

4.5 Conditions of Work

It is the policy of this Office that employees shall be compensated for their work efforts. All compensation is set by the Anne Arundel County Council, and stated in *Article 6* of the Anne Arundel County Code, the Anne Arundel County Office of Personnel's *Employee Relations Manual*, and negotiated union contract. Items include, but are not limited to: rates of pay, leave options, hours of work, retirement programs, health insurance coverage, educational incentives and financial reimbursement, liability protection, disability and death benefits, grievance procedures, and other conditions of work and labor matters. With the exception of the items listed below, *Article 6* of the County Code, the *Employee Relation's Manual* and applicable collective bargaining agreements should be consulted for specific guidance regarding conditions of work and employment compensation.

4.5.1 Annual Leave

Definitions:

"Extended Annual Leave" means annual leave taken in blocks of five (5) or six (6) to ten (10) or twelve (12) working days as a regularly scheduled planned vacation, depending upon the Bureau to which the deputy is assigned.

"Short-Term Annual Leave" means annual leave taken in increments of one (1) to three (3) working days to meet unexpected or unanticipated needs for time off.

"Regular Work Week" is defined in Section 8.4 of the Memorandum of Agreement between Anne Arundel County and Teamsters Local #355.

The Office will grant annual leave to employees whenever possible. This policy shall apply to all bargaining unit and non-bargaining employees. While supervisors will strive to grant leave when requested, it may not be possible to grant all leave due to work load requirements. For this reason it is necessary to maintain an annual leave calendar for the Office.

Selections for extended annual leave will be made by the following method:
The supervisor of each unit will annually contact the employees on a seniority basis no later than the month of January for a *leave conference* to establish a *leave calendar* for the coming year. Once leave has been informally approved during the leave conference, employees shall submit a formal written request for the agreed upon leave.

Requests will be submitted during the period between January 1 and January 31 of the calendar year in which the extended leave is requested. The request(s) shall be honored in accordance with seniority. Seniority will be determined based on the criteria set by the Anne Arundel County Office of Personnel. Employees may request leave on the seniority basis for up to the number of hours of annual leave that will be earned for the year. All requests for leave are subject to supervisory approval, but, shall not be arbitrarily denied. The most senior deputy in a Unit or Section will be given the extended leave book. The most senior deputy will then select their first choice of extended annual leave. Requests must be a minimum of one regularly scheduled work week. However, selections may not exceed a maximum of two consecutive regularly scheduled work weeks. Any requests for leave extending beyond two regularly scheduled consecutive work weeks must be approved by the Sheriff. Requests for leave during the summer months (May 15 through September 15) may be limited to a two (2) week maximum to allow all employees the opportunity for a summer vacation.

The extended leave book will then be passed down to the next senior deputy for their first choice selection. This process will continue down the seniority list to the most junior deputy.

Once everyone has made their first choice, the process will repeat itself, beginning with the senior deputy and going in descending order. This process will be completed three times, allowing deputies to schedule up to three separate vacation periods. Deputies are required to make a pick on the first selection process. The deputy may either select or pass on the second and third selection round. Leave priority will be given to the deputy who is scheduled to be off on selected extended leave over the deputy requesting short-term leave. Extended annual leave selections must be completed before the scheduling of any short-term annual leave.

For all requests submitted on or after February 1 of the calendar year in which the annual leave is requested, supervision shall approve or deny such requests in the order in which they were received. If two (2) or more requests for the same date(s) are received on the same day, the request(s) shall be honored on the basis of

seniority, provided the supervisor determines to approve any requests for such date(s).

After the leave calendar has been established, additional leave will then be granted whenever possible on a first-come basis. Employees' requests for leave will be granted whenever possible based on date and time requested, unless two or more employees request the same leave date at the same time. In this situation, seniority will be the deciding factor.

Employees will attempt to plan their leave use throughout the year. Saving leave to create a "use it or lose it" situation at year's end is prohibited. Any accrued annual leave in excess of that permitted to be carried over to the next calendar year will be lost at the close of the calendar year. It will be the responsibility of the employee to be aware of, and review with the Human Resources Coordinator, their annual leave balances to determine if any "use or lose" annual leave may be lost at the close of the calendar year. If any employee has reason to believe that annual leave may be lost, or that there may be an error in accrual computation, the employee should contact the Sheriff's Office Human Resources Coordinator for verification and resolution. Staffing will not be compromised to rectify an annual leave dilemma created by a deputy's neglecting to properly monitor their annual leave.

In addition to the annual leave provided for in the deputies' contract, all sworn employees shall receive fifteen (15) days of paid annual leave in lieu of the holidays listed in the County Code.

4.5.2 Holiday Leave

Holiday leave is paid leave granted to each eligible employee for a recognized holiday. Because the Sheriff's Office is required to work on days when the courts are in session, sometimes there is a conflict between the County and State holiday schedule. The Sheriff will address these situations as they arise.

4.5.3 Administrative Leave Incident to an Internal Investigation

Administrative leave may be ordered pending an investigation of incidents or charges, removal, or a determination as to fitness for continued duty. Only the Sheriff or his/her designee may place an employee on administrative leave and/or suspend his/her police powers in the following situations:

- That employee has been charged with a criminal offense, operating a motor vehicle while under the influence of alcohol or drugs, under a domestic

violence order, or involved in any similarly serious situation where the best interest of the Office may be served.

- The retention of such employee may cause or continue a disruption of the work force.
- When an employee causes or is responsible for the accidental or deliberate taking of a human life, causing serious injury to a person, or when employees are present at the death or serious injury of an office employee.

Administrative leave is intended to completely remove the employee from contact with the public and co-workers, and is not a punitive action.

4.5.4 Family and Medical Leave Act

The following is only a brief, non-authoritative overview of the *Family and Medical Leave Act (FMLA)*. Inquiries regarding specific policies and procedures regarding the use and restrictions of FMLA should be directed to the Sheriff's Office Human Resources Coordinator, and/or the Anne Arundel County Personnel Office. It is important to note that leave taken under FMLA is not a specific type of leave per se, but merely a mechanism to permit the use of leave for extended absences from work.

All other types of leave must be exhausted before leave without pay is approved (e.g., disability leave, annual leave, and any other contractually available leaves, such as personal leave and compensatory leave). The only exception to this is FMLA leave used in conjunction with a *line-of-duty injury*. In such situations, worker's compensation is only authorized after the Anne Arundel County *Risk Management Department* has investigated the claim and subsequently validates that the injury is work related. Until that determination has been made, an employee must use their own accrued leave for absences from work.

Overall, FMLA is a Federal Law which provides for leave up to 12 weeks in a calendar year for "eligible" employees who request it for an authorized purpose. An eligible employee is one who has been employed by the County for at least 12 months, and who has worked at least 1250 hours in the 12-month period immediately preceding the leave. FMLA may be used for the following reasons:

- *Birth and care* of a child in the first 12 months after childbirth.
- Placement of a child with an employee for *adoption or foster care*, within the first 12 months of such placement.
- *Serious health condition* of a spouse, child, or parent.
- The employee's own *serious health condition*.

An FMLA leave request must be specifically identified as such, and should be accompanied by a physician's certification supporting the request. Employees are expected to provide the Office with at least 30 days of advance notice of foreseeable leave, to the extent advance notice is practicable.

Employees who have not requested to be placed on FMLA and who are on disability leave for more than one consecutive rotation of their scheduled work week (either 5/2 or 6/3) will be placed on FMLA by the Sheriff's Office.

4.5.5 Disability Leave

All full-time classified sworn and civilian employees accumulate disability leave at the rate of 1.25 days per month of service (15 days per year), unless stated otherwise in the employee's labor contract, employment agreement, or benefit plan. A part-time classified employee who works at least 50% of the normal work week shall earn a pro-rated amount of disability leave as provided by *Article 6, Section 1-303* of the Anne Arundel County Code. Employees may accumulate an unlimited amount of disability leave. Questions regarding disability leave earnings and entitlement should be directed to the Sheriff's Office Human Resources Coordinator.

Accumulated disability leave is considered a benefit which may be used in accordance with *Article 6, Section 1-303* of the Anne Arundel County Code as follows:

- When the employee is incapacitated from performing his/her duties because of physical or mental impairment.
- When the employee is needed to care for a spouse, dependent child, or dependent parent who is incapacitated by physical or mental impairment.
- Up to three (3) days of leave per calendar year when a non-dependent parent or non-dependent child of the employee is incapacitated by physical or mental impairment.

- When, through exposure to a contagious disease, the presence of the employee at work would jeopardize fellow employees.
- For medical, dental, or optical examination or treatment. A request for disability leave for such examination should be made prior to the start of the absence and supported by evidence of the appointment. Whenever possible, appointments should be scheduled on non-work days or outside normal work hours. **When notifying the Sheriff's Office of an intention to take disability leave (DL), the employee, or a member of their immediate family, must call the employee's supervisor or the next supervisor in the chain of command no less than one (1) hour prior to the start of the scheduled work day.**
- For donation and use as approved or directed by the Office of Personnel or as provided for in a negotiated and signed memorandum of agreement.

When an employee becomes ill, injured, or quarantined while on annual leave, the period of such illness, injury or quarantine may be charged to disability leave if the employee submits a written certification by a physician or other recognized practitioner confirming the sickness, injury, or quarantine, and the length of such confinement.

Normally, the employee's personal certification will be sufficient for use of disability leave for absences of three (3) working days or less. Absence resulting in use of disability leave in excess of three (3) working days (whether paid or unpaid) requires support of a medical certification attesting to the incapacity of the employee.

Supervisors/managers will ensure that required medical certifications are submitted by employees and the original is forwarded to the Sheriff's Office Human Resources Coordinator. No copies of medical notes will be maintained in any file except those of the Human Resources Coordinator.

Upon recovery, the employee will submit a statement from the attending physician attesting to the employee's ability to resume assigned work. The County Personnel Officer may require the employee to undergo a physical examination by the County's physician to determine his or her capability to resume the duties of his or her position.

Disability Leave Abuse:

If there is reason to believe the disability leave privilege has been abused, a supervisor, acting on behalf of the Sheriff, may request a medical certificate to justify any period of absence. In such cases, the employee will be advised in advance that a medical certificate will be required to support any further granting of disability leave, regardless of duration.

Anne Arundel County Code, Article 6, Section 1-303 defines disability leave abuse and sets forth the basis of disciplinary action for such abuse. Disability leave abuse is defined as:

- A consistent pattern of disability leave use, which may include, but is not limited to, leave use occurring before or after regularly scheduled days off, including holidays and weekends;
- The use of disability leave as fast as it is accrued or regular requests for advance disability leave; or
- Failure to provide the required medical certificate from a physician or other health care provider for absences requiring a medical certificate.

Disciplinary action may be taken if there is reason to believe that there has been disability leave abuse. In determining the severity of the discipline, the following shall be considered:

- The nature and gravity of the offense;
- The employee's disability leave record;
- The employee's work record; and
- Any other factors including, but not limited to, extenuating or mitigating circumstances presented by the employee.

The Sheriff will report to the County Personnel Officer any employee who loses excessive time from employment due to illness, or appears to be suffering from a mental or physical illness which interferes with proper and satisfactory job performance. The County Personnel Officer shall conduct the necessary investigation and make appropriate recommendations to the Sheriff for disability leave, accommodation, disciplinary action, or removal of the employee. The County Personnel Officer may require the employee to undergo additional examinations to determine suitability for retention in active County service.

Probationary employees may be granted disability leave if they have available disability leave.

Monitoring Disability Leave Usage:

Supervisors (both sworn and civilian) of their respective departmental sections will be responsible for monitoring the use of disability leave within their command, ensuring compliance with the current policies and procedures of the Office and dealing with irregularities as identified. The Human Resources Coordinator will maintain a "year at a glance" attendance card on every employee based on the daily rosters submitted by the unit/section supervisors. The "year at a glance" attendance card will be available for review by supervisors and individual employees upon request.