



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

<b>Subject</b> MCPR Amendments on Sick Leave Donations	<b>Number</b> 11-16
<b>Originating Department</b> Office of Human Resources	<b>Effective Date</b>

## MCPR Amendments on Sick Leave Donations

Executive Regulation No. 11-16

COMCOR No. 33.07.01

Issued by: County Executive

Supersedes: Executive Regulation 12-00AMII, in part

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

Council review: Method 1

*Montgomery County Register* Volume 33 Issue 7

Comment deadline: July 31, 2016

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

**Summary:** This regulation amends MCPR Sections 17 and 20 to allow sick leave donations to be used to care for a parent with a serious health condition; to allow an employee to use a maximum of 120 hours of sick leave donations in a leave year as parental leave to bond with or care for a newborn child or newly adopted child; to provide that an employee is not entitled to accrue annual or sick leave while using donated sick leave; and to change the eligibility requirement for parental leave from merit system status to after an employee has been employed by the County in a merit system position for at least 6 consecutive months.

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

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

Please use the key below when reading this regulation:

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



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## .SECTION 17. SICK LEAVE

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**17-10. Sick Leave Donor Program.** The Sick Leave Donor Program allows County employees to give additional sick leave, annual leave, or PTO to eligible employees who have exhausted all types of accrued leave.

*(a) Employee eligibility to receive sick leave, annual leave, or PTO donations.*

(1) An employee is eligible to receive a sick leave, annual leave or PTO donation after the employee:

- (A) has been employed by the County in a merit system position for at least 6 consecutive months;
- (B) has an extended illness or injury that causes the employee to be unable to work for more than 7 consecutive calendar days or to care for [when the employee is the primary caretaker of] the employee's spouse, domestic partner, [or] child, or parent who has a serious health condition; and
- (C) has requested leave and received approval for the period for which sick leave or PTO donations are sought because of the extended illness or injury;
- (D) has used all accrued annual leave, sick leave, personal leave, and compensatory time or all accrued PTO, personal leave, and compensatory time if the employee receives PTO instead of annual and sick leave; and

\* \* \*

*(d) Use of sick leave, annual leave, or PTO donations.*



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- (1) If an employee who earns sick leave receives a leave donation from an employee who receives PTO, the donated PTO will be credited as sick leave. If an employee who receives PTO receives a leave donation from an employee who earns sick leave, the donated sick leave will be credited as PTO.
- (2) An employee must have the approval of the employee’s supervisor to use donated sick leave or PTO.
- (3) An employee who receives a sick leave or PTO donation must use it for an absence caused by the extended illness or injury for which the leave was donated.
- (4) An employee who earns sick and annual leave instead of PTO does not [continues to] earn or accrue sick and annual leave while the employee is using donated sick leave. An employee who uses donated PTO will continue to be credited with PTO as required under Section 16-12(a) and (b) of these Regulations.
- (5) An employee may receive sick leave or PTO donations to cover complications of pregnancy, complications of childbirth, or complications of recovery from childbirth, when any of these complications make the employee unable to work.
- (6) An employee may use up to 120 hours of sick leave or PTO donations in a leave year as parental leave to bond with or care for a newborn child or a newly adopted child of the employee.
- (7)
- [(6)] An employee may apply for additional sick leave or PTO for the same extended illness or injury before an earlier donation has been exhausted.
- [(7) An employee must use all leave that the employee accrued while using donated leave before the employee may use donated leave approved by the department director at a later date].



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- (8) An employee must not use donated sick leave, annual leave, or PTO:
- (A) for a medical or dental appointment that is unrelated to the extended illness or injury for which the leave was donated; or
  - (B) to care for a family member other than the employee's spouse, domestic partner, [or] child, or parent who has a serious health condition.]; or
  - (C) to care for a well child after the child is born or adopted.]
- (9) Donated sick leave or PTO that is used by an employee is credited service that counts towards vesting and retirement eligibility. An employee must not use sick leave or PTO that is donated by another employee, but not used by the recipient, to obtain credit towards retirement.
- (10) If an employee dies while receiving leave donations, the County must not:
- (A) include donated sick leave in the lump sum sick leave death benefit described in Section 17-13; or
  - (B) pay an employee's beneficiary or estate for donated PTO under Section 16-12(e).
- (11) If an employee resigns or is separated from County employment, the County must not pay the employee for donated PTO.

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## SECTION 20. PARENTAL LEAVE

### 20-1. Definition.

**Parental leave:** An eligible employee's use of accrued paid leave, compensatory time, or unpaid



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leave [or compensatory time] granted at the time of the birth or adoption of a child.

## 20-2. Eligibility for parental leave.

- (a) A department director must allow a full-time or part-time employee to use parental leave [if] after the employee has [completed the probationary period and has merit system status] been employed by the County in a merit system position for at least 6 consecutive months.
- (b) An employee who is the parent of a newborn child or a newly adopted child is eligible for parental leave. Grandparents, aunts and uncles, and other relatives are not eligible for parental leave.
- (c) In extenuating circumstances, the department director or the employee may submit a written request to the OHR Director to waive the requirement that an employee has been employed by the County in a merit system position for at least 6 consecutive months. Extenuating circumstances under this section generally relate to employment with the County and may include an employee:
  - (1) having been a County merit status employee in the past or having previously worked for the County in a temporary position; or
  - (2) how close the employee is to meeting the 6-month requirement.

## 20-3. Amount of parental leave.

- (a) A full-time employee may use up to 720 hours of parental leave during a 24-month period.
- (b) A full-time employee who works more than 40 regularly scheduled hours per week is entitled to use a prorated amount of parental leave.
- (c) A part-time employee who works less than 40 regularly scheduled hours per week is entitled to use a prorated amount of parental leave.



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### 20-4. Use of parental leave.

- (a) An employee may use any combination of sick leave, annual leave, compensatory time, personal leave or leave without pay as parental leave.
- (b) An employee may use parental leave to care for a newborn child or a newly adopted child of the employee, and a spouse or domestic partner may use parental leave to attend to the child's mother or other children in the family at the time of the birth or adoption of a child.
- (c) Parental leave must be used within 12 months of the birth of the child or placement of the child with the employee for adoption. If the employee 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 to the employee and may be used for a subsequent birth or adoption within the original 24-month period.

\* \* \*

### 20-6 Use of sick leave as parental leave.

\* \* \*

- (b) An employee may not use more than 120 hours of donated sick leave or donated PTO in a leave year for an absence taken as parental leave.

\* \* \*

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

\_\_\_\_\_  
Date

Approved as to form and legality:  
Aune T. W. Wille      6/6/16  
Office of the County Attorney      Date