



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Administrative Leave Amendments	Number 17-20
Originating Department Office of Human Resources	Effective Date

ADMINISTRATIVE LEAVE AMENDMENTS

Issued by: County Executive
COMCOR 33.07.01

Authority: Montgomery County Code Section 33-7(b)

Supersedes: Executive Regulation 16-13, in part
Council Review Method (1) Under Code Section 2A-15
Register Vol. 37, No. 12

Comment Deadline: December 31, 2020

Effective Date:

Sunset Date: None

SUMMARY:

The regulation amends Section 1 of the Montgomery County Personnel Regulations to place a limitation on the use of administrative leave. The regulation amends Section 21 of the Montgomery County Personnel Regulations to allow the CAO to authorize the use of administrative leave when a public health emergency exists in the County. This change would specifically allow the CAO to grant administrative leave when there is a countywide health crisis. This regulation amends Section 21 of the Montgomery County Personnel Regulations to prohibit employees from using administrative leave hours for outside employment. This regulation also limits the uses of administrative leave to those situations for which it is granted and allows the CAO to review whether administrative leave should continue to be granted to an employee. Finally, this regulation requires employees to use their own leave in situations where such leave normally would be authorized.

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BACKGROUND: INFORMATION

The Montgomery County Code authorizes the County Executive to promulgate personnel regulations.



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Please use the key below when reading this regulation:

- Boldface** *Heading or defined term.*
- Underlining *Added to existing regulation by proposed regulation.*
- [Single boldface brackets] *Deleted from existing regulation by proposed regulation.*

COMCOR 33.07.01 DEFINITIONS

33.07.01.01 Definitions

* * *

1-2. Administrative leave: Unearned paid leave granted to an employee or group of employees for reasons determined to be in the best interest of the County. An employee on administrative leave must be prepared to report to work at any time during his or her regularly scheduled tour of duty where the provision of administrative leave was based on this requirement. Administrative leave is not an employee entitlement but is granted at the discretion of the CAO.

* * *

COMCOR 33.07.21 ADMINISTRATIVE LEAVE

33.07.01.21 Definitions

SECTION 21. ADMINISTRATIVE LEAVE

21-1. Authorized uses of administrative leave. The CAO may grant administrative leave to an employee:

- (a) in a general emergency;
- (b) when an unhealthy or dangerous situation exists at a County facility;
- (c) who is relieved of duty pending:
 - (1) an investigation of an incident or charge;
 - (2) removal from the employee's position; or
 - (3) a determination of the employee's fitness for duty;



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- (d) to attend officially approved meetings, conferences, seminars, or training, or as paid professional improvement leave;
- (e) subpoenaed as a witness in a civil or criminal case or an administrative proceeding, unless the employee is subpoenaed as a witness in a civil case:
 - (1) that is unrelated to the employee's official duties; and
 - (2) to which the employee is a party;
- (f) required to serve on a jury;
- (g) for bereavement, under Section 21-2 of these Regulations;
- (h) for military service or military training under Section 22 of these Regulations;
- (i) who is injured on the job, until the Risk Management Division of the Department of Finance determines if the employee is eligible for disability leave;
- (j) under other circumstances where the CAO determines that granting administrative leave is in the best interest of the County;
- (k) for up to two hours to vote if the employee's work schedule on the day of an election does not allow at least 2 consecutive hours off while the polls are open;
- (l) to serve as an organ donor, under Section 21-4 of these Regulations; [and]
- (m) for an interview for other positions in County Government[.]; and
- (n) when a public health emergency exists in the County.

21-2. Limits on administrative leave. An employee will continue to be eligible for administrative leave, subject to any limitations in Section 21-1, or if, after any other necessary review, as determined by the CAO, the employee continues to meet the requirements under which the administrative leave was granted.

21-3. Outside employment and administrative leave. County employees shall not engage in outside employment or volunteer work:



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- (a) during the employee's tour of duty or the same work hours for which the employee was approved for administrative leave under Section 21-1, or,
- (b) under conditions that violate the reasons for which the administrative leave was granted.

21-4. Employee Use of Leave. County employees shall not use approved administrative leave for any hours for which they should be using approved annual, sick, disability, parental or family and medical leave hours, leave without pay, compensatory leave or paid time off (PTO), as defined in these Regulations.

21-5 [21-2]. Limits on administrative leave for bereavement.

- (a) The Department Director may grant administrative leave to an employee who has experienced the death of a member of the employee's immediate family, under Section 1-32 of these Regulations.
- (b) Upon written request, the OHR Director may grant administrative leave to an employee who has experienced the death of an individual outside of the employee's immediate family who was related to the employee through blood or marriage or an individual with whom the employee had a close association that was the equivalent of a family relationship, if:
 - (1) there is demonstrated objective proof of an extremely close relationship between the individual and the employee, such as
 - (A) the individual was living with the employee at the time of death;
 - (B) the individual and the employee grew up together in the same household; or
 - (2) extenuating or special circumstances exist.
- (c) For each occasion, the maximum amount of administrative leave that an employee may use as bereavement leave is:
 - (1) 3 calendar days within 15 days of the death for a firefighter who works 24-hour shifts; and
 - (2) 3 workdays within 15 days of the death for any other employee.



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21-6 [21-3]. Limits on administrative leave for injury on the job. If the Risk Management Division of the Department of Finance determines that an employee is not eligible for Workers' Compensation benefits for an injury on the job, the County must adjust the employee's leave balances or pay to reimburse the County for the administrative leave that the employee was granted for the injury on the job. The County should deduct leave from the employee's leave balances first but, if the employee has no leave, may take the value of the leave from the employee's pay.

21-7 [21-4]. Limits on administrative leave for organ donors.

- (a) The Department Director may grant administrative leave to an employee for:
 - (1) up to 7 days in any 12-month period to serve as a bone marrow donor; and
 - (2) up to 30 days in any 12-month period to serve as an organ donor.
- (b) The organ donor leave is in addition to any annual leave, sick leave, personal days, or paid time off that the employee is otherwise entitled to.
- (c) The employee must provide medical documentation of the bone marrow or organ donation before organ donor leave is approved.

21-8 [21-5]. Limits on administrative leave for general emergency. An employee will not be eligible for administrative leave for a general emergency if an employee is AWOL on either the employee's last regular workday before or first regular workday after the general emergency, or AWOL on both days,

21-9 [21-6] Appeal of administrative leave decision. An employee with merit system status who is adversely affected by an alleged improper, inequitable, or unfair application of the County's regulations and policies on administrative leave may file a grievance under Section 34 of these Regulations.

Approved:

Marc Elrich, County Executive

Date



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Approved as to form and legality:

Justin T. Nunley
Office of the County Attorney

11/19/2020
Date