps. and 1300 hours of administrative leave per year for Office, Professional, and Technical (OPT) Unit Council reps. Leave not carried over from year to year.</li> <li>• Two hours of administrative leave for employees to attend contract ratification meetings for Union votes.</li> </ul>
IAFF	<ul style="list-style-type: none"> <li>• Four hours of administrative leave per month for union Executive Board members to attend Executive Board Meetings.</li> <li>• A 200 hour leave bank for use by union officers and officials for workshops, seminars, conferences, and conventions related to union duties.*</li> <li>• Reasonable leave for union members involved in contract negotiations and preparation.</li> </ul>
FOP	<ul style="list-style-type: none"> <li>• 1,092 hours of administrative leave each year of the CBA for the union President.</li> <li>• “Reasonable administrative leave” for union members involved in contract negotiations and preparation.</li> <li>• A 400 hour leave bank for use by union officers and officials for workshops, seminars, conferences, conventions related to union duties.</li> <li>• The County Government provides union Board members with two hours of administrative leave per month for board meetings.</li> </ul>

\* Note – IAFF union members are assessed three hours per year from comp. or annual leave to provide an administrative leave bank for use by the union President and other union officials. FOP union members are assessed three hours per year from comp. or annual leave to provide an admin. leave bank for use by the union President and other union officials. This leave plus the 1,092 leave hours from the County Government are the sole source of leave for the union President. MCGEO union members are assessed ½ hour per year from comp. or annual leave to provide admin. leave for the Secretary/Treasurer and recorder.

Source: MCGEO CBA Article 18 and 36, IAFF CBA Article 8, FOP CBA Article 16 and Article 22, Personnel Reg. § 21.

## **D. Overtime and Compensatory Time**

The hours an employee works beyond the employee’s normally schedule workday or workweek are referred to as overtime.<sup>19</sup> The specific processes for overtime and overtime pay in the Personnel Regulations and the CBAs are detailed and vary widely between the CBAs. This section offers a brief summary of these provisions.<sup>20</sup>

**Pre-Requisites.** Before an employee is deemed to be working overtime hours, the Personnel Regulations and the three CBAs establish two conditions that must be met:

- An employee must account for the minimum number of hours that define a regular workday or work week in the Personnel Regulations or CBA; and
- An employee must be in a “pay status.”

**Thresholds.** The table below summarizes the overtime thresholds for workdays and workweeks by type of position established in the Personnel Regulations and the CBAs that are used to determine if employees are working overtime hours.

<sup>19</sup> See MCGEO CBA Article 5, IAFF CBA Article 14, FOP CBA Article 15, Personnel Reg. § 10.

<sup>20</sup> To read the full text of the CBAs and the Personnel Regulations, see the Montgomery County Office of Human Resources website (<http://www.montgomerycountymd.gov/ohr>).

**Table 2-9. Summary of Thresholds to Receive Overtime Pay**

Type of Position	Overtime Threshold		
	Regular Workday	Regular Workweek	For work on holidays, general emergencies, or employees' day off
Non-exempt employee	8-12 hours*	40 hours	
Exempt employee, Grade 24 or below	8-12 hours*	40 hours	
Exempt employee, Grade 25 or above	8-12 hours*	45 hours <sup>21</sup>	40 hours
Police – Sergeant or below	8-10 hours*	40 hours	
Police – Lieutenant or above	13-15 hours*	45 hours	40 hours
Fire/Rescue – Captain or below**	Number of hours in regular workday	48 hours, or number of hours in regular workweek for full-time employees	
Fire/Rescue – Battalion Chief or above**	Number of hours in regular workday plus 5 hours	53 hours, or number of hours in regular workweek, plus 5 hours	48 hours, or number of hours in regular workweek
Corrections – Correctional Shift Commander (Lieutenant) or below	8-12 hours*	40 hours	
Deputy Sheriff – Lieutenant or below	8-12 hours*	40 hours	
Deputy Sheriff – Captain or above	13-17 hours*	45 hours	40 hours

\*Based on the number of hours in an employee's normal workday

\*\*For a full-time employee

Source: MCGEO CBA Article 5, IAFF CBA Article 14, FOP CBA Article 15, Personnel Reg. § 10.

**Pay Status.** Pay status includes any period of time for which an employee receives pay for time worked (including compensation time) or for time on paid leave. This definition of “pay status” covers not only employees who have worked a regular workday or workweek but also covers employees who are on paid leave and then show up for overtime work. None of the CBAs prohibit employees who take leave in a pay period from also working overtime in the same pay period.

Each of the CBAs establishes a set of procedures that management must follow when it selects employees for overtime work. For example, all CBAs require management to seek volunteers for overtime work before assigning employees involuntarily. Other overtime requirements or procedures are specific to a particular CBA. For example:

- The IAFF CBA limits overtime pay to an amount equal to 100 percent of an employee's total county salary, including an employee's wage scale salary, special differentials, and emergency services districts. IAFF employees must be notified by memo when they have earned overtime equal to 75 percent of their total salary.
- The MCGEO CBA specifically prohibits the County Government from using overtime work to reduce staff, avoid filling vacancies, or eliminate shifts.

<sup>21</sup> Effective January 6, 2008 such employees should be compensated for the hours worked between 40 and 45 hours per week by altering the employee's regularly scheduled workweek on an hour for hour basis within the pay period when the excess hours were worked or if that is not possible the employee should be granted compensatory time on an hour for hour basis.

- The MCGEO CBA allows supervisors to amend an employee's daily or weekly schedule to allow time off on an hour-for-hour basis for overtime worked. In these circumstances, employees are paid their normal rate of pay for the overtime work.
- The MCGEO and FOP CBAs both require that employees NOT receive overtime pay for hours worked when an employee takes unscheduled sick leave on the day after working overtime.

**Overtime Pay Rates.** The overtime rate for some County Government employees is 1½ times their gross hourly pay; others receive their regular hourly pay. The table below summarizes these groups.

**Table 2-10. Rate of Pay for Overtime Work, by Employee Group**

Employee Group	Hourly Rate of Pay for Overtime
MCGEO-, IAFF- and FOP-represented employees Non-exempt* unrepresented employees Exempt* employees at Grade 24 or below	1½ times regular hourly salary
Exempt employees at Grade 25 or above	Regular hourly salary

\* "Non-exempt" and "exempt" refer to designations under the federal Fair Labor Standards Act

Source: MCGEO CBA Article 5, IAFF CBA Article 14, FOP CBA Article 15, Personnel Reg. § 10.

**Compensatory Leave.** Compensatory leave is paid time off earned in lieu of overtime pay and in other situations.<sup>22</sup> Compensatory time is earned at the same rate as overtime pay, as stated in Table 2-10 above. Like annual leave, compensatory leave (often referred to as "comp. leave" or "comp. time") can be carried over from year to year, within limits. The table below summarizes the amount of comp. leave that employees can carry over from year to year and other information.

**Table 2-11. Summary of Rules on Compensatory Leave**

	Annual Carryover Limit	Disposition of Excess Time at End of Year	Payout at Separation	Use to Purchase ERS Credit?
Non-Rep. Non-exempt Employees	80 hours	Paid out	All unused time	No
Non-Rep. Exempt Employees	80 hours	Converted to sick leave	Up to 80 hours*	No
MCGEO Non-exempt Employees	80 hours	Paid out or carried over for one year	All unused time	Up to 80 hours
MCGEO Exempt Employees	10 days	Converted to sick leave	Up to 80 hours	Up to 80 hours
IAFF 2,080 and 2,184 Employees	80 hours	Paid out or carried over for one year	All unused time	Up to 80 hours
IAFF 2,496 Employees	96 hours	Paid out or carried over for one year	All unused time	Up to 96 hours
FOP Employees	80 hours	Paid out or carried over for one year	All unused time	Up to 80 hours

\* Remainder converted to sick leave

Source: MCGEO CBA Article 5, IAFF CBA Article 14, FOP CBA Article 15, Personnel Reg. § 10.

<sup>22</sup> See MCGEO CBA Article 5, IAFF CBA Article 49, FOP CBA Article 21, Personnel Reg. § 10.

MLS employees do not earn comp. leave for overtime work; however, they may keep and use the comp. leave that they earned before they entered the MLS. The County Government will pay an MLS employee for up to 80 hours of comp. leave when the employee leaves County Government employment.

The IAFF CBA allows the CAO to grant comp. leave for overtime work “when budgetary limitations preclude the payment of overtime compensation,” except when payment is required by the Fair Labor Standards Act.<sup>23</sup> IAFF members may request comp. leave instead of overtime pay. The FOP CBA allows the department to ask FOP members to accept comp. leave in lieu of overtime pay if MCPD projects that it will run out of funds for overtime pay. If the department requests, but does not receive, additional overtime funds from the Council, the department can require FOP members to take comp. leave in lieu of overtime pay.

The County Government also gives employees compensatory leave in certain situations. For example, under the FOP CBA, the County grants employees compensatory leave each year instead of three holidays that the County and CBA no longer recognize.<sup>24</sup> The length of an employee’s regular workday determines how many compensatory leave hours an employee receives:

If the regular workday is:	The comp. leave award is:
8 hours	22 hours
9 hours	24 hours
10 hours	26 hours

In FY11, the County Government gave employees additional compensatory leave in lieu of service increments or longevity steps. IAFF members received 48 hours of comp. leave, and FOP, MCGEO and unrepresented employees received 26 hours. The IAFF and FOP CBAs specified that this leave could not be used if it necessitated the use of overtime to cover an employee’s work. The CBAs also specified that employees could not be paid out for this additional comp. leave at the end of a leave year or at separation, but the leave could be carried over from year to year.

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<sup>23</sup> For covered, nonexempt employees, the FLSA requires overtime pay at a rate of not less than one and one-half times an employee's regular rate of pay after 40 hours of work in a workweek. Some exceptions to the 40 hours per week standard apply under special circumstances to police officers and fire fighters employed by public agencies and to employees of hospitals and nursing homes. For more information on the FLSA and overtime, see [http://www.dol.gov/whd/overtime\\_pay.htm#.UM92GeSx-6M](http://www.dol.gov/whd/overtime_pay.htm#.UM92GeSx-6M).

<sup>24</sup> See FOP CBA Article 14(L).



## **E. Other Types of Leave**

Several other types of leave are also available to employees in the County Government. These include holiday leave, military leave, and religious leave.

**Holiday Leave.**<sup>25</sup> The Personnel Regulations and the collective bargaining agreements provide specific details about holiday benefits for each employee group. Each year, all County Government employees receive paid leave for the nine holidays listed below:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

IAFF members also receive a holiday benefit for Inauguration Day, Election Day, and Columbus Day. Holiday benefits vary by employee group.

Employees who have to work on holidays can receive premium pay in lieu of the holiday leave, can earn compensatory leave in lieu of the holiday, or in some cases, can take an alternative day off. MCGEO and FOP members who are required to work on holidays receive premium pay of one and a half times their normal pay for working on a holiday – in addition to their regular pay. On holidays, all IAFF members receive premium pay of one time their normal pay (in addition to their regular pay), regardless of whether they are scheduled to work on a holiday or not.

**Military Leave.**<sup>26</sup> Employees in the County Government are entitled to take temporary leave for military service or training. The Personnel Regulations and the CBAs describe the details for taking military leave and for seeking reinstatement in a County Government position following military services.

**Religious Leave.**<sup>27</sup> The Personnel Regulations and the MCGEO CBA both address religious leave. The IAFF and the FOP CBAs do not include provisions for religious leave. Based on whether an employee is exempt or non-exempt, the Personnel Regulations and the MCGEO CBA allow employees to take leave for religious observance and work an equivalent number of hours in the same pay period, or an employee can earn compensatory leave over multiple pay periods (no more than eight pay periods) before or after a religious observance. The Personnel Regulations specify that supervisors must grant leave for religious observance unless the leave would create an “undue hardship.”

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<sup>25</sup> See MCGEO CBA Article 20, IAFF CBA Article 16, FOP CBA Article 14, Personnel Reg. § 24.

<sup>26</sup> See MCGEO CBA § 16.8, IAFF CBA § 12.9, FOP CBA Article 20(G), Personnel Reg. § 22.

<sup>27</sup> See MCGEO CBA § 13.5(g), Personnel Reg. § 15-4

## **F. Other Statuses Related to Leave**

### **1. Leave Without Pay**

Leave without pay (LWOP) is an approved, unpaid absence from work.<sup>28</sup> Employees taking LWOP are in a non-pay status. All County Government employees are eligible to take LWOP. The Personnel Regulations specify when LWOP is mandatory and when it is discretionary.

A department director **must** approve LWOP in the following four circumstances:

- Family Medical Leave;
- Parental leave
- Military leave; or
- Political leave – for employees who are members of the Maryland General Assembly.

A County manager **may** place an employee on LWOP when:

- An employee is facing disciplinary action;
- An employee cannot medically perform job related tasks and alternatives are not available;
- An employee has exhausted all other types of available leave; or
- An employee has a positive drug test.

Directors **may** approve LWOP for other reasons after considering the reason for the request and the impact it would have on a department's workload.

An employee may take LWOP for up to one year. After one year, the County Government has the option to terminate the employee or take other action consistent with state and federal law. After 90 days on LWOP, a department director may require an employee to waive the right to be reinstated in the same position, except for employees on LWOP for the mandatory reasons listed above. An employee who is granted LWOP may also incur changes to their leave accrual, service increment date, credited service for retirement, and health insurance.

### **2. Absent Without Leave**

The Personnel Regulations and the three CBAs consider an employee who fails to show up for work or who leaves work before the end of a shift to be absent without leave (AWOL).<sup>29</sup> The Personnel Regulations specify two other circumstances when a manager can consider an employee to be AWOL. These may arise if an employee:

- 1) Fails to notify a supervisor about an absence under established department procedures or practices, or
- 2) Obtains approval for an absence for fraudulent reasons.

A County manager must place an employee who is AWOL in a non-pay status for the period of time they were absent and must bring disciplinary and/or termination actions against the employee.

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<sup>28</sup> See MCGEO CBA Article 16, IAFF CBA Article 12, FOP CBA Article 20, Personnel Reg. § 23.

<sup>29</sup> See MCGEO CBA Article 15, IAFF CBA Article 23, FOP CBA Article 15, Personnel Reg. § 15-8.

### **Chapter III. Leave Administration in the Office of Human Resources and Executive Departments**

In Montgomery County Government, the Office of Human Resources (OHR) and department staff are jointly responsible for administering and complying with leave policies and regulations. This decentralized system assigns the departments lead responsibility for most administrative tasks, such as approval and recordation and OHR responsibility for providing guidance to departments on leave, training and managing the substantive requirements, including updates, for MCtime.

OLO interviewed representatives from the seven County Government departments with 200 or more full-time employees to learn how each department administers leave and to understand how department practices differ. This chapter summarizes the most pertinent information highlighted by the department representatives. OLO interviewed representatives from:

- The Department of Corrections (DOCR);
- The Department of General Services (DGS);
- The Department of Health and Human Services (DHHS);
- The Department of Liquor Control (DLC);
- The Department of Transportation (DOT);
- Montgomery County Fire and Rescue Services (MCFRS); and
- Montgomery County Police Department (MCPD).

This chapter begins with a description OHR's role in leave administration followed by a description of MCtime – the County Government's electronic timecard system. The chapter then describes leave administration in the seven departments, reviews the County Government's Public Safety Workgroup, and provides a summary of feedback OLO heard from department and union representatives about leave administration issues.

#### **A. Office of Human Resources**

The Office of Human Resources (OHR) has the responsibility to direct the County Government's human resource functions, including developing and maintaining county personnel regulations related to leave; representing the Executive in collective bargaining negotiations, administering and tracking employee leave in the County Government; and ensuring departments' compliance with leave policies found in the personnel regulations and the collective bargaining agreements. This section describes how OHR fulfills these roles and responsibilities. Specifically:

- OHR's **Labor and Employee Relations** division provides guidance to supervisors and employees on the leave provisions in the CBAs and the Personnel Regulations. It also addresses grievances filed by employees related to leave and other issues.
- OHR's **Records Management Team** tracks employees on leave without pay (LWOP), updates employees' Oracle records to reflect when an employee changes from annual/sick leave to paid time off (PTO), and notifies the Department of Finance about leave credit when employees transfer from temporary to permanent positions.
- OHR's **Classification & Compensation Team** assists with specific issues when needed, e.g., assisting with the addition of leave to employees' records when employees received additional compensatory leave in FY11.

With the exceptions of leave without pay and, as of December 2012, Family and Medical Leave, OHR does not manage or track County Government employees' use of leave.

**Interpretation of Contracts and Personnel Regulations.** OHR provides guidance to departments on the interpretation of the rules that govern leave use in collective bargaining agreements and the Personnel Regulations. OHR's guidance offers advice about the broad interpretation of these rules and leave use and also addresses specific situations that arise in a department. Department staff report that some departments seek its guidance on a more regular basis than others.

When OHR and a department interpret a leave question (and other personnel issues) differently, OHR's interpretation typically governs. For example, OHR and some departments hold different views about whether collective bargaining agreements require the use of sick leave (some departments) or permit the use of annual leave when an employee is sick (OHR). Although some departments think the collective bargaining agreements require the use of sick leave when an employee is sick, OHR's interpretation, i.e., that the agreements allow an employee to use annual leave when they are sick because annual leave can be used for any purpose, governs. If an employee files a grievance, OHR represents the Chief Administrative Officer in the grievance.

**Written Guidance.** OHR's Labor and Employee Relations team produces two documents that provide department staff information about human resources issues, including employee leave:

- The Management Guidance Bulletin, first produced in July 2012 for management employees, provides OHR's interpretation of collective bargaining agreement language.
- The LER Connection newsletter, first produced in May 2012, updates employees about grievance decisions, and provides guidance and advice related to labor and employee relations.

**Family and Medical Leave.** Previously, County departments were responsible for FMLA administration, i.e., reviewing, approving or denying, and monitoring their employees' applications for and use of FMLA. OHR offered departments training on FMLA but it was not mandatory.

In June 2012, the Director of OHR notified County departments that it intended to centralize FMLA in OHR, effective December 1, 2012. OHR's reasons for centralizing FMLA included:

- A desire for uniformity and consistency;
- An effort to have better controls on the approval and monitoring of FMLA use; and
- OHR employees' knowledge and expertise related to FMLA.

OHR reported to OLO that numerous departments had requested that OHR centralize FMLA, and staff from several departments reported to OLO that they support the decision to move FMLA administration to OHR.

The OHR employee who will serve as the FMLA liaison and oversee the program is a Program Manager II.<sup>1</sup> In addition to administering the County FMLA process, the position will:

- Manage the County drug testing program;
- Serve as the County Government's custodian of medical records;
- Provide expertise on medical software used by the County Government; and
- Conduct reviews, studies, research and analysis of medical records management.

When an employee requests FMLA leave, OHR's FMLA liaison will review the employee's eligibility, determine whether the request qualifies for FMLA leave, and ensure that the employee completes all required forms. If the FMLA liaison has questions about the FMLA request, a doctor from OMS can contact the employee's doctor for clarification. If an employee refuses to allow an OMS doctor to contact the employee's doctor, OHR can deny the request for FMLA leave. After the FMLA liaison determines an employee is eligible for FMLA leave, the liaison will provide guidance to departments on administering the terms of each employee's FMLA leave.

OHR staff observed that they are seeing more employees using FMLA leave; and that many employees who are on leave should be using FMLA leave, but are not. The FMLA liaison has proposed that the County Government purchase specialized software to track employees who use FMLA leave.

**Leave Without Pay.** The Office of Human Resources tracks employees' use of leave without pay (LWOP). Staff report several challenges in managing LWOP, including the following:

- OHR staff often identifies employees on LWOP only after they receive a bi-weekly Insufficient Funds Report that lists employees who did not earn enough to cover benefit deductions – not from employees' supervisors.
- After OHR notifies a department to place an employee on LWOP after it has reviewed the Insufficient Funds Report, a department may not comply with OHR's request because, e.g., the department may be pursuing disciplinary action against the employee.
- Because OHR cannot suspend an employee's benefits until a department places an employee on LWOP, it continues to classify these employees as active. Under these circumstances, employees can continue to receive benefits at the County Government's expense for an extended period of time.

**Training.** OHR provides one training class that is leave-related, entitled "Understanding the Family Medical Leave Act (FMLA)." This voluntary training is offered quarterly. Also, some departments, such as DHHS, periodically ask OHR staff to conduct special department-specific training related to leave. OHR has also partnered with MCGEO to conduct training for its supervisors and shop stewards on leave use.

**Wellness Promotion.** In the FY13, the County Council created a Wellness Coordinator position within OHR,<sup>2</sup> with the goal of improving health outcomes (and decreasing sick leave use) with long-term, successful wellness and disease management programs.

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<sup>1</sup> OHR intends to advertise this position in early 2013.

## **B. MCtime**

MCtime is the County Government's web-based application used to track employee time and attendance. MCtime, an off-the-shelf product made by Kronos, was purchased in 2004. The first departments began using it in February 2007 (replacing paper timecards) and the last departments were brought online in August 2010. All departments use MCtime to record and approve their employees' time and attendance data. These data are then transferred to the County Government's Oracle system, which processes employees' paychecks. Three departments – MCFRS, MCPD, and DOT's Transit Division's bus operators and Division of Highway Services – use scheduling software that automatically transfers employees' data to MCtime.

MCtime is a companion to the County's ongoing implementation of an Enterprise Resource Planning (ERP) system, a comprehensive initiative to replace the County's mainframe-based technology for managing its business functions. The Department of Finance has lead responsibility for administering MCtime, receiving implementation help from OHR and the Department of Technology Services.

Although it has been five years since MCtime was first implemented, department staff report some issues with its implementation and use. For example, MCtime cannot currently automate a department's leave request and approval process because the County operates two different versions of MCtime: one version, the Java-based version used by supervisors, supports leave requests and approvals while the other version, the HTML-based version used by employees, does not. In addition, staff in some 24/7 department report difficulties with inputting work hours and leave.

The County's website provides background information and other resources for employees and managers on MCtime,<sup>3</sup> including frequently asked questions, time-related forms, and online training opportunities. MCtime staff also provide training when requested.

## **C. Department of Corrections**

The Department of Corrections (DOCR) manages the County's correctional services, including pre-trial supervision, secure incarceration, and treatment and reintegration programs. In FY12, DOCR's approved budget was \$61.3 million with an Approved Personnel Complement for 558.2 full time equivalents (FTEs). Approximately 92% of employees are members of MCGEO.

**Staffing Requirements.** The Department of Correction and Rehabilitation has five divisions plus the Director's Office:

- Detention Center;
- Correctional Facility;
- Pre-Trial Services;
- Pre-Release and Reentry Services; and
- Management Services Division.

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<sup>2</sup> The Council's Task Force on Employee Wellness and Consolidation of Agency Group Insurance Programs also contracted out a review of disease management programs.

<sup>3</sup> [www.montgomerycountymd.gov/mctime](http://www.montgomerycountymd.gov/mctime)

Most union employees in DOCR who provide services in the detention facilities work 40 hours per week on one of three shifts: days, evenings, and midnights. Every year DOCR convenes a shift bid where employees choose their shifts for a coming year, based on seniority. DOCR reports that it does not have access to an electronic scheduling system, such as TeleStaff, for scheduling.

**Leave Administration.** The MCGEO CBA is the primary document that governs DOCR's practices for administering leave for DOCR's union employees. DOCR has created documents for supervisors and non-supervisory employees based on these rules. In addition, the Detention Services Division has developed a Policy and Procedures Manual, that has a policy on the "Scheduling and Use of Leave" and provisions that address annual, sick and administrative leave, among others.<sup>4</sup> (See Appendix C for a summary.)

Supervisors have authority to grant or deny annual, compensatory, and sick leave requests based on operational requirements. Additionally, supervisors use a written script to provide information when employees call in to request unscheduled leave in order to minimize use of this leave. Because several divisions require 24/7 staffing, DOCR uses both voluntary and mandatory overtime to backfill positions when employee leave results in a shift being understaffed.<sup>5</sup> DOCR may reprimand employees who refuse mandatory overtime. At the same time, supervisors will allow employees to take leave when a shift that has more employees than needed.

DOCR employees complete their own MCTime timecards and supervisors are responsible for reviewing timecards and making any changes if an employee has not filled out the timecard correctly. DOCR supervisors work closely with the Department's Administrative Specialist to administer and monitor leave usage in the department. The Administrative Specialist also:

- Serves as DOCR's FMLA coordinator;
- Trains supervisors on how to document all leave;
- Created a program (similar to Telestaff) that compares backfill costs and overtime use; and
- Holds monthly meeting with the County Government's Workers' Compensation third-party administrator to review every case.

#### **D. Department of General Services**

The Department of General Services (DGS) provides and supports business and service requirements for all County departments including procurement, fleet, printing/duplication, and facilities management. In FY12, the Approved Budget for DGS was \$90.6 million (including all funds) with an Approved Personnel Complement for 383.7 full time equivalents. Approximately 78% of DGS employees are members of MCGEO.

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<sup>4</sup> This policy is currently being edited, but it is described below in its current form.

<sup>5</sup> Several County Government departments with 24/7 staffing fill positions or shifts when employees call in for unscheduled leave – referred to as "backfilling" the position. Backfilling leads to overtime costs because a department typically recruits other full-time employees to fill shifts for employees on unscheduled leave – increasing a full-time employee's hours in a pay period.

**Staffing Requirements.** DGS has five divisions plus the Director's Office. Several divisions (Fleet Management and Facilities) in DGS have minimum staffing requirements that require backfill of positions when a division falls below minimum staffing due to leave use. DGS' divisions are the:

- Office of Procurement,
- Building Design and Construction,
- Fleet Management Services,
- Facilities Management, and
- Real Estate and Management Services.

**Leave Administration.** County personnel regulations and MCGEO's CBA are the governing documents for administering leave policy for three DGS divisions – Procurement, Building Design and Construction, and Real Estate and Management Services – plus the Director's Office.<sup>6</sup> Staffing requirements for these units are "traditional," i.e., 9 a.m. to 5 p.m. workplaces.<sup>7</sup> Staffing requirements for the other two DGS divisions – Fleet Management and Facilities Management – must provide the capacity for DGS staff to respond to unplanned or emergency situations.

To address these different requirements, DGS has instituted one set of department-wide leave policies and is in the process of establishing separate division policies. So far, Fleet Management and Facilities Management have completed their specific leave policies; the three other divisions, which are staffed primarily with non-essential positions, are still creating their specific policies. This section summarizes DGS' department-wide leave policies followed by a description of the policies and practices in Fleet Management Services, Facilities Management, and Print and Mail Services.

**DGS-Wide Leave Administration.** The following table summarizes DGS' department-wide attendance policy. Supervisors maintain records and monitor employees in accordance with the attendance policy.

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<sup>6</sup> The Department of General Services is currently undergoing a minor reorganization, which will be described in the FY14 Budget Book. Under the reorganization, the Department will have eight divisions: Office of Business Relations and Compliance; Office of Procurement; Building Design and Construction; Fleet Management; Real Estate Service; Office of Special Projects; and Central Services (includes Printing and Mail, Records Management, and Administration). For purposes of this report, we will discuss the divisions as they were prior to the reorganization.

<sup>7</sup> See, however, the description of Print and Mail Services in the Real Estate and Management Services Division, below.



**Table 3-1. Summary of DGS Department-Wide Attendance Policies**

Policy on...	Summary
Annual Leave	Employees must request leave as far in advance as possible and supervisors must make reasonable efforts to grant leave unless workload prohibits it. Supervisors must prepare a vacation schedule for all employees.
Unscheduled Annual Leave	If an employee has fewer than five unscheduled absences, unscheduled leave can be approved up to an employee's available leave balance.
LWOP	Supervisors will approve LWOP in accordance with regulations and the CBA for employees with fewer than five unscheduled absences.
Sick Leave	Employees must schedule sick leave as far in advance as possible. Planned sick leave may be denied based on operational requirements.
Unscheduled Sick Leave	Employees must request unscheduled sick leave within 30 minutes of starting time. An employee is charged with an unscheduled absence unless s/he brings in a doctors note or if leave is FMLA leave. An employee must notify a supervisor each day of sick leave. If an employee has five or more unscheduled absences, sick leave will not be approved unless the illness is documented.
AWOL	An employee with 24 hours or three consecutive days of AWOL may be terminated. Employees on AWOL returning the same day as an unauthorized absence may be refused work.
Leave Awards	Employees in certain job classes with no unscheduled absences in a calendar year are eligible to receive an 8-hour annual leave award. Employees can remove one occurrence of unscheduled leave from their records for each subsequent two consecutive pay periods with no unscheduled leave.
Discipline	<p>Unscheduled absences result in the following discipline for merit employees:</p> <ul style="list-style-type: none"> <li>2 absences    Counsel employee</li> <li>3 absences    Oral Admonishment</li> <li>5 absences    Written Notice</li> <li>6 absences    Written Reprimand</li> <li>8 absences    One-day suspension or 5% pay reduction equal to one day suspension</li> <li>10 absences   Three-day suspension or 5% pay reduction equal to three day suspension</li> <li>12 absences   Dismissal</li> </ul> <p>For disciplinary purposes, AWOL and unscheduled leave tracks can be combined.</p>

Source: DGS

In addition, DGS uses the following procedures regarding work hours and leave:

- The department keeps an internal record on disability and light duty employees;
- Supervisors proactively code FMLA leave for employees; and
- Most divisions use electronic leave request forms.

**Fleet Management Services.** DGS' Fleet Management Services (Fleet) manages the County Government's fleet of cars, buses, and heavy equipment. Fleet has over 200 employees (most represented by MCGEO) and operates 24-hours a day/seven days a week at three core maintenance facilities and seven satellite facilities. Most employees in Fleet are considered "essential,"<sup>8</sup> which means that fewer employees can take leave at any given time.

<sup>8</sup> Essential employees are those employees required to work during a modified liberal leave period, liberal leave period, or general emergency unless they are prevented from doing so by severe weather or other emergency.

Fleet uses written and electronic leave request slips and requests are granted based on operational needs and awarded based on seniority. Fleet has no employee “buffer” – if an employee calls in sick, management has to fill the shift, resulting in overtime. Supervisors in Fleet are responsible for entering the work time of employees into MCtime and for monitoring leave use.

Fleet has unique standard operating procedures in place related to vacation picks: at beginning of each year, employees pick, by seniority, two consecutive weeks of vacation. Employees can also request additional leave throughout the year with advance notice.

Facilities Management. The Division of Facilities Management provides comprehensive planning and delivery of maintenance services and oversight of building-related operations at County facilities used by County staff and residents. Employees in Facilities Management primarily work one of two 8-hour shifts:

- 7am-3:30pm – Divided into four County “areas,” employees cover all basic needs of County facilities; or
- 2:30pm-11pm – A skeleton crew of employees (one AC specialist, one electrician, one plumber, and two general workers) provided needed coverage for the whole County.

Facilities Management also maintains a standby shift of employees on weekends and after hours.

Facilities supervisors in the Division monitor all employee leave. While the Division does not complete a shift/vacation bid like Fleet, supervisors begin to schedule summer leave in April. All shifts in Facilities must be filled, so the Division must backfill positions when necessary. DGS representatives estimate that standby workers are called in two times a month.

Print and Mail Services (under Real Estate and Management Services). Approximately 42 employees in Print and Mail Services work one of two 8-hour shifts (7:30 a.m.-4 p.m. or 8:30 a.m. to 5 p.m.). Print and Mail Services uses an electronic leave request system and has one unique policy regarding leave use – employees are cross-trained so more than one employee can perform certain job duties. Cross-trained employees try not to take leave at the same time as their counterparts.

## **E. Department of Health and Human Services**

The Department of Health and Human Services is responsible for the delivery of public health and human services that address the basic and critical needs of the County’s residents. In FY12, the Approved Budget for DHHS was \$242.1 million with an Approved Personnel Complement for 1,485.7 full time equivalents. Approximately 83% of DHHS employees are members of MCGEO.

**Staffing Requirements.** The department is organized into five “service areas” plus the Director’s Office. The service areas are:

- Aging and Disability Services;
- Behavioral Health and Crisis Services;
- Children, Youth and Family Services;
- Public Health; and
- Special Needs Housing.

Most employees in DHHS work traditional 40 hour workweeks, or a variation of a “9 to 5” schedule. The biggest exception is the Crisis Center in the Behavioral Health and Crisis Services service area – which operates on a 24-hour, seven-day-a-week basis. Most employees in DHHS are represented by MCGEO.

**Leave Administration.** In general, the MCGEO CBA and the Personnel Regulations govern DHHS’ leave administration practices. Leave administration varies only slightly by service area, based on operational requirements. OLO met with staff from the Children, Youth & Family Services and from Behavioral Health and Crisis Services service areas to discuss leave administration.

DHHS supervisors generally approve or deny leave requests based on operational needs. If multiple employees request leave at the same time, supervisors grant leave based on seniority. Employees can generally request leave throughout the year. Some supervisors ask employees to submit leave requests at certain times during the year, particularly for summer vacations or between Thanksgiving and the end of the year. DHHS representatives indicated that employees often negotiate amongst themselves if two or more people want to take leave at the same time.

DHHS representatives report that supervisors address leave abuse or misuse by looking for common patterns. Supervisors who suspect leave abuse or misuse will coordinate action with DHHS’ human resources staff and if necessary, place an employee on sick leave restriction. Representatives also report that the Department will refer employees who chronically use sick leave to the County Government’s disability manager in OHR.

**Crisis Center.** The Crisis Center provides full crisis assessments, short-term crisis treatment, and treatment referrals for psychiatric and situational crises, 24 hours a day/365 days a year. The Crisis Center has a Memorandum of Understanding with MCGEO establishing a process for setting employees’ schedules once a year, based on seniority.

Because the Crisis Center requires staffing around the clock, leave use can lead to overtime when the Center backfills positions. The Center, however, has two options to avoid leave-related overtime. The Center has 2 FTEs to fund temporary staff for the Center to fill open shifts. DHHS representatives report that temporary staff are available approximately half the time that they are asked to fill open shifts. Additionally, if a Crisis Center employee calls in sick during a low-volume time, the Center might choose to leave the shift unfilled. Few other DHHS areas generate significant amounts of overtime.

Family and Medical Leave. DHHS supervisors track employees' FMLA leave use through MTime. In DHHS, both supervisory staff and employees initiate the use of FMLA leave. DHHS representatives report that they are in contact on a weekly basis with the FMLA Coordinator in OHR to monitor DHHS employees on FMLA leave and to develop a process in DHHS for coordinating FMLA leave. Recently, DHHS' staff underwent FMLA and sick leave training with the Office of Human Resources at the request of DHHS service area chiefs.

## **F. Department of Liquor Control**

The Department of Liquor Control (DLC) operates facilities for the wholesale and retail distribution of alcoholic beverages in the County. DLC currently has authority over more than 1,000 licensees (retail stores and restaurants) in the County. In FY12, the Approved Budget for DLC was \$47.0 million with an Approved Personnel Complement for 323.0 full time equivalents. Approximately 82% of DLC employees are in MCGEO.

**Staffing Requirements.** Department of Liquor Control has three divisions:

- Administration;<sup>9</sup>
- Licensure, Regulation and Education (LRE);<sup>10</sup> and
- Operations.

Employees in the Administration and LRE divisions work "typical" 9 to 5 schedules. Employees in Operations also work 40 hours, but have more varied shifts. Most DLC employees work in Wholesale Operations (warehouse) and retail stores.

**Leave Administration.** The MCGEO CBA and the County Personnel Regulations govern DLC's leave policy and practices. DLC does have some written department policies and practices. Two divisions, Administration and LRE, use similar practices to administer their employees' leave.

The Operations Division, has three sections: Purchasing and Customer Service, Wholesale Operations, and Retail Operations. The Purchasing and Customer Service section follows administrative practices similar to those in the Administration and LRE divisions; however, it has also implemented a "buddy" system that encourages each employee to coordinate leave with a buddy to ensure work coverage. According to DLC, other leave-related practices that are common across the Operations division include:

- Very minimal leave is available on peak holidays (New Years, Memorial Day, Fourth of July, Thanksgiving, and Christmas);
- Employee supervisors fill out MTime timecards for all employees; and
- DLC supervisors do not initiate FMLA leave – only employees do.

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<sup>9</sup> Includes Budget, HR, Facilities, Finance, and Informational Technology

<sup>10</sup> Includes licensure and staffing for Board of License Commissioners, Regulation, Education, Training, and Development of Community Alliances

The Wholesale Operations Section. Wholesale Operations (the Warehouse) is responsible for the sale, warehousing and delivery of beverage alcohol products for DLC. Warehouse employees, primarily 38 truck drivers and 30 helpers, generally work Monday through Friday from 6:30 a.m.- 4:30 p.m., with a shift from 4:30 p.m. - 1 a.m. Sunday through Thursday. All employees work eight-hour shifts. The Division has some specific written leave-related policies to ensure adequate staffing for its operations:

- No more than four drivers or helpers in the Warehouse may take scheduled leave each day; and
- Employees who are late to work must use leave in order to cover the time.

Warehouse drivers work overtime to compensate for the workload if too many drivers use unscheduled leave, and warehouse helpers compensate and pick up the extra work if too many helpers use unscheduled leave.

An Office Services Coordinator keeps track of all leave requests granted and denied in the Division, including a daily report on leave in the Warehouse. DLC representatives report that employees typically will stop problematic leave use following a written reprimand.

In addition, the Warehouse has a written policy on sick leave procedures (See Appendix D). Most policies are similar to the Regulations and CBAs; however the following policies are unique:

- Employees must notify their supervisor of unscheduled sick leave within 30 minutes of regularly scheduled work time; and
- Employees with six instances of undocumented sick leave in a 12-month period are considered in abuse, requiring a doctor's note for all future sick leave, with the following discipline:

**Table 3-2. Summary of DLC Warehouse Sick Leave Policy**

# of Undocumented Sick Leave Instances	Discipline
Six	Oral reprimand, not in personnel file
Seven	Written reprimand
Eight	5% pay reduction for 20 workdays
Nine	5% pay reduction for 60 workdays
Ten	Dismissal

Source: DLC Departmental Procedure 1-14: Sick Leave Procedures

The Retail Operations Section. Retail Operations is responsible for the sales, promotion, and marketing of beverage alcohol products in County stores. Retail Operations has over 200 employees, including 23 store managers, 23 assistant managers, 40 merit part-time clerks, 28 full-time clerks, and a significant number of seasonal temporary employees. Retail stores are open seven days a week (10 a.m.- 9 p.m. Monday through Saturday, 10 a.m.- 5 p.m. Sunday) and retail employees work eight-hour shifts.

Supervisors approve or deny leave requests based on service needs in the retail stores. If too many employees use unscheduled leave, Retail Operations is required to backfill the positions, leading to overtime. The Retail Operations Division uses several written policies on employee leave (See Appendix D).

## **G. Department of Transportation**

The Department of Transportation (DOT) is responsible for public transportation and parking services, road maintenance and construction, and sidewalk and bikeway management. In FY12, the Approved Budget for DOT was \$174.7 million with an Approved Personnel Complement for 1,136.4 full-time equivalents. Most (90%) of DOT employees are members of MCGEO.

**Staffing Requirements.** DOT includes five divisions: Transportation Engineering; Traffic Engineering and Operations; Parking Management; Highway Services; and Transit Services and the Director's Office. Most DOT employees who do not work in Transit work a 9 to 5 schedule; Transit operates 22/23 hours daily.

**Leave Administration.** For all DOT divisions, supervisors approve leave requests and can deny leave based on operational needs. While most DOT divisions use paper leave request slips, the Director's Office has created an electronic database to administer and track leave requests.

Practices to administer leave in DOT's Transit Division, which employs over half of all DOT employees and operates the County's Ride On bus service, differ significantly from DOT's other divisions. Since the Transit Division accounts for the majority of DOT's overtime, the Director's Office tracks and monitors leave (the department tracks all overtime but monitors Transit more closely).

**Transit Division.** DOT's Transit Division operates Ride On buses 22 to 23 hours a day, seven days a week. Ride On had 759 approved workyears in FY12. Bus operators pick schedules three times a year – in January, May, and September – based on seniority. DOT staff noted that the Department recently negotiated a new system for DOT employees to pick vacation leave. Unlike other County Government employees, bus operators do not receive three personal days but rather one personal day a year plus compensatory leave.

Transit schedules bus drivers using a computer-based scheduling system called Trapeze; the system also downloads bus drivers' scheduled and actual hours and leave taken into MTime. One transit supervisor is responsible for recording and monitoring time for approximately 50-60 drivers. DOT representatives note that it would increase supervisors' efficiency if, instead of the supervisors, Desk Coordinators (who check drivers in and out of work) could adjust drivers' schedules in MTime.

Transit must fill every bus operator position on every shift. DOT employs full-time relief operators to fill shifts for bus drivers with scheduled leave. These relief employees pick routes two weeks in advance. DOT uses overtime to fill shifts for bus drivers who take unscheduled leave. When a driver calls in for unscheduled leave, DOT cannot cancel a route because Ride-On's bus routes operate based on an interlined system. This means operators can drive numerous routes during one shift, changing routes multiple times mid-shift. If a bus does not run, it would affect multiple routes.

Ride On drivers work an average of 42.3 hours in a week (guaranteeing the payment of overtime). Some shifts, such as 10-hour shifts, also guarantee that drivers will receive overtime. DOT staff

report that, frequently, the number of bus drivers who call in for unscheduled leave plus drivers who are on scheduled leave result in too few bus drivers to run all needed routes on a given day. Ride On fills these positions with other employees, resulting in overtime.

Because of DOT's challenges related to unscheduled leave, DOT negotiated an attendance and discipline policy with MCGEO for Ride On bus drivers that took effect in 2005. Under the system, employees earn points for unscheduled leave that result in progressively higher levels of discipline. Employees are notified in writing of all points assessed and are counseled when they accumulate ten or more points. Employees are dismissed when they earn approximately 110 points. For a more detailed description of the policy, see Appendix E.

DOT staff noted that FMLA leave does not count toward the discipline system for Ride On bus drivers. Between January 2011 and July 2012, one third of all sick leave in the Transit Division was FMLA leave. DOT staff report that this results in significant amounts of unscheduled FMLA sick leave. Staff also report that the department is a strong proponent of centralizing FMLA administration in OHR.

Two other factors that affect overtime due to required backfilling in Transit are the division's "Non-Driving List" and required drug testing:

- Transit maintains a Non-Driving List which identifies bus operators who are not able to drive a bus, primarily because of disability or disciplinary reasons; and
- Transit is required by federal law to do random drug and alcohol tests every day on a certain number of employees in the Transit Division – these employees are put on administrative leave for the testing.

*Hiring in Transit Division.* In addition, DOT is actively recruiting and hiring new full-time bus drivers to increase staff and decrease the use of overtime. DOT representatives report that they are turning out classes of bus drivers every six weeks. While they seek to have 20 drivers in every class, the past few classes have had approximately 14 drivers each. Representatives report that DOT currently is losing as many employees (through retirement, resignation, etc.) as it is able to hire.

## **H. Montgomery County Fire and Rescue Service**

The Montgomery County Fire and Rescue Service (MCFRS) provides fire, rescue, and emergency medical services to residents in Montgomery County. MCFRS operates 35 fire and rescue stations and 13 satellite offices. In FY12, MCFRS' approved budget was \$180.0 million with 1,243.0 full-time equivalents. MCFRS represented employees belong to two different unions; uniformed staff at the rank of Master Firefighter and below are members of the IAFF (approximately 92% of MCFRS employees) and civilian represented staff are members of MCGEO (approximately 6% of MCFRS employees). In 2007, OLO completed a base-budget review of MCFRS that included recommendations on data management and a net annual work hour analysis.<sup>11</sup>

**Staffing Requirements.** MCFRS is organized into the follow divisions, plus the Office of the Fire Chief:

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<sup>11</sup> OLO Report 2007-6, *A Base Budget Review of the Montgomery County Fire and Rescue Service, Phase I* and OLO Report 2007-8 *A Base Budget Review of the Montgomery County Fire and Rescue Service, Phase II: Net Annual Work Hour Analysis of First Responders*.

- Division of Administrative and Technical Support Services;
- Division of Operations;
- Division of Risk Reduction and Training Services;
- Division of Volunteer Services;
- The Fire and Emergency Services Commission; and
- Nineteen Local Fire and Rescue Departments (LFRD).

MCFRS employees work three different types of schedules – described below by the number of hours staff are scheduled to work each year. Most MCFRS employees are in the Division of Operations and staff the County’s fire and rescue stations. These employees are scheduled to work 2,496 hours each year – or 96 hours each pay period. A smaller number of employees, including dispatchers, fire investigators, and civilian call-takers,<sup>12</sup> are scheduled to work 2,184 hours each year – or 84 hours in each pay period. The remaining MCFRS employees are scheduled to work 2,080 hours each year – or 80 hours per pay period.

These three schedules result in different types of work schedules on a day-to-day basis. The table below provides examples of different schedules in MCFRS.

**Table 3-3. Examples of MCFRS Employee Schedules**

	Example of Shift	# of Hours Each Week
2,496 Employees	24 hours of work/48 hours off, with appropriate other days off*	48
2,184 Employees	24 hours of work/48 hours off, with appropriate other days off*	42
2,080 Employees	Five 8-hour days or four 10-hour days	40

\* Most MCFRS employees’ schedules include “Kelly Days,” which are periodic days off that ensure an employee works the same average number of hours weekly, either 48 hours or 42 hours.

Source: MCFRS staff, IAFF CBA

**Leave Administration.** The primary governing document for MCFRS’ leave policy is the IAFF agreement. MCFRS staff record their time and leave directly in MTime. Department representatives, however, report difficulties in recording time in MTime due to MCFRS’ 24/7 schedule.

MCFRS uses TeleStaff scheduling software to maintain employee schedules. Employees in the Division of Operations can call into TeleStaff to request unscheduled leave. Other MCFRS employees call in to supervisors to request unscheduled leave. Employees must call in at least one hour before their scheduled shift or they will be considered AWOL. MCFRS representatives report that the department does not record leave as “unscheduled” in MTime because the term is not defined in the IAFF CBA.

The TeleStaff software helps MCFRS fill positions when employees call in with unscheduled leave by flagging open positions that need to be filled. TeleStaff also allows employees working a shift to note if they would like to work either 10 or 24 hours of overtime following their shift, allowing supervisors to identify employees willing to fill open positions. If MCFRS cannot identify enough employees to fill positions, supervisors will “force hire” employees and require them to work overtime.

<sup>12</sup> Note that by FY14, MCFRS’ civilian call takers will be transferred to MCPD.



MCFRS must fill approximately 270 positions every shift. MCFRS representatives report that the department does not have an adequate number of staff to provide a buffer for unscheduled leave. Consequently, when employees call in for unscheduled leave, MCFRS backfills the positions with staff of equal rank or above rather than leaving a position unfilled for a shift, leading to overtime costs. The department backfills positions every day.

One effect of backfilling positions is that MCFRS cannot comply when the County Government gives additional leave to employees with the caveat that the leave cannot be used if it would result in overtime costs.<sup>13</sup> On a daily basis, MCFRS' staffing plan does not allow the department to approve leave without the leave resulting in overtime costs.

MCFRS representatives estimate that the department needs approximately 100 additional positions to operate without large amounts of overtime. The department currently is working on a 3-year staffing plan with OMB.

Annual Leave. The IAFF CBA contains a formula to calculate the number of annual leave slots that will be available each year. These slots are divided into two categories: (1) vacation leave slots and (2) casual leave slots. MCFRS uses a bidding process at the end of a calendar year based on seniority to allow employees to indicate their preference for vacation leave slots in the following calendar year. Employees can request casual leave within 30 days of the leave.

For the Division of Operations, the CBA sets the number of vacation leave slots available in the following year at 12 percent of the average number of employees per shift on October 1<sup>st</sup> plus one third of any career recruit class in session on October 1<sup>st</sup>. The number of casual leave slots in the Division of Operations is set at nine percent based on this same formula. Note that the number of casual leave slots available is included in the available number of vacation leave slots, not in addition to the vacation leave slots.

MCFRS representatives report that almost all leave slots are filled in a year. The number of leave slots available in calendar years 2011 and 2012 are summarized in the Table 3-4.

**Table 3-4. Number of Available Vacation and Casual Leave Slots, CY2011 and CY2012**

Type of Leave Slot	# of Leave Slots
<b>Casual Leave Slots</b>	
Day	34
Nights and Weekends	30
<b>Vacation Leave Slots</b>	
Shift Workers (24-hour shifts)	38
Day Workers (8-hour days)	5

Source: MCFRS

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<sup>13</sup> For example, in FY11, the County Executive negotiated additional compensatory leave with each of the employee unions. The agreements stated that the compensatory leave could not be used if it caused the need to backfill with overtime. See Appendix F.

For MCFRS staff represented by MCGEO, managers approve or deny annual leave requests based on workload.

Sick Leave. The Division of Operation's Battalion Chiefs manage sick leave use. The IAFF's CBA sets out the department's process for using sick leave and sick leave misuse/abuse. MCFRS' 2,496 employees can be put on sick leave restriction after four incidents of sick leave use (family or personal) in a consecutive 12-month period. MCFRS' 2,184 and 2,080 employees can be put on sick leave restriction after five incidents of sick leave.

Family and Medical Leave. MCFRS representatives report that the department welcomes the centralization of FMLA in the Office of Human Resources because of the consistency it will bring to FMLA review and decision-making in the County Government. Department staff note that evaluating FMLA applications is a difficult process.

Disability Leave. MCFRS keeps an ongoing list of employees who are on leave or light duty due to injury or illness – called the Medically-Influenced Duty Status list (MIDS). MCFRS representatives report that employees have many hours of involuntary leave due to injuries sustained on the job. The County's disability process impacts the department's work and budget because the department must backfill the positions of firefighters on the MIDS list. MCFRS representatives report that the previous third party administrator (TPA) responsible for processing the review of injured employees for Worker's Compensation and disability status was not reviewing cases within 14 days – the amount of time given for initial case review. Representatives note that the new TPA is in the early stages of its contract with the County Government and cannot make a conclusive determination of whether the TPA is performing better than its predecessor.

MCFRS representatives discussed the merits of treating employees' injuries and illnesses within the Fire/Rescue Occupational Medical Services (FROMS). MCFRS eliminated a case manager position in FROMS due to budget cuts. Currently, FROMS has just one case manager who oversees the cases of all MCFRS employees.

Overtime. The IAFF CBA limits an employee's overtime to 100% of the employee's annual salary in a calendar year. MCFRS staff report that as of the end of November 2012, six MCFRS employees had received overtime pay greater than or equal to 75% of their annual salaries.

Exchange of Shifts. Firefighters have the ability to swap shifts with coworkers across pay periods. These swaps are recorded in MCTime, but employee pay is not adjusted for it.

## **I. Montgomery County Police Department**

The Montgomery County Police Department (MCPD) provides services to safeguard life and property in the County. Employees in MCPD provide direct police services in the County, investigate crimes, and staff the County's Emergency Communications Center, among other responsibilities. In FY12, MCPD's approved budget was \$232.4 million with 1,734.9 full-time equivalents. Uniformed police officers are represented by the FOP and represent approximately 64% of MCPD employees; other represented employees in the department are represented by MCGEO and account for about 29% of MCPD employees.

**Staffing Requirements.** The table below summarizes the department’s organizational structure and division of responsibilities.

**Table 3-5. Organizational Structure of MCPD**

Section	Oversees
Office of the Chief	<ul style="list-style-type: none"> <li>Organizational Support Services</li> <li>Internal Affairs Division</li> <li>Media Services</li> </ul>
Field Services Bureau	<ul style="list-style-type: none"> <li>Six District Stations</li> <li>District Court Liaison</li> <li>District Traffic Section</li> <li>Special Assignment Team</li> <li>Gang Prevention Unit</li> <li>Education Facilities Officer Unit</li> <li>Special Operations Division</li> </ul>
Investigative Services Bureau	<ul style="list-style-type: none"> <li>Criminal Investigation Division</li> <li>Major Crimes Division</li> <li>Special Investigation Division</li> <li>Family Crimes Division</li> </ul>
Management Services Bureau	<ul style="list-style-type: none"> <li>Technology Division</li> <li>Information Support and Analysis Div.</li> <li>Emergency Communications Center</li> <li>Policy and Planning Division</li> <li>Personnel Division</li> <li>Management and Budget Division</li> <li>Training Division</li> <li>Security Services</li> <li>Animal Services Division</li> </ul>

Source: FY13 Approved Operating Budget

Employees in MCPD work a variety of schedules. For example, patrol officers work four 10-hour days each week with three days off in between. Every two months, these employees switch between working a schedule that includes only weekdays to a schedule that also includes weekends. Many employees, including undercover officers, SWAT officers, and officers in the Traffic Division, work five 8-hour days each week.

The schedules of some officers, including patrol officers and officers in the Emergency Communications Center (ECC), are divided into two or more shifts to provide 24-hour coverage, while some employees work a “9 to 5” 8-hour workday. Other officers work an 8-hour day, but begin work at 6 a.m. or 7 a.m. The CBA prohibits any represented employee from working more than 20 consecutive hours in a 28-hour period.

With some exceptions (e.g., SWAT, Special Assignment Team), the FOP collective bargaining agreement requires MCPD management to publish work schedules three weeks in advance. Officers who are required to work outside of their published schedules receive overtime pay. The CBA allows an officer and a supervisor to mutually agree to change an officer’s schedule.

**Leave Administration in MCPD.** MCPD uses TeleStaff scheduling software to maintain the schedule of its employees. Officers access their schedules and adjust their hours worked in TeleStaff, not in MTime. MCPD uploads data from TeleStaff to MTime. Because TeleStaff and MTime are not compatible, MCPD staff must reconcile the TeleStaff data in MTime each time data is transferred between the programs.

Unlike MCFRS and Corrections and Transit, which must fill every slot when a scheduled employee takes scheduled or unscheduled leave, most MCPD divisions have no restraint on officers taking

leave, except for meeting minimum staffing requirements. For example, MCPD requires district stations to have a minimum of 9-10 officers per shift, shown below.

**Table 3-6. Summary of Minimum Staffing Levels for Officers in District Stations**

Shift	Time	Minimum Staffing
Day shift	6:00 a.m. – 4:00 p.m.	8 officers and 1 supervisor
Evening shift	3:00 p.m. – 1:00 a.m.	9 officers and 1 supervisor
Midnight shift	8:30 p.m. – 6:30 a.m.	8 officers and 1 supervisor

Source: MCPD representatives

Typically, each district schedules between 14 and 18 officers per shift; however this varies based on staffing needs in each district, leaving a “buffer” for unscheduled leave. MCPD representatives report that the district stations frequently operate at minimum staffing levels (9-10 officers per shift) based on scheduled officers calling in to take leave. The ECC, by contrast, has minimum staffing requirements and does not have enough employees to fully staff its required work. Consequently, the ECC has mandatory overtime work every day.

MCPD's divisions and offices have different approaches to scheduling shifts and scheduling leave. For example, Sergeants in the district stations who are in charge of a shift (day, evening, or midnight) are responsible for scheduling leave during their shift. They will allow officers to request annual leave between six months to one year in advance. The process for scheduling annual leave varies by Sergeant (and by shift).

In the ECC, supervisors will do an annual “shift bid” in November when employees pick their shift for the following year. After the shift bid, supervisors will do an annual leave bid, also for the following year. An employee who wants to change scheduled annual leave after the bid process can only do so if a leave slot is open or if someone will change shifts with the employee. Denials of leave requests in MCPD must go to the FOP.

Sick Leave. MCPD has standard operating procedures (SOPs) that set out specific processes for the administration of attendance, sick leave, and administrative leave (See Appendix G for the full SOP):

- The Attendance SOP primarily describes procedures related to weekly timesheets.
- The Sick Leave SOP describes the permitted uses and procedures for requesting leave, including sick leave, FMLA, parental leave, and family sick leave. It also includes directives related to the work assignment of pregnant officers.

MCPD representatives report that staff in the ECC are allowed four undocumented sick days in a rolling 90-day period. At the 5<sup>th</sup> undocumented sick day, an employee must bring a note from a physician and the employee is put on sick leave restriction. Department representatives report that supervisors look for patterns in the leave that employees take that might suggest sick leave abuse.

Administrative Leave. In addition to the bases for administrative leave outlined in Chapter II, the SOP on administrative leave outlines several situations unique to MCPD. They are summarized in the next table.

**Table 3-7. Summary of Situations Resulting in Administrative Leave from MCPD SOP**

Action	Situation
Administrative leave Suspension of police power Occurs after a preliminary inquiry	<ul style="list-style-type: none"> <li>• An employee is charged with a criminal offense</li> <li>• An employee is charged with operating a motor vehicle while under the influence of drugs or alcohol</li> </ul>
Administrative leave	<ul style="list-style-type: none"> <li>• The taking of a human life</li> <li>• The serious injury of a person</li> </ul>
Administrative leave	<ul style="list-style-type: none"> <li>• An employee has been involved in a traumatic incident: <ul style="list-style-type: none"> <li>– When the actions of an MCPD employee (accidental or deliberate) result in the death or serious injury of a person</li> <li>– When members are present at the death or serious injury of an MCPD employee</li> <li>– Negotiating team members directly responsible for management of negotiations when the incident ends in serious injury or death</li> </ul> </li> </ul>

Family and Medical Leave. MCPD representatives report that most FMLA leave taken by department employees is long-term. Prior to the transfer of FMLA review to OHR, the Assistant Chief for MCPD's Management Services Division reviewed all requests for FMLA leave, forwarding applications to OHR and the MCPD Legal and Labor office for review. FMLA requests were approved only after review and approval by these offices. The department denied requests for FMLA leave if the requests did not meet the requirements for FMLA or if applications were incomplete.

## **J. Public Safety Work Group**

The County Government's Public Safety departments staff a body of mandatory work posts on a 24/7 basis. Based on increasing direct and indirect costs associated with disability from work-related injuries and illnesses, in May 2012, Executive Branch established a Public Safety Work Group to take a "whole program" approach related to workers' compensation, including light duty, disability management, and disability retirement. Many of these programs stem from the County code, the Personnel Regulations, and collective bargaining agreements.

The group meets bimonthly and membership includes

- The Police and Fire Chiefs;
- The Directors of DOCR, the Department of Finance, Office of Management and Budget, and OHR; and
- Related department staff.

The Public Safety Work Group seeks to improve communication, coordination, and the cost effectiveness of Public Safety direct and indirect workers' compensation costs by examining the following areas:

- Third-Party Claims Administrator performance and responsiveness;
- Monitoring and analyzing the trend in annual hours in leave related to workers' compensation claims, with an emphasis on greater work attendance accountability;
- Monitoring and analyzing the overtime costs related to backfilling employees on work-related disability;
- Related system improvements to support data tracking and analysis;
- Reviewing options for prosecuting cases in the event of a determination of a fraudulent claim;
- Identifying legislative and bargaining contract amendments that would improve the cost effectiveness and sustainability of the workers' compensation program in the County;
- Mandatory supervisor/manager training on absence management; and
- Other issues that are identified (e.g., gym waivers).

## **K. Feedback from County Departments**

During the course of this report, OLO met with staff from OHR and the seven departments profiled in this chapter in order to discuss employee work hours and leave usage. OLO also met with representatives from the three employee unions. The following summarizes feedback, organized into general themes.

### Leave Usage

- **No consistent method to request leave exists across County departments.** Department staff report that supervisors within different departments, and different divisions within departments, require various means to request leave (primarily electronic or paper leave slips). Most department staff stated that they would like a uniform leave request system within the MCtime program.
- **No monetary incentive exists for non-pension employees to refrain from abusing their sick leave.** Since employees in the pension system are able to apply their sick leave balance towards the years of service in their retirement calculation, they are less likely to abuse sick leave. Department staff note employees who are not in the pension system do not have a similar monetary incentive to maintain a sick leave balance. Department staff report that, as a result, some employees use all of their sick leave (even when they are not necessarily sick).
- **The abuse of unscheduled sick leave is a problem in most departments.** Department staff report that employees calling in sick is a prevalent problem – specifically among non-“9 to 5” employees. Staff report that it is not unusual for a person to be denied requested leave and then call in sick on the day leave was denied. Unscheduled leave often leads to the use of overtime to cover essential employees.
- **The abuse of FMLA leave is a problem in most departments.** Department staff report that employees and supervisors do not understand the correct usage of FMLA and sometimes claim/use FMLA leave to ensure leave approval.

- **Departments are short staffed, which leads to the use of overtime.** Department staff across the County reported that they do not currently have enough staff to perform essential work, particularly when employees use unscheduled leave. Even when a department is short-staffed, numerous departments report that they can figure out how to utilize employees to minimize overtime when leave is scheduled. However, when a department is already short-staffed, unscheduled leave can lead to significant amounts of overtime.

#### Training and Monitoring of Leave

- **The Office of Human Resources does not provide adequate support to County departments on leave administration.** Numerous departments report that OHR does not provide guidance on leave administration unless specific disciplinary questions arise. Some departments state that they contact other departments for leave related questions.
- **There is not enough training on leave issues.** Department staff reported that there is little training for supervisors on how to administer, record, and monitor leave usage for their employees. Specifically, department staff report that policies and procedures for disability leave and FMLA leave are unclear. Most department staff believe that FMLA training should be mandatory for supervisors.
- **FMLA is not administered consistently across departments.** Some department staff reported that FMLA is initiated by both employee and supervisor, while other department staff reported that FMLA was only initiated by employee. FMLA monitoring is also not consistent – in some departments, the department HR staff monitors the use of FMLA, while in others FMLA is monitored by direct supervisors.
- **Inconsistent recording of leave in MCTime.** Department staff report that employee time is not necessarily tracked consistently across divisions within departments. Employee and supervisor do not understand how leave is categorized – especially FMLA and Parental leave. Additionally, unscheduled leave is not necessarily labeled unscheduled when recording time.
- **Many departments welcome the centralization of FMLA.** Numerous departments stated that administering the FMLA in the departments was cumbersome and difficult. Staff noted the lack of knowledge about the law and also insufficiency of medical knowledge to evaluate the medical component of FMLA leave.

#### Leave Administration

- **The process for worker's compensation claims takes too long.** Department staff report that the process for employees to file a worker's compensation claim with the third party administrator takes a long time and that it often results in scheduling problems when providing essential services.
- **The disciplinary process for employees (particularly dismissal) takes too long.** Department staff report that the disciplinary process for County employees is difficult and too slow, often leading to overtime because the work of employees placed on administrative leave for disciplinary actions frequently need to be completed by other employees. Additionally, department staff questioned why an employee who is awaiting disciplinary action is being put on administrative leave and being paid.

- **The Occupational Medical Services Team is not responsive.** Department staff across the County report that in general, the OMS team in OHR is difficult to get in contact with. In addition, once working with OMS, County department staff report that the process is slow.
- **The process for leave requests and approval should be done in MCtime.** Most department staff report that the ability for employees to request leave and supervisors approve leave within the MCtime system would be efficient and helpful. Additionally, having approved leave automatically transferred to an employee's time sheet would make monitoring easier.

## **L. Feedback from Unions**

OLO also met with union representatives from the FOP, IAFF and MCGEO. The following sums up some general themes OLO heard during these interviews:

- **Leave use and abuse does not usually cause significant issues.** All three unions stated that they very infrequently have major issues with leave administration, particularly among non-24/7 employees. Union representatives state that most leave abuse issues are resolved with verbal warnings; in cases of leave abuse, union representatives state they support the necessary disciplinary action.
- **The amount of leave available to employees is declining because of lack of adequate staffing and increased leave earned.** Union representatives state that the ability of employees to take leave when they want to has declined over recent years because there are less leave "slots" in positions which require 24/7 coverage. Departments are not staffed at capacity, resulting in fewer employees to cover essential shifts and therefore less leave requests granted. Compounding this, employees have earned compensatory leave in lieu of pay increases, which increases the demand for leave. Union representatives report that this has lead to a decline in workers' morale.
- **It can be difficult to find the balance between leave abuses and leave use.** Because employee leave is a type of earned compensation, employees are entitled to use the leave. Union representatives state that the use of earned leave is not necessarily an abuse of leave.
- **MCtime is not user-friendly, particularly for 24/7 employees.** Union representatives state that employees who work in non-traditional "9 to 5" shifts, the input of work hours and leave can be difficult and confusing. In addition, for systems that interface with MCtime, having to manually input changes to work hours can be complicated.



## Chapter IV. Data on Leave Use in Montgomery County

As described in Chapter III, department managers and supervisors oversee and administer employees' work schedules and use of leave and are responsible for addressing issues related to leave. This chapter analyzes data on Executive Branch employees' availability for work and use of leave, based on data from MCTime, the county's electronic time and attendance program. These data represent the outcomes of departments' attendance and leave management.

Among others, OLO used three key MCTime data points for the data analysis in this chapter:

- **Regular Hours:** are the recorded hours that an employee worked;
- **Leave Hours:** are the recorded hours that an employee was on leave or not available for work; and
- **Expected Hours:** are the number of hours an employee is scheduled to work in a given pay period. The Expected Hours for most full-time employees are 80 hours in a pay period.<sup>1</sup>

This chapter summarizes data for the seven County Government Executive Branch departments with at least 200 FTEs.<sup>2</sup> Together, these departments account for approximately 79% of all Executive Branch employees. They are the:

- Department of Corrections and Rehabilitation (DOCR);
- Department of General Services (DGS);
- Department of Health and Human Services (HHS);
- Department of Liquor Control (DLC);
- Department of Transportation (DOT);
- Montgomery County Fire and Rescue Services (MCFRS); and
- Montgomery County Police Department (MCPD).

The data are also broken down by employee group – MCGEO, IAFF, FOP, and unrepresented employees. OLO grouped employees in the remaining Executive Branch departments together under "Other" in the data tables. For a more complete summary of "Other" department data, please see Appendix H. The following departments were included in the "Other" category:

- Board of Elections;
- Community Use of Public Facilities;
- Department of Economic Development;
- Department of Environmental Protection;
- Department of Finance;
- Department of Housing and Community Affairs;
- Department of Permitting Services;
- Department of Recreation;
- Department of Technology Services;
- Montgomery County Public Libraries;
- Office of Consumer Protection;
- Office of the County Attorney;
- Office of the County Executive;
- Office of Human Resources;
- Office of Management and Budget;
- Public Information Office; and
- Sheriff's Office.

The departmental data in Sections A through F of this chapter do not include Management Leadership Service (MLS) employees. Data on MLS employees are summarized briefly at the end of the chapter.

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<sup>1</sup> For an employee working 80 expected hours in a pay period, the expected hours in a leave year are 2,080 hours. Montgomery County Fire and Rescue Services full-time employees have 96, 84, or 80 expected hours in a pay period, and the expected hours in a leave year are 2,496, 2,184, or 2,080 hours, respectively.

<sup>2</sup> The data exclude department directors.

**Caveats about the data and terminology in this chapter.** Below are explanations of data analysis and terminology used in this chapter to help clarify the discussion:

- **Annualized Data:** OLO analyzed Mctime data on hours worked and leave taken from January 2, 2011 and June 30, 2012.<sup>3</sup> Unless otherwise noted, this chapter presents annualized data – meaning that the 18 months of data collected and analyzed are presented as if the hours were worked or the leave taken in a one-year time period. Annualized data lets the reader compare employees’ hours and leave against a 2,080-, 2,184-, or 2,496-hour year, which are the typical measures of employee time in the County Government.<sup>4</sup>

For example, if employees in a department took 600 hours of leave in an 18-month period, on average, annualized data would show that employees took 400 hours of leave in a one-year period. The equations below show the methodology that OLO used to convert data.

$$\begin{aligned} &\text{if 18 months} \times \frac{2}{3} = 12 \text{ months,} \\ &\text{then 600 hours (in 18 months)} \times \frac{2}{3} = 400 \text{ hours (in 12 months)} \end{aligned}$$

- **Scheduled Hours:** For simplicity, this chapter refers, in places, to employees by the number of hours a year they are scheduled, e.g., “2,496 employees” or “2,080 employees.”
- **Hours Worked:** Much of the data below is listed in the tables as “Hours Worked.” These data reflect Mctime data for employees’ “Regular Hours.”

The remainder of the chapter is organized as follows:

- **Section A** provides an overview of employee availability;
- **Section B** presents data on hours worked and leave used by employees;
- **Section C** summarizes the use of administrative leave in the County;
- **Section D** summarizes other types of selected leave in the County;
- **Section E** examines employee annual leave and sick leave balances;
- **Section F** summarizes data on leave-related departmental disciplinary actions; and
- **Section G** summarizes data for Management Leadership Service employees.

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<sup>3</sup> OLO selected this period because it includes both a full “leave year” and a full fiscal year. A leave year is the annual period designated for leave accrual and use that begins with the first full payroll period of a calendar year and ends with the payroll period that includes December 31<sup>st</sup>.

<sup>4</sup> Most County Government full-time employees are scheduled to work 2,080 hours in a year. Most MCFRS full-time employees are scheduled to work 2,496 hours in a year. A small minority of MCFRS full-time employees is scheduled to work 2,184 or 2,080 hours in a year.

## A. Employee Availability

To determine County Government employees' availability,<sup>5</sup> OLO looked at the total time that employees were at work ("regular hours") plus the time employees were on leave.<sup>6</sup> See Footnote 6 below for an explanation of the inconsistency in the Mctime data used to calculate availability.

The annualized data in Table 4-1 show that DLC employees were available to work the most amount of time – 83.8 percent of the time – compared to employees in other Executive Branch departments. MCFRS employees were available to work the least compared to other departments – working 78.7 percent of the time. Looking at the data by employee group, unrepresented employees were available to work the most amount of time – 83 percent of the time – and IAFF members were available the least amount of the time – 79 percent of the time.

**Table 4-1. Annualized Breakdown of Executive Branch Employees' Availability and Leave Taken**

	<b>Total Hours Worked</b>	<b>Total Leave Hours</b>	<b>Availability</b>
<b>Department</b>			
DLC	390,597	75,249	83.8%
DOT	1,733,418	367,232	82.5%
Other	1,926,461	421,077	82.1%
MCPD	2,460,840	565,906	81.3%
DHHS	1,731,989	405,624	81.0%
DGS	602,464	141,864	80.9%
DOCR	740,639	187,035	79.8%
MCFRS	2,135,113	578,392	78.7%
<b>Total*</b>	<b>11,721,521</b>	<b>2,742,379</b>	<b>81.0%</b>
<b>Employee Group</b>			
Unrepresented	1,612,822	341,841	82.5%
FOP	1,766,468	392,938	81.8%
MC GEO	6,300,658	1,451,793	81.3%
IAFF	2,041,573	555,808	78.6%
<b>Total*</b>	<b>11,721,521</b>	<b>2,742,379</b>	<b>81.0%</b>

\* Note: The data may not sum to totals due to rounding.

Source: Mctime annualized data for January 2, 2011 – June 30, 2012

<sup>5</sup> The data on MCFRS employees' regular hours include hours worked when MCFRS employees traded shifts.

<sup>6</sup> Mctime captures data on employees' "regular hours" (hours worked), data on employees' "total leave" taken, and data on employees' "expected hours" (hours that employees are scheduled to work). An Mctime glossary indicates that an employees "regular hours" plus and employee's "total leave" should equal an employee's "expected hours" in any given pay period "if the timecard has been completed correctly." OLO noted in the Mctime data for the seven Executive Branch departments that the sum of the regular hours plus the leave taken did not always equal the expected hours.

### A Note About Availability

This report looks at employee availability (the number of hours an employee works regular hours compared with the number of hours the employee is scheduled to work). Employees, however, are expected to **not be available** a certain percent of the time – because employees will use leave. To provide context, OLO also looked at the amount of time given to employees each year to take time off – through annual leave, sick leave, personal days, holidays and other leave.

The table below summarizes the percent of time that an employee can take off in a year if an employee used **all available** accrued annual, sick, personal, and compensatory leave. The data for MCGEO and Unrepresented employees also include nine holidays. FOP and IAFF data do not include holidays because many public safety employees are expected to be available for work on holidays.

The amount of annual leave given to employees increases the longer an employee works for the County Government. This data does not take into account other types of leave that employees can take that will reduce their availability – examples include administrative leave, FMLA leave, parental leave, and leave without pay. Note: the CBAs and the Personnel Regulations allow employees to use sick leave only for illness or medical reasons – not as general leave.

#### Percent of Leave Time Available to Employees Annually, as a Percent of Expected Hours

Years of Service	FOP	IAFF*	MCGEO*	Unrepresented
0-2 Years	15%	14%	16%	16%
3-14 Years	17%	16%	18%	18%
15+ Years	19%	19%	20%	20%

\* This data is for IAFF employees who work 2,496 hours a year – the vast majority of IAFF employees. The MCGEO data does not include Transit Division employees in the Department of Transportation.

Source: FOP, IAFF, and MCGEO CBAs and the Personnel Regulations

For a full breakdown of hours, please see Appendix I.

## B. Employee Work Hours and Leave

The Personnel Regulations and the MCGEO, IAFF, and FOP collective bargaining agreements define the types of leave and accrual rates, eligibility criteria and use rules for employee leave. Table 4-2 displays the annualized average leave hours per employee. On average, the annualized data show that:

- Employees as a whole worked 1,727 hours and took 404 hours of leave;
- MCFRS employees – typically 2,496 employees – worked 1,905 hours in a year, on average;
- Among 2,080 employees, DLC employees work the most hours – working 79 more hours per year, on average, than DOCR employees, who work the fewest hours.

Looking at the annualized data by employee group, among 2,080 employees, unrepresented employees worked the most hours – working 12 more hours per year, on average, than FOP members, who worked the fewest hours. IAFF members, typically 2,496 employees, worked 1,917 hours a year, on average.

**Table 4-2. Annualized Average Regular Hours Worked and Leave Used**

	# of Employees	Average Regular Hours Worked	Average Leave Hours Used
<b>Department</b>			
MCFRS	1,121	1,905*	516*
DLC	225	1,736	334
DOT	1,013	1,711	363
Other	1,131	1,703	372
MCPD	1,456	1,690	389
DHHS	1,038	1,669	391
DGS	358	1,683	396
DOCR	447	1,657	418
<b>Average</b>	<b>6,789</b>	<b>1,727</b>	<b>404</b>
<b>Employee Group</b>			
IAFF	1,065	1,917	522
Unrepresented	942	1,712	363
MCGEO	3,743	1,683	388
FOP	1,039	1,700	378
<b>Average</b>	<b>6,789</b>	<b>1,727</b>	<b>404</b>

\*MCFRS regular hours include hours worked when employees traded shifts.

Note that most MCFRS employees have a 2,496-hour work year. Employees in other departments typically have a 2,080-hour work year.

Source: MCTime annualized data for January 2, 2011 – June 30, 2012

**Types of Leave Used.** Tables 4-3 and 4-4 show the annualized average and total hours of leave use by type. See Appendix J to view leave use as percentages of total leave and of total hours scheduled. The data show that employees used 404 hours of leave, on average. Specifically, the annualized data show that:

- Employees overall used annual leave the most (143 hours per employee and 35% of total leave) and sick leave the second most (101 hours per employee and 25% of total leave);
- The average total leave per employee among 2,080 employees was highest in DOCR (418 hours); MCFRS employees – typically 2,496 employees – used 516 hours of leave on average.
- The average total leave per employee was lowest in DLC (335 hours) and DOT (363 hours).
- Sick leave use ranged between about 4% of scheduled hours in MCPD and DLC (81 and 85 hours per employee, respectively) to 5% of scheduled hours in MCFRS, DHHS, DOT, DOCR and DGS.
- DLC employees' leave was lower than average for all types of leave except holiday leave.

**Table 4-3. Annualized Summary of Leave Use in Executive Branch Departments, by Department**

Dept.	# of Employees	Leave Taken (in hours)*								
		Leave Hours	Annual	Sick	Comp.	Holiday	Personal	Admin.	Disability	Unpaid
Total Leave Hours										
MCFRS**	1,121	578,392	187,730	144,908	85,393	3,886	55,400	44,411	47,708	4,181
MCPD	1,456	565,906	184,648	117,341	105,928	41,550	48,990	40,784	10,356	4,346
Other	1,131	421,077	163,715	104,318	37,758	69,993	25,976	11,397	2,577	3,911
DHHS	1,038	405,624	153,489	109,927	27,504	64,907	23,670	15,437	479	9,254
DOT	1,013	367,232	136,018	107,535	27,640	26,517	14,843	16,710	20,245	16,093
DOCR	447	187,035	64,275	47,746	22,545	9,385	4,799	13,666	17,530	2,401
DGS	358	141,864	50,439	37,840	16,934	16,525	6,633	6,287	4,193	1,333
DLC	225	75,249	28,851	19,206	6,157	10,760	5,088	2,436	1,607	617
Total	6,789	2,742,379	969,163	688,911	329,858	243,523	185,398	151,129	104,963	42,136
Average Hours per Employee										
MCFRS**	1,121	516	167	129	76	3	49	40	43	4
MCPD	1,456	389	127	81	73	29	34	28	7	3
Other	1,131	372	145	92	33	62	23	10	2	3
DHHS	1,038	391	148	106	26	63	23	15	<1	9
DOT	1,013	363	134	106	27	26	15	16	20	16
DOCR	447	418	144	107	50	21	11	31	39	5
DGS	358	396	141	106	47	46	19	18	12	4
DLC	225	334	128	85	27	48	23	11	7	3
Average	6,789	404	143	101	49	36	27	22	15	6

\* The Total Leave data in this table includes several types of leave not listed, including furlough leave, religious leave, military leave, and "Other" leave. Consequently, the data in the individual leave columns in this table do not sum to the Total Leave data.

\*\* Most MCFRS employees work 2,496 hours a year. Most other employees work 2,080 hours a year.

Note: Hours may not sum to total due to rounding.

Source: MCtime annualized data for January 2, 2011 – June 30, 2012

Looking at the annualized data by employee group, OLO found that:

- IAFF members took a total of 354 hours of holiday leave – an average of less than one hour per employee;
- IAFF members were on disability leave for 45 hours or 2% of their total scheduled hours, on average, significantly more than MCGEO (12 hours) and FOP (9 hours) members and unrepresented employees (2 hours); see Appendix J to view leave use as a percentage of total scheduled hours.
- MCGEO members took twice as much unpaid leave per employee as other employees.

**Table 4-4. Annualized Summary of Leave Use in Executive Branch Departments, by Employee Group**

Dept.	# of Employees	Leave Taken (in hours)*								
		Leave Hours	Annual	Sick	Comp.	Holiday	Personal	Admin.	Disability	Unpaid
Total Leave Hours										
FOP	1,039	392,938	126,179	74,010	70,180	24,627	40,700	34,581	9,437	1,881
IAFF	1,065	555,808	179,485	138,918	83,154	354	53,885	43,916	47,395	3,952
MCGEO	3,743	1,451,793	535,824	394,700	135,104	168,063	67,872	59,887	45,919	34,255
Unrepresented	942	341,841	127,675	81,283	41,419	50,479	22,941	12,745	1,942	2,048
Total	6,789	2,741,379	969,163	688,911	329,858	243,523	185,398	151,129	104,963	42,136
Average Hours per Employee										
FOP	1,039	378	121	71	68	24	39	33	9	2
IAFF	1,065	522	169	130	78	<1	51	41	45	4
MCGEO	3,743	388	143	105	36	45	18	16	12	9
Unrepresented	942	363	136	86	44	54	24	14	2	2
Average	6,789	404	143	101	49	36	27	22	15	6

\* The Total Leave data in this table includes several types of leave not listed, including furlough leave, religious leave, military leave, and "Other" leave. Consequently, the data in the individual leave columns in this table do not sum to the Total Leave data.

Note: hours may not sum to total due to rounding

Source: MCtime annualized data for January 2, 2011 – June 30, 2012

**Employees Using Large Amounts of Leave.** OLO looked at availability and employee leave use in several other ways. This section summarizes two types of data; including data on:

- Employees on leave 25%, 50% and 75% percent of the time, or more; and
- Employees using the most and the least leave.

Employees on Leave 25 Percent of the Time or More. Table 4-5 summarizes the number of Executive Branch employees who were on leave at least 25 percent of their expected work hours. Note that the data in Table 4-5 has not been annualized. The data show that between January 2, 2011 and June 30, 2012:

- 12% of Executive Branch employees were on leave for at least 25% of their expected work hours;
- MCFRS had the highest percent of employees on leave at least 25% of the time – 22% of employees – while second-ranked DOCR had 16% of employees on leave 25% of the time.
- DLC had the fewest employees on leave at least 25% of the time – 7% of employees.

The data are similar by employee group. Twenty percent of IAFF members were on leave at least 25 percent of the time while seven percent of unrepresented employees were on leave that amount of time. FOP and MCGEO members fell between these two groups – with 14 percent and 13 percent of employees, respectively, on leave at least 25 percent of the time.

**Table 4-5. Executive Branch Employees on Leave  
25%, 50% or 75% of the Time**

	Total # of Employees	Percent of Employees on Leave		
		25% of the Time	50% of the Time	75% of the Time
Department				
MCFRS	1,121	22.1%	3.0%	0.8%
DOCR	447	16.3%	3.1%	1.3%
MCPD	1,456	14.6%	1.2%	0.4%
DGS	358	14.0%	2.0%	0.3%
DOT	1,013	12.6%	1.6%	0.6%
DHHS	1,038	9.6%	0.6%	0.1%
Other	1,131	9.0%	0.1%	0%
DLC	225	7.1%	0.9%	0.4%
Total	6,789	12.2%	1.4%	0.4%
Employee Group				
IAFF	1,065	20.8%	2.7%	0.7%
FOP	1,039	14.2%	1.3%	0.6%
MCGEO	3,743	13.4%	1.3%	0.4%
Unrepresented	942	7.2%	0.8%	0.0%
Total	6,789	12.2%	1.4%	0.4%

Source: MCtime data for January 2, 2011 – June 30, 2012

Highest and Lowest Leave Users. The data in the following tables looks at leave use slightly differently. Table 4-6 summarizes data showing the *most amount of time* employees were at work for 25 percent of employees who used the *most leave*. The data show that in all departments, the highest leave users were at work 80 percent of the time or less. Similarly, IAFF's highest leave users were at work 76 percent of the time or less, whereas the highest leave users among unrepresented employees were at work 80 percent of the time or less.



**Table 4-6. Highest 25% of Leave Users, January 2, 2011 – June 30, 2012**

	Employees Worked This % of Time <i>or Less</i>
<b>Department</b>	
MCFRS	77%
DOCR	78%
DHHS	79%
DGS	79%
Other	79%
MCPD	78%
DLC	80%
DOT	80%
<b>Employee Group</b>	
IAFF	76%
FOP	79%
MC GEO	79%
Unrepresented	80%

Source: MCTime data for January 2, 2011 – June 30, 2012

Table 4-7 summarizes the converse data for the 25 percent of employees who used the *least leave*. These employees were working, at a minimum, the percent of time noted in the tables. The data show that these employees were at work 85 percent of the time or more. FOP's low leave users were at work 87 percent of the time or more and the lowest leave users among IAFF employees were at work 85 percent of the time or more.

**Table 4-7. Lowest 25% of Leave Users  
January 2, 2011 – June 30, 2012**

	Employees Worked This % of Time <i>or More</i>
<b>Department</b>	
DLC	88%
DOT	88%
DOCR	86%
DGS	86%
MCPD	86%
Other	86%
MCFRS	85%
DHHS	85%
<b>Employee Group</b>	
FOP	87%
MCCEO	86%
Unrepresented	86%
IAFF	85%

Source: MCTime data for January 2, 2011 – June 30, 2012

Leave Used by Highest Five Percent of Leave Users. Looking at the data a third way, OLO analyzed how much of a department's or employee group's total leave was taken by the highest five percent of leave users. The data in Table 4-8 show that, in each department, the highest five percent of leave users account for between 10 percent (DHHS) and 15 percent (DOCR) of all leave taken in each department. These data were not annualized.

**Table 4-8. Amount of Leave Used by Highest Five Percent of Executive Branch Leave Users  
January 2, 2011 – June 30, 2012**

	% of Total Leave Used
<b>Department</b>	
DOCR	15.5%
DOT	14.3%
MCFRS	13.3%
DGS	12.5%
MCPD	12.4%
DLC	12.0%
DHHS	9.7%
Other	9.6%
<b>Employee Group</b>	
FOP	13%
IAFF	13%
MCGEO	12%
Unrepresented	10%

Source: MCTime data for January 2, 2011 – June 30, 2012

**Light Duty.** Departments temporarily assign employees with certain medical limitations to “light duty” – work that is less demanding than their normal job duties. Light duty can affect a department’s staffing requirements and overtime if a department has to backfill positions of employees on light duty. Table 4-9 summarizes the number of people on light duty at some time during FY2012 for the seven largest departments. DOCR had the highest percentage of employees on light duty, approximately 26% of all employees.

**Table 4-9. Number of Employees on Light Duty at Some Point in FY2012, by Department**

Department	Total # of Employees	Employees on Light Duty	
		#	%
MCFRS	1,121	195	17.4%
MCPD	1,456	171	11.7%
DOT	1,013	119	11.7%
DOCR	447	115	25.7%
DLC	225	15	6.7%
DGS	358	6	1.7%
DHHS	1,038	n/a*	n/a*

\* Data on DHHS employees on light duty was not available

Source: Executive Branch staff

### C. Administrative Leave Use

The County Government classifies numerous types of leave under the category of “administrative leave.” This section summarizes annualized data on all administrative leave and the most commonly used type – temporary disability leave. The annualized data in Table 4-10 shows that Executive Branch employees used a total of 151,129 hours of administrative leave – 22 hours per employee, on average. Administrative leave made up approximately six percent of all leave. The data show that:

- Employees used temporary disability administrative leave the most – 33% of all administrative leave;
- Employees were classified as “Other” 25% of the time – second only to temporary disability.

**Table 4-10. Annualized Summary of Executive Branch Employees’ Administrative Leave Use**

Type of Administrative Leave	Administrative Leave Used	
	Total Hours	% of Total
Temporary Disability	49,205	33%
Other Admin. Leave	37,280	25%
Professional Development	19,969	13%
Bereavement	18,517	12%
Union Business	16,628	11%
Relieved from Duty	4,916	3%
Jury Duty	3,267	2%
Court Appearances	1,011	1%
Temporary Disability – FMLA	335	0%
<b>Total</b>	<b>151,129</b>	<b>100%</b>

Note: Hours may not sum to total due to rounding.

Source: MCtime annualized data for January 2, 2011 – June 30, 2012

**Temporary Disability/Workers’ Compensation Data.** As shown above, temporary disability accounts for one third of all administrative leave in the Executive Branch. County departments place employees on temporary disability leave when an employee is injured on the job and the injury may be covered under the State’s Workers’ Compensation laws.

The Department of Finance’s Division of Risk Management administers the County Government’s Workers’ Compensation claims and the Division provided OLO with data from January 2011 through June 2012 on Workers’ Compensation claims for the seven largest departments.

Table 4-11 displays Risk Management's data for the period from January 2011 through June 2012. Note that this is not annualized data. The data show that 1,570 employees filed approximately 2,000 Workers' Compensation claims from January 2011 – June 2012. These claims resulted in over 20,000 days of lost work, or an average of ten days per claim. The departmental data show:

- MCFRS and MCPD accounted for 33% and 32% of claims, respectively;
- MCFRS employees had the most claims (680) and the department had the most employees making more than one claim (131);
- 130 MCPD employees filed multiple claims; and
- MCFRS, MCPD and DOT accounted for roughly 80% of all claims filed and days lost.

**Table 4-11. Executive Branch Employees' Workers' Compensation Claim Data, by Department  
January 2, 2011 – June 30, 2012**

Department	# of Claims Filed	# of Employees		Days Lost Per Claim	
		Filing Claims	Filing Multiple Claims	Total #	Average #
MCFRS*	680	523	131	8,871	13
MCPD	662	481	130	2,508	4
DOT	270	218	40	4,228	16
DOCR	150	124	20	2,713	18
DLC	96	73	18	1,110	12
DGS	91	73	13	961	11
DHHS	88	78	9	261	3
<b>TOTAL</b>	<b>2,037</b>	<b>1,570</b>	<b>361</b>	<b>20,652</b>	<b>10</b>

\*MCFRS data does not include 132 claims filed by volunteer firefighters from Jan. 2011 to June 2012

Source: Department of Finance

OLO also reviewed the types of Workers' Compensation claims submitted to Risk Management and found:

- Nature of Injury: Most claims were for strains (34%), contusions (18%), and sprains (10%).
- Part of Body: Employees most commonly injured their lower back (14%) or knee (12%).

The claims data also includes information on the reason that an employee was injured. The data show that 45 percent of all claims are "Not Otherwise Classified" for the reason for the injury. Detailed information on Worker's Compensation claims is available in Appendix K.

#### **D. Summary of Selected Other Types of Leave**

This section summarizes data on types of leave that are not accrued by employees but are available for employees to use in conjunction with annual, sick, compensatory, or unpaid leave when needed.

**Unscheduled Leave.** Table 4-12 highlights annualized data on employees' use of unscheduled leave – when employees call in for leave on a given day without giving advance notice. Unscheduled leave leads to overtime costs in departments if managers have to fill shifts left open because of the employees taking leave. See Chapter V for a detailed analysis of overtime data.

The annualized data show wide variance among departments' use of unscheduled leave. Specifically:

- In DOCR and DOT, approximately 13.5% of total leave was unscheduled. Employees used, on average, 57 and 49 hours of unscheduled leave, respectively.
- In MCFRS, however, unscheduled leave use accounted for only one half of a percent of total leave. MCFRS representative report that the department does not record leave for IAFF employees as “unscheduled” because the term is not defined in the IAFF collective bargaining agreement; and
- Annual and sick leave ranged from 66% to 83% of unscheduled leave in all departments except MCFRS, where annual and sick leave made up only 11% of unscheduled leave.

Looking at the annualized data by employee group, OLO found that nine percent of MCGEO members' leave was unscheduled, compared to only half a percent of all leave taken by IAFF and FOP members.

**Table 4-12. Annualized Summary of Executive Branch Employees' Unscheduled Leave Used**

	Unscheduled Leave Hours	Average Hours Per Employee	% of Total Leave	Percent of Unscheduled Leave		
				Annual	Sick*	All Other
Department						
DOCR	25,415	57	13.6%	8%	75%	17%
DOT	49,499	49	13.5%	15%	57%	28%
DLC	6,853	31	9.1%	26%	62%	12%
DHHS	24,924	24	6.1%	19%	50%	31%
Other	19,986	18	4.7%	15%	63%	21%
DGS	5,301	15	3.7%	17%	49%	34%
MCPD	16,015	11	2.8%	13%	58%	29%
MCFRS	2,868	3	0.5%	6%	5%	89%
Total+	150,861	22	5.5%	15%	59%	27%
Employee Group						
MCGEO	134,721	36	9.3%	14.9%	60.2%	24.9%
Unrepresented	11,855	13	3.5%	17.8%	60.3%	21.9%
FOP	1,999	2	0.5%	2.2%	17.4%	80.4%
IAFF	2,287	2	0.4%	1.1%	0.3%**	99.2%
Total+	150,861	22	5.5%	14.7%	58.7%	26.6%

\*Note “Sick” is combined Sick Leave and Family Sick Leave.

\*\* MCFRS representatives report that the department does not record leave for IAFF employees as “unscheduled” because the term is not defined in the IAFF collective bargaining agreement.

+ Numbers may not sum to “Total” due to rounding.

Source: MCtime annualized data for January 2, 2011 – June 30, 2012

**Other Leave.** OLO also analyzed data on the use of family sick leave, FMLA leave, and parental leave among departments. The data in the next two tables are not annualized – they include all time from January 2, 2011 through June 30, 2012. The data show significant variance in the use of family sick leave, FMLA leave, and parental leave among departments. It is unclear from the data alone why these variances exist. For example, the data in Table 4-13 show that:

- While FMLA leave made up 3.3% of all leave in the Executive Branch as a whole, it was 8% of DOCR's and DOT's total leave. FMLA leave in the other Executive Branch departments ranged from 1.3% to 3.4% of total leave used;
- Family sick leave use ranged from 3% of total leave in DOCR to 6% in MCFRS; and
- Parental leave accounted for 1% or less of total leave in all departments except in MCFRS (4.7% of total leave) and in DOCR (1.9% of total leave).

**Table 4-13. Summary of Executive Branch Employees’  
Family Sick, FMLA, and Parental Leave Use, by Department,  
January 2, 2011 – June 30, 2012**

Department	Employees Taking Leave		Leave Taken		
	#	%	# Hours	% of Total Dept. Leave	Average Hours Per Employee Using Leave
<b>Family Sick Leave</b>					
MCFRS	803	72%	51,832	6.0%	65
MCPD	872	60%	42,222	5.0%	48
DOT	522	52%	20,718	3.8%	40
DHHS	611	59%	22,753	3.7%	37
Other	590	52%	23,476	3.7%	40
DGS	205	57%	7,115	3.3%	35
DLC	87	39%	3,464	3.1%	40
DOCR	238	53%	8,489	3.0%	36
<b>Total</b>	<b>3,928</b>	<b>58%</b>	<b>180,069</b>	<b>4.4%</b>	<b>46</b>
<b>FMLA Leave</b>					
DOCR	160	24%	22,341	8.0%	140
DOT	252	25%	42,179	7.7%	167
DHHS	251	24%	20,779	3.4%	83
Other	194	17%	19,896	3.2%	103
DGS	89	25%	6,276	2.9%	71
MCFRS	95	8%	12,006	1.4%	126
MCPD	78	5%	11,426	1.3%	146
DLC	28	12%	1,522	1.3%	54
<b>Total</b>	<b>1,147</b>	<b>17%</b>	<b>136,426</b>	<b>3.3%</b>	<b>119</b>
<b>Parental Leave</b>					
MCFRS	175	16%	41,039	4.7%	235
DOCR	33	7%	5,213	1.9%	158
DLC	7	3%	1,160	1.0%	166
MCPD	38	3%	5,571	0.7%	147
DGS	30	8%	1,353	0.6%	45
DHHS	55	5%	3,568	0.6%	65
Other	38	3%	3,552	0.6%	93
DOT	15	1%	1,378	0.3%	92
<b>Total</b>	<b>391</b>	<b>6%</b>	<b>62,833</b>	<b>1.5%</b>	<b>161</b>

Source: MCtime data for January 2, 2011 – June 30, 2012



Looking at the data by employee group:

- 73% of IAFF members used family sick leave compared to 52%-56% of employees in the other groups;
- Fewer FOP and IAFF members took FMLA leave (4% and 9%, respectively) than unrepresented employees and MCGEO members (18% and 22%, respectively); and
- 16% of IAFF members took parental leave (238 hours per employee using leave) compared to 4% or fewer employees in all other groups (117 hours or fewer per employee using leave).

**Table 4-14. Summary of Executive Branch Employees' Family Sick, FMLA, and Parental Leave Use, by Employee Group  
January 2, 2011 – June 30, 2012**

Employee Group	Employees Taking Leave		Leave Taken		
	#	%	# Hours	% of Total Dept. Leave	Average Hours Per Employee
<b>Family Sick Leave</b>					
FOP	582	56%	28,526	4.8%	49
IAFF	781	73%	51,007	6.2%	65
MCGEO	2075	55%	82,569	3.8%	40
Unrepresented	486	52%	17,959	3.5%	37
<b>Total</b>	<b>3928</b>	<b>58%</b>	<b>180,069</b>	<b>4.4%</b>	<b>46</b>
<b>FMLA Leave</b>					
FOP	46	4%	5,704	1.0%	124
IAFF	91	9%	10,963	1.3%	120
MCGEO	836	22%	105,087	4.8%	126
Unrepresented	171	18%	14,632	2.9%	86
<b>Total</b>	<b>1147</b>	<b>17%</b>	<b>136,426</b>	<b>3.3%</b>	<b>119</b>
<b>Parental Leave</b>					
FOP	21	2%	2,452	0.4%	117
IAFF	172	16%	41,005	5.0%	238
MCGEO	158	4%	15,703	0.7%	99
Unrepresented	40	1%	3,673	0.7%	92
<b>Total</b>	<b>391</b>	<b>6%</b>	<b>62,833</b>	<b>1.5%</b>	<b>161</b>

Source: MCTime data for January 2, 2011 – June 30, 2012

## E. Employee Leave Balances

Employees accrue sick leave, annual leave, and personal leave during each year of County Government service. Employee leave balances represent the running total of the leave hours employees have accrued minus the leave hours they have used. When employees use leave, their leave balances are reduced accordingly.

OLO analyzed employee leave balance data for Executive Branch employees and also by retirement group. Because the County Government's defined benefit pension plan (the ERS) provides an incentive for employees to save sick leave, OLO examined this data by retirement group to see if the incentive affected sick leave balances.<sup>7</sup>

This section summarizes data on Executive Branch employees' leave balances as of June 30, 2012.<sup>8</sup> Table 4-15 shows the average number of hours in annual and sick leave balances per employee *per year of service*. Adjusting leave balances to account for employees' years of service allowed OLO to compare leave balances among employees who worked for the County Government for varying amounts of time. Note that these data are not annualized.

The data varied greatly by department and show that, on average:

- Annual leave balances ranged from 16 hours per year of service in DOCR to 27 hours in DLC;
- Sick leave balances ranged from 36 hours per year of service in DHHS to 69 hours in MCPD;

Looking at the data by employee retirement group:

- Non-ERS members had a higher annual leave balance per year of service (25 hours) than ERS members (19 hours); and
- ERS members had higher sick balances per year of service (55 hours) than Non-ERS members (42 hours).

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<sup>7</sup> Employees in the Employees Retirement System (ERS), the County Government's defined benefit pension plan, can use accrued sick leave to increase their pension benefit when they retire. Employees in the County Government's two other retirement plans – a defined contribution plan and a cash balance plan – cannot use leave to increase the value of their retirement benefits and have no related incentive to save sick leave.

<sup>8</sup> The data excludes employees in the Management and Leadership Service.

**Table 4-15. Average Leave Balances per Employee per Year of Service, by Retirement Group**

	DOCR	DGS	DLC	DHHS	DOT	MCPD	MCFRS	Other	Total
<b>Number of employees</b>									
<b>ERS Employees</b>	299	81	51	348	250	1196	1073	384	<b>3,683</b>
<b>Non-ERS Employees</b>	148	277	174	690	763	260	48	747	<b>3,107</b>
<b>Annual Leave Balance Per Year of Service, Per Employee (hours)</b>									
<b>All Employees</b>	16	23	27	20	23	22	23	19	
<b>ERS Employees</b>	22	10	11	11	9	22	23	10	<b>19</b>
<b>Non-ERS Employees</b>	14	26	24	24	28	21	23	25	<b>25</b>
<b>Sick Leave Balance Per Year of Service, Per Employee (hours)</b>									
<b>All Employees</b>	37	46	67	36	44	69	50	48	
<b>ERS Employees</b>	55	50	68	35	43	75	50	51	<b>55</b>
<b>Non-ERS Employees</b>	28	45	54	36	44	35	45	47	<b>42</b>

Source: MCTime data for June 30, 2012

**F. Disciplinary Action Concerning Leave**

According to the collective bargaining agreements and the Personnel Regulations, supervisors may discipline employees who abuse sick or disability leave or who are AWOL or repeatedly late. Table 4-16 summarizes data on disciplinary actions imposed on employees in FY2012 for leave-related issues, including the number of employees put on sick leave restriction and the number of employees who received written reprimands for leave abuse. The data show that:

- DOT put the most employees on sick leave restriction – 60 employees; and
- DHHS employees received the most written reprimands for leave abuse.

In addition, four DOT employees and one DOCR were fired in FY2012 for leave abuse.

**Table 4-16. Disciplinary Action Taken Against Executive Branch Employees for Leave Use, FY2012**

Department	Employees Put on Sick Leave Restriction	Employees Receiving Written Reprimands for Leave Abuse
DOT	60	2
DOCR	51	7
MCFRS	13	0
DHHS*	10-12	6-8
DLC	2	2
MCPD	4	4
DGS	1	2
<b>Total</b>	<b>251</b>	<b>25</b>

\*DHHS estimated the number of disciplinary actions against employees. OLO used the higher number for the purposes of calculating totals.

Source: Executive Branch staff

### G. Data on Management Leadership Service Employees

Because of the differences in the leave accrued by Management Leadership Service (MLS) employees and other employees, OLO analyzed work hour and leave data for Executive Branch MLS employees separately. Employees in the MLS can either accrue annual and sick leave (like other County employees) or paid time off (in lieu of annual and sick leave).<sup>9</sup> This distinction is important to remember when reviewing the MLS employee leave data below.

These tables include data for 302 full-time MLS employees in the Executive Branch. Forty-six percent of MLS employees accrue annual and sick leave and 54 percent earn paid time off. Forty-eight percent of MLS employees work in the “Other” departments.

<sup>9</sup> MLS employees in the Employees’ Retirement System (ERS) accrue annual and sick leave on the same basis as other unrepresented employees. MLS employees in the Retirement Savings Plan (generally, employees hired on or after October 1, 1994) do not earn annual or sick leave. In 1994, MLS employees in the ERS had the choice to join to the RSP.

**Table 4-17. Number of MLS Employees and Type of Leave Accrued, by Department, January 2, 2011 – June 30, 2012**

Department	Number of MLS Employees		
	Total	Accruing Annual/Sick Leave	Accruing Paid Time Off
Other	144	57	87
DHHS	61	37	24
DOT	42	23	19
DGS	19	9	10
MCPD	11	5	6
DOCR	10	6	4
MCFRS	9	2	7
DLC	6	1	5
<b>Total</b>	<b>302</b>	<b>140</b>	<b>162</b>

Source: MCTime data for January 2, 2011 – June 30, 2012

The annualized data in Table 4-18 show average MLS work hours and leave use – MLS employees worked 1,747 hours and took 327 hours of leave. Paid time off accounted for 32 percent of all leave.

**Table 4-18. Annualized Summary of MLS Employees' Work Hours and Leave Use**

	Total Hours	Average Hours	% of All Leave
Hours Worked	527,727	1,747	
Overtime Worked	609	2	
Leave Hours Taken	98,698	327	
Types of Leave			
Paid Time Off	31,494	104	31.9%
Annual Leave	22,555	75	22.9%
Holiday Leave	18,867	62	19.1%
Sick Leave	8,835	29	9.0%
Personal Leave	7,678	25	7.8%
Compensatory Leave	4,834	16	4.9%
FMLA Leave	2,088	7	2.1%
Family Sick Leave	1,395	5	1.4%
Unpaid Leave	507	2	0.5%
Other Leave	177	1	0.2%
Religious Leave	141	0	0.1%
Parental Leave	127	0	0.1%
Military Leave	0	0	0%
Total	98,698	327	100%

Source: MCTime annualized data for January 2, 2011 – June 30, 2012

## **Chapter V. Overtime Hours in Montgomery County Government**

In accordance with Personnel Regulations and the collective bargaining agreements, County employees are able to work overtime hours. In particular, departments that have minimum staffing requirements (such as Corrections or Police) must use overtime to complete service delivery for essential positions.

This chapter presents data on overtime hours worked by County Government Executive Branch employees, including both paid overtime and overtime for which compensatory leave was earned. OLO analyzed data from MCTime, the county's web-based application used to record employees' time and attendance. Unless otherwise noted, this chapter presents data for full-time, County Government merit employees employed continuously between January 2, 2011 and June 30, 2012.<sup>1</sup>

Similar to Chapter 3, this chapter summarizes data for Montgomery County Government Executive Branch employees (by department and union), with a particular focus on the seven departments with over 200 FTEs, which account for approximately 79% of all Executive Branch employees. These seven departments are the:

- Department of Corrections and Rehabilitation (DOCR);
- Department of General Services (DGS);
- Department of Health and Human Services (DHHS);
- Department of Liquor Control (DLC);
- Department of Transportation (DOT);
- Montgomery County Fire and Rescue Services (MCFRS); and
- Montgomery County Police Department (MCPD).

In the data summaries in this chapter, OLO grouped employees in the remaining Executive Branch departments together under "Other." For a more complete summary of "Other" department data, please see Appendix H. The following departments were included in the "Other" category:

- Board of Elections;
- Community Use of Public Facilities;
- Department of Economic Development;
- Department of Environmental Protection;
- Department of Finance;
- Department of Housing and Community Affairs;
- Department of Permitting Services;
- Department of Recreation;
- Department of Technology Services;
- Montgomery County Public Libraries;
- Office of Consumer Protection;
- Office of the County Attorney;
- Office of the County Executive;
- Office of Human Resources;
- Office of Management and Budget;
- Public Information Office; and
- Sheriff's Office.

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<sup>1</sup> OLO selected this period because it includes both a full "leave year" and a full fiscal year. A leave year is the annual period designated for leave accrual and use that begins with the first full payroll period of a calendar year and ends with the payroll period that includes December 31<sup>st</sup>. The data in this chapter exclude department directors and employees in the Management Leadership Service (MLS).

**Annualized Data.** OLO analyzed MCtime data from January 2, 2011 and June 30, 2012.<sup>2</sup> Unless otherwise noted, this chapter presents annualized data – meaning that the 18 months of data collected and analyzed are presented as if the hours were worked or the leave taken in a one-year time period. Annualized data lets the reader compare employees’ hours and leave against a 2,080-, 2,184-, or 2,496-hour year, which are the typical measures of employee time in the County Government.<sup>3</sup>

This chapter is organized as follows:

- **Section A** summarizes the amount of overtime worked by Executive Branch employees;
- **Section B** summarizes data on employees with significant amounts of overtime; and
- **Section C** estimates the cost of overtime work.

## **A. Overtime in Montgomery County Government**

County regulations and collective bargaining agreements permit departments to authorize overtime work. The data in Table 5-1 show that Executive Branch employees worked over 1 million hours of overtime in the annualized year. The overtime hours include both paid overtime and compensatory leave earned. Three departments, MCFRS (34%), DOT (23%) and MCPD (23%), accounted for 80% of all overtime hours. MCGEO employees accounted for almost half of all overtime hours (42%).

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<sup>2</sup> OLO selected this period because it includes both a full “leave year” and a full fiscal year. A leave year is the annual period designated for leave accrual and use that begins with the first full payroll period of a calendar year and ends with the payroll period that includes December 31<sup>st</sup>. The data in this chapter exclude department directors.

<sup>3</sup> Most County Government full-time employees are scheduled to work 2,080 hours in a year. Most MCFRS full-time employees are scheduled to work 2,496 hours in a year. A small minority of MCFRS full-time employees is scheduled to work 2,184 or 2,080 hours in a year.

**Table 5-1. Summary of Executive Branch Employee Overtime Hours**

	# of Employees	Hours Worked*		% of All Overtime Hours*
		Regular Hours	Overtime	
Department				
MCFRS	1,121	2,135,113	379,557	34%
DOT	1,013	1,733,418	256,077	23%
MCPD	1,456	2,460,839	253,045	23%
DOCR	447	740,639	97,216	9%
Other	1,131	1,926,461	42,695	4%
DGS	358	602,463	33,304	3%
DHHS	1,038	1,731,989	22,102	2%
DLC	225	390,597	16,413	1%
Total	6,789	11,721,520	1,100,411	100%
Employee Group				
MCGEO	3,743	6,300,658	459,451	42%
IAFF	1,065	2,041,573	376,184	34%
FOP	1,039	1,766,468	187,147	17%
Unrepresented	942	1,612,822	77,628	7%
Total	6,789	11,721,520	1,100,411	100%

\* Numbers may not sum to totals listed due to rounding

Source: MCtime data for January 2, 2011 – June 30, 2012

Table 5-2 shows that the number of regular hours worked for every hour of overtime worked varies widely in the Executive Branch. Executive Branch employees worked, on average, 11 regular hours for every hour of overtime worked. Specifically, DHHS employees worked 78 regular hours for every hour of overtime worked, and MCFRS employees worked six hours for every hour of overtime worked. Unrepresented employees worked 21 regular hours for every one hour of overtime, compared with five regular hours for every hour of overtime for IAFF employees.



**Table 5-2. Number of Regular Hours Worked for Every Hour of Overtime Worked**

	# of Regular Hours Worked for Every One Overtime Hour
<b>Department</b>	
DHHS	78
Other	45
DLC	24
DGS	18
MCPD	10
DOCR	8
DOT	7
MCFRS	6
<b>Total</b>	<b>11</b>
<b>Employee Group</b>	
Unrepresented	21
MC GEO	14
FOP	9
IAFF	5
<b>Total</b>	<b>11</b>

Source: MCtime data for January 2, 2011 – June 30, 2012

**Paid Overtime and Compensatory Leave.** As explained in more detail in Chapter II, employees who work overtime hours can receive overtime pay or compensatory leave. Table 5-3 presents data on total and average overtime hours worked by employees, showing paid overtime versus compensatory leave earned. Federal law, the CBAs, and in many cases, employee preference determine whether employees are paid for overtime work or earn compensatory time off. The data show that, on average across the County, employees work 138 paid hours of overtime and 13 compensatory leave hours of overtime. The data show the amounts of paid overtime to compensatory leave time vary widely by department:

- MCFRS employees averaged the most paid overtime (333 hours), working 59 paid overtime hours per one compensatory time earned hour; and
- DOT employees averaged the second highest amount of paid overtime (251 hours per employee) and had the highest number of paid overtime hours (110 hours) per one hour of compensatory time earned hour.
- IAFF employees averaged over two times the County average in overtime hours paid and one half of the County average in compensatory hours earned.

**Table 5-3. Summary of Paid and Employee Overtime Hours by Overtime Compensation\***

Department	Overtime Hours Paid**		Overtime Hours Compensatory Time Earned**	
	Total	Average	Total	Average
<b>Department</b>				
<b>MCFRS</b>	373,223	333	6,335	6
<b>DOT</b>	253,771	251	2,306	2
<b>DOCR</b>	93,112	208	4,103	9
<b>MCPD</b>	141,101	97	41,168	28
<b>DGS</b>	27,674	77	5,630	16
<b>DLC</b>	13,574	60	2,838	13
<b>Other</b>	23,190	21	19,489	17
<b>HHS</b>	12,945	12	9,157	9
<b>Total</b>	<b>938,590</b>	<b>138</b>	<b>91,027</b>	<b>13</b>
<b>Employee Group</b>				
<b>MC GEO</b>	423,424	113	35,754	10
<b>IAFF</b>	370,508	348	5,676	5
<b>FOP</b>	95,370	92	21,328	21
<b>Unrepresented</b>	49,288	52	28,269	30
<b>Total</b>	<b>938,590</b>	<b>138</b>	<b>91,027</b>	<b>13</b>

\*Hours listed do not include 68,885 court overtime hours, primarily in MCPD, because MCtime data only provides court overtime data as a separate category for dates on or after July 1, 2011; hours listed also exclude 37,306 other overtime hours in MCPD for which the type is not known.

\*\* Numbers may not sum to totals listed due to rounding

Source: MCtime data for January 2, 2011 – June 30, 2012

**Overtime as a Percent of Hours Worked.** OLO also compared data on the number of overtime hours worked by employees to the total number of hours worked (regular hours plus overtime). The data show that:

- Executive Branch employees examined worked almost thirteen million total hours annually during the time period reviewed;
- 9% of the hours worked were overtime hours;
- MCFRS had the most overtime hours – in number (379,557) and as a percent of hours worked (15%); and
- IAFF employees had the most overtime hours as percent of hours worked (15%) and FOP employees had the second highest level of overtime as a percent of hours worked (10%) while unrepresented and MC GEO employees had similar overtime as percent of hours worked (5% and 7% respectively);

**Table 5-4. Annualized Summary of Overtime as a Percent of All Hours Worked**

	Hours Worked*			Overtime as a % of All Hours Worked
	Regular Hours	Overtime	Total	
Department				
MCFRS	2,135,113	379,557	2,514,671	15%
DOT	1,733,418	256,077	1,989,495	13%
DOCR	740,639	97,216	837,856	12%
MCPD	2,460,839	253,045	2,713,885	9%
DGS	602,463	33,304	635,767	5%
DLC	390,597	16,413	407,010	4%
Other	1,926,461	42,695	1,969,156	2%
DHHS	1,731,989	22,102	1,754,091	1%
Total	11,721,520	1,100,411	12,821,931	9%
Employee Group				
IAFF	2,041,573	376,184	2,417,756	16%
MCGEO	6,300,658	459,451	6,760,110	7%
FOP	1,766,468	187,147	1,953,615	10%
Unrepresented	1,612,822	77,628	1,690,450	5%
Total	11,721,520	1,100,411	12,821,931	9%

\*Numbers may not sum to totals listed due to rounding

Source: MCFRS data for January 2, 2011 – June 30, 2012

## **B. Employees with Significant Overtime Use**

This section summarizes data on employees who work significant amounts of overtime. OLO identified the number of employees who worked overtime and sorted the data by how many hours each employee worked over the 18 month period.<sup>4</sup> The data show that:

- Except for HHS, between 85% and 96% of employees in each department worked some overtime.
- HHS and MCPD had the most employees who worked under 100 hours; and
- MCFRS had the highest number of employees who worked 1,000 or more hours of overtime during this period – 172 employees; and
- MC GEO had the highest number of employees working in each category except for “1,000+ Hours,” in which IAFF had the most number of employees.

<sup>4</sup> To determine this data, OLO queried its dataset of pay period records to identify any pay period with overtime and then queried that subset to extract any pay periods where regular hours totaled up to half of the hours for the pay period. OLO grouped these records by employee to see whether this pattern occurred multiple times for one employee. OLO excluded employees where this pattern occurred once or twice over the 18-month period because, for example, an employee could work a week with overtime hours followed by a week of vacation. From this analysis, OLO identified records for 1,180 employees who worked any overtime and logged fewer than 50% of hours in the pay period as regular hours.

**Table 5-5. Number of Employees Who Worked 100+, 200+, and 1000+ Hours of Overtime (January 2011 through June 2012)**

	0-99 Hours	100-199 Hours	200-499 Hours	500-999 Hours	1,000+ Hours	Total
<b>Department</b>						
MCPD	358	305	537	188	17	<b>1,405</b>
MCFRS	190	112	290	309	172	<b>1,073</b>
DOT	139	126	387	244	47	<b>943</b>
DOCR	80	78	188	62	22	<b>430</b>
DGS	171	38	70	23	0	<b>302</b>
DHHS	429	76	24	5	1	<b>535</b>
DLC	126	44	36	4	0	<b>210</b>
Other	496	119	81	10	1	<b>707</b>
<b>Total</b>	<b>1,989</b>	<b>898</b>	<b>1,613</b>	<b>845</b>	<b>260</b>	<b>5,605</b>
<b>Employee Group</b>						
FOP	235	223	424	138	6	<b>1,026</b>
IAFF	163	107	283	307	172	<b>1,032</b>
MCCEO	1,209	455	769	339	79	<b>2,851</b>
Unrepresented	382	113	137	61	3	<b>696</b>
<b>Total</b>	<b>1,989</b>	<b>898</b>	<b>1,613</b>	<b>845</b>	<b>260</b>	<b>5,605</b>

\*Each employee was counted only once in this data

Source: MCFRS data for January 2, 2011 – June 30, 2012

Table 5-6 and Table 5-7 show the distribution employees who worked less than half a pay period with regular hours, including less than one or two days, in a pay period in which overtime was worked.<sup>5</sup> It is important to keep in mind that events like vacations can account for limited regular hour work in a pay period (for example, an employee could take a week of vacation and work overtime the next week when back at work).

This pattern of overtime use is most prevalent in MCFRS which accounted for (1) almost one third of employees who worked regular hour fewer than half a pay period (307 out of 959); (2) 59 of the 74 employees who recorded this pattern in 10 or more pay periods<sup>6</sup>; and (3) 57 of the 60 employees who worked overtime while working fewer than one or two days in the pay period. IAFF employees show similar patterns except that MCCEO accounted for about half of all employees who worked fewer than half the regular hours in a pay period and worked overtime in more than three pay periods.

<sup>5</sup> OLO did not look at "Other" departments for this analysis.

<sup>6</sup> OLO calculated this data using one day for MCFRS 2,496 employees and two days for all other employees.

**Table 5-6. Number of Employees with Overtime Hours and with Low Numbers of Regular Hours, by Department (January 2011 through June 2012)**

# of Pay Periods+	# of Employees with Overtime Hours							Total
	MCFRS	MCPD	DOT	DOCR	DGS	DLC	DHHS	
Employee Worked Fewer than Half the Regular Hours in Pay Period*								
More than 3 Pay Periods	307	200	192	222	22	13	3	959
More than 10 Pay Periods	19	6	4	2	0	0	0	31
Employee Worked Fewer than 1 or 2 Days in Pay Period**								
More than 3 Pay Periods	57	2	0	1	0	0	0	60

+Each employee was only counted once in this data.

\*Data calculated based on 48 hours for MCFRS 2,496 employees and 40 hours for all other employees

\*\*Data calculated based on one day for MCFRS 2,496 employees and two days for all other employees

Source: MTime data for January 2, 2011 – June 30, 2012

**Table 5-7. Number of Employees with Overtime Hours and with Low Numbers of Regular Hours, by Employee Group (January 2011 through June 2012)**

# of Pay Periods	# of Employees with Overtime Hours				Total
	FOP	IAFF	MCGEO	Unrepresented	
Employee Worked Fewer than Half the Regular Hours in Pay Period*					
More than 3 Pay Periods	143	298	479	39	959
More than 10 Pay Periods	3	19	8	1	31
Employee Worked Fewer than 1 or 2 Days in Pay Period**					
More than 3 Pay Periods	1	56	2	1	60

+Each employee was only counted once in this data.

\*Data calculated based on 48 hours for MCFRS 2,496 employees and 40 hours for all other employees

\*\*Data calculated based on one day for MCFRS 2,496 employees and two days for all other employees

Source: MTime data for January 2, 2011 – June 30, 2012

Table 5-8 and Table 5-9 show the total number and percent of overtime hours that were worked when the employee worked fewer than half the employee's regular hours during the pay period.<sup>7</sup> The data show that approximately 8% of overtime was worked by employees who had worked less than half a pay period in the same pay period the overtime was worked. MCFRS had the highest percent of all department overtime (12%) worked by employees who worked less than half a pay period with regular hours.

<sup>7</sup> This data includes ALL hours worked by employees who worked identified hours in any pay period.

**Table 5-8. Overtime Hours Worked by Employees Working Fewer than Half the Employee's Regular Hours in a Pay Period, by Department (January 2011 through June 2012)**

Overtime Hours Worked*+		MCFRS	MCPD	DOT	DOCR	DGS	DLC	DHHS
Total Overtime Worked		569,336	273,219	384,166	145,822	50,054	24,619	33,153
Employees Working Fewer than Half the Regular Hours in a Pay Period	113,608	68,234	20,209	12,305	9,345	2,351	809	355
	7.67%	12.0%	7.4%	3.2%	6.4%	4.7%	3.3%	1.1%
Employees Working Fewer than 1 or 2 days in a Pay Period	18,520	16,449	989	584	422	39	31	6
	1.25%	2.9%	0.4%	0.2%	0.3%	0.1%	0.1%	0.0%

\*Data calculated based on 48 hours for MCFRS 2,496 employees and 40 hours for all other employees.

+Each employee was only counted once in this data.

Source: MCtime data for January 2, 2011 – June 30, 2012

**Table 5-9. Overtime Hours Worked by Employees Working Fewer than Half the Employee's Regular Hours in a Pay Period, by Employee Group (January 2011 through June 2012)**

Overtime Hours Worked*+		IAFF	FOP	MC GEO	Unrepresented
Total Overtime Worked		564,275	175,048	642,997	98,049
Employees Working Fewer than Half the Regular Hours in a Pay Period	113,608	65,953	13,317	29,019	5,319
	7.7%	11.7%	7.6%	4.5%	5.4%
Employees Working Fewer than 1 or 2 days in a Pay Period	18,520	15,763	631	1,312	814
	1.3%	2.8%	0.4%	0.2%	0.8%

\*Data calculated based on 48 hours for MCFRS 2,496 employees and 40 hours for all other employees

+Each employee was only counted once in this data.

Source: MCtime data for January 2, 2011 – June 30, 2012

**Employees Who Work Overtime with No Regular Hours Logged During the Pay Period.** OLO's review also identified records for a total of 245 employees who worked overtime hours even though they did not work any regular hours in a pay period. Tables 5-10 and 5-11 shows the distribution of these employees by department and the number of hours worked in pay periods where zero regular hours were worked. Tables 5-12 and 5-13 show these employees by union.

These 245 employees account for 5% of the 4,915 employees who logged overtime hours during the 18 month period. Each employee averaged 22 overtime hours (with ZERO regular hours); however these averages varied from a high of 27 overtime hours for the average MCFRS employee to a low of 9 hours for the average employee in DOT, DGS and DHHS. The union data show similar numbers – IAFF employees averaged 27 hours and MC GEO employees averaged 9 hours. Of all MCFRS overtime, approximately 2.5% of it was worked by employees who had no regular hours in the same pay period.

**Table 5-10. Number of Employees with Overtime Hours and with No Regular Hours in the Same Pay Period, by Department (January 2011 through June 2012)**

	MCFRS	MCPD	DOT	DOCR	DGS	DLC	DHHS	Total
# of Employees with Overtime Hours	156	57	12	9	7	0	4	245

\*Data calculated based on 48 hours for MCFRS 2,496 employees and 40 hours for all other employees

\*\*Data calculated based on one day for MCFRS 2,496 employees and two days for all other employees

Source: MCtime data for January 2, 2011 – June 30, 2012

**Table 5-11. Overtime Hours Worked by Employees Working No Regular Hours in a Pay Period, by Department (January 2011 through June 2012)**

Overtime Hours Worked*		MCFRS	MCPD	DOT	DOCR	DGS	DLC	DHHS
Total Overtime Worked		569,336	273,219	384,166	145,822	50,054	24,619	33,153
Employees Working No Regular Hours in a Pay Period	# of OT Hours	4,299	763	107	124	65	0	35
	% of ALL OT Hours	0.76%	0.28%	0.03%	0.09%	0.13%	0.00%	0.11%

\*Data calculated based on 48 hours for MCFRS 2,496 employees and 40 hours for all other employees

Source: MCtime data for January 2, 2011 – June 30, 2012

**Table 5-12. Number of Employees with Overtime Hours and with No Regular Hours in the Same Pay Period, by Employee Group (January 2011 through June 2012)**

	FOP	IAFF	MC GEO	Unrepresented	Total
# of Employees with Overtime Hours	49	153	35	8	245

\*Data calculated based on 48 hours for MCFRS 2,496 employees and 40 hours for all other employees

\*\*Data calculated based on one day for MCFRS 2,496 employees and two days for all other employees

Source: MCtime data for January 2, 2011 – June 30, 2012

**Table 5-13. Overtime Hours Worked by Employees Working No Regular Hours in a Pay Period, by Employee Group (January 2011 through June 2012)**

Overtime Hours Worked*		FOP	IAFF	MC GEO	Unrepresented
Total Overtime Worked		175,048	564,275	642,997	98,049
Employees Working No Regular Hours in a Pay Period	# of OT Hours	713	4,220	341	119
	% of ALL OT Hours	0.41%	2.41%	0.05%	0.12%

\*Data calculated based on 48 hours for MCFRS 2,496 employees and 40 hours for all other employees

Source: MCtime data for January 2, 2011 – June 30, 2012

Further investigation of these records was beyond the scope of this project. More work is needed to understand these patterns.

### C. Estimated Cost of Overtime

OLO estimates the cost of the paid overtime hours worked by the full-time employees examined by OLO in this report. OLO estimated that the cost of these 6,789 employees' overtime was \$63.3 million between January 2011 and June 2012.<sup>8</sup> The data show that:

- The Public Safety departments account for 70% of all overtime costs;<sup>9</sup> and
- MCFRS accounted for approximately 43% of all overtime costs; and
- IAFF and MCGEO account for 43% and 38% respectively of estimated overtime costs.

**Table 5-14. Estimate of Executive Branch Overtime Costs  
(January 2011 through June 2012)**

	Overtime*		
	# of Paid Hours*	Estimated Cost (\$ in millions)	% of All Estimated Costs
<b>Department</b>			
MCFRS	559,834	\$27,157,001	43%
DOT	380,656	\$13,358,715	21%
MCPD	211,652	\$11,058,774	17%
DOCR	139,667	\$6,329,407	10%
DGS	41,512	\$1,902,658	3%
DHHS	19,417	\$965,410	2%
DLC	20,362	\$676,347	1%
Other	34,786	\$1,815,924	3%
<b>Total</b>	<b>1,407,885</b>	<b>\$63,258,236</b>	<b>100%</b>
<b>Employee Group</b>			
FOP	143,056	\$7,996,721	13%
IAFF	555,762	\$26,947,439	43%
MCGEO	635,136	\$24,318,776	38%
Unrepresented	73,932	\$3,995,299	6%
<b>Total</b>	<b>1,407,885</b>	<b>\$63,258,236</b>	<b>100%</b>

\* Numbers may not sum to totals listed due to rounding

\*\*Hours listed do not include 68,885 court overtime hours, primarily in MCPD, because MCTime data only provides court overtime data as a separate category for overtime worked on or after July 1, 2011; hours listed also exclude 37,306 other overtime hours in MCPD for which the type is not known.

Source: MCTime data for January 2, 2011 – June 30, 2012

<sup>8</sup> To estimate the cost, OLO multiplied the number of each employee's paid overtime hours by one and one half times his/her hourly wage then summed the overtime costs for all employees.

<sup>9</sup> Does not include the Sheriff's Office, which is included in "Other" departments.



## CHAPTER VI. Comparative Information on Leave in Local Jurisdictions

This chapter provides a summary of the leave accrual rates of five local jurisdictions: Anne Arundel County, Baltimore County, Fairfax County (VA), Howard County, and Prince Georges' County. This chapter begins with an overview of the five jurisdictions, followed by a more detailed look at the leave accrual rates of annual, sick, and personal leave for four groups of employees in each jurisdiction: police, fire, other represented employees, and unrepresented employees. It is important to note that there is a variety of leave accrual rates among employees in each jurisdiction - these rates are for a majority of employees in each category.

**Overview of Jurisdictions.** This chapter looks at the following jurisdictions: Anne Arundel County, Baltimore County, Fairfax County (VA), Howard County, and Prince Georges' County. The table below summarizes several characteristics of the five jurisdictions profiled in this chapter. Among the jurisdictions, there is a wide range in the number of employees and unions in the five jurisdictions.

**Table 6-1. Number of Employees and Unions in Six Local Jurisdictions**

Jurisdiction	FY13 Approved Employees	% of Employees who are Public Safety	Number of Unions
Montgomery County	8,532	43%	3
Anne Arundel County	4,046	53%	13
Baltimore County	8,480	51%	6
Fairfax County (VA)	12,302	35%	0
Howard County	5,629	42%	10
Prince Georges' County	3,131*	71%	8

\*Does not include library employees.

Source: OLO used the other jurisdictions' websites, personnel regulations, and collective bargaining agreements. OLO also interviewed several human resources staff from jurisdictions.<sup>1</sup>

Each of these jurisdictions has similar types of leave available to employees as Montgomery County including (not inclusive of all leave available in these jurisdictions):

- Jury Leave;
- Military Leave;
- Bereavement Leave;
- FMLA;
- Union Leave; and
- Leave Without Pay.

Each jurisdiction also grants employees varying holiday leave:

- Montgomery County: 9 holidays;
- Anne Arundel County: 14 holidays;
- Baltimore County: 10 holidays;
- Fairfax County: 12 holidays;
- Howard County: 12 holidays; and
- Prince Georges' County: 11 holidays.

<sup>1</sup> Appendix L contains a list of all sources used for this chapter.

The remainder of this chapter summarizes the annual, sick and personal leave for police, fire, other represented, and unrepresented employees. Overall, OLO found that:

- Montgomery County generally offers more annual and personal leave to employees in the first years of service but as years of service increase, leave offered across the jurisdictions levels off;
- Sick leave is consistent across all employee groups, and ranges from 12 days in Howard County to 15 days in Anne Arundel and Baltimore Counties; and
- Personal leave varies across all jurisdictions.

It is important to note that, similar to Montgomery County employees, there are varying expected work hours for groups of employees. The following table summarizes the amount of work hours employees in each jurisdiction are expected to work. These numbers represent the expected hours of work for most employees in these groups.

**Table 6-2. Number of Expected Work Hours in Six Local Jurisdictions**

Jurisdiction	Number of Expected Annual Work Hours		
	Firefighters	Police Officers	Other Union and Unrepresented
Montgomery County	2,496	2,080	2,080
Anne Arundel County	2,184	2,080	2,080
Baltimore County	2,496	2,080	1,820 or 2,080
Fairfax County (VA)	2,496	2,080	2,080
Howard County	2,496	2,184	2,080
Prince Georges' County	2,080	2,080	2,080

Source: OLO used the other jurisdictions' websites, personnel regulations, and collective bargaining agreements. OLO also interviewed several human resources staff from jurisdictions.

**Leave Accrual for Uniform Police Personnel.** Table 6-3 summarizes the amount of annual, sick and personal leave for uniform police personnel in the jurisdictions. The table shows that when combining annual and personal leave, Montgomery and Howard County offer similar leave, while the other jurisdictions offer less. Three jurisdictions do not receive any personal leave.

**Table 6-3. Leave Accrual for Uniform Police Personnel in Local Jurisdictions**

	Annual Leave	Sick Leave	Personal Leave
Montgomery County			
0-3 Years of Service	15 days	15 days	4 days
3-15 Years of Service	20 days		
15+ Years of Service	26 days		
Anne Arundel County*			
0-5 Years of Service	10 days	15 days	0
5-10 Years of Service	15 days		
11-20 Years of Service	20 days		
20+ Years of Service	25 days		
Baltimore County**			
6+ Months of Service	10 days	15 days	0
5+ Years of Service	15 days		
15+ Years of Service	20 days		
20+ Years of Service	25 days		
Fairfax County (Unrepresented)			
0-3 Years of Service	13 days	13 days	0
4-15 Years of Service	19.5 days		
16+ Years of Service	26 days		
Howard County			
0-5 Years of Service	13 days	12 days	6 days
6-10 Years of Service	16 days		
11-18 Years of Service	20 days		
19-25 Years of Service	22 days		
26+ Years of Service	24 days		
Prince Georges' County			
0-3 Years of Service	13 days	15 days	24 hours
4-15 Years of Service	19.5 days		25 hours
16+ Years of Service	26 days		26 hours

\*Anne Arundel police get 15 additional days of annual leave in lieu of holidays.

\*\* Baltimore County police accrue "Vacation Time" at the rates included in the table.

Source: OLO used the other jurisdictions' websites, personnel regulations, and collective bargaining agreements. OLO also interviewed several human resources staff from jurisdictions.

**Uniform Fire Personnel.** Table 6-4 summarizes the amount of annual, sick and personal leave for uniform fire personnel in the jurisdictions. Firefighters in all jurisdictions work similar schedules to Montgomery County (24 hours on, 48 hours off – 2,496 hours per year). The amount of annual leave offered varies across jurisdictions.

**Table 6-4. Leave Accrual for Uniform Fire Personnel in Local Jurisdictions**

	Annual Leave	Sick Leave	Personal Leave
Montgomery County*			
0-3 Years of Service	144 hours/year	144 hours	48 hours
3-15 Years of Service	192 hours/year		
15+ Years of Service	249 hours/year		
Anne Arundel County**			
0-5 Years of Service	10 days	15 days	0
5-10 Years of Service	15 days		
11-20 Years of Service	20 days		
20+ Years of Service	25 days		
Baltimore County			
0-3 years of service	132 hours	12 days	0
4+ years of service	192 hours		
15+ years of service	252 hours		
20+ years of service	312 hours		
Fairfax County (Unrepresented)			
0-3 Years of Service	13 days	13 days	0
4-15 Years of Service	19.5 days		
16+ Years of Service	26 days		
Howard County			
0-5 Years of Service	124.8 hours	12 days	6 days
6-10 Years of Service	153.6 hours		
18+ Years of Service	182.4		
Prince Georges' County			
0-3 Years of Service	13 days	15 days	24 hours
4-15 Years of Service	19.5 days		24 hours
16+ Years of Service	26 days		24 hours

\*Only included firefighters who work 2,496 hours per year.

\*\*Anne Arundel firefighters get 15 additional days of annual leave in lieu of holidays.

Source: OLO used the other jurisdictions' websites, personnel regulations, and collective bargaining agreements. OLO also interviewed several human resources staff from jurisdictions.

**Other Represented Personnel.** Table 6-5 summarizes the amount of annual, sick and personal leave for represented (not uniform police or fire) personnel in the jurisdictions. When combining annual and personal leave, Montgomery, Baltimore and Howard County offers a greater amount of leave, with similar leave in early years of service and Montgomery County employees receiving more leave in later years of service.

**Table 6-5. Leave Accrual for Other Represented Personnel in Local Jurisdictions**

	Annual Leave	Sick Leave	Personal Leave
Montgomery County			
0-3 Years of Service	15 days	15 days	3 days*
3-15 Years of Service	20 days		
15+ Years of Service	26 days		
Anne Arundel County			
0-5 Years of Service	10 days	15 days	1 day
5-10 Years of Service	15 days		
11-20 Years of Service	20 days		
20+ Years of Service	25 days		
Baltimore County**			
0-5 Years of service	84/96 hours	105/120 hours	42/48 hours
5-10 Years of service	105/120 hours		
11-15 Years of service	140/160 hours		
16+ Years of service	175/200 hours		
Fairfax County (Unrepresented)			
0-3 Years of Service	13 days	13 days	0
4-15 Years of Service	19.5 days		
16+ Years of Service	26 days		
Howard County			
0-5 Years of Service	13 days	12 days	6 days
6-10 Years of Service	16 days		
11-20 Years of Service	19 days		
20+ Years of Service	21 days		
Prince Georges' County***			
0-3 Years of Service	13 days	15 days	24/28 hours
4-15 Years of Service	19.5/20 days		24/28 hours
16+ Years of Service	26 days		24/28 hours

\*Some DOT employees (primarily bus operators) receive one day of personal leave plus 22-30 hours of compensation based on the number of hours they work per day.

\*\*Annual leave depends upon job class.

\*\*\*Includes five unions (two deputy sheriffs, two corrections, and one general labor). Accruals do not include school crossing guards.

Source: OLO used the other jurisdictions' websites, personnel regulations, and collective bargaining agreements. OLO also interviewed several human resources staff from jurisdictions

**Unrepresented (General) Personnel.** Table 6-6 summarizes the amount of annual, sick and personal leave for unrepresented personnel in the jurisdictions. The covered classes of employees vary across jurisdictions; however may include personnel such as budget analysts, human resources employees, and IT personnel. It also includes every employee in Fairfax County. Unrepresented employees are similar to non-uniform represented employees - when combining annual and personal leave, Montgomery, Baltimore and Howard County offers a greater amount of leave, with Baltimore County earning the most in later years of service.

**Table 6-6. Leave Accrual for Unrepresented Personnel in Local Jurisdictions**

	Annual	Sick Leave	Personal Leave
Montgomery County			
0-3 Years of Service	15 days	15 days	3 days
3-15 Years of Service	20 days		
15+ Years of Service	26 days		
Anne Arundel County			
0-3 Years of Service	13 days	15 days	0
4-15 Years of Service	20 days		
16+ Years of Service	26 days		
Baltimore County			
0-5 Years of service	12 days	15 days	6 days
5-10 Years of service	15 days		
11-15 Years of service	20 days		
16+ Years of service	25 days		
Fairfax County			
0-3 Years of Service	13 days	13 days	0
4-15 Years of Service	19.5 days		
16+ Years of Service	26 days		
Howard County			
0-5 Years of Service	13 days	12 days	6 days
6-10 Years of Service	16 days		
11-20 Years of Service	19 days		
20+ Years of Service	21 days		
Prince Georges' County			
0-3 Years of Service	13 days	15 days	24 hours
4-15 Years of Service	19.5 days		
16+ Years of Service	26 days		

Source: OLO used the other jurisdictions' websites, personnel regulations, and collective bargaining agreements. OLO also interviewed several human resources staff from jurisdictions.

**Aggregate Leave Entitlement Comparison for New Employees.** Table 6-7 displays the total amount of annual and personal leave hours accrued per year by new Montgomery County employees in comparison with that of similar employees in other local jurisdictions.<sup>2</sup> Overall, non-public safety and unrepresented employees across jurisdictions receive similar amounts of leave, with Montgomery County falling close to the average. On the other hand, newly hired uniform police personnel in Montgomery County receive 64 more hours than the average. These additional hours are equivalent to 66 FTEs in the Montgomery County Police Department.<sup>3</sup>

**Table 6-7. Total Annual, Personal, and Holiday Leave Hours Accrual Per Year for Newly Hired Employees in Montgomery County and Five Other Jurisdictions**

	Uniform Police Personnel	Other Represented Personnel	Unrepresented Personnel
<b>Montgomery County and Average of Five Other Jurisdictions</b>			
Montgomery County*	258	216	216
Average Accrual in Other Jurisdictions	194	218	221
<b>Other Jurisdictions</b>			
Anne Arundel County	200	200	216
Baltimore County	160	224	224
Fairfax County	200	200	200
Howard County		248	248
Prince George's County	216	216	216

\*Also includes Compensatory leave for uniformed police personnel.

Source: OLO used the other jurisdictions' websites, personnel regulations, and collective bargaining agreements. OLO also interviewed several human resources staff from jurisdictions.

<sup>2</sup> OLO excluded uniform fire personnel, who have expected annual work hours of between 2,080 and 2,496 in the six jurisdictions, from this comparison because leave entitlements are not granted uniformly across jurisdictions, making comparison difficult. OLO also excluded sick leave from this comparison because employees are not typically entitled to use sick leave unless they meet conditions established by applicable regulations.

<sup>3</sup> Based on the number of FTEs in the FY13 Montgomery County Police Department Budget and the average number of hours worked per year by the average MCPD employee

## **Chapter VII. Findings**

Understanding and analyzing employee availability can help an employer quantify costs associated with employee leave use and can help identify opportunities to improve leave administration and increase employee availability. One survey estimated that the total cost of employee leave can equal 35 percent of an employer's base payroll,<sup>1</sup> while another survey found that 50 percent of employers did not know the cost of employee leave in their organization.<sup>2</sup>

The Council requested this Office of Legislative Oversight (OLO) study to better understand the use and effects of County leave policies, including their impact on overtime. The Montgomery County Personnel Regulations<sup>3</sup> and three collective bargaining agreements (CBAs)<sup>4</sup> establish the County Government's leave policies, including leave types, accrual rates, and eligibility criteria.

OLO analyzed 18 months of data from the County Government's electronic time and attendance system, MCtime, to review employees' work hours and leave usage. The dataset includes the 6,789 full-time Executive Branch staff employed continuously between January 2, 2011 and June 30, 2012.<sup>5</sup> OLO analyzed the data by department and by employee group. Some findings use annualized instead of raw data; these instances are noted in the text of the findings.

These findings are divided into four topic areas:

- Leave administration;
- Leave use;
- Overtime; and
- Data management.

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<sup>1</sup> *Survey on the Total Financial Impact of Employee Absences*, Mercer, at p. 8 (June 2010).

<sup>2</sup> *The Missing Piece of Absence Management – Turning Data into Dollars*, Liberty Mutual, at p. 4 (April 2011 survey).

<sup>3</sup> The Personnel Regulations govern leave for employees not represented by an employee union. A comprehensive review of these regulations, which are set to expire in January 2014, is underway.

<sup>4</sup> The County Executive is a party to collective bargaining agreements with Municipal & County Government Employees Organization, United Food and Commercial Workers, Local 1994 (MCGEO), Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664 (IAFF), Fraternal Order of Police Montgomery County Lodge 35 (FOP).

<sup>5</sup> OLO selected this period because it includes both a full "leave year" and a full fiscal year. A leave year is the annual period designated for leave accrual and use that begins with the first full payroll period of a calendar year and ends with the payroll period that includes December 31<sup>st</sup>.



**Number of Executive Branch Employees Reviewed**

	# of Employees
<b>Department</b>	
Montgomery County Police Department	1,456
Department of Transportation	1,013
Montgomery County Fire and Rescue Service	1,121
Department of Health and Human Services	1,038
Department of Corrections and Rehabilitation Services	447
Department of General Services	358
Department of Liquor Control	225
Other*	1,131
<b>Total</b>	<b>6,789</b>
<b>Employee Group</b>	
Municipal & County Government Employees Organization, United Food and Commercial Workers, Local 1994 (MCGEO)	3,743
Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664 (IAFF)	1,065
Fraternal Order of Police, Montgomery County Lodge 35 (FOP)	1,039
Unrepresented Employees	942
<b>Total</b>	<b>6,789</b>

\*For a full list of Executive Branch Departments, see Appendix.

**LEAVE ADMINISTRATION**

**Finding #1: County Government employees accrue between 298 and 441 total paid leave hours annually. Compared to other local jurisdictions, Montgomery County generally offers more annual and personal leave in the first years of service. As years of service increase, earned leave becomes more equal across the jurisdictions.**

Governed by the Personnel Regulations and collective bargaining agreements, County Government employee compensation includes annual and sick leave or paid time off (PTO),<sup>6</sup> plus personal and other leave. The table on the next page summarizes employee leave accrual by employee group and length of service.

<sup>6</sup> The table does not include employees in the Management Leadership Service (MLS) who earn paid time off instead of annual and sick leave. Full-time MLS employees receive 280 PTO hours annually in two equal installments at the beginning of a leave year and in the 14th pay period. Part-time MLS employees receive a prorated amount of PTO. Employees can use PTO for any leave purpose.

**Number of Total Leave Hours Earned Annually by Montgomery County Employees**

Employee Group	Length of Service	Leave Hours Accrued Annually				
		Annual Leave	Personal Leave	Sick Leave	Other Leave	Total Leave
FOP	Under 3 Years	120	32-40*	120	26**	306
	From 3-15 Years	160				346
	Over 15 Years	208				394
MCGEO IAFF 2,080 Employees Unrepresented Employees	Under 3 Years	120	24***	120	None	264
	From 3-15 Years	160				304
	Over 15 Years	208				352
IAFF 2,184 Employees	Under 3 Years	126	48	126	None	276
	From 3-15 Years	168				318
	Over 15 Years	219				369
IAFF 2,496 Employees	Under 3 Years	144	48	144	None	336
	From 3-15 Years	192				384
	Over 15 Years	249				441

\* The FOP totals include 40 hours of Personal leave.

\*\*FOP members earn an additional 26 hours of compensatory time annually.

\*\*\*Personal leave does not include bus operators who receive one personal day and additional compensatory time and IAFF 2,080 members who receive 40 hours of personal leave per year.

Source: MCGEO CBA, IAFF CBA, FOP CBA, Personnel Regulations

County employees can supplement the leave described in the table above with nine other types of leave, including at least nine paid holidays. They are: (1) Family and Medical leave (FMLA); (2) Disability leave; (3) Parental leave; (4) Administrative leave; (5) Compensatory Time; (6) Holiday leave; (7) Military leave; (8) Religious leave; and (9) Leave Without Pay. This leave is not accrued by employees, it may be paid or unpaid, and in some cases County regulations or other agreements or federal law limits the amount of leave an employee may use.

**Comparison to Local Jurisdictions.** OLO looked at the leave accrual in the following jurisdictions: Anne Arundel County, Baltimore County, Fairfax County (VA), Howard County, and Prince Georges' County. All jurisdictions offer similar types of leave to Montgomery County. When comparing new employees in each jurisdiction, non-public safety and unrepresented employees across jurisdictions receive similar amounts of leave annually, with Montgomery County falling close to the average. Montgomery County police received annually 64 more hours than the local average. In later years of service, the amount of leave offered leveled off across jurisdictions.

**Finding #2: The seven County Government departments reviewed for this study report that they follow the Personnel Regulations and collective bargaining agreements when administering leave. However, leave administration practices in the Executive Branch are decentralized and vary widely by department.**

OLO reviewed leave administration practices in the seven largest Executive Branch departments:

- Department of Corrections and Rehabilitation Services (DOCR);
- Department of General Services (DGS);
- Department of Health and Human Services (DHHS);
- Department of Liquor Control (DLC);
- Department of Transportation (DOT);
- Montgomery County Fire and Rescue Service (MCFRS); and
- Montgomery County Police Department (MCPD).

The information in the table below provides some examples of the variation in leave administration.

Leave Topic	Variation Observed
Training Supervisors to Administer Leave	Some departments train their own supervisors on how to administer leave. Other departments request training from OHR for their supervisors. Some department supervisors do not receive training on how to administer leave.
Filling out Timecards	In some departments, employees fill out their timecards in MCTime. In other departments, supervisors fill out the timecards for all employees.
Process for Requesting and Tracking Leave	Some departments use scheduling software or have developed computer programs that allow employees to request and supervisors to approve and track leave electronically. Other departments use written leave request forms and track employee leave use manually or by using Outlook calendars or Excel spreadsheets. Some departments use both electronic programs and written leave request forms – for different groups of employees.
Availability of Annual Leave	Some departments’ staffing levels and operational requirements require the department to limit the amount of annual leave employees can take in a year. Other departments are not constrained by staffing and can allow employees to take as much leave as the employee is entitled to as long as operational needs are met.
Initiation of FMLA Leave	In most departments, if an employee does not specifically request FMLA leave, supervisors will initiate FMLA leave when an employee takes leave that seems to meet FMLA criteria. In one department, employees take FMLA leave only when they initiate the process.
Leave “Buddies”	Some department divisions use “leave buddies,” where employees with the same skills have a buddy. The buddies coordinate leave use to ensure that one of the employees is scheduled to work while the other is on leave. Other departments do not require employees to coordinate their leave with other employees.
Interaction with the Office of Human Resources	Some department representatives report that department staff interact frequently with staff in the Office of Human Resources to seek guidance and address leave issues. Representatives in other departments report that they rarely seek guidance from OHR on leave issues. Department staff provided mixed reviews on the leave-related support provided by OHR – some reporting that they receive sufficient support and others reporting that many OHR staff members are not responsive or helpful in addressing leave-related issues.

**Finding #3: Department and union representatives would like more resources and support from the Office of Human Resources to train supervisors on how to administer, record, and monitor employee leave use. Insufficient training can provide opportunities for leave abuse and misuse among employees.**

Currently, the Office of Human Resources (OHR) offers only one course related to leave administration – a quarterly course entitled “Understanding the Family Medical Leave Act (FMLA).” OHR staff will provide other leave-specific trainings if requested by a department. For example, at MCGEO’s initiation, MCGEO partnered with OHR staff to conduct training for County Government supervisors and MCGEO shop stewards on leave use.

Representatives from all of the seven largest County Government departments and the three employee unions indicated to OLO that they would like OHR to institute mandatory training for County Government supervisors on procedures to administer leave (especially FMLA leave). Department representatives noted that when supervisors do not administer, record, and/or monitor leave use correctly or consistently, it creates opportunities for employee leave abuse or misuse.

Department representatives reported that they would also like OHR to develop additional materials for department staff providing guidance on leave administration. In the summer of 2012, OHR developed a “Management Guidance Bulletin” to explain OHR’s interpretation of collective bargaining agreements and some of the issues addressed in the bulletins are related to leave.

**Finding #4: Some departments restrict employees’ use of annual leave because of staffing levels.**

Some departments or department divisions have minimum staffing requirements that require a set number of employees per shift in order to complete work (e.g., positions that are required to be filled at all times, such as police officers or bus operators). At the same time, several of these departments report that they *do not* have adequate staff to create a staffing buffer, where a department schedules a certain number of employees above the minimum requirement in order to maintain minimum staffing when employees call in for unscheduled leave (typically sick leave or FMLA leave).

To have enough employees available to maintain minimum staffing levels, these departments limit the amount of annual leave that an employee can take during the year. Often, the departments will hold vacation picks before the beginning of a leave year<sup>7</sup> where the department will establish the amount of leave available on any given day and employees will choose vacation from available slots – typically for two weeks during the year. Employees cannot take additional annual leave during the year unless additional annual leave slots remain open or other employees give up leave slots.

Departments that reported the need to restrict leave use include the following:

- MCFRS’ Division of Operations;
- DOT’s Transit Division;
- The Department of Corrections;
- MCPD’s Emergency Communications Center.

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<sup>7</sup> A “leave year” is the annual period designated for leave accrual and use that begins with the first full payroll period of a calendar year and ends with the payroll period in which December 31 falls.

Department managers report that they have observed higher levels of leave abuse/misuse as a consequence of restricting annual leave. For example, an employee whose request for leave was denied will call in and use unscheduled sick leave for the time period requested. Representatives from one union acknowledge that the union is aware that employees do call in sick when they cannot get additional leave and that employees believe they have no other options to take leave. The union supports disciplining employees who abuse leave. Representatives from MCGEO, IAFF and FOP all reported that limits on annual leave due to insufficient staffing are a concern to their members.

**Finding #5: Representatives from the three employee unions indicate that restricting employees' use of leave because of departmental staffing issues is problematic.**

The most significant leave-related issue OLO heard from representatives from all three employee unions was employees' access to leave. Union representatives report that restricting annual leave has negatively affected union members in many ways. For example:

- Union employees' morale has decreased as their ability to take annual leave has decreased;
- The workforce cuts in recent years have increased the workloads of the remaining employees and required them to work longer hours; and
- Less access to leave and more mandatory overtime has negatively affected union employees' families and their families' schedules.

**Finding #6: Department staff report that leave abuse most commonly occurs with sick leave and FMLA leave. Departments report that only a small percent of employees misuse or abuse leave; however, currently the departments lack the automated data capacity to verify this.**

The County Government personnel regulations and the three collective bargaining agreements provide employees sick leave for paid time off from work due to:

- Personal illness or injury;
- Medical quarantine;
- Medical, dental, or optical examinations or treatments; or
- Temporary disability related to pregnancy, miscarriage, or childbirth.

Employees can also use sick leave to care for an immediate family member for the above reasons. FMLA leave is used when an employee or family member has certain types of medical conditions, as defined by the federal Family and Medical Leave Act (FMLA).<sup>8</sup>

The Personnel Regulations and the MCGEO and IAFF collective bargaining agreements all contain processes for restricting or disciplining employees when they misuse or abuse sick leave (or are suspected of doing so). The FOP collective bargaining agreement does not. Restrictions include "sick

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<sup>8</sup> Employees can use sick leave, annual leave, paid time off, parental leave, disability leave, personal days, or leave without pay for FMLA purposes.

leave restriction” – where an employee must bring in medical certification if the employee uses unscheduled sick leave, and can progress to discipline such as written reprimands and even dismissal.

OLO heard from department representatives that the most commonly cited types of leave abuse are sick leave and FMLA leave. Examples of sick leave abuse or misuse include:

- Using sick leave for reasons other than those listed above;
- Repeated use of sick leave when annual or compensatory leave has been denied;
- Repeated use of sick leave immediately before or after a holiday or weekend day;
- Excessive use of sick leave;
- Use of more sick leave than earned in a calendar year;
- Repeated use of sick leave during heavy or undesirable work.

Representatives from the seven Executive Branch departments all report that a small percentage of employees in their departments misuse or abuse sick leave and FMLA leave. Some estimate the number at around five percent of department employees. OLO was not able to verify these department estimates and observations based on its review of employee leave data from the Mctime database because more in-depth research is needed to identify and make determinations of legitimate versus non-legitimate uses of sick leave, FMLA leave, or other types of leave.

**Finding #7: Department staff report that the documentation process for sick leave and FMLA leave abuse is difficult and time-consuming. Except for DOT and DOCR, most departments infrequently give written reprimands or restrict employees’ sick leave use.**

OLO reviewed data provided by the departments on the departments’ use of sick leave restrictions and written reprimand for leave abuse. The data show that most departments place employees on sick leave restriction or give written reprimands for leave abuse only infrequently. DOCR and DOT were the exceptions – placing 11 percent and six percent of employees on sick leave restriction in FY12.

#### **Disciplinary Actions Taken Against Executive Branch Employees for Leave Use, FY2012**

Department	Employees Who Received			
	Sick Leave Restriction		Written Reprimand for Leave Abuse	
	#	%	#	%
DOCR	51	11.4%	7	1.6%
DOT	60	5.9%	2	0.2%
MCFRS	13	1.2%	0	0%
DHHS	10-12	1.2%	6-8	0.8%
DLC	2	0.8%	2	0.9%
MCPD	4	0.3%	4	0.3%
DGS	1	0.2%	2	0.6%

\* DHHS estimated the number of disciplinary actions against employees

Source: Executive Branch Staff

Management representatives in these seven Executive Branch departments highlighted that certain employees have an incentive to retain sick leave while others do not. Employees in the County Government's Employee Retirement System (ERS), i.e., the defined benefit pension retirement plan, can apply up to two years of accrued sick leave toward the calculation of their years of service for retirement purposes to increase their pension benefit. Employees in the defined contribution (the RSP) or the cash balance plan (the GRIP) plan have no similar incentive to retain accrued sick leave. Department representatives suggested that providing an incentive for employees to retain accrued sick leave could lessen leave abuse.

## **LEAVE USE**

### **Finding #8: Annual, sick, and compensatory leave account for 74 percent of Executive Branch employees' leave use.**

On an annualized basis, the 6,789 full-time Executive Branch employees take approximately 2.7 million hours of leave a year, or an average of 404 leave hours per employee. Of this, approximately 35 percent is annual leave and 25 percent is sick leave. Leave use data by department show, on average:

- Total leave use per employee among employees scheduled to work 2,080 hours annually was highest in DOCR (418 hours) and lowest in DLC (334 hours) and DOT (363 hours). MCFRS employees, who are typically scheduled to work for 2,496 hours in a year, used 516 hours of leave on average.
- Sick leave use was similar among departments, ranging between approximately 4 percent of scheduled hours in MCPD (81 hours per employee) and DLC (85 hours per employee) to about 5 percent of scheduled hours in MCFRS, DHHS, DOT, DOCR and DGS.
- DLC had lower per employee averages for all types of leave use except holiday leave.

**Annualized Summary of Leave Use in Executive Branch Departments, by Department**

Dept.	# of Employees	Leave Taken*				
		Leave Hours	Annual	Sick	Comp.	Other+
Total Leave Hours						
MCFRS	1,121	578,392	187,730	144,908	85,393	155,586
MCPD	1,456	565,906	184,648	117,341	105,928	146,026
Other	1,131	421,077	163,715	104,318	37,758	113,854
DHHS	1,038	405,624	153,489	109,927	27,504	113,747
DOT	1,013	367,232	136,018	107,535	27,640	94,408
DOCR	447	187,035	64,275	47,746	22,545	47,781
DGS	358	141,864	50,439	37,840	16,934	34,971
DLC	225	75,249	28,851	19,206	6,157	20,508
Total	6,789	2,742,379	969,163	688,911	329,858	727,149
Average Hours per Employee						
MCFRS	1,121	516	167	129	76	139
MCPD	1,456	389	127	81	73	100
Other	1,131	372	145	92	33	101
DHHS	1,038	391	148	106	26	110
DOT	1,013	363	134	106	27	93
DOCR	447	418	144	107	50	107
DGS	358	396	141	106	47	98
DLC	225	334	128	85	27	91
Average	6,789	404	143	101	49	107

\* The Total Leave data in this table includes several types of leave collected in MCTime, but not listed here, including furlough leave, religious leave, military leave, and "Other" leave. Consequently, the data in the individual leave columns in this table do not sum to the Leave Hours data.

+ In this table, "Other" includes holiday leave, personal leave, administrative leave, disability leave, and unpaid leave.

Source: MCTime annualized data for January 2, 2011 – June 30, 2012

**Leave Balance.** Employee leave balances represent the running total of the leave hours employees have accrued minus the leave hours they have used. OLO looked at annual and sick leave balances and found:

- Annual leave balances ranged from 16 hours per year of service in DOCR to 27 hours in DLC.
- Sick leave balances ranged from 36 hours per year of service in DHHS to 69 hours in MCPD.
- Non-ERS members had a higher annual leave balance per year of service (25 hours) than ERS members (19 hours).
- ERS members had higher sick balances per year of service (55 hours) than Non-ERS members (42 hours).



**Finding #9: Employee availability among full-time Executive Branch employees averaged 81 percent. Among the seven largest Executive Branch departments, employee availability ranges from 79 percent in MCFRS to 84 percent in DLC.**

To determine Executive Branch employees' availability,<sup>9</sup> OLO compared the total time that employees were at work ("regular hours")<sup>10</sup> to the time employees were on leave. The annualized data in the table show that DLC employees had the highest availability (83.8% of the time) and MCFRS employees had the lowest availability (78.7% of the time). By employee group, unrepresented employees had the highest availability (84% of the time) and IAFF members had the lowest availability (79% of the time).

**Annualized Breakdown of Executive Branch Employees' Availability and Leave Taken**

	<b>Total Hours Worked</b>	<b>Total Leave Hours</b>	<b>Availability</b>
<b>Department</b>			
DLC	390,597	75,249	83.8%
DOT	1,733,418	367,232	82.5%
Other	1,926,461	421,077	82.1%
MCPD	2,460,840	565,906	81.3%
DHHS	1,731,989	405,624	81.0%
DGS	602,464	141,864	80.9%
DOCR	740,639	187,035	79.8%
MCFRS	2,135,113	578,392	78.7%
<b>Total*</b>	<b>11,721,521</b>	<b>2,742,379</b>	<b>81.0%</b>
<b>Employee Group</b>			
Unrepresented	1,612,822	341,841	82.5%
FOP	1,766,468	392,938	81.8%
MCGEO	6,300,658	1,451,793	81.3%
IAFF	2,041,573	555,808	78.6%
<b>Total*</b>	<b>11,721,521</b>	<b>2,742,379</b>	<b>81.0%</b>

\* Note: The data may not sum to totals due to rounding

Source: MCtime annualized data for January 2, 2011 – June 30, 2012

<sup>9</sup> The data on MCFRS employees' regular hours include hours worked when MCFRS employees traded shifts.

<sup>10</sup> It should be noted that regular hours may include time spent in training that may be recorded as regular work hours, even if the employee is not completing position-specific tasks.

**Finding #10: Employees who used the most leave were at work 80 percent of the time or less. Employees who used the least leave were at work 85 percent of the time or more.**

OLO reviewed MTime data to see how much time employees were at work. The table below summarizes data for the 25 percent of employees in each department who used the most and the least leave. Data for the *highest leave users* (on the left side of the table) shows these employees were at work 80% of the time or less. Data for the *lowest leave users* (on the right hand side of the table) shows these employees were at work 85% of the time or more.

**Highest and Lowest 25% of Leave Users, by Department, January 2, 2011 – June 30, 2012**

Highest Leave Users		Lowest Leave Users	
Department	Employees Worked This % of Time <i>or Less</i>	Department	Employees Worked This % of Time <i>or More</i>
MCFRS	77%	DLC	88%
DOCR	78%	DOT	88%
DHHS	79%	DOCR	86%
DGS	79%	DGS	86%
Other	79%	MCPD	86%
MCPD	78%	Other	86%
DLC	80%	MCFRS	85%
DOT	80%	DHHS	85%

Source: MTime data for January 2, 2011 – June 30, 2012

The data below shows that the highest five percent of leave users account for between 10 percent (DHHS) and 15 percent (DOCR) of all leave taken in each department. These data were not annualized.

**Amount of Leave Used by Highest Five Percent of Executive Branch Leave Users, January 2, 2011 – June 30, 2012**

	% of Total Department Leave Used
<b>Department</b>	
DOCR	15.5%
DOT	14.3%
MCFRS	13.3%
DGS	12.5%
MCPD	12.4%
DLC	12.0%
DHHS	9.7%
Other	9.6%
<b>Employee Group</b>	
FOP	13%
IAFF	13%
MC GEO	12%
Unrepresented	10%

Source: MTime data for January 2, 2011 – June 30, 2012

**Finding #14**     **Employees are put on Temporary Disability Leave when they injure themselves on the job and await a determination of whether they will be covered under the State Workers' Compensation system. Temporary Disability Leave made up 33 percent of all administrative leave and just under two percent of all leave.**

Executive Branch employees were on administrative leave for 151,129 hours – or approximately six percent of all leave, according to the annualized data. The largest category of leave (33% of admin. leave) was temporary disability leave. Twenty-five percent of all administrative leave was generically classified as “other.”

**Annualized Summary of Executive Branch Employees' Administrative Leave Use**

Type of Administrative Leave	Administrative Leave Used	
	Total Hours	% of Total
Temporary Disability	49,205	33%
Other Admin. Leave	37,280	25%
Professional Development	19,969	13%
Bereavement	18,517	12%
Union Business	16,628	11%
Relieved from Duty	4,916	3%
Jury Duty	3,267	2%
Court Appearances	1,011	1%
Temporary Disability – FMLA	335	0%
<b>Total</b>	<b>151,129</b>	<b>100%</b>

Note: Hours may not sum to total due to rounding.

Source: MCTime annualized data for January 2, 2011 – June 30, 2012

**Time on Temporary Disability.** From January 2011 through June 2012, 657 employees were put on administrative leave for “Temporary Disability.” During this time period, each employee on Temporary Disability leave was on leave an average of 100 hours, or twelve and one half days (based on a 2,080-hour workyear).

**Public Safety Work Group.** In May 2012, representatives from the several County departments (MCPD, MCFRS, DOCR, OHR, OMB, and Finance) formed a Public Safety Work Group to discuss and address increasing costs associated with worker's compensation. The group aims to take a “whole program” approach to worker's compensation, including light duty, disability management, and disability retirement.

## OVERTIME

**Finding #11: Executive Branch employees worked approximately one million overtime hours; departments that maintain minimum staffing requirements account for roughly 90 percent of these hours.**

County regulations and collective bargaining agreements permit departments to authorize overtime work. Departments with minimum staffing requirements (such as DOCR, MCPD, DOT and MCFRS) use overtime to backfill positions left open when employees use scheduled or unscheduled leave.

Annualized data show that Executive Branch employees worked approximately 11.7 million regular hours and 1.1 million overtime hours. Three of the four departments with minimum staffing requirements – MCFRS (34%), DOT (23%) and MCPD (23%) – accounted for 80 percent of all overtime hours. Corrections, the fourth department with minimum staffing requirements, accounted for another nine percent. By union, MCGEO employees accounted for almost half of all overtime hours (42%), followed by IAFF (34%), FOP (17%), and unrepresented employees (7%).

**Percent of Total Overtime Hours, by Department**

Department	MCFRS	DOT	MCPD	DOCR	Other	DGS	DHHS	DLC	Total
% of All Overtime Hours	34%	23%	23%	9%	4%	3%	2%	1%	100%

Source: MCFRS data for January 2, 2011 – June 30, 2012

**Paid Overtime Versus Compensatory Leave.** Employees can either be paid for overtime or earn compensatory time off. Of the total overtime worked, 91 percent was paid overtime. Across the County Government, employees worked an average of 138 paid hours of overtime and 13 compensatory leave hours of overtime (an approximate rate of ten to one). DOT had the highest number of paid hours to compensatory hours of overtime; for every one hour of compensatory hour earned, DOT employees worked 110 paid overtime hours. MCFRS and IAFF had the highest overall average for paid overtime (333 hours and 348 hours, respectively) while unrepresented employees had the highest compensatory leave average (30 hours).

**Cost of Overtime Hours.** OLO estimates that the overtime work of the 6,789 full-time employees that OLO examined cost the County Government approximately \$63.3 million between January 2011 and June 2012. Public safety departments (excluding Sheriff's Office) accounted for 70% of all overtime costs. MCFRS accounted for 43% of all overtime costs. Comparing by union, IAFF and MCGEO employees accounted for 43% and 38% of estimated overtime costs, respectively.

**Finding #12: Nine percent of all hours worked by Executive Branch employees were overtime hours. On average, employees worked one overtime hour for every 11 regular hours worked.**

Annualized data show that Executive Branch employees worked 12.8 million total hours, including approximately 1.1 million overtime hours (9% of all hours worked) and 11.7 million regular hours. The data in the table below show that MCFRS had the highest share of overtime hours (15%).

**Overtime as a Percent of All Hours Worked, by Department**

Department	MCFRS	DOT	DOCR	MCPD	DGS	DLC	Other	DHHS	Total
% of Total Hours Worked as Overtime	15%	13%	12%	9%	5%	4%	2%	1%	9%

Source: MCTime data for January 2, 2011 – June 30, 2012

Alternatively, employees worked one hour of overtime for every 11 regular hours worked. The distribution, however, varies by department. For example, DHHS employees work 78 regular hours for every one hour of overtime, while MCFRS employees work six regular hours for every overtime hour.

**Number of Regular Hours Worked for Each Overtime Hour, by Department**

Department	DHHS	Other	DLC	DGS	MCPD	DOCR	DOT	MCFRS	Total
# of Regular Hours Worked for Every One Overtime Hour	78	45	24	18	10	8	7	6	11

Source: MCTime data for January 2, 2011 – June 30, 2012

**By Union.** IAFF members had the most overtime hours as a percent of hours worked (16%) and FOP members had the second highest (10%). Unrepresented employees and MCGEO members had similar overtime as a percent of hours worked (5% and 7% respectively). On average, IAFF employees worked five regular hours for every one hour of overtime while FOP, MCGEO and unrepresented employees worked 9, 14 and 21 regular hours (respectively) for every one hour of overtime.

**Finding #13: Approximately 83 percent of Executive Branch employees logged overtime hours between January 2011 and June 2012; five percent logged over 1,000 hours each.**

Between January 2011 and June 2012, 83 percent of Executive Branch employees (5,605 employees) worked overtime hours. The table below shows, except for DHHS, between 85 percent and 96 percent of employees in each department worked some amount of overtime.

Approximately 35 percent of these employees worked fewer than 100 hours while another 20 percent worked 500 hours or more, including 5 percent (260 employees) who worked at least 1,000 hours. Three of the departments with minimum staffing requirements accounted for the highest shares of the employees who worked more than 500 hours, i.e., MCFRS (44%), DOT (26%) or MCPD (19%).

**Number of Employees Who Worked Overtime, by Department,  
(January 2011 through June 2012)**

Overtime Hours*	MCPD	MCFRS	DOT	DOCR	DGS	DHHS	DLC	Other	Total	%
0-99 Hours	358	190	139	80	171	429	126	496	<b>1,989</b>	35%
100-199 Hours	305	112	126	78	38	76	44	119	<b>898</b>	16%
200-499 Hours	537	290	387	188	70	24	36	81	<b>1,613</b>	29%
500-999 Hours	188	309	244	62	23	5	4	10	<b>845</b>	15%
1,000+ Hours	17	172	47	22	0	1	0	1	<b>260</b>	5%
<b>Total</b>	<b>1,405</b>	<b>1,073</b>	<b>943</b>	<b>430</b>	<b>302</b>	<b>535</b>	<b>210</b>	<b>707</b>	<b>5,605</b>	100%

Source: MCtime data for January 2, 2011 – June 30, 2012

**By Union.** MCGEO accounted for 51 percent of all employees who worked overtime and had the highest number of members in each range in the table above except for “1,000+ Hours.” IAFF had the highest number of members working “1,000+ Hours,” accounting for 66 percent of employees in this group; 17 percent of IAFF employees who worked overtime worked more than 1,000 hours.

**Finding #14: Roughly nine percent of all overtime hours were logged in pay periods when an employee also worked 40 or fewer regular hours. Employees worked more than 5,000 overtime hours in pay periods where they worked no regular hours.**

During the 18-month period reviewed, Executive Branch employees who worked at least three pay periods that included 40 or fewer regular hours *and* overtime hours – worked 132,128 hours of overtime. Employees worked 5,393 overtime hours in pay periods in which they worked zero regular hours. Note that events such as vacations can result in fewer regular hours worked in a pay period (e.g., an employee takes one week of vacation and works overtime during the other week in the pay period). These data are summarized in the next table.

**Overtime Hours Worked In Pay Periods with 40 or Fewer Regular Hours Worked<sup>11</sup>**

Working Overtime in a Pay Period when Working 40 or Fewer Regular House (3+ pay periods)	
# of Hours	132,128 hours
# of Employees	1,050 employees
Working Overtime in a Pay Period when Working One or Two Days in a Pay Period (any pay period)	
# of Hours	18,520 hours
# of Employees	60 employees
Working Overtime in a Pay Period when Working No Regular Hours in a Pay Period (any pay period)	
# of Hours	5,393 hours
# of Employees	245 employees

Source: MCtime data for January 2, 2011 – June 30, 2012

<sup>11</sup> OLO did not look at “Other” departments for this analysis. OLO calculated this data using 48 hours in a pay period for MCFRS 2,496 employees.

**Employees Who Worked Overtime with Low Numbers of Regular Hours.** Approximately 8 percent of all overtime was worked when employees worked less than half the regular hours in the same pay period as the overtime.<sup>12</sup> MCFRS had the highest percent of department overtime (12%) worked by employees who worked less than half the regular hours in a pay period. Half of the employees in this group were MCGEO members.

This pattern of overtime use is most prevalent in MCFRS, which had: 1) almost one third of all employees who worked fewer than half the regular hours in a pay period (307 out of 959); 2) 80 percent of employees (59 out of 74) with this pattern in 10 or more pay periods; and 3) 90 percent of employees (57 out of 60) who worked overtime while working fewer than one or two days in the pay period.

**Employees Who Work Overtime While Working No Regular Hours.** A total of 245 employees worked overtime hours during pay periods while working no regular hours – 4 percent of all employees who logged overtime. Sixty-two percent were MCFRS employees. Approximately 2.5 percent of MCFRS overtime was worked by employees who had no regular hours in the same pay period.

For these employees in these specific pay periods, each employee averaged 22 overtime hours; with a high of 27 overtime hours for the average MCFRS employee to a low of 9 hours for the average employee in DOT, DGS and DHHS. The union data show similar numbers – IAFF employees averaged 27 hours and MCGEO employees averaged 9 hours.

## **DATA MANAGEMENT**

### **Finding #15: The County Government does not monitor or analyze employee leave use across departments.**

Absent Office of Human Resources initiatives to centralize the administration of specific leave-related tasks, such as the review and approval of FMLA leave applications, individual departments have direct responsibility for administering leave and they develop and implement their own leave administration systems.

OHR has no centralized requirements or procedures in place for reporting<sup>13</sup> or monitoring employees' leave use across the County Government as a whole. Instead, OHR allows individual departments the discretion to monitor their employees' leave use, or not.

OLO found that some departments have a process to track and monitor employee leave use for the whole department (e.g., DOCR) while other departments do not (e.g., DHHS). The County Government, by extension, does not analyze overall employee leave use, which could allow it to identify trends in leave use, disproportionate use of certain types of leave, and/or disproportionate leave use in specific departments.

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<sup>12</sup> This data was calculated based on 48 hours for MCFRS 2,496 employees and 40 hours for all other employees. These data were also calculated based on one day for MCFRS 2,496 employees and two days for all other employees.

<sup>13</sup> This does not refer to employees' recording of leave in MCtime, which is standardized and is administered by the Department of Finance.

**Finding #16: OLO found inconsistencies and variation in MTime time and attendance data for Executive Branch employees. These issues suggest better internal controls and/or more training may be needed to improve departments' administration and recordation practices.**

MTime is the County Government's web-based application used to record time and attendance – an electronic timecard. While MCFRS, MCPD, and DOT's bus operators and Division of Highway Services use scheduling software that transfers data to MTime, MTime is the repository for all County Government time and attendance data. The first County Government departments began using MTime in February 2007 and all departments were using it as of August 2010.

OLO reviewed MTime data from January 2011 through June 2012 and found both inconsistencies in the MTime data and wide variations in leave use among departments.

**MTime Data Inconsistencies.** An MTime glossary indicates that two MTime data points reflect the sum of the hours an employee worked in a pay period (Regular Hours) and the hours of leave taken. The glossary notes that these two data points should match "if the timecard has been completed correctly." Written as an equation:

$$\text{Regular Hours} + \text{Total Leave} = \text{Total Hours Toward Schedule} = \text{Expected Hours}$$

OLO found hundreds of examples of pay periods where employees' Regular Hours plus the Total Leave did not equal the Total Hours Toward Schedule or the Expected Hours. OLO also found hundreds of examples where the Total Hours Toward Schedule did not match the Expected Hours.

**Departmental Data Variations.** The use of certain types of leave varies widely among Executive Branch departments. OLO expected leave use to vary a certain amount among employees throughout the County Government; however, the size and extent of these variations leads OLO to question whether other explanations besides normal variance could account for these differences. Possible reasons for these variations could include:

- Departments may use different rules for granting or implementing certain types of leave;
- Departments may record the use of types of leave differently (or not at all) in MTime; and/or
- Employees may be misusing or abusing certain types of leave.

The following examples illustrate some of the inconsistencies noted by OLO.

**Unscheduled Leave in MCFRS.** To maintain minimum staffing requirements, MCFRS representatives report that the department fills all positions *on a daily basis* when employees call in for unscheduled leave. Between January 2011 and June 2012, although 25 percent of all MCFRS leave was sick leave, only one half of one percent of MCFRS employees' leave was recorded in MTime as unscheduled leave. By comparison, rates of unscheduled leave in other departments ranged from 2.8 percent of all leave in MCPD to approximately 13.5 percent in DOCR and DOT. MCFRS representatives report that the department does not record employee leave as "unscheduled" because the term is not defined in the IAFF CBA.



**FMLA Leave Data.** FMLA leave made up less than 3.5 percent of total leave in departments except for DOCR and DOT (7.7 and 8.0 percent of total leave, respectively).

**Parental Leave Data.** On average, employees in all but two departments used five or fewer hours of parental leave between January 2011 and June 2012. DOCR employees, however, used 12 hours per employee, on average, while MCFRS employees used 37 hours per employee.

**Finding #17: “Unscheduled” leave use occurs when employees take leave without giving advance notice. Departments’ unscheduled leave data varies widely, implying departments may inconsistently record leave as “unscheduled.”**

Employees and supervisors are supposed to classify an employee’s leave as “unscheduled” in Mctime if the employee takes leave without giving advance notice – when an employee calls in sick, for example. High levels of unscheduled leave can lead to an employee being placed on annual leave restrictions. It can also increase departments’ overtime costs when managers fill open shifts to meet minimum staffing requirements. The annualized data in the table below show that, on average, unscheduled leave use per employee ranged from 3 hours in MCFRS to 57 hours in DOCR. In other Executive Branch departments, annual and sick leave made up between 66% and 88% of all unscheduled leave; in MCFRS, annual and sick leave accounted for only 11% of unscheduled leave.

**Annualized Summary of Executive Branch Employees’ Unscheduled Leave Used, by Department**

	Unscheduled Leave Hours	Average Hours Per Employee	% of Total Leave	Percent of Unscheduled Leave		
				Annual	Sick*	All Other
Department						
DOCR	25,415	57	13.6%	8%	75%	17%
DOT	49,499	49	13.5%	15%	57%	28%
DLC	6,853	31	9.1%	26%	62%	12%
DHHS	24,924	24	6.1%	19%	50%	31%
Other	19,986	18	4.7%	15%	63%	21%
DGS	5,301	15	3.7%	17%	49%	34%
MCPD	16,015	11	2.8%	13%	58%	29%
MCFRS	2,868	3	0.5%	6%	5%	89%
Total+	150,861	22	5.5%	15%	59%	27%
Employee Group						
MCCEO	134,721	36	9.3%	15%	60%	25%
Unrepresented	11,855	13	3.5%	18%	60%	22%
FOP	1,999	2	0.5%	2%	17%	80%
IAFF	2,287	2	0.4%	1%	<1%	99%
Total+	150,861	22	5.5%	15%	59%	27%

\*Note “Sick” is combined Sick Leave and Family Sick Leave.

+Numbers may not sum to “Total” due to rounding.

Source: Mctime annualized data for January 2, 2011 – June 30, 2012

**Finding #18: Use of family sick, FMLA, and parental leave varied widely across departments, suggesting an inconsistent recordation of these types of leave across Executive Branch departments.**

Overall, from January 2011 through June 2012, OLO found the following rates of use for family sick, FMLA, and parental leave among County employees:

	Number of Employees Using Leave	Average Hours per Employee
Family Sick Leave	3,982	46 Hours
FMLA Leave	1,147	119 Hours
Parental Leave	391	161 Hours

However, the data show significant variance in these types of leave among departments, shown below. For example, while FMLA leave made up approximately three percent of all Executive Branch leave, it made up eight percent of DOCR's and DOT's total leave. Parental leave accounted for one percent or less of total leave in all departments except in MCFRS (4.7% of total leave) and in DOCR (1.9% of total leave). It is unclear from the data alone why these variances exist.

**Percent of Leave, by Department**

Department	Percent of Departments' Leave		
	Family Sick	FMLA	Parental
DGS	3.3%	2.9%	0.6%
DHHS	3.7%	3.4%	0.6%
DLC	3.1%	1.3%	1.0%
DOCR	3.0%	8.0%	1.9%
DOT	3.8%	7.7%	0.3%
MCFRS	6.0%	1.4%	4.7%
MCPD	5.0%	1.3%	0.7%
Other	3.7%	3.2%	0.6%
<b>Total</b>	<b>4.4%</b>	<b>3.3%</b>	<b>1.50%</b>

**Centralization of FMLA.** The Office of Human Resources has attempted to improve the uniformity in FMLA leave administration by transferring the management of FMLA leave review and approval from the individual departments to a position in OHR, effective December 1, 2012. The new position will be responsible for FMLA among other responsibilities (e.g., managing the County Government's drug-testing program, serving as the custodian of County Government medical records). Department representatives report that they support the centralization of the FMLA function; they expressed concern, however, that one person will have difficulty overseeing the FMLA responsibilities and all of the job's other responsibilities.

## **Chapter VIII. Recommendations**

Employee availability and leave use in the County Government is governed by three collective bargaining agreements (CBAs) and the County Government's Personnel Regulations. The Office of Legislative Oversight (OLO) found that the administration of leave use in the County Government is decentralized – departments are responsible for developing their own policies and processes for implementing the leave provisions in the CBAs and the Personnel Regulations. Consequently, leave administration varies widely across County Government departments and employee leave use varies among departments and employee groups.

Understanding and analyzing employee availability can help an employer quantify costs associated with employee leave use and can help identify opportunities to improve leave administration and increase employee availability. One survey estimated that the total cost of employee leave can equal 35 percent of an employer's base payroll,<sup>1</sup> while another survey found that 50 percent of employers did not know the cost of employee leave in their organization.<sup>2</sup>

This chapter outlines recommendations to revise aspects of leave administration with the goal of:

- Increasing the analysis of leave use to identify trends and patterns within and across departments;
- Developing more uniform processes for administering leave across departments;
- Increasing training of managers, supervisors, and employees to enhance manager's/supervisor's understanding of leave administration and improve the accuracy of data collected on employee leave use; and
- Identifying opportunities to limit inappropriate use of leave and increase employee availability.

### **Recommendation #1: Request that the County Executive expand the role of the Office of Human Resources in County leave administration.**

OLO found wide variation in departments' leave-related practices and procedures in the Executive Branch's seven largest departments. Feedback gathered from department representatives reveal that department managers would like additional assistance and guidance from the Office of Human Resources related to leave administration.

OLO suggests that the Office of Human Resources actively increase its role in leave administration in order to enhance consistency across departments and to develop a routine process for examining, analyzing, and reporting on leave use across County Government departments. Opportunities for additional oversight and direction from OHR include the following:

- A. Develop mandatory training for managers and supervisors related to leave administration, reporting, and monitoring.
- B. Ensure that employees are trained on how to correctly report leave use.
- C. With the input of department representatives, identify areas where developing consistent processes for leave administration across departments would improve departments' leave administration. Develop and implement these processes.

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<sup>1</sup> *Survey on the Total Financial Impact of Employee Absences*, Mercer, at p. 8 (June 2010).

<sup>2</sup> *The Missing Piece of Absence Management – Turning Data into Dollars*, Liberty Mutual, at p. 4 (April 2011).

- D. Evaluate, and if worthwhile, develop a simple electronic process for requesting, approving, and monitoring employee leave use for all departments.
- E. Take all necessary steps to ensure that departments accurately collect and record data in Mctime.
- F. Closely monitor the new FMLA leave review and approval process. Develop a methodology for analyzing and reporting data on FMLA leave use.

**Recommendation #2: Request a bi-annual report from the Executive Branch on employee attendance and leave use.**

In order to continue to enhance its understanding of employee leave use, OLO recommends that the Council ask the County Executive to establish a regular schedule for reporting on leave use to the Council. The Council should request a bi-annual (twice a year) written report on employee leave use and trends (similar to the data presented in this report) and request an annual discussion with Executive Branch employees about employee leave use. Bi-annual reports should include the following types of data for all County Government departments:

- Employee availability;
- Employees' use of the following types of leave: annual, sick (individual and family), personal, compensatory, paid time off, FMLA, and administrative;
- Employees' use of unscheduled leave;
- Employee overtime use;
- Trends over time for the above data; and
- The Executive's interpretation of trends and changes in leave usage.

**Recommendation #3: Review and determine whether there is a reasonable number of required regular hours that an employee should work before being able to work overtime hours.**

Mctime data for the time period analyzed show that 1,045 Executive Branch employees worked overtime in at least three pay periods when they worked fewer than half their regular hours. Another 245 employees worked overtime in at least one pay period in which they worked no regular hours.

In a conversation with Executive Branch staff, the Council should review the rules and policies that allow employees to work overtime in pay periods where they work less than their expected hours. OLO recognizes that there are some circumstances in which an employee might work overtime while not working all regular hours (e.g., when an employee takes one week of vacation during a pay period and works overtime in the other week). Points to consider in this discussion include:

- What are the legitimate times when an employee will work overtime in a pay period while working fewer than all expected hours?
- When is it inappropriate for employees to work overtime in a pay period while working fewer than all expected hours? Should there be a minimum number or percent of hours worked as regular hours before being eligible to work overtime?
- What changes can be made to limit inappropriate use of overtime in this circumstance?

The Council should decide whether to change current policies to limit employees' use of overtime in pay periods where they also take leave.

**Recommendation #4: Ask the County Executive to undertake a more in-depth review of certain issues related to employee leave.**

In the course of this study, OLO's data analysis revealed areas or issues that may merit further study. OLO recommends that the Council consider asking the County Executive to do a more in-depth analysis and report back to the Council on the following topics.

**1. Review and, if necessary, revise the process surrounding Workers' Compensation program processing times and claim recordation practices.**

OLO's examination of Workers' Compensation data and interviews with Executive Branch employees revealed concerns with Workers' Compensation claims among department managers and supervisors. Executive Branch staff identified concerns about the length of time required for the County Government's Third Party Administrator – who makes determinations of whether an injury qualifies under the Workers' Compensation laws – to make those determinations.

In addition, data on Workers' Compensation claims show that 45% of claims classify the source of an employee's injury as "Not Otherwise Classified." While the County Government uses nationally standardized codes to classify employees' injuries, the Executive could explore ways to classify injuries more specifically.

**2. Examine options to improve sick leave management and support ongoing County efforts to promote a healthier workforce.**

Sick leave made up one half or more of all unscheduled leave in Executive Branch departments (except MCFRS) during the time period reviewed. Representatives in the seven largest Executive Branch departments and union representatives report that some employees use sick leave as if it is annual leave – using all leave accrued during the year even when they are not sick. Some employees call in for unscheduled sick leave when they request and are denied annual leave.

Employees in the County Government's defined benefit pension retirement plans have an incentive to save sick leave because they can apply the leave toward their credited service when they retire and increase their pension benefit. Employees in the County Government's other retirement plans have no similar incentive to save sick leave.

Specific questions may include: (1) To what extent is sick leave use a consequence of reduced/constrained staffing levels? (2) What options exist to incentivize employees to use less sick leave?

In addition to reviewing sick leave management, the Council should continue to support efforts to reduce sick leave use by promoting a healthier workforce. Two examples underway are the Council's decision to create and fund a Wellness Coordinator position within County Government and the review of efforts to enhance disease management programs across the County agencies (based on the recommendations of the Council's Task Force on Employee Wellness and Consolidation of Agency Group Insurance Programs). The Task Force found that, over the long-term, successful wellness and disease management programs can improve health outcomes.

**3. Undertake a more in-depth analysis of Montgomery County Fire and Rescue Services leave usage and recordation practices.**

The Montgomery County Fire and Rescue Services is an outlier in several leave categories (both significantly above and below the average for Executive Branch departments). OLO recommends that the Council ask the County Executive to perform a more in-depth assessment and analysis of MCFRS employee work hours and leave use. Any analysis should include a review of MCFRS' work schedules and leave policies (i.e., not recording unscheduled leave in MCtime), the monitoring of leave use, and the costs of leave use.

**Total Absence Management Study**

Recommendations #1 through #4 identify opportunities to review and/or revise current leave administration policies and practices in the County Government. Recommendation #5 suggests that the Council endorse a recommendation by the County Government's Public Safety Work Group to engage a consultant to perform a Total Absence Management study across the County Government. The results and recommendations that would come from a Total Absence Management study may restate or build on the recommendations in this report.

**Recommendation #5: Recommend that the County Executive engage a consultant to undertake a study on Total Absence Management across the County Government, as recommended by the County Government's Public Safety Work Group.**

A Total Absence Management study entails measuring employee absence and using the information to manage absence holistically – across a whole organization – rather than in pieces. The County Government's Public Safety Work Group has recommended that the County engage an expert in absence management to undertake such a study. This type of study could build on the information provided in this report and capitalize on the expertise of professionals who study absence management.

OLO recommends that the Council endorse the Public Safety Work Group's recommendation to undertake a Total Absence Management study for the County Government. The study should include a review of department staffing levels and work plans, which can help to better predict staffing and overtime needs.

If the County Executive does pursue a Total Absence Management study in the near future, OLO recommends that the Council ask the County Executive to transmit the results of the study to the Council at the study's completion. OLO recommends that the Council ask the Executive to provide a written report within 90 days stating the Executive's intention, and if applicable, a timeframe for pursuing a Total Absence Management study. Should the Executive pursue a study, OLO recommends that the Council ask the Executive to review the study's recommendations before pursuing the systematic changes described in the above recommendations.

## **CHAPTER IX. Agency Comments on Final Draft**

The Office of Legislative Oversight circulated a final draft of this report to the Chief Administrative Officer for Montgomery County. OLO appreciates the time taken by agency representatives to review the draft and provide comments. OLO's final report incorporates technical corrections and comments provided by agency staff.

As of this printing, the Chief Administrative Officer's comments were not available. The comments will be made available in the packet for joint Public Safety/Government Operations Committee worksession on this report.

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## APPENDIX A

### Summary of Montgomery County Personnel Regulations Concerning Leave

Section 402 of the County Charter provides that the “County Executive is responsible for adopting personnel regulations for the administration and implementation of the merit system law...” and that regulations “shall be adopted in the manner provided by law. The CAO, under the direction of the County Executive and subject to merit system laws and regulations, shall be responsible for administering the County’s merit system.” Section 402 further states that the County Executive must adopt personnel regulations under Method (1) of Code Section 2A-15, which requires Council approval.

This chapter reviews the history of significant changes to leave policies in the Montgomery County Personnel Regulations since the regulations were completely rewritten in 2001.

**Personnel Regulations Rewrite in 2001.** In April 1996, the Montgomery County Office of Human Resources convened a Regulatory Reform Task Force and charged it with reducing the number of regulations and creating a unified, updated and plain language set of personnel regulations. A primary Task Force recommendation was to make the personnel regulations, which were set to expire in October 2001, easier to understand and use.

Four years later, in September 2000, the County Executive submitted Executive Regulation 12-00, *Personnel Regulations*, stating in his transmittal memo:

We have rewritten the 1994 Personnel Regulations in plain language, reorganized the contents, and added new material on reasonable accommodation, military leave, political leave, employee development, and personal leave days. In addition, we have proposed significant policy changes.

Subsequently, the Council (working with Executive staff) spent nine months reviewing and amending the proposed regulations. Table X briefly summarizes the significant events that occurred during the nine months it took to review, revise, and approve of the regulations.

#### Summary of Council Action on 2001 Personnel Regulations Rewrite

Date	Action
September 1, 2000	The Council received 12-00 Montgomery County Personnel Regulations.
September 21, 2000-March 26, 2001	The Management and Fiscal Policy (“MFP”) Committee reviewed Regulation 12-00 and recommended amendments.
May 18, 2001	The Executive incorporated Council amendments and reissued Regulation 12-00AM.
June 11, 2001 & June 25, 2001	The MFP Committee reviewed 12-00AM and recommended approval with further amendments.
July 5, 2001	OHR re-drafted 12-00AM, which incorporated additional MFP Committee amendments.
July 10, 2001	Council reviewed and recommended amendments on 12-00AM.
July 24, 2001	Council passed Regulation 12-00AMII, which incorporated all amendments.

During the MFP Committee review period, the Executive Branch submitted a fiscal impact statement for Executive Regulation 12-00 as originally proposed by the Executive. OMB reported that if implemented at 100%, the regulation's fiscal impact would be \$23.1 million dollars. Significantly, OMB's determination only included changes with an estimated fiscal impact over \$50,000.

Besides numerous definitional and grammatical changes, the new personnel regulations made major changes to employee leave provisions. For example, compared to the old regulations, the new regulations:

- Eliminated the definition of a normal workday and included the definition of a normal workweek;
- Added a requirement that an employee is AWOL if he/she fails to notify a supervisor of an absence under established departmental procedures or practice;
- Established a provision that a supervisor "should make an effort" to grant annual leave request based on "workload and other considerations;"
- Changed the requirement that employees be allowed to work overtime after an employee is in pay status for more than a regularly scheduled workday, but at least 8 hours rather than requiring an employee to be in pay status for more than a regularly scheduled workweek, but at least 40 hours;
- Provided the option that an employee could be paid for up to 50% of excess annual leave and have the remainder transferred to sick leave;
- Created the concept of paid time off (PTO) leave to replace annual and sick leave for MLS employees hired after 1994;
- Clarified the list of authorized uses for administrative leave; and
- Added a detailed explanation of FMLA and military leave.

**Personnel Regulation Changes after 2001.** Since the last complete revision of the Montgomery County Personnel Regulations in 2001, numerous updates and edits have been adopted through Executive regulation (and Council resolution). Many of these were part of an ongoing effort to incorporate administrative procedures that addressed personnel matters that were in place before 2001 into the revised County's Personnel Regulations.<sup>1</sup>

The table below summarizes those changes that specifically address work hour and/or leave policy in the County. More in-depth summaries of each change follows the table.

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<sup>1</sup> County Code prohibits administrative procedures from implementing County personnel policy. County Code §2A-16(d) "An Administrative Procedure must not be adopted to implement Chapter 19A or Chapter 33."



**Summary Changes to the Personnel Regulations  
Concerning Work Hours and Leave**

Year	Executive Regulation	Council Resolution	Summary of Change
2002	37-01	R 14-1162	Incorporated administrative procedures on sick leave donor program and temporary promotions.
2003	20-02AM	R 15-79	Incorporated administrative procedures on standby status and compensation, flextime, job sharing, and compressed work schedules.
2004	2-04	R 15-586	Amended disability leave to reduce employee's gross salary when temporarily disabled to offset Worker's Compensation benefits.
2004	6-04	R 15-675	Eliminated Sick Leave Donor Committee and required director approval.
2005	9-04AM	R 15-852	Amended the multilingual pay program and amended MLS leave policy.
2005	11-03AM	R 15-909	Incorporated the administrative procedure on grievance procedures.
2005	19-04AM	R 15-1068	Modified salary schedules for sheriffs, sheriff managers and certain correctional officers; also permitted unrepresented employees to use sick leave to care for household members.
2007	23-07AM	R 16-406	Extended working conditions to unrepresented employees; provided exempt employees with compensatory time in certain conditions; added "Below Expectations" rating in performance evaluation; modified leave.
2008	26-07	R 16-715	Amended the personnel regulations in a variety of areas: recruitment, classification, medical examinations, work schedules, and various types of leave.
2009	7-09	R 16-1111	Established the use of military leave and clarified the Family and Medical Leave Act regulations.
2011	1-11	R 17-192	Updated and clarified certain personnel provisions concerning classification reviews, leave without pay, and compensatory time.
2011	3-11	R 17-193	Provided administrative leave for bereavement for relatives outside immediate family.
2011	7-11	R 17-195	Provided administrative leave for employees to serve as bone marrow or organ donors.

Source: 10/21/08 Council Packet on Executive Regulation 26-07 and OLO

**Regulation 37-01, Amendments to the Montgomery County Personnel Regulations 2001 to Incorporate Administrative Procedures on Sick Leave Donor Program and Temporary Promotion.** This regulation establishes the rules and procedures for the County's Sick Leave Donor Program, which previously existed as an administrative procedure. In addition, Regulation 37-01 outlines the procedures for implementing temporary promotions within County government. OMB's fiscal impact statement reported that this regulation would have no fiscal impact.

**Regulation 20-02AM, Amendments to the Montgomery County Personnel Regulations 2001 to Incorporate Administrative Procedures on Stand-By Status, Flextime, Job Sharing and Work Schedule.** Regulation 20-02AM incorporates policies from four administrative procedures into the Personnel Regulations. Specifically, the regulation:



- Eliminates the requirement that employees on stand-by remain at their place of residence;
- Eliminates the requirement that stand-by status must only apply to work of emergency or unusual nature and does not have to be directly associated with an employee's regularly assigned duties; and
- Requires that department directors send a copy of all alternative work schedule agreements to the OHR Director.

OMB's fiscal impact statement estimates that this regulation would have no fiscal impact.

**Regulation 2-04, Amendments to Montgomery County Personnel Regulations Section 9, Classification and Section 18, Disability Leave.** This regulation enables the Merit System Protection Board to postpone an independent audit of the County's classification and compensation plan. In addition, this regulation allows the County to reduce the gross salary of an employee who is temporarily disabled to offset the tax-exempt status of Workers' Compensation Benefits. The regulation also requires that the County provide a supplement to the standard Workers' Compensation benefit that equals the difference between normal salary and the amount received under the Workers' Compensation statute. OMB's fiscal impact statement estimates that adoption of this regulation would save the County approximately \$17,650 in workers' compensation payments while employees are on disability leave.

**Regulation 6-04AM, Amendments to MCPR, 2001, Section 17, on the Sick Leave Donor Program.** This regulation provides for significant changes to the County's Sick Leave Donor Program including: (1) the elimination of the Sick Leave Donor Committee to review and decide on donation requests, with approval instead coming from the employee's department director; (2) reduction of the eligibility waiting period to be able to donate leave from 14 to seven days; (3) removal of the requirement that leave be donated in 40-160 hour increments; (4) reassigning of the Sick Leave Donor Committee duties to the OHR Director; and (5) allowing sick leave donation decisions to be grievable. OMB's fiscal impact statement estimates that this regulation would have no fiscal impact.

**Regulation 9-04AM, Amendments to the Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion.** The primary purpose of this regulation is to amend the multilingual pay program for County employees. In addition, the Regulation gives MLS employees in the Retirement Savings Plan who move to a non-MLS position the right to (1) retain and use the unused paid time off hours that the employee has accumulated before the current leave year and a prorated amount for the current leave year and (2) earn annual and sick leave from the date of non-MLS merit system employment. OMB's fiscal impact statement reports that this regulation would have no fiscal impact.

**Regulation 11-03AM, Grievance Policy.** This regulation primarily incorporates Administrative Procedure 4-4, which outlines the County's grievance procedures and appeal process to the Merit System Protection Board. Concerning County leave policy, Regulation 11-03AM changes the amount of annual leave accumulation allowed for County employees. The updated regulation states that if an employee has a break in County service for more than six months, the maximum amount of annual leave that may be accumulated should be based on reemployment date, not original date of hire. OMB's fiscal impact statement reports that this regulation would have no fiscal impact.

**Regulation 19-04AM, Amendments to Sections 9, 10, 15, 16, 21, 30, and 32 of the Montgomery County Personnel Regulations.** Regulation 19-04AM makes the following changes into the personnel regulations: (1) it references new salary schedules for positions in the Sheriff's Office and Corrections; (2) it passes through certain provisions of the MCGEO agreements to non-represented employees; and (3) it incorporates changes required by the Federal Transit Administration.

Specifically, the leave policy changes in Regulation 19-04AM:

- Permit the use of sick leave to care for a "domestic partner" of the same sex;
- Change the overtime and normal workday thresholds to accommodate 12-hour shifts;
- Change standby pay to 15% of an employee's regular hourly salary or \$4.00 per hour, whichever is greater;
- Provide overtime for correctional officers, correctional specialists, and deputy sheriffs when they attend court on regularly scheduled days off or during non-regularly scheduled work hours;
- Require that a supervisor approve or deny annual leave requests within five business days;
- Allow employees to transfer annual leave to their spouses for child care purposes;
- Authorize the CAO to place an employee who is injured on the job on administrative leave until a worker's compensation eligibility determination is made; and
- Allow the County to adjust leave balance or pay retroactively if the employee is found not eligible for worker's compensation.

OMB's fiscal impact statement reports that this regulation would have no fiscal impact.

**Regulation 23-07AM, Amendments to Sections 8, 9, 10, 11, 12, 15, 17, 21, 22 and 33 of the Montgomery County Personnel Regulations.** Regulation 23-07 primarily extends working condition requirements outlined in the MCGEO agreements to unrepresented County employees, including changes in classification, performance evaluation, and longevity increments. The regulation established the following changes concerning hours worked/leave:

- Permits an exempt employee, Grade 25 or above, to be compensated for the hours worked between 40 and 45 hours per week;
- Extends eligibility for overtime compensation related to court appearances to any County employee who works in a 24/7 facility;
- Allows employees to donate annual leave to the Sick Leave Donor Program and allows donations to be used for care of a family member;
- Enables the CAO to grant up to two hours of administrative leave if an employee's work schedule on an election day does not allow at least two consecutive hours off while polls are open; and
- Requires that if an employee who is scheduled to work on a weekend gives at least 21 days notice of upcoming scheduled reserve duty, the director should alter the employee's schedule to enable the employee to report for military duty without using leave.

OMB's fiscal impact statement reports that there will be "no fiscal impact [for the leave related policies] unless it is necessary to backfill work hours on an overtime basis. Overtime backfill is not expected to be common; therefore no appropriation adjustment was included."



**Regulation 26-07, Comprehensive Amendments to the 2001 Montgomery County Personnel Regulations.** Regulation 26-07 results from a comprehensive OHR review of the 2001 rewrite of the Montgomery County Personnel Regulations. The topical areas where substantive changes were made included:

- Equal Employment Opportunity;
- Recruitment and Application;
- Medical Examinations;
- Classification and Compensation;
- Performance Evaluation;
- Termination; and
- Grievances.

The following changes in Regulation 26-07 specifically address work hours/leave policy matters:

- Clarifies workday thresholds that certain sheriffs, correctional officers, and exempt employees must meet before being eligible for overtime;
- Specifies that a normal workweek for a full-time employee who works 12 hour shifts is 48 hours in one week of the pay period and 36 hours in the other week of a pay period;
- Requires that exempt employees request in writing to use earned religious leave approved as part of an alternative work schedule;
- States that employees who work 12 hour shifts earn annual leave at the same rate as those who work 40 regular hours;
- Standardizes forms used for the request of FMLA leave;
- Requires that an employee who does not return to work after FMLA repay the County for insurance premiums for the time the employee was on Leave Without Pay;
- Allows the County to count military service when determining FMLA eligibility time requirements;
- Changes the use of bereavement leave to 3 days within 15 days of the death;
- Clarifies that an employee who is involuntarily ordered to active military duty receives County salary for time in active duty plus ten working days;
- Extends 15 days of administrative leave for inactive duty training per year for reserves who are serving in another state; and
- Stipulates that if an employee's regular schedule is 12-hour shifts, the employee receives one personal day and 30 hours of compensatory time.

OMB's fiscal impact statement reports that this regulation would have no fiscal impact.

**Regulation 7-09, Military Family Leave and Other Family & Medical Leave Amendments to the 2001 Montgomery County Personnel Regulations.** This regulation amends the following aspects of FMLA for County employees:

- Amends the definition of "serious health condition" regarding what constitutes "continuing treatment";
- States that past employment going back seven years may be considered when determining whether an employee has 12 months of County employment;
- Requires that a supervisor not count hours on light duty work as FMLA;

- Authorizes “providing psychological comfort and reassurance to a relative” as a reason to use FMLA;
- Removes the requirement that the employee must notify a supervisor within two working days of FMLA use, instead requires supervisor notification “as soon as possible” after unforeseen FMLA use;
- States that a supervisor may (rather than should) require a Certification of Serious Health Condition form to support leave request; and
- Provides for up to 26 weeks of leave to care for a family member who was injured in the line of military duty.

OMB’s fiscal impact statement reports that this regulation would have no fiscal impact.

**Regulation 1-11, Miscellaneous Amendments to Montgomery County Personnel Regulations.** This regulation clarifies and updates numerous sections of the MCPR. Regarding leave policy, the regulation:

- Reinforces that paid time off is granted to MLS employees who are in the Guaranteed Retirement Plan as well as the Retirement Savings Plan;
- States that a department director cannot reassign the increment date of an employee on Leave Without Pay who is a member of the General Assembly; and
- Corrects errors in the regulations that identify the number of hours of compensatory time that a uniformed FRS employee is eligible to receive as a benefit.

OMB’s fiscal impact statement reports that this regulation would have no fiscal impact.

**Regulation 3-11, Amendments to the Montgomery County Personnel Regulations, Administrative Leave for Bereavement for Relatives Outside of Employee’s Immediate Family.** Regulation 3-11 clarifies the procedures for the use of administrative leave for bereavement purposes. The regulation allows for bereavement leave to be granted for a non-immediate family member if (1) there is demonstrated proof of an extremely close relationship; (2) the employee and individual grew up in the same house; or (3) special circumstances exist.

OMB’s fiscal impact statement reports that this regulation would have no fiscal impact.

**Regulation 7-11, Amendments to Montgomery County Personnel Regulations, Administrative Leave for Organ Donors.** This regulation provides for administrative leave to an employee for up to seven days for bone marrow donation and up to thirty days for organ donation.

OMB’s fiscal impact statement reports that the fiscal impact of this regulation was indeterminate and dependent upon a number of factors including: how much leave is used; whether overtime is needed to compensate; whether organ donor leave results in higher balances of other types of leave; and opportunity cost of time spent on organ donor leave.



## Summary of Changes to Collective Bargaining Agreements, FY10-FY13

The County Government's three employee unions negotiate changes to their collective bargaining agreements (CBAs) every three years (or more frequently, if agreed to in a CBA). The tables below summarize the schedule- and leave-related changes in the unions' CBAs from FY10-FY13.

### Municipal & County Government Employees Association, United Food and Commercial Workers, Local 1994 (MCGEO)

MCGEO	FY13-FY15 Amendments
Sick Leave Use	Employees may provide medical certification of sick leave use from a "licensed health care provide" (in addition to a licensed physician).
Sick Leave Bank	MCGEO and management will implement a new sick leave bank effective 10-1-12.
Leave Without Pay – Military Leave	Employees will have all rights and privileges under USERRA for any qualifying military leave for active duty.
Disability Leave	To be eligible for 18 months of disability leave, employees must participate in cost-savings programs administered by the County Government's Division of Risk Management. Occupational Medical Services will treat disability retirement applications as a priority, and if employees do not comply with the application process, the employee's disability leave may be suspended.
Administrative Leave – Bereavement Leave	Bereavement leave will not be considered in any sick leave restriction action or calculation in an attendance policy.
Labor Management Relations Committee (LMRC)	The parties will establish an LMRC subcommittee to look at leave issues, including: 1) use of lottery for granting leave during highly sought periods, 2) providing for employee/supervisor discussion when leave is denied to see if an accommodation can be made, 3) an informal review process for leave denials, 4) departments reviewing or establishing attendance policies, 5) requiring employees to provide medical certification for sick leave in certain situations.
FMLA	Employees can submit written requests to the Chief Administrative Officer for FMLA leave. Employee FMLA records will remain confidential and will be kept by the custodian of employee medical records, not in an employee's personnel file.
MCGEO	FY12 Amendments
Voluntary and Involuntary Overtime	Except for the ECC, in departments with overtime agreements, MCGEO employees will have the right of first refusal for MCGEO voluntary overtime work. The parties will establish a labor-management study committee to study the assignment of work at the ECC and report back by June 30, 2012.
Annual Leave and Sick Leave	Employees may not take leave they have not accrued.
Sick Leave Use	Employees must leave contact information when leaving a message for a supervisor regarding sick leave to allow for verification. The issue of sick leave usage and workplace injuries in DLC will be referred to a LMRC.
Sick Leave Donation	Labor-management study committee will look at whether employees should be able to receive sick leave donations when they are the primary caretaker for their ill parent.
Administrative Leave – Bereavement Leave	Bereavement leave must be used within 15 days of death. Employees may take additional annual, personal, or compensatory leave for bereavement and the leave should not be unreasonably denied.
Holiday Leave	Independence Day and Veteran's Day were added to a list of holidays where the actual holiday will be considered a holiday when it falls on a Saturday or Sunday for employees who have to work on those days.



MC GEO	FY12 Amendments (cont.)
Labor Management Relations Committee	The parties will establish a subcommittee to examine the following leave issues: 1) approval time for annual leave, 2) use of a doctor's note to excuse absences when leave abuse is suspected, 3) consideration of absences more than 30 days old when misuse/abuse is suspected, and 4) a stress management program that may include administrative leave for employees involved in traumatic work-related incidents.
Administrative Leave – Inclement Weather	School-based health staff will be placed on administrative leave when MCPS schools are closed for inclement weather. When individual schools are closed, managers will seek alternate assignments before putting employees on administrative leave. Year-round staff are expected to work when schools are closed, but may request annual leave.
Work Schedule	The MCPD Forensics Unit will implement a pilot 4-day/10-hour work schedule. The issue of implementing a 4-day/10-hour work schedule in MCPD's Homeland Security Division will be referred to a LMRC.
Administrative Leave – Court Time	MCPD Animal Services employees will receive three hours of court time when scheduled for court on a regular day off or during off-duty hours.
Attendance	Revised the attendance policy for employees in DOT's Division of Transit Services.
MC GEO	FY11 Amendments
Administrative Leave – Union Votes	Employees will be granted up to two hours of administrative leave to attend contract ratification meetings.
Holiday Leave	If an employee is sick on a holiday, the day will be observed as a holiday and not charged against an employee's sick leave.
Administrative Leave – Union Employees	At the discretion of the union's President, the union's Recorder will be released from work for 80 hours per pay period on administrative leave to engage in union representation activities. The union's Secretary/Treasurer already has this option and this change gives the option for the Recorder position.
Overtime	Union employees of the Stone Street Print Shop will be given first right to overtime for MCG print jobs and MCG will develop a voluntary overtime list of employees who would like to work overtime.
MC GEO	FY10 Amendments
Compensatory Time	Union members at the top of their grade were credited with 60 hours of compensatory time.
Administrative Leave – Union Activities	The administrative leave banks for use by SLT and OPT Unit Council Representatives were increased – from 840 to 1000 hours for the SLT Unit and from 1560 to 1700 hours for the OPT Unit.
Work Schedule	The Heavy Equipment section of DOT's Fleet Management Services will have the option of a 4-day/10-hour work week during their shift pick.

**Montgomery County Career Fire Fighters Association,  
International Association of Fire Fighters, Local 1664, AFL-CIO (IAFF)**

IAFF	FY13 Amendments
	None
IAFF	FY12 Amendments
Administrative Leave – Court Time	Amended the language allowing employees to use their own leave when they are required to attend court hearings that are not related to their County Government employment.
Administrative Leave – Organ Donor	Allows an employee to take seven days of leave in a 12-month period for bone marrow donations or 30 days of leave in a 12-month period for organ donation.
Administrative Leave – Returning Family Member	Allows an employee to take leave when a family member returns from overseas military deployment.
Disability Leave	Requires the County Government to provide written notice to an employee that disability leave will end on a given date. Must be provided no earlier than 60 days nor later than 30 days before the leave expires.
Overtime	Requires employees to record and be paid for actual overtime worked. Replaces a formula for determining overtime based on time ranges.
Involuntary Overtime	Established a process for assigning involuntary overtime.
Hours of Work	Increased from two hours to four hours the option for employees to be released early from work.
Training	Allows members of the Critical Incident Stress Management team to attend training and continuing education. Employees are considered on detail if they attend training when they are scheduled to work. Employees receive overtime pay if they attend training when they are not scheduled to work.
IAFF	FY11 Amendments
Sick Leave Donations	Expanded the sick leave donor program so IAFF members can donate sick leave to other County Government employees instead of only to other IAFF members.
Disability Leave – Secondary Employment	Allows IAFF members to engage in secondary employment while on disability leave if the employee began the secondary employment before injuring him/herself and if the secondary employment will not hinder recovery from the injury. Requires approval of the Fire Chief.
Overtime	Amended the policy for selecting employees to work overtime. Capped overtime pay at 100% of an employee's salary.
Work Hours	The union and the employer will form a joint committee to study and make recommendations to the County Executive on union members' work hours.
Leave Slots	Establishes two 24-hour leave slots per shift for employees at the ECC.
IAFF	FY10 Amendments
Personal Leave	Gives 2,496 employees 48 hours of personal leave annually.
Sick Leave Donations	When an IAFF member leaves the County Government, unused sick leave will be placed in a sick leave donation bank for use by employees in need of sick leave.
Forfeited Annual Leave	When an employee accepts a forfeiture of annual leave as a disciplinary measure, the employee may chose to have the value of the forfeited leave donated to the IAFF's Welfare and Benefit Fund.
Compensatory Leave	Gave employees additional compensatory leave on a one-time basis.



### Fraternal Order of Police Montgomery County Lodge 35, Inc. (FOP)

FOP	FY13-FY14 Amendments
Administrative Leave – Organ Donor	Allows an employee to take seven days of leave in a 12-month period for bone marrow donations or 30 days of leave in a 12-month period for organ donation. Organ donor leave is in addition to any annual, sick, or personal leave an employee is entitled to.
FMLA Leave	Changes authority to oversee FMLA leave from employees' supervisors to "the Employer" – i.e., the County Executive.
Flexible Schedules	In addition to allowing flexibility for childcare, allows employees to job-share or have flexible schedules to care for a spouse, domestic partners, adult child incapable of self-care, or parent who lives with the employee.
FOP	FY12 Amendments
	None
FOP	FY11 Amendments
Sick Leave	Allows employees to use sick leave to care for a domestic partner.
Compensatory Time	In FY11, allows the County Government to limit the amount of compensatory time employees may cash out at the end of the calendar year.
FMLA Leave	Expands coverage to include care for a domestic partner.
FOP	FY10 Amendments
Personal Days	Increases the number of personal days received annually from one to four. Requires personal leave be taken only if it does not result in overtime.
Alternate Work Hours	Allows alternate work hours for certain officers.
Sick Leave Donations	When an FOP member leaves the County Government, unused sick leave will be placed in a sick leave donation bank for use by employees in need of sick leave.
Forfeited Annual Leave	When an employee accepts a forfeiture of annual leave as a disciplinary measure, the employee may chose to have the value of the forfeited leave donated to the Montgomery County Law Enforcement Officers' Relief Fund.

## SICK LEAVE DONOR PROGRAM SUMMARY

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**Purpose.** The Sick Leave Donor Program allows a County merit system employee to donate sick leave or paid time off (PTO) to another County merit system employee who has exhausted all types of accrued leave due to an extended illness or injury.

### **Eligibility requirements to receive leave donations.**

An employee is eligible to receive a sick leave or PTO donation after the employee:

- has been a County merit system employee for at least 12 consecutive months;
- has an extended illness or injury that causes the employee to be unable to work for more than 7 consecutive calendar days; and
- has used all accrued annual leave, sick leave, personal leave, and compensatory time.

If the employee receives PTO instead of annual and sick leave, all PTO, personal leave and compensatory time must be used.

In extenuating circumstances, a department director may ask the OHR Director to waive the 7-day waiting period for an employee or the requirement that an employee has been a merit system employee for at least 12 consecutive months.

In a leave year, a full-time employee may receive up to 1040 hours of donated leave and a part-time employee may receive a prorated amount of donated leave.

An employee is not eligible to receive a leave donation:

- if the employee resigns or is separated from County employment;
- during a period of suspension; or
- during a leave of absence that is unrelated to an extended illness or injury.

An employee who is eligible for, or is currently receiving, disability leave or another benefit under a County or State program that provides income maintenance payments for illness or injury is not eligible to receive a sick leave donation. However, if the benefit from the County or State program is for medical expenses and not compensation for lost wages, the employee may receive a sick leave or PTO donation.

### **Eligibility requirements to donate leave.**

An employee must keep a minimum balance of sick leave or PTO after donating leave:

- full-time employee - 80 hours
- part-time employee who works 40 or more hours per pay period - 40 hours
- part-time employee who works less than 40 hours per pay period - a pro-rated amount

An employee must not donate leave or PTO after giving oral or written notice of retirement or resignation or receiving written notice of separation from County employment.

For more information, see Section 17-10 of the Montgomery County Personnel Regulations.

## **How to apply for sick leave or PTO donations.**

To apply for a sick leave or PTO donation, an employee must meet the eligibility requirements and complete the following forms and submit them to the department director or the director's designee:

- *Sick Leave Donor Program Authorization Form* (Appendix K) – includes general information about the employee and employee's leave balances to establish that the employee is eligible to receive donated leave
- *Sick Leave or PTO Donation Request Form* (Appendix L) - lists the names of employees who are willing to donate sick leave or PTO and the amount donated by each
- *Medical Certification Form for Sick Leave or PTO Donations* (Appendix M) - a written statement from the employee's health care provider stating that the employee cannot perform the essential functions of the employee's position because of the employee's serious health condition.

Another person may complete and submit the forms on behalf of the employee seeking donations.

Office of Human Resources, 2004



**MONTGOMERY COUNTY GOVERNMENT**  
**Sick Leave Donor Program Authorization Form**

**To be completed by employee or another acting on employee's behalf:**

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_  
(Please print)

**Department:** \_\_\_\_\_ **Division:** \_\_\_\_\_

**Work schedule:** Full-time: \_\_\_\_ Part-time: \_\_\_\_ If part-time, how many work hours per week? \_\_\_\_

**Work phone:** \_\_\_\_\_ **Home phone:** \_\_\_\_\_

**Please read the information below.** (See Section 17-10 of the Personnel Regulations for more information about the Sick Leave Donor Program.)

1. If you received a pay advance, as reflected on your payroll check, those advanced hours will be paid off by your initial grant of donated sick leave. This will cause the payroll check containing the initial grant of donated sick leave to be less than a full check. This Finance Department policy was established to prevent any overpayment of salaries beyond the end of the time sheet certification. The Payroll Section will give you further notice of this adjustment before it sends you the affected payroll check. If you have questions about this, please call the Payroll Section, at 240-777-8840.
2. The Director of the Office of Human Resources may revoke a leave donation to an employee, declare an employee ineligible for leave donations for up to one year, or recommend discipline to the employee's department director, if the employee:
  - gives false or misleading information on a form associated with the Sick Leave Donor Program; or
  - attempts to intimidate, threaten, or coerce another with respect to donating, receiving, or using sick leave or PTO under the Sick Leave Donor Program
3. Complete this form, the *Sick Leave or PTO Donation Request Form*, the *Medical Certification Form for Sick Leave or PTO Donations*, and send the forms with a copy of the approved leave request (if in written form) to the Payroll Section. Payroll must receive all required forms **no later than the Monday following a payday** to ensure that you receive a paycheck based on the donated leave on the next payday.

Please fax or send the forms (fax is preferred) to: Payroll Section, Attention: Sick Leave Donor Program, 101 Monroe Street, 8<sup>th</sup> Floor, Rockville, Maryland 20850. (Fax 240-777-8843 and phone 240-777-8840)

**Signature of employee or person signing for employee:** \_\_\_\_\_ **Date:** \_\_\_\_\_

If employee did not sign form, please indicate below your relationship to employee and phone number(s) where you may be reached:

**Sick Leave Donor Program Authorization Form****To be completed by employee's Department Director or designee****Name of employee requesting sick leave or PTO donations:** \_\_\_\_\_

Please answer the questions below.

1. Has the employee had an extended illness or injury, which may include complications of pregnancy or childbirth or recovery from childbirth, that causes the employee to be unable to perform the essential functions of the employee's position for more than 7 consecutive calendar days? ☐ Yes ☐ No
2. Has the employee been a County merit system employee for at least 12 consecutive months? ☐ Yes ☐ No

*(If the answer is "no" to either of the questions above, you may ask the Director of the Office of Human Resources to waive the requirement if special circumstances exist that would justify a waiver. See Section 17-10 of the Personnel Regulations for more detail.)*

2. Has the employee requested approval to use sick leave or PTO under established department procedures or practices because of the extended illness or injury referred to in Question #1? ☐ Yes ☐ No
3. Has the employee provided a completed *Medical Certification Form for Sick Leave or PTO Donations* or a written statement from the employee's health care provider that supports the request for sick leave or PTO donations? *(Please attach the medical certification.)* ☐ Yes ☐ No
4. Has the employee's request to use sick leave or PTO been approved? ☐ Yes ☐ No  
If "yes", the leave was requested and approved by: *Leave Request Form* \_\_\_\_\_ e-mail \_\_\_\_\_  
memo \_\_\_\_\_ verbal \_\_\_\_\_
5. Has the employee used, or will the employee have used, all accrued annual leave, sick leave, personal leave days, and compensatory time or, if the employee receives PTO instead of annual and sick leave, all accrued PTO, personal leave days, and compensatory time? ☐ Yes ☐ No

Questions 3-5 above must be answered "yes" in order for the employee to be eligible to receive sick leave or PTO donations. Questions 1 and 2 must be answered "yes" unless a waiver is approved by the OHR Director. If the employee has used all of the employee's paid leave and is on leave without pay, please be sure to notify OHR's Records Management unit at 240-777-5112.

*I certify that the employee is eligible for sick leave or PTO donations. I have attached the employee's approved leave request (if in written form), Medical Certification Form for Sick Leave or PTO, and the Sick Leave or PTO Donation Request Form.*

**Name of Department Director (or designee):** \_\_\_\_\_  
(Please print)

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Sick Leave Donor Program Authorization Form****For use by Department of Finance, Payroll Section only:**

Employee's name: \_\_\_\_\_

Date received: \_\_\_\_\_

1. A full-time employee who donates leave must maintain a sick leave or PTO balance of 80 hours after donation. A part-time employee who works at least 40 hours in a pay period must maintain a sick leave or PTO balance of 40 hours. A part-time employee who works less than 40 hours in a pay period must maintain a pro-rated amount of unused sick leave or PTO after donation.
2. Employee recipient leave balance:  
*Annual* \_\_\_\_ *Sick* \_\_\_\_ *PTO* \_\_\_\_ *Personal leave days* \_\_\_\_ *Compensatory time* \_\_\_\_
3. To be eligible to receive donated sick leave or PTO, an employee must have an extended illness or injury that causes the employee to be unable to work for more than 7 consecutive calendar days. Employee's last day worked: \_\_\_\_\_
4. Date employee exhausted all paid leave: \_\_\_\_\_
5. A full-time employee may receive up to 1040 hours of donated leave in a leave year. A part-time employee may receive a prorated amount of donated leave. Total leave donated to employee: \_\_\_\_\_
6. To be retroactive:     ( ) Yes   ( ) No

Authorized by: \_\_\_\_\_ Date: \_\_\_\_\_





**MONTGOMERY COUNTY GOVERNMENT**  
**Medical Certification Form for Sick Leave or PTO Donations**

**To be completed by physician or other licensed health care provider.**

**Date:** \_\_\_\_\_

**Employee/patient's name:** \_\_\_\_\_

**Employee/patient's job title:** \_\_\_\_\_

The above-named employee/patient is currently under my care. The employee/patient cannot perform the essential functions of the employee/patient's position with the Montgomery County Government because of the employee/patient's serious health condition, which may include complications of pregnancy or childbirth, or recovery from childbirth.

The employee/patient's serious health condition began on \_\_\_\_\_.  
(Please provide date)

I estimate that the patient will be able to return to work on \_\_\_\_\_.  
(Please provide date)

**Name of licensed health care provider:** \_\_\_\_\_  
(Please print)

**Professional title** \_\_\_\_\_  
(medical doctor, licensed physical therapist, etc.)

**Work phone:** \_\_\_\_\_

**Other phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

***Please return this form to the employee/patient.***



**MONTGOMERY COUNTY  
DEPARTMENT OF CORRECTION AND REHABILITATION  
DETENTION SERVICES DIVISION  
POLICY AND PROCEDURE MANUAL**

**POLICY NUMBER: 1100-7**

<b>Policy and Procedure:</b> <b>SCHEDULING AND THE USE OF LEAVE</b>		<b>Pages:</b> <b>16</b>				
<b>Effective Date:</b> <b>NEED TO CHANGE</b>	<b>Replaces:</b> <b>November 30, 2007</b>	<b>Distribution:</b> <b>B &amp; L</b>				
<table style="width: 100%; border: none;"><tr><td style="width: 60%; vertical-align: top;"><b>APPROVED BY:</b>  Chief Administrator, Detention Services/MCDOCR</td><td style="width: 40%; vertical-align: top;"><b>DATE:</b> NEED TO CHANGE</td></tr><tr><td style="vertical-align: top;"><b>APPROVED BY:</b>  Director, Department of Correction and Rehabilitation</td><td style="vertical-align: top;"><b>DATE:</b> NEED TO CHANGE</td></tr></table>			<b>APPROVED BY:</b> Chief Administrator, Detention Services/MCDOCR	<b>DATE:</b> NEED TO CHANGE	<b>APPROVED BY:</b> Director, Department of Correction and Rehabilitation	<b>DATE:</b> NEED TO CHANGE
<b>APPROVED BY:</b> Chief Administrator, Detention Services/MCDOCR	<b>DATE:</b> NEED TO CHANGE					
<b>APPROVED BY:</b> Director, Department of Correction and Rehabilitation	<b>DATE:</b> NEED TO CHANGE					

**POLICY:** All employees will be afforded the maximum opportunity to use annual, personal and compensatory leave in accordance with guidelines set forth in the County Personnel Regulations and Collective Bargaining Agreement as well as operational requirements of the Montgomery County Department of Correction and Rehabilitation. Any leave scheduled is subject to be rescinded in an emergency situation as deemed necessary by Warden or Department Director.

**I. DEFINITIONS**

- A. **Annual Leave:** Earned, paid leave granted to eligible employees for vacations and other personal use.
- B. **Compensatory Leave:** An employee who is required by a supervisor to work overtime shall be credited with compensatory leave at the rate of one and one-half hours for each hour of overtime performed whenever the employee does not receive paid overtime compensation for such work.

**NOTE:** County Personnel Regulations place limitations on the crediting of compensatory leave for overtime worked by employees at grade 25 and above.

- C. **Administrative Leave:** paid leave granted to eligible employees, as approved by the Chief Administrative Officer or designee.
- D. **Personal Leave:** Leave granted to eligible employees for vacations and other personal use.
- E. **Approved Leave:** Leave that has been authorized by a supervisor and requires no further action by the employee.
- F. **Conditional Leave:** Leave that has been conditionally granted by a supervisor and requires the employee to call in advance to obtain final leave authorization.
- G. **Supervisor:** Refers to a Section Head, Unit Manager, Assistant Unit Manager, or other supervisory personnel as applicable.



**POLICY AND PROCEDURE: Scheduling and Use of Leave**  
**POLICY NUMBER: 1100-7**

- H. Emergency Leave: Leave which has not been scheduled, nor has it been approved by a supervisor or higher authority and posted ahead of time on the vacation roster or schedule.
- I. Sick Leave: Earned, paid leave granted to eligible employees for periods of absence because of personal illness, injury, medical quarantine, medical, dental or optical examinations and treatments, or for any temporary disability caused or contributed to by pregnancy, miscarriage, or childbirth. An employee may also use sick leave for an illness, injury, medical quarantine, medical, dental or optical examinations and treatments in the immediate family or for the purpose of attending to the immediate family at the time of birth or adopting of a child, provided the time is not used for a period more than the amount of sick leave earned in any calendar year (120 hours).
- J. Extended Absence: Any medical condition, illness, or injury which results in an employee missing more than five (5) consecutive work days (40 hours), or ten (10) or more total days within a thirty (30) day period.
- K. Leave Without Pay (LWOP): Leave without pay is an approved absence during which time the employee is in a non-pay status. The Department Director may also place an employee on Leave Without Pay if the employee is unable to perform the essential functions of the employee's position due to a medical condition and light duty or reasonable accommodation opportunities have been exhausted or are not available.
- L. Absent Without Official Leave (AWOL): An employee who fails to report for duty as scheduled or who leaves the work site prior to the end of the scheduled work day without the approval of a supervisor, will be considered Absent Without Official Leave; placed in a non-pay status for the period in question; and subject to appropriate disciplinary action or termination.
- M. Military Leave (MIL): An eligible full-time or part-time employee who is required to serve on active duty in the Armed Forces of the United States or a State Militia must be granted Leave Without Pay for the period the employee is required to remain in the military service. The employee is entitled to reinstatement to the former position or one of comparable status upon separation from the Armed Forces, provided application for reinstatement is made within ninety (90) days from the date of separation. Under certain circumstances eligible employees may be eligible for Administrative Leave while performing military service (refer to County Personnel Regulations and the MCGEO agreement).
- N. Abuse (Misuse) of Sick Leave: The use of sick leave by an employee for personal reasons not related to a bona fide illness/injury or for any reason other than that defined under the definition of sick leave.
- O. Leave Year: The leave year will begin with the first full payroll period of a calendar year and will end with the payroll period in which December 31<sup>st</sup> falls.
- P. Medical Certification: A statement provided by an employee's personal physician regarding an employee's prognosis for return to work on either a part time or full time basis, and indicating that the employee was under the care of that physician and/or was seen by the physician on specific dates.
- Q. Immediate Family: Employee's parents, stepparents, grandparents, spouse's grandparents, spouse, brother(s) or sister(s), children, stepchildren, spouse's parents, legal guardian, or any other relative living with the employee at the time of death.



**POLICY AND PROCEDURE: Scheduling and Use of Leave**  
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- R. Appropriate Authority: The individual actually authorized to approve or deny an employee's leave request at the time it is put forth. (See Item C above).
- S. Sick Leave Restriction: The Department, at its discretion may place an employee on sick leave restriction. Whenever an employee is placed on sick leave restriction, a written notice will be given to the employee detailing the reasons for and terms of the restriction. In all cases, the employee will have the right to respond to the notice in writing to the Warden.

**II. ANNUAL/COMPENSATORY LEAVE GUIDELINES**

- A. Annual, Personal, and Compensatory Leave will be requested and approved in advance. All staff members are encouraged to take annual leave each year. Leave is approved on the basis of individual preference after operational requirements have been fulfilled.
- B. Emergencies or short-term use of Annual Leave, Personal or Compensatory Leave for unanticipated causes will be handled on a case by case basis.
- C. Supervisors have the authority for granting or denying leave requests, of those staff directly assigned to them.
- D. Supervisors are responsible for ensuring that use of Annual, Personal and Compensatory Leave is accurately recorded and done within established policies.

**III. ANNUAL/COMPENSATORY LEAVE PROCEDURES**

- A. All eligible employees are given the opportunity to schedule and use Annual and Compensatory Leave earned.
- B. Any employee wanting to request the use of Annual, Personal or Compensatory Leave must submit a Leave Request slip (DCA #20) to (preferably) his/her supervisor, or higher authority.
- C. Annual Leave requested and approved at the beginning of the calendar year is scheduled accordingly.
- D. The leave year (calendar year) is subdivided into three sections. Priorities for the assignment of leave within each section are as follows:

Uniformed Staff

1. Rank or grade

2. Seniority within grade

Non-uniformed Staff

1. Grade

2. Seniority within grade

- 1. When Annual/Compensatory Leave has not been scheduled either at the beginning of the calendar year, or at least two (2) months in advance, the employee's supervisor or higher authority will first determine minimum staffing requirements prior to scheduling this leave.
- 2. If minimum-staffing requirements can be met, the employee's supervisor, or approving authority ascertains both the nature of the request and the availability of the employee during the requested time off.
- 3. Annual and Compensatory Leave will normally be approved in five-day increments, although shorter periods of time may be granted. Priority will be given to employees requesting Annual or Compensatory leave in five-day increments over those requesting shorter periods of time.
- 4. The employee's supervisor or authorizing authority will review the employee's Leave Request and either approve/disapprove the request. The employee will be notified either verbally, or in writing whether Leave is approved or disapproved.



**POLICY AND PROCEDURE: Scheduling and Use of Leave**  
**POLICY NUMBER: 1100-7**

5. Approved Leave is noted by "AL" or "CL" in ink on the work roster followed by the employee's supervisor or approving authority's initials. It requires no further action on the part of the employee. If the employee is granted "AL" or "CL" on a conditional basis, the employee is required to call in to ensure that the leave is authorized. The employee should call sufficiently in advance (but no earlier than four hours prior to the start of his/her shift) to enable him/her to report to work on time if necessary. The leave request may be denied due to lack of minimum staffing requirements.
6. If an employee is given conditional leave and does not confirm this leave in advance, the employee will be considered Absent Without Official Leave (AWOL) and subject to disciplinary action in accordance with Section 33 of County Personnel Regulations and Department Policy.
7. Scheduled and approved Annual or Compensatory Leave may not be cancelled except in emergency situations related to security and program requirements of the department.
8. Conditional Leave will be honored on a "first asked, first off" basis. If two or more employees are granted Conditional Leave for the same shift, the employee(s) with the most recent leave request will be required to report to duty first as needed.
9. Emergency use of Annual/Compensatory Leave for emergency situations will be approved or disapproved on a case by case basis.
10. Compensatory Leave is normally scheduled under the same policy as Annual Leave. Any employee wishing to use Compensatory Leave should make his/her request via the Leave Request Slip (DCA #20).
11. The employee's supervisor may approve the use of Compensatory Leave one-day at a time provided minimum shift requirements are not effected.
12. Immediate supervisors are responsible for ensuring that the use of Annual and Compensatory Leave is accurately recorded on the official Duty Schedule and the employee's time sheet in MC Time.
13. It is the responsibility of supervisors to determine when an employee is to be placed in Absent Without Official Leave (AWOL) status.
14. Although variations in procedures related to the use of Annual or Compensatory Leave may be necessary, each division is responsible for adhering to the guidelines set forth by Policy and Procedures, County Personnel Regulations, and Union Agreements.
15. Only a supervisor or higher authority shall approve the use of Annual or Compensatory leave. Any employee absent from work without such approval will be placed in an AWOL status and subject to disciplinary action.
16. Employees cannot be disciplined for use of Annual or Compensatory Leave used once the approving authority has approved it. Leave slips will be used to signify the final approval of requested leave.
17. Employees who wish to change leave dates (Annual, Personal, or Compensatory) once chosen, must get the approval of the appropriate Deputy Warden, Administrative Captain, the appropriate non-uniform supervisor, or designee before selecting a new leave date.
18. Employees wishing to exchange leave dates (Annual, Personal, or Compensatory) once approved must also get the approval of the appropriate Deputy Warden, Administrative Captain, the appropriate non-

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uniform supervisor, or designee before the exchange will be noted on the Work Schedules.

19. The Unit Manager/Assistant Unit Manager at MCCF or the Administrative Captain, Shift Administrator or the appropriate non-uniform supervisor at MCDC may cancel the scheduled leave of any employee requesting to have his/her leave canceled.

**IV. LEAVE WITHOUT PAY PROCEDURES**

**A. Eligibility**

Leave Without Pay is a privilege that may be granted to an eligible employee at the discretion of the Chief Administrative Officer or other designated official in accordance with Article 16 of the MCGEO Union Agreement. However, an eligible employee must be allowed to use Leave Without Pay for FMLA purposes in accordance with Article 45 of the MCGEO Union Agreement.

**B. Authorization for Leave Without Pay**

The Department Director may approve Leave Without Pay at the request of an eligible employee or place an employee on Leave Without Pay.

**C. Request of Leave Without Pay**

1. Application for Leave Without Pay must:

- (a) be submitted in writing in advance; and
- (b) show the employee's reason for requesting the leave.

2. In emergency situations, Leave Without Pay may be granted by the Chief Administrative Officer or other designated official without prior application.

**D. Approval of Leave Without Pay Request**

1. The Department Director must approve Leave Without Pay for an eligible employee if the requested leave is:

- (a) FMLA leave;
- (b) parental leave;
- (c) military leave;
- (d) political leave.

2. The Department Director may approve an eligible employee's request to use Leave Without Pay for another purpose after considering the employee's reason for requesting Leave Without Pay and how the employee's absence will effect the department's work. Requests for Leave Without Pay shall not be unreasonably denied.

**E. Limitation**

1. The Department Director may approve Leave Without Pay for an eligible employee for one year or less.
2. If an eligible employee has used more than twelve (12) consecutive months of Leave Without Pay, the Director may:
  - (a) terminate the employee's employment; or
  - (b) take another action consistent with State or Federal law such as the ADA, FMLA, or USERRA.



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3. If the Director approves more than ninety (90) consecutive calendar days of Leave Without Pay for an employee, the Director may require the employee to waive the right to be reinstated to the employee's position after the Leave Without Pay ends unless the Leave Without Pay is:
  - (a) FMLA leave;
  - (b) parental leave;
  - (c) Military leave; or
  - (d) political leave approved for an employee who is a member of the General Assembly.
4. If an eligible employee waives the right to be reinstated to the employee's position:
  - (a) the employee remains an employee during the period of Leave Without Pay and may apply for other positions, but the County is not obligated to appoint the employee to another position;
  - (b) the Director may fill the employee's position as soon as the period of Leave Without Pay starts; and
  - (c) the Director must terminate the employment of the employee after the Leave Without Pay ends unless the employee resigns or is appointed to another position.

**F. Effect on Other Actions**

1. If an eligible employee is granted Leave Without Pay for a period in excess of 4 consecutive weeks, the date the employee would have been eligible for merit system status or a higher leave accrual rate must be deferred and reassigned to a later date.
2. The length of time the date is deferred must be equal to the period of time the employee was approved Leave Without Pay.
3. The increment date is reassigned for any period equal to Leave Without Pay taken when the period of Leave Without Pay exceeds 10 work days.
4. Under the Montgomery County Employees' Retirement System, service credit for retirement purposes will be effected by periods of Leave Without Pay. Employees should consult the Employee Benefits Team, Office of Human Resources for guidance.
5. Coverage of health insurance and payment of premiums may be impacted by Leave Without Pay. Employees should consult the Employee Benefits Team., Office of human Resources for guidance.
6. Salary reduction taken under the Dependant Care Assistance Program may be impacted by periods of Leave Without Pay. Employees should consult the Employee Benefits Team., Office of human Resources for guidance.
7. If an eligible employee is suspended, the Director must treat the period of suspension the same as a period of Leave Without Pay for the purpose of the employee's benefits, except that the Director must reassign an employee's service increment date if it occurs during a suspension for a period exceeding ten (10) working days.



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**V. ADMINISTRATIVE LEAVE PROCEDURES**

Administrative Leave is paid leave the Chief Administrative Officer or designee may grant to:

- A. An eligible employee or groups of employees in cases of:
  - 1. general or public emergency, or
  - 2. an unhealthy or dangerous situation in a County facility;
- B. an eligible employee who is relieved of duties pending:
  - 1. an investigation of incidents or charges,
  - 2. removal, or
  - 3. a determination as to fitness for continued duty;
- C. An eligible employee for attendance at officially approved meetings or conferences;
- D. An eligible employee who is subpoenaed as a witness in a civil or criminal case, to appear in administrative proceedings before an administrative body, or is to serve on a jury;
- E. An eligible employee under other circumstances as the Chief Administrative Officer determines necessary and in the best interest of the County government;
- F. An eligible full-time or part-time employee may be granted paid leave for a maximum of three (3) consecutive work days in the event of a death in the immediate family which includes the employee's parent, stepparent, spouse, brother or sister, child or stepchild, spouses' parent, grandparent, grandchild, spouses' grandparent, legal guardian, or any other relative living with the employee at the time of death. The Chief Administrative Officer may approve Administrative Leave for the death of other individuals related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- G. An eligible full-time or part-time merit status employee who is a member of a reserve component of the Armed Forces of the United States for training purposes not to exceed fifteen (15) days annually in accordance with State law.
  - 1. Application for Administrative Leave for military training should be made immediately upon receipt of orders for active duty for training.
  - 2. Waiver of the fifteen (15) day limitation when two (2) annual training periods are scheduled in one calendar year is permissible.
  - 3. Department heads will alter the regularly scheduled work week of an employee who must report for reserve duty one weekend per month but who is regularly scheduled to work on weekends, provided that the employee gives the department head at least twenty-one (21) days notice of weekend reserve duty.
- H. The County maintains an Administrative Leave Bank for use by Unit Council representatives as defined in the MCGEO bargaining Agreement. Any leave used under this procedure shall be recorded and charged in accordance with procedures agreed upon.
- I. An eligible full-time or part-time bargaining unit employee may be granted Professional Improvement Leave (PIL) with full or part pay, or without pay, for



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courses of study that are work related. Professional Improvement Leave may also be granted to an eligible employee for the purpose of attending work-related conferences.

- J. An eligible employee may also be granted Administrative Leave to donate blood and return to the work site, up to a maximum of three (3) hours.
- K. Bargaining unit employees who are registered voters and whose work schedules are such that they do not have two (2) hours of continuous off-duty time to vote during the time the polls are open shall be given Administrative Leave for a period not to exceed two (2) hours on election day in order to cast a ballot in State, County, and Federal primary and general elections. Employees who utilize this provision must furnish proof that they voted or attempted to vote.
- L. Administrative Leave shall not be paid to an employee who is the plaintiff or defendant in a civil case that is unrelated to the employee's official duties.

**VI. EMERGENCY LEAVE PROCEDURES**

- A. Employees requiring Emergency Leave for one day or less must call in and obtain the approval from an on duty supervisor.
- B. The employee will supply the supervisor with as many of the details surrounding the request for Emergency Leave as possible. The supervisor will then advise the employee as to whether or not his leave request is granted.
- C. If the supervisor is unable to reach a determination of the employee's Emergency Leave request, he/she will consult with or refer the matter to the appropriate Deputy Warden at MCCF or thru their chain of command at MCDC for final disposition.
- D. If the employee's request for Emergency Leave is denied, the employee will be immediately informed by the supervisor and instructed to report to work. In all cases the supervisor will provide the employee with a written explanation as to why his/her Emergency Leave request was denied. The supervisor also informs the officer that failure to report to work will result in his/her being placed in an AWOL status and subject to disciplinary action.
- E. If emergency leave is between one and five days, the employee must obtain approval from the Unit Manager or designee at MCCF or the Shift Administrator, the appropriate non uniformed supervisor or designee at MCDC.
- F. If emergency leave is to be in excess of five days, the employee must obtain written approval from the appropriate Deputy Warden or the appropriate non-uniformed supervisor.
- G. In all cases the employee will submit a written memorandum to the Warden detailing the reasons and circumstances for their Emergency Leave request.
- H. Emergency Leave is deducted from the employee's accrued leave.

**VII. USE OF SCHEDULED, EXTENDED ANNUAL/COMPENSATORY LEAVE PROCEDURES**

- A. An employee desiring to use an extended period of Annual/Compensatory Leave (increments of more than four consecutive workdays) must request in writing approval of such leave from their Unit Manager at MCCF or the Administrative Captain at MCDC or the appropriate non-uniformed supervisor. This should be done as far in advance as possible, preferably a minimum of 60 days prior to the start of the desired leave period. (Leave Request Slip)



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- B. The employee's supervisor reviews the request as soon as possible and notifies the employee, in writing, within five working days of receipt of the request as to the status of the leave request as follows:
  - 1. Leave is approved
  - 2. Leave is not approved
  - 3. Leave is approved with contingencies or conditions. (List contingencies or conditions)
- C. If the leave is approved, the Unit Manager at MCCF or the Administrative Captain at MCDC or the appropriate non-uniformed supervisor makes the appropriate notation on the official duty schedule.
- D. If the leave is not approved or approved with contingencies or conditions, the Unit Manager at MCCF or the Administrative Captain at MCDC or the appropriate non-uniformed supervisor must provide the employee with a written explanation of said contingencies or conditions by memorandum.

**VIII. USE OF PLANNED, SHORT TERM ANNUAL/COMPENSATORY LEAVE PROCEDURES**

- A. An employee who knows in advance that he/she needs to use short term Annual/Compensatory Leave (increments of four consecutive work days or less) must request leave approval in writing from his/her supervisor at least one day in advance of the expected leave period. Employees are encouraged to request this type of leave as far in advance as possible. (Leave Request Slip)
- B. The supervisor reviews the leave request as soon as possible and determines if the leave is to be approved, approved with contingencies/conditions, or not approved.
- C. The supervisor then informs the employee in writing by noting approval or disapproval on the leave slip and gives a copy to the employee. The leave request status would be as follows:
  - 1. Leave is approved
  - 2. Leave is not approved
  - 3. Leave is approved with contingencies or conditions. (List contingencies or conditions)
- D. If the leave request is approved, the employee's supervisor makes the appropriate notation on the official duty schedule.
- E. If the leave is not approved or approved with contingencies or conditions, the employee may request additional information from his/her supervisor.

**IX. USE OF UNPLANNED OR SAME DAY ANNUAL/COMPENSATORY LEAVE PROCEDURES**

- A. An employee needing to use same day or unplanned Annual or Compensatory Leave must request this leave, preferably in writing if possible, to the employees Unit Manager/Assistant Unit Manager or in their absence, the on duty Shift Administrator or the appropriate non-uniformed supervisor. (See Emergency Leave section above)
- B. If an employee is not yet on duty and an emergency arises, which requires the employee to request unplanned, same day Annual or Compensatory Leave,

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- he/she will call in and request leave approval from an on duty supervisor (Lieutenant or above) or the appropriate non-uniformed supervisor.
- C. The employee should contact an on duty supervisor (Lt. or above) or the appropriate non-uniformed supervisor as soon as he/she becomes aware of the need for such leave.
  - D. The employee will provide the supervisor with as many of the details as possible surrounding the request, in order that the supervisor may make an informed decision regarding the leave request. The supervisor at his/her discretion may request additional justification from the employee, prior to making the decision to approve or not approve the leave.
  - E. The supervisor notifies the employee of his/her decision either in writing or verbally as follows:
    - 1. Leave is approved
    - 2. Leave is not approved
    - 3. Leave is approved with contingencies or conditions. (List contingencies or conditions)
  - F. Whenever leave is not approved or approved with contingencies or conditions the employee may request additional information from the supervisor. (See Emergency Leave Section Above)
- X. CANCELLATION OF SCHEDULED ANNUAL/COMPENSATORY LEAVE PROCEDURES**
- A. When it is determined by the employee's supervisor that an employee's scheduled, approved Annual or Compensatory Leave must be canceled, the employee is informed as soon as possible in writing of the decision and reasons for the cancellation.
  - B. The employee's supervisor will make himself/herself available to the employee to discuss the decision further should there be a request.
  - C. Employees who have had their planned, approved Annual or Compensatory Leave canceled will be given priority consideration for rescheduling this leave when staffing requirements allow it.
  - D. If the cancellations of an employee's leave results in the employee being unable to use accumulated Annual/Compensatory Leave during the leave year, the employee may request permission, in writing, to carry the leave over to the next leave year. Permission is given from the Warden and Office of Human Resources, via his/her supervisor and the Department Director. If the carry-over leave is not used during the next leave year, it will be forfeited to sick leave.
- XI. USE OF SICK LEAVE GUIDELINES**
- A. Whenever possible, Sick Leave should be requested and approved in advance.
  - B. Emergencies will be handled on a case by case basis.
  - C. Employee's supervisors are responsible for ensuring that the use of Sick Leave is accurately recorded on the duty schedules and the employee's time sheet in MC Time.
  - D. Immediate supervisor, or higher authority are responsible for determining when an employee will be placed in an AWOL status as it relates to the use of Sick Leave.
  - E. The immediate supervisors will monitor the use of Sick leave by staff and determine if abuse of Sick Leave is occurring. If abuse of Sick Leave is suspected,



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- the supervisor will take the appropriate steps to correct the problem, via the progressive disciplinary process.
- F. Although, variations in policy may be necessary occasionally, as it relates to the use of Sick Leave, all divisions are to adhere to the guidelines set forth in this policy.
  - G. Employees may not use Sick Leave for any reason not related to a bona fide medical condition.
  - H. The use of Sick Leave is subject to the approval of the employee's supervisor, or higher authority. Employees who are absent without such approval will be placed in an AWOL status.
  - I. Employees whose Sick Leave request has already been approved by the appropriate authority may not be subject to disciplinary action(s).
  - J. Employees will not engage in any activity while on approved Sick Leave which would prolong or aggravate his/her illness, injury, or other disabling condition.
  - K. Employees are required to provide notification of illness for each consecutive day of illness/injury, unless Sick Leave is requested and approved for consecutive days, in advance.
  - L. Further inquiries concerning information provided by an employee's physician will be directed to the County Occupational Medical Section. The Occupational Medical Section staff will contact the physician and relay the information back to the employee's supervisor, or other appropriate person. Under no circumstances will the supervisor or other unauthorized person contact the employee's physician to discuss the employee's medical condition. The employee's supervisor or other appropriate staff member may contact the employee's physician, or physician's office to validate a sick slip.

**XII. USE OF SICK LEAVE PROCEDURES**

**A. General Sick Leave**

1. When an employee determines that he/she has a medical condition, illness or injury which he/she believes will prevent or prohibit him/her from reporting to work as scheduled, the employee must call an on-duty supervisor (Lt. or higher authority) at least one hour prior to the work reporting time to request Sick Leave.

**NOTE: Employees who are shift workers (i.e., medical personnel, Correctional Officers, food service workers) are required to call in at least four hours prior to their work reporting time to request Sick Leave, so adequate shift coverage can be maintained.**

2. If the Unit Manager/Assistant Unit Manager/Shift Administrator or the appropriate non-uniform supervisor cannot be reached, then the employee will contact the appropriate Deputy Warden that the employee is responsible to.
3. The employee informs the Unit Manager/Assistant Unit Manager/Shift Administrator, or the approving authority as to the anticipated length of his/her absence from work.
4. The Unit Manager/Assistant Unit Manager/Shift Administrator or the appropriate non-uniform supervisor then approves or disapproves the Sick



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Leave request. If the request is disapproved, justification must be given and the employee will be ordered into work. The Unit Manager/Assistant Unit Manager or individual denying the request will document his/her actions in writing. Should an employee fail to report to work, he/she will be placed in an AWOL status and given an opportunity to provide an explanation and/or a physician's certification of illness or injury immediately upon his/her return to work. Even though an employee provides a physician's certification of illness or injury, he/she may still be subject to disciplinary action at the discretion of the employee's supervisor, or higher authority. All documentation relating to the above actions will be maintained by the employee's supervisor in the employee's supervisory files.

5. At his/her discretion, the employee's supervisor, or higher authority may request that an employee provide verification by a physician of his/her illness, or injury upon the employee's return to work. The employee's supervisor or appropriate authority may contact the employee's personal physician when necessary to verify the authenticity of the certification. (See section X-G below -Abuse of Sick Leave/Attendance)

**NOTE: If a specific Sick Leave occurrence exceeds five consecutive work days, or meets the definition of an Extended Absence, the procedures outlined in the section entitled Sick Leave for Extended Absences will be utilized.**

**B. Sick Leave for Non-Emergency, Routine Medical, Dental and Optical Examinations**

1. Employees may request, in advance, Sick Leave for routine medical, dental, or optical examinations. The request must be in writing to the employee's immediate supervisor. Whenever possible, these requests should be submitted at least seven (7) days in advance in order that minimum shift requirements may be maintained.
2. In order to minimize disruption to department services, employees are encouraged to schedule their appointments prior to or after their normal work hours or on their days off.
3. While every attempt will be made to accommodate an employee's request the supervisor may deny the request if the employee's absence would severely disrupt services or endanger others (i.e. inadequate staff coverage).
4. The employee's supervisor or other appropriate staff member may request verification of an employee's attendance at a scheduled examination. (See section X-G - Abuse of Sick Leave/Attendance).

**C. Emergency Sick Leave**

1. An employee requiring Sick Leave in an emergency situation (i.e., accident or sudden onset of illness, etc.) should personally contact an on-duty supervisor (Lt. or higher authority) and advise them of his/her emergency. When this is not possible or practical due to the nature of the emergency, the employee should have someone else contact the supervisor to advise them of the situation as soon as possible.
2. Once the employee's need for emergency Sick Leave has subsided, or the employee's condition has been diagnosed and evaluated, the employee (or



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someone designated by the employee) should contact the Unit Manager/Assistant Unit Manager/the Shift Administrator or the Administrative Captain, the appropriate non-uniform supervisor or other appropriate authority to update him/her as to the anticipated need for additional Sick Leave.

3. The employee's supervisor at his/her discretion may request a physician's verification of the need for additional Sick Leave. (See the section on abuse of sick leave or the section on extended absences).

**D. Sick Leave for Extended Absences**

1. Employee's requiring Sick Leave for an extended absence (in excess of five (5) consecutive work days or ten (10) or more days within a thirty (30) day period) must request this leave in writing, in advance, in the form of a memorandum addressed to the Warden, Deputy Warden, Programs and Services (MCCF), Correctional Specialist Supervisor (MCDC) Deputy Warden, Facility Operations, Unit Manager/Assistant Unit Manager, or the Deputy Warden, Custody and Security (MCCF) or the Administrative Captain (MCDC). The memorandum must include the anticipated length of absence from work and a physician's certification of the disability, which requires extended Sick Leave. (Exceptions to the requirement for advance notice will be made for emergency situations). In any event, employees are expected to provide documentation of the need for Extended Sick Leave as soon as possible.
2. If at the time of the initial request the physician is unable to specify when the employee will be certified as medically able to return to work, the employee will provide, at the request of his/her supervisor, a written update from the physician as to when the employee may return to work in a limited duty capacity, or full-time basis.

**NOTE: A written update will not be requested more often than once every seven (7) days.**

3. At his/her discretion, an employee's supervisor may also contact the employee's personal physician only for verification of the dates of the employee's inability to work. If the supervisor requires further clarification regarding the employee's medical condition as it relates to his/her ability to return to work, the supervisor should contact the Occupational Medical Section for assistance. The Occupational Medical Section staff will handle inquiries relating to the medical certification and discuss with the employee's physician how the employee's condition effects the employee's ability to work or return to work (e.g., can't lift or stand on feet for more than fifteen (15) minutes) and to discuss the possibility of light duty or part time work. All recommendations for light duty or other types of work restrictions must be reviewed and verified by the Occupational Medical Section prior to the employee's being allowed to return to the work place. Upon reporting to work, the employee must provide a copy of his/her health status report to his/her Unit Manager/Assistant Unit Manager, supervisor or the Unit Manager/Assistant Unit Manager, supervisor on duty at the time. If an employee provides a copy of his/her health status report to someone other than his/her own Unit Manager / Assistant Unit Manager, or supervisor the employee also must forward a copy of the health



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status report to his/her immediate Unit Manager/Assistant Unit Manager or supervisor at their next scheduled work time.

4. Once an employee is medically certified by his/her physician as able to return to work, the employee will contact Occupational Medical Section to arrange for an examination by the County physician before the employee is allowed back in the workplace. Once the employee is certified by the county physician to return to work, the employee is expected to return to work unless other leave arrangements have been agreed upon in advance by the employee and the employee's supervisor. The employee must provide the employee's supervisor with any and all documents provided him/her by the Occupational Medical Section concerning their return to work status, and/or restrictions.

**E. Use of Sick Leave to Care for Members of the Immediate Family**

1. In accordance with Section 19-20 of Montgomery County Personnel Regulations, employees may use Sick Leave in cases of illness or injury to members of their immediate families, or for the purpose of attending to the immediate family at the time of birth or adoption of a child.

**NOTE: County policy does not require medical certification or the existence of extenuating circumstances for approval of this type of leave.**

2. Refer to the section on General Sick Leave for guidelines on using Sick Leave to care for members of one's immediate family.

**F. Use of Parental Leave for New Parents**

1. According to Section 20 of the Montgomery County Personnel Regulations and Article 18 of the Labor Agreement with MCGEO/Local 1994, a full time employee may use up to 720 hours (on a continuing basis) of any combination of Sick, Annual, or Compensatory Leave and Leave Without Pay during a 24 month period to care for a newborn child of the employee or a newly adopted child of the employee.
2. Refer to section 20 of the County Personnel Regulations or Article 18 of the Labor agreement for guidelines on the use of Parental Leave.

**G. Abuse (Misuse) of Sick Leave**

1. Guidelines for what may constitute abuses of Sick Leave include:
  - a. Patterns of absence which coincides with holidays, days off, days following paydays, calling in Sick Leave habitually following the working of overtime, etc.
  - b. Frequent use of Sick Leave
  - c. Evidence that the employee has used or is using Sick Leave for other than authorized purposes as defined under the Sick Leave restriction program.
2. Should a Unit Manager/Assistant Unit Manager/Shift Administrator or the Administrative Captain at MCDC or the appropriate non-uniform supervisor or other supervisory staff member have documented reason to believe that an employee is using or has used Sick Leave within the last year for a



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2. Employees should contact the Deputy Warden they are assigned to and assure that the appropriate paper work is processed. These forms are available online at:  
<http://www.montgomerycountymd.gov/content/ohr/ResourceLibrary/files/MCPR01AK.pdf>  
<http://www.montgomerycountymd.gov/content/ohr/ResourceLibrary/files/MCPR01AM.pdf>
3. Eligible employees should also contact the employees bargaining unit; assuring that the appropriate leave donation form is processed.
4. Non bargaining unit employees (Leave Donation Slips) are included in the Deputy Warden's paperwork and online at:  
<http://www.montgomerycountymd.gov/content/ohr/ResourceLibrary/files/MCPR01AL.pdf>

## Departmental Procedure

### Department of Liquor Control

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**Division**  
Retail Operations

**NO. 1 – 5**  
(Amended 2/27/91)

#### Leave without pay and AWOL

**Date: 8/1/86**  
**Page 1 of 2**

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#### **1.0    PURPOSE:**

- 1.1    The purpose of this procedure is to establish a Department of Liquor Control policy covering Leave without pay and AWOL.

#### **2.0    PROCEDURES:**

- 2.1    An employee may request, in writing, leave without pay when there is insufficient accrued leave and a serious reason for the absence arises. In emergency situations, leave without pay may be granted without prior written notice.
- 2.2    Leave without pay may be granted for a period not to exceed one (1) year. In grants exceeding ninety (90) days, the Department may require the employee to waive reinstatement rights and privileges to the position vacated.
- 2.3    A non-career employee shall ordinarily not be eligible for leave without pay.
- 2.4    An employee shall be considered absent without leave (AWOL) if any of the following situations occur without obtaining approval:
  - a.    Failing to report to work within thirty (30) minutes of normal reporting time.
  - b.    Leaving the job for any amount of time during the day without prior supervisor's approval.
  - c.    Returning from scheduled lunch break more than fifteen (15) minutes late. Official business meetings approved by the employee's supervisor, from the 15-minute policy.

- d. Leaving more than fifteen (15) minutes prior to the end of the assigned work-day.

2.5 If, in the opinion of the supervisor, there are extenuating circumstances involved, the employee may be permitted to use Emergency Annual Leave if in violation of the 2-4 a-d. In these cases, the employee will support the fact that extenuating circumstances existed with a written statement explaining the circumstances and obtain approval, in writing, from both the supervisor and Department's Director.

2.6 Any AWOL incident will result in disciplinary action as follows:

First Incident:	Non-pay status for the time missed and a written reprimand concerning the incident.
Second Incident within a 12-month period:	Non-pay status for the time missed and a five percent (5%) pay reduction for twenty (20) work-days.
Third Incident within a 12-month period:	Non-pay status for the time missed and a five percent (5%) pay reduction for sixty (60) work-days.
Fourth Incident within a 12-month period:	Non-pay status for the time missed and dismissed.

### 3.0 **RECORDS:**

- 3.1 Records for monitoring all situations contained in 2.0 shall be established and maintained.

## DEPARTMENTAL PROCEDURE

### DEPARTMENT OF LIQUOR CONTROL

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Division	Title	No. 1-23
Office of Director	Compensatory Time Policy	Date: April 1, 1986 Page 1 of 2

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#### 1.0 PURPOSE

- 1.1 To establish a uniform policy for all Departments of Liquor Control employees who earn compensatory time, including approval guidelines, usage requirements and carry-over policy.

#### 2.0 POLICY

- 2.1 All compensatory time earned must be approved, in advance in writing, by the employees' supervisor. In an emergency situation, compensatory time may be earned without a written approval, however, a written confirmation approving leave earned should be obtained.
- 2.2 Employees are to exert every effort to schedule their use of compensatory leave so that their balance does not exceed eighty (80) hours on December 31<sup>st</sup> each year.
- 2.3 All compensatory leave earned, between January 1<sup>st</sup> and October 31<sup>st</sup>, that increases an employees' balance over eighty (80) hours, must be scheduled and, with approval, used, prior to November 15<sup>th</sup> of the year in which it is earned. (Note: The only exception to this is if requested leave is denied by an employees' supervisor).
- 2.4 If the time off cannot be scheduled, compensatory leave earned between November 1<sup>st</sup> and December 31<sup>st</sup> which increases an employees' balance over (80) hours may be carried over to the next leave year if approved by the Chief Administrative Officer.

#### 3.0 RESPONSIBILITY

- 3.1 Each Division Chief is responsible to assure that all compensatory leave earned by their employees is approved in advance in writing. In an emergency situation, a written confirmation approving leave will suffice.

- 3.2 Each Division Chief is responsible to exert every effort to give each employee the opportunity to use all compensatory leave accrued in the year in which it is earned.
- 3.3 Each Division Chief is responsible to monitor compensatory leave balances of their employees to assure compliance with sections 2.3 & 2.4 of this procedure.

**APPROVED:**

Signature on File



# Departmental Procedure

## Department of Liquor Control

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**Division**  
Office of the Director

**NO. 1-14(Amended)**  
Fifth Amendment

### Sick Leave Procedures

**Date: 2/5/98**  
**Page 1 of 3**

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#### **1.0    Purpose**

- 1.1**    The purpose of this procedure is to establish a uniform departmental policy dealing with the use of sick leave by employees of the Department of Liquor Control.

#### **2.0    Discussion**

- 2.1**    Sick leave is a benefit, not a right. It is to be used only for a bona fide illnesses or injuries which prevent an employee from performing his or her regular assignment. Routine medical appointments should be scheduled so they will cause as little disruption as possible in the efficiency and effectiveness of the work operation. In cases where it is not possible to release an employee, supervisors may deny request for sick leave to meet routine doctor or dental appointments.
- 2.2**    Employees are advised to the maximum extent possible to obtain medical certificates for illnesses requiring a doctor's services. Failure to obtain documentation of illness may lead to disciplinary action if departmental guidelines governing the rate of sick leave usage are exceeded. Medical certificates presented by employees must include a statement by the attending physician indicating that the employee was under his or her care and/or was seen by the physician, and cite specific dates. Documentation must be turned in on the next workday the employee returns to work.
- 2.3**    Inquiries regarding the authenticity of medical certification may be made if evidence exists which suggests misuse of sick leave by an employee; e.g., suspected forged doctor's certificate, employee on sick leave observed engaged in questionable activity, etc.

- 2.4 Scheduled sick leave for routine doctor's appointments should be requested on the County's leave request form, a minimum of one day in advance of the scheduled absence.
- 2.5 Employees shall not engage in any activity while on approved sick leave which would prolong or aggravate their illness, injury, or disabling condition.

### 3.0 Definitions

- 3.1 **Sick leave:** Earned, paid leave granted to eligible employees for a period of absence because of person or immediate family illness, medical quarantine, medical, dental, or optical examinations and treatments; and for any other temporary disability caused or contributed to by pregnancy, miscarriage, childbirth, or recovery there from, or for the purpose of attending to illness or injury in the immediate family and/or at the time of birth or adoption of a child.
- 3.2 **Documented Sick Leave:** The use of sick leave supported by a medical certificate from a qualified doctor which justifies the hours absent from work. This documentation may also be medical certificate for a member of an employee's immediate family which requires the employee to use sick leave. Medical certificates (documentation) must be turned in on the next workday the employee returns to work. Exceptions to this will be at the discretion of the management.
- 3.3 **Undocumented Sick Leave:** The use of from one to 24 consecutive hours of sick leave not supported by a medical certificate justifying the hours absent from work.
- 3.4 **Abuse of Sick Leave:** The use of sick leave by an employee for personal reasons not related to a bona fide illness or injury or for any reasons other than those defined under the definition of sick leave.
- 3.5 **Incident of abuse:** Violation by employees of Section 4.4 of this policy. (The sixth instance of undocumented sick leave during any consecutive 12-month period shall be considered the "first incident of abuse" under these procedures. The seventh instance of undocumented sick leave during any consecutive 12-month period shall be considered the incident of abuse, etc.)
- 3.6 **Immediate Family:** Employees' parent's stepparents, spouse, siblings, children, stepchildren, spouse's parents or legal guardian.

### 4.0 Policy



- 4.1 Each employee unable to report for work because of illness or injury shall be responsible for personally notifying his or her supervisor is unavailable, another employee designated by the supervisor, within 30 minutes of employee's regularly scheduled starting time, and at such other subsequent times as instructed. If an employee knows that he or she will be on sick leave for an extended period (for surgery, under doctor's orders, etc.), he or she should personally notify his or her supervisor or designee a minimum of one day in advance of the scheduled absences. Otherwise, an employee must personally notify his or her supervisor or designee at the beginning of each day that he or she will not report to work, including consecutive days of sick leave. If proper personal notification is not received, the employee will be placed on absent without leave status for the period of unexcused absence. Failure to notify the supervisor or designee for three consecutive workdays shall be considered abandonment of position consistent with Section 24.1 of the County's Personnel Regulations.
- 4.2 Sick leave in excess of three consecutive workdays requires that the employee must report to the Employee Medical Section of a County return-to-work authorization, and the employee must obtain a physician's certificate of illness which must be presented to the supervisor on the day the employee returns to work. A physician's certificate may be requested by the supervisor for periods of sick leave of fewer than three days if abuse of sick leave privileges is suspected or has occurred. Failure to submit a physician's certificate will require the supervisor to charge the employee with absence without leave.
- 4.3 Employees placed on absent without leave status will be governed under Departmental Procedure No. 1-5 (Leave Without Pay and Absence without Leave).
- 4.4 Employees with six instances of undocumented sick leave during a consecutive 12-month period shall be considered to be abusing sick leave privileges, and will be required to provide documentation for each instance of sick leave thereafter, or be subjected to disciplinary actions detailed in Section 4.6 of these procedures.
- 4.5 If it is determined, by written diagnosis from a physician, that an employee has a chronic illness which may result in periodic absences, the Department can excuse an employee from the requirement to provide documentation each time he or she uses sick leave. However, any deviation from this policy must be supported by written medical justification, updated at least quarterly, and approved by the Director of the Department of Liquor Control.

**4.6** Employees will be evaluated every month on the use of all sick leave. The following disciplinary actions shall be taken for abuse of these procedures:

**4.6.1** The first incident of abuse (sixth undocumented sick leave incident in a 12-month period) shall result in oral admonishment of employee, noted for the record, but not placed in the employees personnel file.

**4.6.2** The second incident of abuse (seventh undocumented sick leave incident in a 12-month period) shall result in a statement of charges for a written reprimand. The supervisor will present the employee with a statement with a statement of charges.

**4.6.3** The third incident of abuse (eighth undocumented sick leave incident in a 12-month period) shall result in a statement of charges for a five percent within-grade reduction in pay for 20 workdays.

**4.6.4** The fourth incident of abuse (ninth undocumented sick leave incident in a 12-month period) shall result in a statement of charges for a five percent within-grade reduction for 60 workdays.

**4.6.5** The fifth incident of abuse (tenth undocumented sick leave incident in a 12-month period) shall result in a statement of charges for dismissal of the employee.

## **5.0 Responsibility for Sick Leave Records**

**5.1** Every month, the Division of Financial and Systems Management will provide a list of employees in each division with the total number of sick leave hours taken by each employee to the respective Chiefs of those divisions and the Administrative Services Coordinator (for personnel not assigned to operating divisions).

**5.2** Each division will be responsible for analyzing the list received from the Division of Financial Systems Management every month to determine if the sick leave was documented or undocumented sick leave.

**5.3** Employees abusing sick leave procedures will be disciplined in accordance with Section 4.6.

## **APPROVED:**

Signature on File

# Departmental Procedure

## Department of Liquor Control

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**Division**  
Office of Director

**NO. 1-4**  
(Second Amendment)

### Emergency Annual Leave

**Date: 5/7/87**  
**Page 1 of 2**

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#### **1.0    Purpose:**

This procedure is established for the purpose of defining Emergency Annual Leave, the conditions under which it may be granted, and to place certain restrictions on its use.

#### **2.0    Definition:**

Emergency Annual Leave is defined as leave which use of is requested and approved of by the employee's supervisor with less than one (1) days notice.

#### **3.0    Procedures:**

- 3.1    While it is recognized that emergency annual leave may be disruptive to the completion of scheduled work, it is also understandable that incident of an emergency nature or a temporary lapse of manpower requirements do occur.
- 3.2    In order to insure the use of emergency annual leave is not abused, certain restrictions must necessarily be placed on its use. If an employee is unable to report to work, or must be late reporting for work due to an emergency, they will personally notify their supervisor, or in the absence of the supervisor, a designee, within thirty (30) minutes of their regularly scheduled starting time to request approval for the use of emergency annual leave. The only exception to this reporting requirement is those employees occupying positions which require reporting times required to maintain the effectiveness of their operation.
- 3.3    In the event an employee has reported for work and wishes to leave work because of an emergency or a temporary reduction in work load,



emergency annual leave must be requested and approved prior to leaving the work place.

- 3.4 This procedure does not limit the number of times approved emergency annual leave is used.
- 3.5 If use of Emergency Annual Leave is denied by the employees supervisor and the employee does not report for work at his/her scheduled time or chooses to leave work after being denied Emergency Annual Leave he/she will be considered Absent Without Approved Leave (AWOL) and appropriate disciplinary action will be taken as defined in Departmental Procedure 1-5, Leave Without Pay and AWOL.
- 3.6 Decisions regarding the AWOL status of any employee may only be over turned by the Director on a case by case basis.

#### **4.0 Records:**

Records for use of Emergency Annual Leave will be maintained by the employee's immediate supervisor noting the date and time Emergency Annual Leave is requested and approved.

#### **APPROVED:**

Signatures on File

# DEPARTMENTAL PROCEDURE

## DEPARTMENT OF LIQUOR CONTROL

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DIVISION	TITLE	NO. 1-14 AMENDED DATE: April 1, 1986
OFFICE OF DIRECTOR	SICK LEAVE PROCEDURES	FOURTH AMENDMENT DATE: 8-6-91
		PAGE 1 OF 4

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### PURPOSE:

1.0 The purpose of this procedure is to establish a uniform departmental policy dealing with the use of sick leave by employees of the Department of Liquor Control.

### DISCUSSION:

2.0 Sick Leave is a benefit, not a right. It is to be used only for bona-fide illnesses which prevent an employee from performing his regular assignment. Routine medical appointments should be scheduled so they will cause as little disruption as possible in the efficiency and effectiveness of the operation. In cases where it is not possible to release an employee, supervisors may deny requests for sick leave to meet routine doctor or dental appointments.

2.1 Employees are advised to obtain medical certificates for illnesses requiring a doctor's services to the maximum extent possible. Failure to obtain documentation of illness may lead to disciplinary action if departmental guidelines governing the rate of sick leave usage are exceeded. Medical certificates presented by employees must include a statement by the attending physician indicating that the employee was under their care and/or was seen by the physician, including specific dates. Documentation must be turned in on the next workday the employee returns to work.

2.2 Inquiries regarding the authenticity of medical certification may be made if evidence exists which suggests misuse of sick leave by an employee; e.g., suspected-forged doctor's certificate, employee on sick leave observed in questionable activity, etc.

2.3 Scheduled sick leave for routine doctor appointments should be requested on the Department's Leave Request Form, a minimum of one (1) day in advance of the scheduled absence.

2.4 Employees shall not engage in any activity while on approved sick leave which would prolong or aggravate their illness, injury, or other disabling condition.

DEFINITIONS:

3.0 Sick Leave - Earned, paid leave granted to eligible employees for a period of absence because of personal or immediate family illness, injury, medical quarantine, medical, dental or optical examinations and treatments and for any other temporary disability caused or contributed to by pregnancy, miscarriage, childbirth or recovery therefrom, or for the purpose of attending to illness or injury in the immediate family and/or at the time of birth or adoption of a child.

3.1 Documented Sick Leave - Sick leave supported by a medical certificate from a qualified doctor which justifies the hours absent from work. This documentation may also be a medical certificate for a member of an employee's immediate family which required the employee to use sick leave. Medical certificates (documentation) must be turned in on the next workday the employee returns to work. Exceptions to this will be at the discretion of Management.

3.2 Undocumented Instances of Sick Leave - Sick leave used from one (1) to twenty-four (24) consecutive hours not supported by a medical certificate justifying the hours absent from work.

3.3 Abuse of Sick Leave

3.3.1 The use of sick leave by an employee for personal reasons not related to a bona fide illness/injury or for any reasons other than those as defined under the definition of sick leave.

3.3.2 Employees violating Section 4.3 of this policy (i.e., the sixth [6th] instance of undocumented sick leave used during any consecutive 12-month period shall be considered the "first incident of abuse" under these procedures. The seventh [7th] instance of undocumented sick leave used during any consecutive 12-month period shall be considered the second incident of abuse, etc.).

3.4 Immediate Family - Employee's parents, stepparents, spouse, brother or sister, children, step-children, spouse's parents or legal guardian.

POLICY

4.0 Each employee unable to report to work because of illness or injury shall be responsible for personally notifying his supervisor, or when the supervisor is unavailable, another employee designated by the supervisor, within thirty (30) minutes of the employee's regularly scheduled starting time and at such other subsequent times as instructed. If an employee knows that he will be on sick leave for an extended period (surgery, doctor's orders, etc.), he should personally notify his supervisor or designee a minimum of one (1) day in advance of scheduled absence. Otherwise, an employee must personally notify his supervisor or designee at the beginning of each day that he will not report to work (including consecutive days of sick leave). If proper personal notification is not received, the employee will be placed on Absent Without Leave for the period of unexcused absence. Failure to notify the supervisor or designee for three consecutive work days shall be considered abandonment of position consistent with Section 24.1 of the County Personnel Regulations.



4.1 Sick leave in excess of three consecutive work days requires that the employee obtain a physician's certificate of illness which must be presented to the supervisor on the day the employee returns to work. A physician's certificate may be requested by the supervisor for periods of sick leave less than three days if abuse of sick leave privileges is suspected or has occurred. Failure to submit a physician's certificate will result in the employee being charged with Absence Without Leave.

4.2 Employees placed on Absent Without Leave status will be governed under Departmental Procedure No. 1-5 (Leave Without Pay and AWOL).

4.3. Employees using six (6) instances of undocumented sick leave during a consecutive 12-month period shall be considered abusing sick leave privileges and will be required to provide documentation for each instance of sick leave thereafter or be subjected to disciplinary actions detailed in Section 4.5 of these procedures.

4.4. If it is determined, by written diagnosis from a physician, that an employee has a chronic illness which may result in periodic absences, the Department can excuse an employee from the requirement of providing documentation each time they use sick leave. However, any deviation from this policy must be supported by written medical justification, updated at least quarterly, and approved by the Department of Liquor Control's Director.

4.5. Employees will be evaluated on a monthly basis on all sick leave used. The following disciplinary actions shall be taken for abuse of these procedures:

First Incident - Oral Admonishment (noted for the record); not in personnel file.  
of Abuse (6th  
undocumented sick  
leave incident in  
12-month period)

Second Incident - Reprimand. Forward a memorandum to the employee summarizing the  
of Abuse (7th  
undocumented  
sick leave  
incident in  
12-month period) circumstances and action taken and place a copy in the  
employee's personnel file.

Third Incident - Five percent (5%) within-grade reduction for twenty (20)  
of Abuse (8th  
undocumented  
sick leave  
incident in  
12-month period) work days.

Departmental Procedure No. 1-14  
Sick Leave Procedures  
Page Four

Fourth incident - Five percent (5%) within-grade reduction for sixty (60) of Abuse (9th work days. undocumented sick leave incident in 12-month period)

Fifth incident - Dismissal. Prepare, justify and submit through departmental of Abuse (10th channels a request for dismissal. undocumented sick leave incident in 12-month period)

RESPONSIBILITY FOR SICK LEAVE RECORDS:

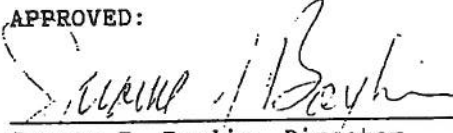
5.0 The Division of Financial & Systems Management will provide, on a monthly basis, a list of employee names and total sick leave hours taken by employees by Division to the following:

Chief, Retail Operations Division  
Chief, Warehouse Division  
Administrative Services Coordinator (personnel not assigned to operating Divisions)

5.1 Each Division will be responsible for analyzing the list received from the Financial & Systems Management Division on a monthly basis to determine if the sick leave was "documented" or "undocumented" sick leave.

5.2 Employees abusing the sick leave procedures will be disciplined in accordance with Section 4.5

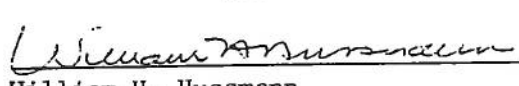
APPROVED:

  
Jerome I. Baylin, Director  
Department of Liquor Control

8/1/91  
Date

  
William P. Garrett, Director  
Personnel Office

7/15/91  
Date

  
William H. Hussmann  
Chief Administrative Officer

8/6/91  
Date

(#0110W)

## **APPENDIX E: Department of Transportation, Transit Services Attendance Policy**

Source: Agreement between Municipal & County Government Employees Organization, United Food and Commercial Workers, Local 1994, and Montgomery County Government, Montgomery County, Maryland. Office, Professional, and Technical (OPT) and Service, Labor, and Trades (SLT) Bargaining Units. For the Years July 1, 2012 through June 30, 2015

### **Appendix XI**

**Revised Attendance Policy, Effective: July 1, 2011**

An Operator, Transit Coordinator or Motor Pool Attendant who accumulates twenty (20) or more points will be subject to progressive discipline as follows:

- Tier 1: One day suspension
- Tier 2: Three day suspension
- Tier 3: Five day suspension
- Tier 4: Dismissal

The imposition of the steps in progressive discipline will reduce the employee's point by ten points. If the employee clears any remaining points following the imposition of disciplinary action and has no other attendance related discipline for the subsequent 12 Months, the employee's discipline will reset at "Tier 1". If the employee is unable to clear the remaining ten points before the next disciplinary incident, the employee will be subject to the next Tier in the progression of disciplinary action (Tier 2-3 and dismissal). Employees may waive their right to ADR for Tier #1 and/or Tier #2.

#### **Incidents of Non-Attendance and Points**

- Any unscheduled absence of less than four hours (3 points)
- Any unscheduled absence of four hours or more (7 points)
- Any unscheduled absence of a second half of a split (5 points)

Call in sick has a maximum of three days, on the fourth day points will be assessed according to the schedule above. On the Fourth Day and thereafter, the employee will be required to call in daily; otherwise the unscheduled absence will be considered AWOL. Any call in sick (2 points)

"Extraordinary Circumstances": Points for absences that result from a documented event and/or "Act of God" that are emergency in nature, a spontaneous, ad hoc, non-routine, catastrophic incident may be excused if determined by the Chief of Operations. The Union has the burden of demonstrating that the event meets the definition of "extraordinary circumstances" and that good cause exists for excusing and not charging the employees with an absence.



## Patterns of Unscheduled Absences

Pattern absences will be defined as follows:

Three (3) call outs on the same day of the week

Four (4) call outs before and/or after scheduled days off

Four (4) call outs on the weekend (Saturday and/or Sunday)

Three (3) call outs, which result in three consecutive days off

Three or more sick call outs which result in three days or more off

Patterns will be calculated on a calendar year.

Pattern violations will result in discipline of an additional four points for any pattern assessed.

## Incentive Program

For every month in which the employee has no incident of non-attendance activity covered by the point system, the employee's point total will be reduced by two (2) points. Beginning with the (6th) sixth consecutive month without such an incident and for each month thereafter the employees point total will be reduced by three (3) points. The point cannot be less than zero.

## AWOL

The employee will be considered AWOL if he/she does not contact their supervisor or show for work by the scheduled end of their run and/o shift. The first AWOL workday will be assessed ten (10) points, skip a Tier for the second AWOL and immediate dismissal for the third AWOL in a rolling (24) twenty four month period. An employee shall be deemed to have abandoned his/her job upon being AWOL for (3) three consecutive days without communicating to Management.

1. Each employee will be notified in writing of all points assessed against him/her and will be counseled upon accumulating ten (10) or more points

## Bonus Program

Employees that do not have any unscheduled absences in the calendar year will receive \$250.

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE MONTGOMERY COUNTY GOVERNMENT  
AND THE  
UFCW LOCAL 1994  
MCGEO

On May 4, 2010 the Montgomery County Council indicated its intention to reject funding for Article 41.6 (Imputed Income for Calculation of Retirement Income) of the FY 10 concession collective bargaining agreement between Montgomery County and UFCW Local 1994, MCGEO. As a result the parties have engaged in additional negotiations as mandated by Section 33-108(j) of the Montgomery County Code. In consideration of the above, and in accordance with the decision of the Labor Relations Administrator, (LRA Case No. 10-109-05 May 6, 2010, Furloughs) the parties have agreed to the following matters.

**Article 5 Wages, Salaries and Employee Compensation**

**New Section 5.32.** The County represents that going forward it will negotiate in good faith with UFCW Local 1994 MCGEO the what, who, and when of furloughs as ordered by the LRA. In recognition of the time constraints, the Union will, on a one time non-precedential basis waive its right to bargain and accept the decision of the Montgomery County Council on furloughing County government employees. Once the County Council takes action, the Employer and the Union will meet on an expedited basis to negotiate in good faith the procedures required to effect the furloughs.

**Article 6. Service Increments New Section (e) *One Time Compensatory Leave Award.*** On January 1, 2011, bargaining unit members shall, on a one time basis, be credited with twenty-six (26) hours of compensatory leave. Bargaining unit members must use the twenty-six hours as leave. This leave may only be taken when its use does not require backfill with overtime. Leave credited under this section cannot be paid out at any time including upon separation.

FOR THE EMPLOYER

  
Isiah Leggett, County Executive

5/29/10  
Date

FOR THE UNION

  
Gino Renne, President

5/20/10  
Date

MEMORANDUM OF AGREEMENT  
BETWEEN  
MONTGOMERY COUNTY GOVERNMENT  
AND THE  
FRATERNAL ORDER OF POLICE, MONTGOMERY COUNTY LODGE NO. 35, INC

The Montgomery County Government ("County") and the Fraternal Order of Police Montgomery County Lodge No. 35, Inc. ("FOP"), hereby agree to terminate the current Collective Bargaining Agreement (Agreement) for the employees in the Police bargaining unit for the years July 1, 2009 through June 30, 2011 effective June 30, 2010, and further agree to a new two (2) year successor agreement effective July 1, 2010 through June 30, 2012. This Memorandum of Agreement constitutes the successor term agreement. The existing terms of the current 2009 - 2011 Agreement are incorporated in this successor 2010-2012 agreement, subject to the following amendments:

**Article 21 Compensatory Leave**

**Add as new Section F.**

**Section F. *One Time Compensatory Leave Award.*** On January 1, 2011, bargaining unit members shall, on a one time basis, be credited with twenty-six (26) hours of compensatory leave. Bargaining unit members must use the twenty-six hours as leave. This leave may only be taken when its use does not require backfill with overtime. Leave credited under this section cannot be paid out under the procedure outlined in Section A above. These hours will not count towards the 80-120 hour maximum and can be rolled from leave year to leave year. Leave credited under this section will not be paid out upon separation.

**Article 31 Reopener**

\* \* \*

***Section F. Reopener Matters.***

**Second Year.** Reopen for bargaining in the first year of the agreement for 2<sup>nd</sup> year of the contract on or before November 1, 2010 with timetable and impasse procedures set forth in PLRA, Section 33-81 on the following subjects:

1. Cash Compensation for FY 12
2. Whether a third year with a reopener on cash compensation will be added.

**If the parties have not reached agreement by January 20, 2011, an impasse shall be deemed to exist, and the impasse procedure provided in PLRA Section 33-81 shall be implemented.**

\* \* \*



## **Article 39 Tuition Assistance**

**Section A.** All members of the bargaining unit shall be entitled to receive tuition assistance at the level provided by the Montgomery County Tuition Assistance Program in effect when they apply. The County represents that it will maintain the program during the life of this Agreement subject to the provisions listed below. [See MOA: *Redeployment, April 2005*]. Restating that JITAP is not available to unit members. However, this restatement is not intended to diminish any Police ETAP benefit.

1. The Employer must approve tuition assistance for unit member development related to the unit member's current job functions or those of another ~~County position~~ the police career ladder in the same job series or profession or a degree which qualifies a unit member for a career position.
2. The Employer must approve tuition assistance for tuition and compulsory fees such as matriculation, registration, laboratory, and library fees.
3. The Employer must not approve tuition assistance for books, supplies, or extra fees such as late registration and parking.
4. A unit member receiving tuition assistance must attend the activities for which they are receiving tuition assistance during the unit member's off duty hours.
5. A unit member who received tuition assistance must complete the training with a passing grade, or the employee must reimburse the County for the amount of the County's tuition assistance. Final grades must be provided to the Office of Human Resources upon completion of the course.
6. When using tuition assistance for college courses, the courses must be taken at an accredited college or university as recognized by the United States Department of Education or the Higher Education Accreditation Commission.
7. The parties agree to create a list of courses and institutions which ~~offer nationally recognized~~ are representative of the type of law enforcement or job-related training that qualifies for tuition assistance. Bargaining unit members may use tuition assistance for such courses. ~~offered by institutions on this list.~~ In the event that either party ~~requests to add an institution to this list,~~ disputes any non-accredited course or institution for qualification, the parties agree that such a ~~request~~ dispute will be reviewed by a panel composed of equal numbers of Employer and Bargaining Unit representatives. If the panel cannot reach consensus on the ~~proposed addition~~ dispute, the matter will be referred to a mutually agreed upon third party educational expert with a background in law enforcement for final determination.
8. The parties agree to seek funding from County Council in the amount of \$135,000 for FY 12. Once this amount is exhausted in FY 12, the County will not approve any additional TAP requests for the remainder of the fiscal year.

\* \* \*

## **Article 47 Duration of Contract**

This agreement shall become effective on July 1, 2009, 2010 and terminate on June 30, 2012, unless extended to June 30, 2013 pursuant to Article 31 *Reopener*.

Article 50 Reduction-In-Force and Furlough

Amend the Retirement Law and Bill 18-10:

Sec. 1. Sections 33-35, 33-113 and 33-128 are amended as follows:

33-35. Definitions

In this Article the following words and phrases have the following meanings:

\* \* \*

If a member is required to take any furlough, as defined in personnel regulations adopted under Section 33-7(b) OR A COLLECTIVE BARGAINING AGREEMENT, regular earnings must include any amount the member would have received if the member had not been required to take any furlough.

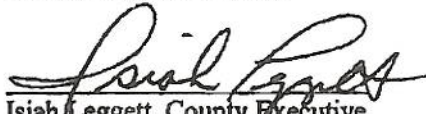
Other Provisions:

The parties may agree to a joint committee on other economic benefits.

Whenever the Employer sends correspondence or documents required to implement, amend or modify the terms of a negotiated CBA or any provisions thereof, FOP 35 will be sent a copy at the time it is sent to Council.

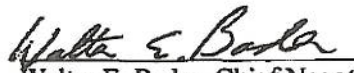
Increments will not be paid if not funded by the County Council.

FOR THE EMPLOYER:

  
Isiah Leggett, County Executive  
Montgomery County, Maryland

Date 6/22/10

FOR THE UNION:

  
Walter E. Bader, Chief Negotiator  
FOP Lodge 35, Inc

Date 06-15-10

  
Marc B. Zifcak, President  
FOP Lodge 35, Inc

Date 6/16/2010



MEMORANDUM OF AGREEMENT  
BETWEEN  
MONTGOMERY COUNTY GOVERNMENT  
AND THE  
MONTGOMERY COUNTY CAREER FIRE FIGHTERS ASSOCIATION,  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 1664, AFL-CIO

Montgomery County Government (Employer) and the Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664, AFL-CIO, (Union) have met pursuant to Section 33-153(p) of the Montgomery County Fire and Rescue Collective Bargaining Law and have reached the following agreements. These agreements shall be effective as of July 1, 2010 unless otherwise stated.

1. Compensatory Leave. Article 49 of the parties' existing Collective Bargaining Agreement is amended to include a new Section 49.5 as follows:  
Section 49.5 Additional Compensatory Leave Credit  
Effective January 1, 2011, each bargaining unit employee who is assigned to a 2,496-hour work year and who: (1) will not receive a service increment in FY 2011 or (2) will not receive a longevity step increase in FY 2011 shall be credited with 48 hours of compensatory leave. Effective January 1, 2011, each bargaining unit employee who is assigned to a 42-hour or 40-hour workweek and who: (1) will not receive a service increment in FY 2011 or (2) will not receive a longevity step increase in FY 2011 shall be credited with a prorated number of hours of compensatory leave. Leave under this section may not be used if it causes the need to backfill with overtime. Leave granted under this section cannot be paid out under the procedure outlined in 49.1 above and will not apply to the maximum carryover described therein. These hours may be rolled over from leave year to leave year. Leave granted under this section will not be paid out upon separation.
2. The parties agree to a side letter stating: Neither the County Executive nor any of his representatives shall publicly or privately oppose the Union's proposal submitted to the County Council to amend Expedited Bill 16-10 so that the 4% FY '10 imputed GWA for retirement purposes shall apply to bargaining unit employees who have on file before July 1, 2010 an application for disability retirement benefits that is approved after July 1, 2010.
3. Special Pay Differentials. The increases in CRT, EMT-I and EMT-P pay differentials scheduled to take effect the first full pay period on or after July 1, 2010 pursuant to Section 17.2(A-D) of the parties' existing Collective Bargaining Agreement shall go into effect as scheduled.
4. The parties agree to a side letter stating: Random alcohol/drug testing of bargaining unit employees shall be suspended in FY '11 and FY '12. No random alcohol/drug testing program applicable to bargaining unit employees shall be implemented in any fiscal year following FY '12 unless the Employer and the Union negotiate an agreement as part of normal term negotiations

covering the decision to implement a testing program and the procedures of such program.

5. The Employer agrees to eliminate the FROMS Physiology Program, effective August 1, 2010, with the exception of the \$100,000 budgeted for the purchase of equipment. The Employer will recommend that the savings from the elimination of the FROMS Physiology Program will be used to fund the Special Duty Differentials described in Section 3 above.

Any claimed violation of any section of this Memorandum of Agreement (either in whole or in part) may be grieved and arbitrated in accordance with Article 38 (Contract Grievance Procedure) of the parties' existing Collective Bargaining Agreement.

FOR THE EMPLOYER:

  
Isiah Leggett, County Executive

Date

5/29/2010

FOR THE UNION:

  
John J. Sparks, President

Date

May 19, 2010



# ATTENDANCE

FC No.: 315

Date: 11-15-02

## Contents:

- I. General Procedures
- II. Biweekly Time Sheets
- III. Proponent Unit
- IV. Cancellation

### I. General Procedures

- A. First-line supervisors and unit/district commanders will be responsible for scheduling and recording employee attendance.
- B. Schedules will be prepared on a weekly basis indicating employees' hours of employment and approved leave. When scheduling FOP employees, refer to the collective bargaining agreement with the FOP, *Article 15, "Hours and Working Conditions," Section C*, to determine how far in advance the schedule must be published.
- C. Annual, Compensatory, and Administrative Leave  
All annual, compensatory, and administrative leave will be requested in advance on the *MCP 304, "Leave Request,"* and approved by the employee's supervisor. The *MCP 304* will be filed to be used later to verify pay sheet accuracy. The approved leave will be entered on the unit leave calendar.
- D. Sick Leave, Tardiness, and Failure to Report for Work  
Sick leave, tardiness, and failure to report for work as scheduled will be addressed according to the appropriate department directive or collective bargaining agreement. When sick leave is used, the employee's supervisor will complete an *MCP 304* and enter the sick leave on the unit/district leave calendar. The *MCP 304* will be filed to be used later to verify time sheet accuracy.
- E. Overtime Pay and Compensatory Leave  
All requests for overtime pay and compensatory leave will be submitted and approved in accordance with departmental procedures.
- F. Religious Observances  
*Supervisors will refer to Article 14, Section B.10, of the FOP contract, Article 13 of the MCGEO contract, and Section 15-3 of the Personnel Regulations for guidance regarding alternate work schedules for religious observances.*

### II. Biweekly Time Sheets

- A. Verification and Submission  
Biweekly time sheets will be accurately completed by each employee at the end of each pay period and submitted per county procedures. *Refer to the Employee Compensation Manual for guidance.*
- B. Responsibilities
  - 1. Each employee will complete a biweekly time sheet indicating actual hours worked, leave used, and special pay earned, and affix their signature verifying accuracy of entries.
  - 2. First-line supervisors (sergeants) will review all biweekly time sheets for employees under their supervision, checking them against the *MCP 304* and *MCP 44, "Overtime Pay/Compensatory Leave Request,"* and verifying accuracy of



all entries. The first-line supervisor will then sign the form in the appropriate space indicating approval and attach any approved leave/overtime request forms. This responsibility will not be delegated except in the absence of the supervisor; then the next level supervisor must sign.

3. Supervisors, or designees, will batch their employees' biweekly time sheets and arrange for submission of appropriate copies to the Department of Finance through their unit commanders. The employee (pink) copy, with approved leave/overtime requests attached, will be filed per section II.C.

4. Unit commanders, or designees, will make appropriate inspections of biweekly time sheets for personnel under their command to ensure accuracy and compliance with departmental and county government procedures.

C. Record Keeping

All biweekly time sheets, work schedules, overtime pay and compensatory leave earned requests, and approved or disapproved leave requests will be maintained in a central unit file for a period of two years. The unit/district commander, or designee, will maintain a separate file for each employee's pink copies of their time sheets. The file must be kept by fiscal year (July 1 through June 30). If an employee is transferred to another unit or district, the employee's time sheet file must be forwarded. Unit/district commanders will be responsible for the security of these records and make them available for inspection as required. At the end of the two-year period, the employee copy of the time sheet will be returned to the employee.

III. **Proponent Unit: Policy and Planning Division**

IV. **Cancellation**

*This directive cancels Function Code 315, dated 10-08-98.*

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Charles A. Moose, Ph.D.  
Chief of Police



9/18/12

attendance

# ADMINISTRATIVE LEAVE

**FUNCTION CODE: 310**

**EFFECTIVE DATE: 08-15-91**

**Contents:**

- I. Purpose
- II. Personnel Regulations
- III. Department Policy
- IV. Procedures for Administrative Leave
- V. Regulations for Employees on Administrative Leave
- VI. Resumption of Regular Duties
- VII Proponent Unit
- VIII. Cancellation

**I. Purpose**

To establish guidelines for effective and consistent use of Administrative Leave. (CALEA 22.2.1)

**II. Personnel Regulations**

**A. The County Personnel Regulations state:**

"Administrative Leave is paid (leave) which may be granted to:

"An employee, by the Chief Administrative Officer, or designee thereof, when that individual is relieved of duties pending investigation of incidents or charges, removal, or to determine fitness for continued duty.

"An employee for attendance at officially approved meetings or conferences.

"An employee who is subpoenaed to appear in administrative proceedings before a governmental body."

B. Effective March 28, 1983, the CAO delegated to department heads the authority to grant administrative leave of less than six days.

NOTE: Request for more than six days leave should be directed through the chain of command as follows:

Six to twenty days—to the County Personnel Director. More than twenty days—to the County Chief Administrative Officer.

C. Administrative leave is distinguished from suspension in that administrative leave is always with pay and is not punitive even though police powers may be suspended. Suspension is a punitive action and is always without pay.

**III. Department Policy (CALEA 52.3.3, 22.2.2, 26.1.5)**

A. By authority of the Chief of Police, unit commanders will, after a preliminary inquiry, place an employee in their command on administrative leave and suspend his police powers (MCP 553 - A Memorandum of Notification should also be completed) when that employee is:

1. charged with a criminal offense.
2. charged with operating a motor vehicle while under the influence of alcohol or drugs.

This action is taken to completely remove the employee from contact with the public and is not punitive.

B. By authority of the Chief of Police, unit commanders will place an employee in their command on administrative leave when that employee causes or is responsible for, whether accidental or deliberate:

1. The taking of a human life.
2. The serious injury of a person. (CALEA 1.3.16)
3. This action is not punitive and has two purposes:
  - a. to remove the officer from unnecessary contact with the public to allow him sufficient time to recover from the incident and,
  - b. to provide the department sufficient time to conduct a preliminary investigation.

C. By authority of the Chief of Police, unit commanders will place an employee on administrative leave when he has been involved in a traumatic incident. Traumatic incidents for the purposes of this policy are those defined in the Traumatic Incidents Program which require an information session with the police psychologist. These incidents are: (CALEA 1.3.16)

- a. when the actions of a department employee, whether accidental or deliberate, result in the death or serious injury of a person.
- b. when members are present at the death or serious injury of a department employee. This includes Communication Division personnel directly responsible for radio or phone service during the incident.
- c. negotiating team members directly responsible for management of negotiations when the incident terminates in serious injury or death.

Prior to a return to full duty, the affected employee is required to meet with the police psychologist for one session.

D. By virtue of the collective bargaining agreement, members of the certified bargaining unit are granted administrative leave to conduct the organization's business as follows:

1. The president of the FOP shall continue to receive 1040 hours of administrative leave per year.
2. Officers and members of the FOP Negotiations Committee shall receive reasonable administrative leave in connection with contract negotiations and preparation.
3. An administrative leave bank of four hundred (400) hours shall be created for use by FOP officers and officials to attend workshops, seminars, conferences, and conventions related to the conduct of their duties in the FOP.
4. Members of the FOP will be assessed 3 hours of annual or compensatory leave per year, which leave shall be contributed to an administrative leave bank for the purpose of providing additional administrative leave to the president and/or other officers and officials of the FOP.
5. The Board of Directors, consisting of 12 unit members, shall be granted two hours administrative leave for a monthly FOP Board meeting. Board members and six stewards shall be

granted two hours administrative leave for a general monthly meeting.

6. An employee requesting administrative leave for FOP purposes shall do so by giving reasonable notice to his/her supervisor.

7. The payroll codes for tracking leave usage for union activities are:

Police AD 1

OPT AD 2

SLT AD 3

Fire/Rescue AD 4

8. All unit commanders must submit a written report each month to Chief, Management Services Bureau, documenting the amount of administrative leave used for union business. This requirement applies to the FOP and Montgomery County Government Employees Organization Local 400.

E. Employees will be granted administrative leave by their unit/district commanders to participate in the following activities subject to manpower availability:

1. Blood donations - up to three hours at the end of the tour of duty.

2. Participation in the Office of Stress Management's Stress Intervention Program - two hours per visit for up to eight visits in a series. Granting of leave is to be coordinated with the participant's immediate supervisor to ensure coverage during the leave period.

3. Attendance at established Smoking Withdrawal Clinics - administrative leave will be granted in amounts equal to the annual leave hours used, i.e., 50% of the time spent at the clinic will be annual leave and 50% will be administrative leave. (ref. memorandum from R. W. Wilson, Chief Administrative Officer, 04-04-80)

4. An employee who is subpoenaed as a witness in a civil or criminal case, or is to serve on a jury.

5. An employee shall be granted administrative leave for a maximum of 3 consecutive work days in the event of a death in the immediate family.

6. An employee who is a member of a reserve component of the armed forces of the United States shall be granted leave not to exceed fifteen (15) days annually.

#### IV. Procedures for Administrative Leave

A. When an employee is placed on administrative leave by his unit commander, the unit commander will:

1. Complete the Administrative Leave Memorandum (MCP 32).

2. Contact the Chief of Police as soon as practical, advise him of the circumstances of the case and consult with the Chief regarding the need for any further personnel action.

3. Contact the employee's respective Bureau Chief and advise him of the incident and the personnel action taken. Unit commanders will forward a memorandum (within 24 hours) to the Chief of Police, via the chain of command, documenting the incident and subsequent personnel action taken. Event reports and supplements will be forwarded, upon completion, to the Chief of Police via the chain of command.

B. When an employee needs to take administrative leave he will request the leave 10 working days in advance by memorandum to the Chief of Police via the chain of command unless the leave is for an authorized



organization activity, for participation in the Stress Management Program or for blood donation.

C. The use of all administrative leave will be documented as follows:

1. A leave request form will be completed and approved by the employee's supervisor prior to the use of the leave.
2. The leave will be recorded on the Bi-weekly Time Sheet as administrative leave on line 08, 09, or 10.

#### V. Regulations for Employees on Administrative Leave

A. Employees on administrative leave for routine activities (meetings, employer/employee relations, the Stress Management Program, etc.) will provide their supervisor with:

1. The location of the activity.
2. A phone number at which they can be reached.

B. When employees are placed on administrative leave by a supervisor, the employee, during the hours and days the leave is applicable, will:

1. Be immediately accessible to the department. This requirement will be met if the employee is able to report for duty within one hour of notification.
2. Provide his supervisor with a phone number or other means of immediate contact.

#### VI. Resumption of Regular Duties

A. In cases requiring internal investigation, employees may resume regular duties upon the completion of the investigation or inquiry (which will be forwarded to the Chief of Police in all instances which a death, serious injury, or a weapons discharge has occurred), after meeting with the police psychologist if required by this policy, and subject to the approval and authorization of the Chief of Police. (CALEA 1.3.15)

B. In cases not requiring internal investigation, employees who have experienced traumatic incidents will return to normal duty after meeting with the police psychologist. *In some cases, the police psychologist may recommend that return to normal duty be delayed for a specified period of time. In such cases, the psychologist will contact the Commander of the employee's unit. Delay of return to duty would be subject to the approval and authorization of the Chief of Police.*

#### VII. Proponent Unit: Office of Labor Relations

#### VIII Cancellation

This directive cancels Departmental Directive 83-07, Function Code 310 and Headquarters Memorandum 89-31.

Colonel Clarence Edwards

Chief of Police

# SICK LEAVE



FC No.: 311

Date: 04-18-02

## Contents:

- I. Purpose
- II. General Procedures
- III. Family and Medical Leave Act (FMLA)
- IV. Parental Leave
- V. Maternity Cases
- VI. Family Sick Leave
- VII. Sick Leave Bank Programs
- VIII. Proponent Unit
- IX. Cancellation
- Appendix A: Family Sick Leave Chart

### I. Purpose

This directive provides guidelines for department employees requesting sick leave. *This directive merely attempts to clarify the FOP and MCGEO contracts. For any questions that arise, the contracts will supersede the directive.* (CALEA 22.2.1.c, 22.2.4)

### II. General Procedures

#### A. Notification Requirements

Any employee of the department, unable to report for work because of illness, shall:

1. Notify their respective supervisor or an alternate person designated by the district/unit commander.
2. Advise a phone number where the employee can be reached during the time the sick leave is in effect.

NOTE: The requirement to leave a phone number is based on a 1984 Conciliation Agreement with the FOP. It is a general requirement which does not prevent the employee from leaving the residence for a doctor's appointment, to purchase items in a store, or to attend to other personal needs.

3. Except in emergencies, notification of illness shall be accomplished not less than one hour prior to the time the employee is scheduled to report for duty, assignment, or detail.

- B. All sick leave use shall be documented on *the MCP 304, "Leave Request."* The responsibility for approving or disapproving sick leave rests with the employee's supervisor.

#### C. Physician's Certificate (Mandatory)

An employee using more than five consecutive days of sick leave shall submit to the employee's supervisor a certificate from a physician or other recognized medical practitioner. The certificate shall confirm the illness and the employee's inability to report to work or to perform part or all of the duties and responsibilities of the employee's position and the dates of treatment.

#### D. Physician's Certificate (Conditional)

1. *Whenever an employee uses excessive or questionable sick leave and abuse is reasonably suspected, a supervisor may request written certification of illness from the employee who has used sick leave for 40 consecutive work hours or less. The supervisor will advise the employee in writing of the reasons for the certification requirement. For MCGEO bargaining unit members, employees must be given prior notice as to the requirement to provide*



*certification for future absences.*

2. Failure by the employee to submit the documentation means the employee has failed to meet the condition established and results in disapproval of the *leave* request. In such instances, the employee then is considered absent without official leave and paid leave is denied. The time in question is recorded on payroll sheets as "leave without pay (AWOL)" which places the employee in a non-pay status. This policy does not apply to FLSA exempt employees.

- E. In those cases where an employee uses excessive or questionable amounts of sick leave, the Chief of Police may require written certification of the illness and/or have the employee take a medical examination. Where abuses of sick leave are revealed, the Chief may also take disciplinary action. (CALEA 26.1.5)

**F. Fitness-for-Duty Examinations**

*Managers and supervisors requesting medical evaluations should describe the behavior(s) or condition of the employee that is prompting the request. Supervisors and managers should not request a specific form of examination (e.g., orthopedic, psychological, etc.). The County Medical Examiner (CME) decides the specific type of examination that the employee should undergo. Therefore, it is important that descriptions of behavior or condition be sufficiently detailed to explain to the CME the overall concerns so that the CME may appropriately recommend a specific type of medical examination the employee should undergo. (CALEA 22.3.1)*

**G. "Return to Work" Authorization**

1. *Before an employee returns to work after an absence which is the result of a workers' compensation injury or after having been out 15 or more work days, the employee must have a "Return to Work" authorization form completed by the employee's private physician or workers' compensation physician authorizing the employee's return to work.*
2. *The form must be presented to the employee's supervisor immediately upon returning to work.*
3. *If fitness for duty issues arise upon the employee's return to work, the employee may be required to see the CME who may make further determination as to fitness for duty.*
4. *After receiving the "Return to Work" authorization form, the employee's supervisor will forward this form to Occupational Medical Services (OMS) for inclusion in the employee's medical file.*
5. *Notwithstanding the above requirements, an employee may be required to submit to a medical examination by the CME to determine fitness for duty.*

- H. An employee who has prior knowledge of sick leave use for an operation, special medical, dental, or optical treatment, etc., shall inform the employee's supervisor in advance so that work schedules can be adjusted.

**I. Temporary No-Duty Status**

Officers on sick leave are in a temporary no-duty status (as defined in FC 380, "Disability Policy," and *FOP Collective Bargaining Agreement, Art. 11.E.5.a*). Officers in this status are not permitted to wear the police uniform or operate a police vehicle. A return to another status must be certified by the OMS if the sickness exceeds 15 days (3 days for an on-the-job injury).

**III. Family and Medical Leave Act (FMLA)**

**A. Definitions**

1. Family and Medical Leave - Paid or unpaid leave granted to eligible employees.
2. Eligible Employee - An employee who has been employed by the county for a total of 12 months and who has been in a work status for at least 1040 hours in the preceding 12 months. An eligible employee must be allowed to use 12 workweeks per leave (calendar) year or any combination of annual leave, sick leave, disability leave, parental leave, and leave without pay for any one or more of the following reasons:
  - a. To care for the employee's newborn *child* or newly adopted child or to care for a foster child newly placed with the employee.
  - b. To obtain prenatal care for the employee or to arrange for the adoption or foster care placement of a child with the employee.
  - c. To care for, or arrange care for, any of the following with a serious health condition:
    - The employee's spouse,
    - The employee's minor child,
    - The employee's adult child incapable of self-care, or
    - The employee's parent.
  - d. *Because of the employee's serious health condition that makes the employee unable to perform the functions of the employee's position.*



B. Use of FMLA Leave

1. Leave taken to care for the employee's newborn child or child newly placed for adoption or foster care:
  - a. Shall be taken within 12 months of the birth, adoption, or foster care placement of the child.
  - b. May be used on a continuing basis or, with the approval of the employee's supervisor, may be used on an intermittent or reduced workweek basis.
  - c. At the employee's option, may be paid leave of the appropriate type, or unpaid leave, or any combination of the two.
  - d. Shall be unpaid leave if the employee has exhausted all appropriate paid leave.
  - e. Is subject to a 30-day advance notice period.
  - f. Will not qualify as parental leave if the leave is taken to care for a newly placed foster child or if the employee has exhausted the 720 hours of parental leave per 24-month period.
2. FMLA leave taken for medical purposes to care for, or arrange care for, a serious health condition of the employee's spouse, minor child, adult child incapable of self care, or parent or because of the employee's serious health condition that makes the employee unable to perform the functions of the employee's position:
  - a. At the employee's option, may be paid leave of the appropriate type or unpaid leave, or any combination of the two.
  - b. Must be unpaid leave if the employee has exhausted all appropriate leave.
  - c. May be used on a continuing, intermittent, or reduced workweek basis, as needed.
  - d. A supervisor may require an employee to submit medical certification from a health care provider to support a request for FMLA leave for the employee's serious health condition that makes the employee unable to perform the functions of the employee's position, or for the serious health condition of the employee's family member. (CALEA 22.3.1, 22.3.2) A request for medical certification must be made in writing and must advise the employee of the anticipated consequences of failing to provide the certification. As provided by the FMLA, medical certification for FMLA leave may be required for any of the following reasons:
    - The FMLA leave exceeds five consecutive workdays.
    - The employee requests to use any amount of annual leave as FMLA leave and the requested leave would not normally be approved under the standards generally applied to requests for annual leave.
    - The supervisor has a reasonable basis to suspect the employee of FMLA leave misuse or abuse.
    - *Article 19, Section G, or any other provision, of the FOP Collective Bargaining Agreement requires the employee to submit medical certification under the circumstances.*
  - e. A supervisor may require medical recertification of a serious health condition of the employee or the employee's family member. Such recertification may be requested verbally, at reasonable intervals, but not more often than every 30 days, unless:
    - The employee requests an extension of leave.
    - Circumstances described by the original certification have changed significantly.
    - The supervisor receives reliable information that leads to a reasonable doubt upon the continuing validity of the original certification.
    - The employee is unable to return to work after FMLA leave because of the continuation, recurrence, or onset of a serious health condition.
    - *An employee on disability leave that is designated as FMLA cannot be required to take a restricted duty work assignment until the employee has exhausted all FMLA leave.*
  - f. If medical certification or recertification is required, it must be submitted by the employee within 15 calendar days after it is requested by the supervisor.
  - g. If the supervisor has reason to doubt the medical opinion as documented by the completed medical certification for the serious health condition of the employee or the employee's family member, the supervisor may, after providing reason(s) for such doubt to the employee, require the employee to obtain, at the county's expense, a medical opinion from a second health care provider designated by the OMS. If the two opinions differ, the employer may require a medical opinion from a third health care provider at the expense of the county. The employee and the OMS must jointly agree on the third health care provider, whose opinion is final and binding.
  - h. FMLA leave taken for a serious health condition may be taken on an intermittent or reduced work schedule if the medical need can best be accommodated through such a schedule. An employee must attempt to schedule intermittent leave so as not to unduly disrupt the work.
  - i. FMLA leave cannot be taken to care for the employee's adult child capable of self-care who has a disability from which complete recovery is expected.
  - j. When returning from 15 or more days of FMLA leave for the employee's serious health condition other than childbirth, the employee may be referred to OMS for clearance to return to work.
3. An employee may be temporarily transferred to another position in the department, provided there is no reduction in grade, with equivalent pay and benefits to accommodate an intermittent leave schedule or reduced workweek.
4. *Employees must apply for paid FMLA leave in accordance with applicable procedures for the granting of annual*



*leave, sick leave, and parental leave and provide as much advance notice as possible to the supervisor so as not to unduly disrupt the work unit. When unforeseen events occur, notice of the need to use FMLA leave shall be given as soon as practicable, ordinarily within one or two working days.*

5. Eligible employees must provide advance written notice of intent to use leave without pay for FMLA purposes when the need to use the leave is foreseeable. Employees must otherwise provide such notice as is practicable.
6. Either the employee or supervisor may designate leave as FMLA leave. The supervisor should designate leave as FMLA leave if the information available to the supervisor from the employee indicates that the leave is being taken for an FMLA purpose, and the employee has not requested or otherwise indicated that the leave is FMLA leave. The supervisor must advise the employee prior to the completion of the period of leave that it has been designated as FMLA leave and the reasons for the designation.

C. Limitations on FMLA Sick Leave Usage

FMLA sick leave may only be used for the following FMLA purposes:

1. To care for the employee's newborn or newly adopted child, provided the leave qualifies as parental leave (see section IV).
2. To care for the employee's newborn or newly adopted child, if the leave does not qualify as parental leave, subject to the limitations on family sick leave.
3. To obtain prenatal care for the employee.
4. To care for, or arrange care for, any family member as permitted.
5. Because of the employee's serious health condition that makes the employee unable to perform the functions of the employee's position.

D. Recording of Family and Medical Leave

Leave used for FMLA purposes will be recorded on the timesheet once as "FMA" and also as annual leave, sick leave, disability leave, or leave without pay, as applicable.

IV. **Parental Leave**

- A. Employees shall be allowed to use up to 720 hours of any combination of sick, annual, or compensatory leave and leave without pay during any 24-month period to care for:

1. A newborn child of the employee, or
2. A newly adopted child of the employee.

B. Use of Parental Leave

All leave taken under this section:

1. Must be used within 12 months after the birth of the child or placement with the employee for adoption. *If the member does not use the entire amount of parental leave within the 12 month period following the birth or placement of the child, the balance will remain available and may be used for a subsequent birth or placement, provided that parental leave for any birth or adoption does not exceed 720 hours.*
2. At the election of the employee, may be used on a continuing basis.
3. With the approval of the supervisor, may be used:
  - a. Under a method involving a reduced workday or workweek.
  - b. On an intermittent basis.
  - c. Any combination thereof.
4. May be in addition to any other leave taken.
5. Is subject to a 30-day advance notice requirement.

C. Limitations on Leave Usage

1. Any use of leave for either medical reasons or for the purpose of attending to the immediate family at the time of birth or adoption of a child must be deducted from the 720 hours.
2. Sick leave donations may not be used to cover leave without pay.

- D. The use of parental leave for an FMLA purpose will be considered to be FMLA leave and count towards the FMLA entitlement of 12 weeks of leave in a leave year. However, compensatory time used as parental leave cannot be counted as FMLA leave.

- E. An employee who has exhausted the parental leave (720 hours in a 24-month period) may still be entitled to use up to 12 weeks of FMLA leave in a leave year if the employee has not exhausted the entitled FMLA in the calendar year.

- F. It is the responsibility of supervisors to track employees' use of parental leave.

#### V. Maternity Cases

##### A. Female Employees

A female employee, upon learning she is pregnant, will immediately forward a memorandum to her commanding officer providing the date she was informed of her pregnancy, the name and address of the attending physician, and the approximate delivery date of the child.

##### B. Female Officers

The status of a pregnant female officer will be decided on a case-by-case basis after consultation with her physician and agreement by OMS. Once a female officer becomes aware of her pregnancy, she will:

1. Notify the department that she is pregnant and indicate if she prefers to go on restricted duty or remain in a full duty status.
2. If she elects to be placed in a restricted duty status, she will be assigned to an available position within the department as outlined in FC 380 *or the appropriate collective bargaining agreement*. Her assignment, and any limitations, will be predicated on the guidance provided by her physician and OMS.
3. If she prefers to remain in a full duty status, she must submit a letter from her physician to the Chief of Police indicating she is fully able to perform her duties as a sworn police officer without harm to herself or the fetus. If a review of the medical recommendations indicate it would not be unsafe for the officer or fetus, the officer will be permitted to remain in a full duty status. She then may remain on full duty until:
  - a. Her physician determines it is unsafe for the officer to remain in full duty status, with concurrence by OMS.
  - b. Her physician determines that it would be unsafe for the fetus if the officer remains in full duty status, with concurrence by OMS.
  - c. The officer requests restricted duty status.

- C. A pregnant female employee may continue to work (subject to the disability policy restrictions) whenever the pregnancy does not adversely impair the employee's work performance and such continuation at work does not conflict with the attending physician's advice.

- D. *The employee must provide the employer at least 30 days advance notice before FMLA is to begin if the need for the leave is foreseeable based on an expected birth.* For other periods of the pregnancy, an employee who is not able to report to work because of pregnancy or childbirth complications *may also use FMLA leave and shall be eligible to use accrued sick leave.*

##### E. Male Employees

In cases when the mother is recovering from childbirth, the *father is entitled to FMLA leave or he* can request parental leave. The amount used is limited *as specified previously in sections III and IV.*

#### VI. Family Sick Leave

The Personnel Regulations, FOP, and MCGEO provide for the use of sick leave for an illness, injury, medical quarantine, medical, dental, or optical examinations, and treatments in the immediate family or for the purpose of attending to the immediate family at the time of birth or adoption of a child, provided the time used is not for a period more than the amount of sick leave earned in any calendar year.

#### VII. Sick Leave Bank Programs

##### A. Non-Sworn Employees (Grade 25 and Up) and Sworn Employees (Lieutenant and Above)

A sick leave bank program has been established by the county and is set forth in Administrative Procedure 4-17, "Sick Leave Donor Program."

##### B. Sworn Employees (POI – Sergeant)

1. The sick leave bank program has been established by the collective bargaining agreement.
2. *Unit members married to other unit members shall be allowed to donate sick leave to their spouse for Parental Leave and FMLA purposes. Unit members are required to obtain approval of leave consistent with current*

*practice.*

C. Non-Sworn Employees (Members of MCGEO)

A sick leave bank program has been established by the collective bargaining agreement.

**VIII Proponent Unit: *Legal and Labor Relations Division***

**IX. Cancellation**

*This directive cancels Function Code 311, effective date 01-06-98.*

Charles A. Moose, Ph.D.  
Chief of Police



## APPENDIX A

## Family Sick Leave Chart

	Family Sick Leave	Parental Leave	Family and Medical Leave Act
Hours Available	120 hours per calendar year	720 hours per 24 month period	480 hours per calendar year
Types of Leave That can be Used	Sick Leave	Sick, Annual, Compensatory, and Leave Without Pay	Sick, Annual, Leave Without Pay, and Disability Leave (for an approved disability)
Reasons to Use	An employee may use family sick leave for an illness, injury, medical quarantine, medical, dental or optical examinations and treatments in the immediate family or for the purpose of attending to the immediate family at the time of birth or adoption of a child	An employee may use parental leave to care for a newborn child of the employee or a newly adopted child of the employee. All leave taken under parental leave must be used within 12 months after the birth of the child or placement with the employee for adoption.	An employee may take leave under the FMLA to care for a newborn or newly adopted child, for prenatal care, to care for a family member with a serious health condition, or to take time off when the employee is unable to work due to a serious health condition
Who Tracks the Leave	Payroll Section	The employee's supervisor	Payroll NOTE: FMA is a <u>tracking</u> code only, not a pay code.
Additional Information		The first 480 hours of parental leave in each year are subtracted from FMLA leave (except when compensatory leave was used).	If all allotted parental leave has been used, the employee may still use any remaining FMLA leave allowed for that year.



**APPENDIX H: Summary of Work Hour and Leave Use for Other Departments, January 2, 2011 through June 30, 2012**  
**Source: Montgomery County MCTime**

**Work Hours and Leave by Other Departments**

	Number of Employees	Total Regular Hours	Total Leave Hours	Total Annual Leave	Total Sick Leave	Total Compensatory Leave	Total Holiday Leave	Total Personal Leave	Total Administrative Leave	Total Disability Leave	Total Unpaid Leave	Total Unscheduled Leave
Board of Elections	21	51,386	14,134	4,751	4,082	2,335	2,001	636	213	0	45	57
County Attorney	55	142,559	29,033	11,318	7,239	2,239	5,199	2,149	768	0	7	510
County Executive	11	28,980	5,350	2,097	930	655	1,080	460	128	0	0	20
Community Use of Public Facilities	23	57,274	13,131	4,632	3,564	587	2,122	850	285	1,080	0	261
Economic Development	22	57,559	11,081	4,430	2,665	818	2,085	818	266	0	0	164
Environmental Protection	123	313,613	69,450	27,006	18,100	6,193	11,575	5,098	1,227	0	209	2,665
Permitting Services	143	365,198	80,924	33,622	20,983	4,646	13,800	5,427	1,696	0	673	3,831
Technology Services	103	266,689	54,643	21,250	12,463	4,545	9,553	3,722	1,578	0	355	675
Finance	70	182,644	35,750	11,940	9,478	3,362	6,690	2,938	1,212	0	0	523
Housing and Community Affairs	60	153,734	31,324	12,852	7,686	2,041	6,100	2,158	451	0	0	1,962
Public Libraries	137	346,002	79,259	32,585	21,451	4,072	13,017	4,795	2,759	20	392	3,047
Office of Consumer Protection	14	36,672	7,008	3,203	1,415	460	1,310	571	50	0	0	11
Human Resources	49	127,459	25,410	9,250	6,242	2,304	4,667	1,906	752	0	161	639
Management and Budget	17	43,428	9,612	3,454	2,092	1,593	1,605	576	293	0	0	16
Public Information Office	46	115,433	28,071	10,870	7,389	1,754	4,397	1,790	815	172	783	2,849
Recreation	82	212,872	42,969	14,978	11,993	3,447	7,333	2,496	1,680	0	994	1,031
Sheriff's Office	155	388,190	94,468	37,333	18,708	15,588	12,459	2,573	2,926	2,593	2,248	11,689

**Family Sick, FMLA and Parental Leave by Other Departments**

	Total Family Sick Leave	Total FMLA Leave	Total Parental Leave
Board of Elections	601	313	281
County Attorney	1,329	767	0
County Executive	6	0	197
Community Use of Public Facilities	686	142	0
Economic Development	202	279	14
Environmental Protection	3,664	1,088	76
Permitting Services	2,470	2,307	407
Technology Services	1,234	657	34
Finance	1,461	520	373
Housing and Community Affairs	1,187	207	13
Public Libraries	3,331	1,502	197
Office of Consumer Protection	218	27	0
Human Resources	406	662	315
Management and Budget	162	611	0
Public Information Office	549	2,835	0
Recreation	1,680	3,797	97
Sheriff's Office	4,101	4,179	1,746

**Annual and Sick Leave Balances by Other Departments**

	Average Annual Leave Balance Per Year of Service	Average Sick Leave Balance Per Year of Service
Board of Elections	32	52
County Attorney	19	52
County Executive	34	58
Community Use of Public Facilities	14	25
Economic Development	30	46
Environmental Protection	21	45
Permitting Services	16	42
Technology Services	23	59
Finance	27	50
Housing and Community Affairs	20	35
Public Libraries	15	45
Office of Consumer Protection	15	45
Human Resources	26	42
Management and Budget	31	57
Public Information Office	20	38
Recreation	19	58
Sheriff's Office	16	56

**Overtime by Other Departments**

	Total Overtime Hours Paid	Total Overtime Hours Compensatory Leave Earned	Total Overtime Hours
Board of Elections	3,372	979	4,350
County Attorney	133	1,603	1,736
County Executive	0	210	210
Community Use of Public Facilities	118	49	166
Economic Development	2	261	263
Environmental Protection	3,725	3,585	7,310
Permitting Services	7,654	2,472	10,126
Technology Services	1,786	2,967	4,753
Finance	2,872	2,361	5,233
Housing and Community Affairs	1,935	209	2,144
Public Libraries	13	178	190
Office of Consumer Protection	0	70	70
Human Resources	222	1,779	2,001
Management and Budget	0	1,483	1,483
Public Information Office	873	447	1,320
Recreation	408	1,776	2,184
Sheriff's Office	11,674	8,807	20,504



# **APPENDIX I: Percent of Leave Time Available to Employees Annually, as a Percent of Expected Hours**

	Expected Hours	Annual Leave Earned	Percent of Expected Hours	Personal Leave Earned	Percent of Expected Hours	Sick Leave Earned	Percent of Expected Hours	Other Leave Earned	Percent of Expected Hours	Holidays (9 days)	Percent of Expected Hours	Total	Percent of Expected Hours
FOP (most employees on 4 10 hour days)								Compensatory Time					
Under 3 Years	2080	120	5.8%	40	1.9%	120	5.8%	26	1.3%			306	0.0%
3-15 Years	2080	160	7.7%	40	1.9%	120	5.8%	26	1.3%			346	0.0%
15+ Years	2080	208	10.0%	40	1.9%	120	5.8%	26	1.3%			394	0.0%
MCGEO (does not include Transit)													
Under 3 Years	2080	120	5.8%	24	1.2%	120	5.8%			72	3.5%	336	16.2%
3-15 Years	2080	160	7.7%	24	1.2%	120	5.8%			72	3.5%	376	18.1%
15+ Years	2080	208	10.0%	24	1.2%	120	5.8%			72	3.5%	424	20.4%
IAFF 2080													
Under 3 Years	2080	120	5.8%	40	1.9%	120	5.8%				0.0%	280	13.5%
3-15 Years	2080	160	7.7%	40	1.9%	120	5.8%				0.0%	320	15.4%
15+ Years	2080	208	10.0%	40	1.9%	120	5.8%				0.0%	368	17.7%
UNREP													
Under 3 Years	2080	120	5.8%	24	1.2%	120	5.8%			72	3.5%	336	16.2%
3-15 Years	2080	160	7.7%	24	1.2%	120	5.8%			72	3.5%	376	18.1%
15+ Years	2080	208	10.0%	24	1.2%	120	5.8%			72	3.5%	424	20.4%
IAFF 2184													
Under 3 Years	2184	126	5.8%	42	1.9%	126	5.8%					294	13.5%
3-15 Years	2184	168	7.7%	42	1.9%	126	5.8%					336	15.4%
15+ Years	2184	219	10.0%	42	1.9%	126	5.8%					387	17.7%
IAFF 2496													
Under 3 Years	2496	144	5.8%	48	1.9%	144	5.8%				0.0%	336	13.5%
3-15 Years	2496	192	7.7%	48	1.9%	144	5.8%				0.0%	384	15.4%
15+ Years	2496	249	10.0%	48	1.9%	144	5.8%				0.0%	441	17.7%

**Note - Holiday hours were not included for IAFF or FOP employees because they are expected to work if they are scheduled on a holiday**



## Appendix J: Leave Use in Executive Branch Departments As Percentages of Total Leave and Total Hours

Tables 4-3 and 4-4 of this report provide data on the annualized total and average leave hours used by employees in Executive Branch departments by both department and employee group. As shown in those tables, MCFRS employees used the most leave hours on average, 516 hours, compared with other departments. However, MCFRS employees also worked the highest number of regular hours on average, because most MCFRS employees are scheduled to work for 2,496 hours annually instead of 2,080 hours as is the case for most Montgomery County Government employees.

Another way to compare leave use among departments and employee groups is to examine the following two percentages for each type of leave, provided in the tables below:

- **Leave hours as percent of total leave hours:** this percentage shows how much each type of leave contributes to total leave in each department or employee group
- **Leave hours as percent of total hours worked as regular hours or taken as leave:** this percentage shows how much leave hours of each type represent relative to the total hours worked as regular hours or taken as leave in each department or employee group

### Leave Use as Percentages of Total Leave

Dept.	# of Employees	Percent of Leave Taken								
		Leave Hours	Annual	Sick	Comp.	Holiday	Personal	Admin.	Disability	Unpaid
By Department										
MCFRS	1,121	100%	32%	25%	15%	<1%	10%	8%	8%	<1%
MCPD	1,456	100%	33%	21%	19%	7%	9%	7%	2%	<1%
Other	1,131	100%	39%	25%	9%	17%	6%	3%	<1%	<1%
DHHS	1,038	100%	38%	27%	7%	16%	6%	4%	<1%	2%
DOT	1,013	100%	37%	29%	8%	7%	4%	5%	6%	4%
DOCR	447	100%	34%	26%	12%	5%	3%	7%	9%	1%
DGS	358	100%	36%	27%	12%	12%	5%	4%	3%	<1%
DLC	225	100%	38%	26%	8%	14%	7%	3%	2%	<1%
Total	6,789	100%	35%	25%	12%	9%	7%	6%	4%	2%
By Employee Group										
FOP	1,039	100%	32%	19%	18%	6%	10%	9%	2%	<1%
IAFF	1,065	100%	32%	25%	15%	<1%	10%	8%	9%	<1%
MCGEO	3,743	100%	37%	27%	9%	12%	5%	4%	3%	2%
Unrepresented	942	100%	37%	24%	12%	15%	7%	4%	<1%	<1%
Total	6,789	100%	35%	25%	12%	9%	7%	6%	4%	2%

### Leave Hours as Percent of Total Hours Worked as Regular Hours or Taken as Leave

Dept.	# of Employees									
		Leave Hours	Annual	Sick	Comp.	Holiday	Personal	Admin.	Disability	Unpaid
By Department										
MCFRS	1,121	21%	7%	5%	3%	<1%	2%	2%	2%	<1%
MCPD	1,456	19%	6%	4%	3%	1%	2%	1%	<1%	<1%
Other	1,131	18%	7%	4%	2%	3%	1%	<1%	<1%	<1%
DHHS	1,038	19%	7%	5%	1%	3%	1%	<1%	<1%	<1%
DOT	1,013	17%	6%	5%	1%	1%	<1%	<1%	1%	<1%
DOCR	447	20%	7%	5%	2%	1%	<1%	1%	2%	<1%
DGS	358	19%	7%	5%	2%	2%	<1%	<1%	<1%	<1%
DLC	225	16%	6%	4%	1%	2%	1%	<1%	<1%	<1%
Average	6,789	19%	7%	5%	2%	2%	1%	1%	1%	<1%
By Employee Group										
FOP	1,039	18%	6%	3%	3%	1%	2%	2%	<1%	<1%
IAFF	1,065	21%	7%	5%	3%	<1%	2%	2%	2%	<1%
MC GEO	3,743	19%	7%	5%	2%	2%	<1%	<1%	<1%	<1%
Unrepresented	942	17%	7%	4%	2%	3%	1%	<1%	<1%	<1%
Average	6,789	19%	7%	5%	2%	2%	1%	1%	1%	<1%

**APPENDIX K: Summary of Worker's Compensation Data**  
**Source: Montgomery County Department of Finance, Risk Management**

**Worker's Compensation Claims by Nature of Injury, 1/2/11 to 6/30/2012**

Nature of Injury	Claims
Strain	771
Contusion	436
Sprain	246
Laceration	219
No Physical Injury	97
Contagious Disease	78
Inflammation	67
Puncture	66
All Other Specific Injuries, NOC	56
Foreign Body	42
Burn	38
Fracture	27
All Other Occupational Disease Injury, NOC	25
Hearing Loss or Impairment	21
Syncope	20
Respiratory Disorders	19
Hernia	17
Infection	15
Multiple Physical Injuries Only	13
Cancer	10
Crushing	10
Concussion	9
Mental Disorder	9
Dislocation	7
Carpal Tunnel Syndrome	6
Vascular	6
All Other Cumulative Injury, NOC	4
Angina Pectoris	4
Electric Shock	3
Myocardial Infarction	3
Dermatitis	2
Heat Prostration	2
Rupture	2
Vision Loss	2
Asphyxiation	1
Poisoning—General (NOT OD or Cumulative Injury)	1
Other Not Labeled	7



**Worker's Compensation Claims by Source of Injury, 1/2/11 to 6/30/2012**

Source of Injury	Claims
Other-NOC	1,038
NOC-Motor Vehicle	233
On Same Level	130
Stationary Object	129
Fellow Worker; Patient; Not in Act of a	109
Animal or Insect	72
Motor Vehicle	71
Machine or Machinery	67
Person in Act of a Crime; Robbery or Crime	63
On Stairs	51
Object Being Lifted or Handled-Struck	50
Object Handled	36
Dust, Gases, Fumes, or Vapors	32
Stepping on Sharp Object	29
Fire or Flame	22
From Liquid or Grease Spills	22
Hand Tool, Utensil; Not Powered	21
From Ladder or Scaffolding	20
NOC-Cut, Puncture, Scrape— Injured By	18
Continual Noise	16
On Ice or Snow	16
Broken Glass	12
Temperature Extremes	12
Chemicals	10
Natural Disasters: Earthquake, Hurricane	10
Collision or Sideswipe With Another Vehi	7
NOC-Struck or Injured By (Includes Kicke	7
Falling or Flying Object	6
Hand Tool or Machine in Use	6
Mold	6
Object Being Lifted or Handled-Cut, Punc	6
Moving Part of Machine	4
Twisting	4
Using Tool or Machinery	3
Electrical Current	2
Hot Objects or Substances	2
Collision With a Fixed Object Standing, Cumulative, NOC; All Other; Explosion or Flare Back; Into Openings; Shafts, Excavations, Floor; NOC-Caught In, Under, or Between; Object Being Lifted or Handled-Striking; Radiation; Vehicle Upset Overturned or Jackknifed; Welding Operation	1 Each
Other Not Labeled	10

**Worker's Compensation Claims by Part of Body, 1/2/11 to 6/30/2012**

Part of Body	Claims
Lower Back Area	322
Knee	282
Shoulder(s)	184
Finger(s)	134
Hand	120
Ankle	115
Body Systems and Multiple Body	99
Upper Arm	98
Upper Leg	82
Facial Bones	79
Wrist	74
No Physical Injury	73
Elbow	62
Soft Tissue-Neck	62
Eyes	61
Foot	55
Soft Tissue- Head	49
Part of Body: Wrist(s) & Hand(s)	43
Multiple Body Parts	40
Thumb	39
Chest	37
Upper Back Area	33
Pelvis	32
Ear(s)	28
Abdomen	25
Heart	23
Disc-Neck	13
Mouth	12
Great Toe	11
Hip	11
Buttocks	9
Nose	6
Teeth	6
Multiple Neck Injury	5
Toes	5
Multiple Lower Extremities	4
Multiple Trunk	4
Multiple Upper Extremities	4
Sacrum and Coccyx	3
Larynx	1
Spinal Cord-Trunk	1
Other Not Labeled	15



## **APPENDIX L: Sources for Chapter VI, Comparative Data**

Anne Arundel County Employee Contracts

<http://www.aacounty.org/Personnel/Union/index.cfm>

Anne Arundel Employee Benefits Webpage

<http://www.aacounty.org/Personnel/Benefits.cfm#>

Baltimore County Labor Unions' Memorandums of Understanding

<http://www.baltimorecountymd.gov/Agencies/executive/laborcommissioner/index.html>

Baltimore County Benefits for Full Time Employees Webpage

<http://www.baltimorecountymd.gov/Agencies/benefits/basic/benefits.html>

Fairfax County Employee Benefits Summary Webpage

<http://www.fairfaxcounty.gov/hr/bensum.htm>

Howard County Employee Manual

<http://www.howardcountymd.gov/displayprimary.aspx?id=4294969521>

Howard County Employee Contracts

<http://www.howardcountymd.gov/displayprimary.aspx?id=4294969504>

Prince George's County Collective Bargaining Agreements

[http://www.princegeorgescountymd.gov/Government/AgencyIndex/Personnel/collective\\_bargaining\\_contracts.asp?nivel=subfoldmenu\(2\)](http://www.princegeorgescountymd.gov/Government/AgencyIndex/Personnel/collective_bargaining_contracts.asp?nivel=subfoldmenu(2))

Prince George's County Human Resources Management Homepage

<http://www.princegeorgescountymd.gov/Government/AgencyIndex/Personnel/index.asp>

# **Employee Work Hours and Leave in Montgomery County Government**

## **Presentation on OLO Report 2013-3**

Public Safety Committee  
Government Operations and Fiscal Policy Committee

March 14, 2013

## **Outline of Presentation**

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- Purpose of Report
- Methodology
- Leave Administration
- Data
- Recommendations
- Responses to Councilmember Questions  
Asked when Report Released

## **Purpose of Report**

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**To understand how regular hours worked by County Government employees impact total overtime hours and the total staff complement needed**

## **Methodology**

## **Methodology**

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- **MCtime data from January 2, 2011 through June 30, 2012**
- **Seven Executive Branch departments with 200+ full-time employees**
- **Data for 6,789 employees**
- **Some data annualized**
- **No trend data available**

## **Methodology**

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- **2,080-Hour Departments**
  - Corrections
  - General Services
  - Health and Human Services
  - Liquor Control
  - Police
  - Transportation
- **2,496-Hour Department**
  - Fire and Rescue

## **Employee Leave Accrual**

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<b>Employee Group</b>	<b>Annual, Personal, and Sick Leave Accrued Annually</b>	
	<b>Hours</b>	<b>Percent of Time</b>
FOP*	306 - 394	15-19%
MC GEO IAFF 2,080-Hour Employees Unrepresented Employees	264 - 352	13-17%
IAFF 2,184-Hour Employees	276 - 369	13-17%
IAFF 2,496-Hour Employees	336 – 441	13-18%

\* Includes 26 hours of compensatory leave,

## **Administration of Leave**



## **Administration of Leave**

- **Departments oversee most leave administration**
  - Departments develop policies and practices
  - Policies and practices vary significantly
- **Office of Human Resources administers:**
  - Leave without pay
  - Review and approval of Family and Medical leave
  - Training (one leave-related course – on FMLA)

## **Administration of Leave**

- **Variations in leave administration include:**
  - Training of supervisors
  - Reporting of unscheduled leave
  - Availability of annual leave
- **Results in different leave patterns among departments**

## **Data on Work Hours, Leave Use, and Overtime**

### **Employee Availability**

**Availability =**

$$\frac{\text{Regular Hours Worked}}{\text{Regular Hours Worked} + \text{Leave Used}}$$

Availability does not include paid overtime or overtime where compensatory leave was earned

## Employee Availability

Department	Availability
DLC	83.8%
DOT	82.5%
Other	82.1%
MCPD	81.3%
DHHS	81.0%
DGS	80.9%
DOCR	79.8%
MCFRS	78.7%
<b>Total*</b>	<b>81.0%</b>

Employee Group	Availability
Unrepresented	82.5%
FOP	81.8%
MCGEO	81.3%
IAFF	78.6%
<b>Total*</b>	<b>81.0%</b>

## Average Leave Taken

Dept.	Average Leave Taken (in hours)*				
	All Leave	Annual	Sick	Comp.	Other
MCFRS*	⇒ 516	167	129	76	139
DOCR	⇒ 418	144	107	50	107
DGS	396	141	106	47	98
DHHS	391	148	106	26	110
MCPD	389	127	81	73	100
Other	372	145	92	33	101
DOT	363	134	106	27	93
DLC	334	128	85	27	91
<b>Average</b>	<b>404</b>	<b>143</b>	<b>101</b>	<b>49</b>	<b>107</b>

\*Annualized data; Most MCFRS employees have a 2,496-hour work year.

## **Top 5% of Leave Users**

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<b>Department</b>	<b>% of Total Department Leave Used</b>
DOCR	15%
DOT	14%
MCFRS	13%
DGS	13%
MCPD	12%
DLC	12%
DHHS	10%
Other	10%

<b>Employee Group</b>	<b>% of Total Department Leave Used</b>
FOP	13%
IAFF	13%
MC GEO	12%
Unrepresented	10%

## **Leave Abuse**

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- Small percent of employees abuse leave
- Occurs most often with sick and FMLA leave
- Disciplinary process is difficult and cumbersome
- In FY12, the seven largest departments:
  - 143 employees put on sick leave restriction
  - 25 employees got written reprimands for leave abuse

## **Overtime Hours and Cost**

---

- 1.1 million overtime hours worked and 11.7 million regular hours on an annualized basis
- 80% of overtime in MCFRS, DOT, and MCPD, which have 53% of employees
- \$63.2 million estimated cost of paid overtime in the 18-month period

## **Regular vs. Overtime Hours**

---

Department	# of Regular Hours Worked for Every One Overtime Hour
DHHS	78
Other	45
DLC	24
DGS	18
MCPD	10
DOCR	8
DOT	7
MCFRS	6
<b>Total</b>	<b>11</b>

Employee Group	# of Regular Hours Worked for Every One Overtime Hour
Unrepresented	21
MC GEO	14
FOP	9
IAFF	5
<b>Total</b>	<b>11</b>



## **Number of Employees Working Overtime**

# of Overtime Hours	Employees	
	#	%
0-499	4500	80%
500-999	845	15%
1000+	260	5%
Total	5605	100%

### **Employees who worked 500+ overtime hours:**

43% in MCFRS, 29% in DOT, 19% in DOCR

## **Overtime with Few Regular Hours**

- **Worked 40 or fewer regular hours AND worked overtime in at least 3 pay periods**
  - 1,050 employees
  - 132,128 hours
- **Worked zero regular hours AND worked overtime in at least 1 pay period**
  - 245 employees
  - 5,393 hours

## **Data Management**

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- **Inconsistencies / variation in MTime data**
- **Different rules for implementing leave**
  - FMLA leave in DLC
- **Different rules for recording leave**
  - Unscheduled leave in MCFRS

## **Recommendations**

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1. **Expand OHR's role in leave administration**
2. **Receive a bi-annual attendance and leave report**
3. **Review policy on overtime in pay periods with few regular hours**
4. **Ask the County Executive for a more in-depth review of:**
  - Workers' Compensation processing and claim recordation
  - Sick leave management
  - MCFRS leave usage and recordation
5. **Undertake a Total Absence Management study**

## **Councilmember Questions**

### **Salary Increases & Overtime Costs**

- **\$63.2 million in overtime costs between January 2, 2011 and June 30, 2012**

<b>If Salaries Increase...</b>	<b>The \$63.2 Million Overtime Cost Would Increase...</b>
5%	\$3.2 million
10%	\$6.3 million

# Work Hours Comparison

	Average Hours Worked in a Year	
Heritage Foundation Study Data		
Private Sector	2,083	
Federal Employees	1,930	
State & Local Employees	1,896	
County Government Executive Branch Data	Without Overtime	With Overtime
	⇒ 1,727	1,889 ←
MCFRS	1,905*	2,243*
DLC	1,736	1,964
DOT	1,711	1,874
Other	1,703	1,864
MCPD	1,690	1,809
DGS	1,683	1,776
DHHS	1,669	1,741
DOCR	1,657	1,690