

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 35

Bill No. 70-19

Introduced by Mr. Pruski, Chairman
(by request of the County Executive)

By the County Council, September 3, 2019

Introduced and first read on September 3, 2019
Public Hearing set for and held on October 7, 2019
Bill AMENDED on October 21, 2019
Public Hearing on AMENDED bill set for and held on November 4, 2019
Bill Expires December 7, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Personnel – Disability Leave

2
3 FOR the purpose of adding certain definitions relating to disability leave; modifying which
4 part-time employees accrue disability leave; modifying when disability leave is
5 available for use; modifying how certain disability leave is administered for exempt
6 employees; making certain technical changes; and generally relating to personnel.

7
8 BY renumbering: § 6-1-303(a) through (m) to be § 6-1-303(b) through (n)
9 Anne Arundel County Code (2005, as amended)

10
11 BY adding: § 6-1-303(a)
12 Anne Arundel County Code (2005, as amended)

13
14 BY repealing and reenacting, with amendments: §§ ~~6-1-303(f)~~, 6-1-303(b), (f), (h), and
15 (k)(8); and 6-2-101(h)
16 Anne Arundel County Code (2005, as amended)

17
18 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
19 That § 6-1-303(a) through (m), respectively, is hereby renumbered to be § 6-1-303(b)
20 through (n), respectively.

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 SECTION 2. *And be it further enacted*, That Section(s) of the Anne Arundel County
2 Code (2005, as amended) read as follows:

3
4 **ARTICLE 6. PERSONNEL**

5
6 **TITLE 1. CLASSIFIED SERVICE**

7
8 **6-1-303. Disability leave.**

9
10 (A) **Definitions.** IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS
11 INDICATED.

12
13 (1) "CHILD" MEANS:

14 (I) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER CHILD, OR A
15 STEPCHILD OF THE EMPLOYEE;

16 (II) A CHILD FOR WHOM THE EMPLOYEE HAS LEGAL OR PHYSICAL CUSTODY OR
17 GUARDIANSHIP; OR

18 (III) A CHILD FOR WHOM THE EMPLOYEE STANDS IN LOCO PARENTIS,
19 REGARDLESS OF THE CHILD'S AGE.

20 (2) "DOMESTIC VIOLENCE" MEANS ABUSE OF A "PERSON ELIGIBLE FOR RELIEF", AS
21 THAT TERM IS DEFINED IN § 4-501(M) OF THE FAMILY LAW ARTICLE OF THE STATE CODE.

22 (3) "FAMILY MEMBER" MEANS:

23 (I) A CHILD;

24 (II) A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, A FOSTER PARENT, OR A
25 STEP-PARENT OF THE EMPLOYEE OR OF THE EMPLOYEE'S SPOUSE;

26 (III) A LEGAL GUARDIAN OF THE EMPLOYEE;

27 (IV) AN INDIVIDUAL WHO ACTED AS A PARENT OF OR STOOD IN LOCO PARENTIS
28 TO THE EMPLOYEE OR THE EMPLOYEE'S SPOUSE WHEN THE EMPLOYEE OR THE
29 EMPLOYEE'S SPOUSE WAS A MINOR;

30 (V) THE SPOUSE OF THE EMPLOYEE;

31 (VI) A BIOLOGICAL GRANDPARENT, AN ADOPTED GRANDPARENT, A FOSTER
32 GRANDPARENT, OR A STEP-GRANDPARENT OF THE EMPLOYEE;

33 (VII) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A FOSTER
34 GRANDCHILD, OR A STEP-GRANDCHILD OF THE EMPLOYEE; OR

35 (VIII) A BIOLOGICAL SIBLING, AN ADOPTED SIBLING, A FOSTER SIBLING, OR A
36 STEP-SIBLING OF THE EMPLOYEE.

37 (4) "SEXUAL ASSAULT" MEANS RAPE, SEXUAL OFFENSE, OR ANY OTHER ACT THAT
38 IS A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE OF THE
39 STATE CODE; CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE OF
40 THE STATE CODE; OR SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3-604 OF THE
41 CRIMINAL LAW ARTICLE OF THE STATE CODE.
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1 (5) "STALKING" HAS THE MEANING STATED IN § 3-802 OF THE CRIMINAL LAW
2 ARTICLE OF THE STATE CODE.

3
4 **[[b)] (C) Part-time employees.**

5
6 (1) Part-time employees who work at least 50% of the normal work week earn a
7 prorated amount of disability leave in accordance with this section.

8
9 (2) FOR PART-TIME EMPLOYEES WHO REGULARLY WORK AT LEAST 12 HOURS PER
10 WEEK BUT LESS THAN 50% OF THE NORMAL WORK WEEK, DISABILITY LEAVE SHALL BE
11 ADMINISTERED IN A MANNER THAT MEETS THE MINIMUM REQUIREMENTS OF AND IS
12 CONSISTENT WITH STATE LAW.

13
14 **[[e)] (F) Availability of accumulated disability leave.**

15
16 (1) Accumulated disability leave is available for use [[in the following
17 circumstances]]:

18
19 (i) [[when an employee is incapacitated from the performance of duties because
20 of a physical or mental impairment]] FOR THE CARE OR TREATMENT OF THE EMPLOYEE
21 FOR A MENTAL OR PHYSICAL ILLNESS, INJURY, OR CONDITION;

22
23 (ii) [[when a spouse, dependent child, or dependent parent of the employee is
24 incapacitated because of a physical or mental impairment;

25
26 (iii)]] for the birth, [[or]] adoption OR FOSTER PLACEMENT of a child [[of the
27 employee]] for up to six calendar weeks or for any longer period during which leave is
28 being taken in accordance with a disability certificate completed by a medical practitioner
29 pursuant to the Family and Medical Leave Act;

30
31 (III) FOR THE CARE OR TREATMENT OF THE EMPLOYEE'S DEPENDENT FAMILY
32 MEMBER FOR A MENTAL OR PHYSICAL ILLNESS, INJURY, OR CONDITION;

33
34 (iv) [[when a non-dependent parent or non-dependent child of the employee is
35 incapacitated by physical or mental impairment]] FOR THE CARE OR TREATMENT OF THE
36 EMPLOYEE'S NON-DEPENDENT FAMILY MEMBER FOR A MENTAL OR PHYSICAL ILLNESS,
37 INJURY, OR CONDITION,[[:

38
39 1.]] limited to [[five days of leave per calendar year for non-represented
40 employees and represented employees on the LM or FW pay schedule; and

41
42 2. limited to three days of leave per calendar year for all other employees]]
43 64 HOURS OF LEAVE PER CALENDAR YEAR;

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45 (v) when, through exposure to a contagious disease, the presence of the
46 employee at the post of duty would jeopardize fellow employees;

47
48 (vi) for PREVENTIVE medical, dental, or optical CARE, examination, or treatment
49 FOR THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER; [[and]]

50
51 (vii) for donation and use as approved or directed by the Office of Personnel or

1 as provided for in a memorandum of agreement negotiated and signed in accordance with
2 Title 4[[.]]; AND

3
4 (VIII) FOR AN ABSENCE FROM WORK DUE TO DOMESTIC VIOLENCE, SEXUAL
5 ASSAULT, OR STALKING COMMITTED AGAINST THE EMPLOYEE OR THE EMPLOYEE'S
6 FAMILY MEMBER, IF THE LEAVE IS BEING USED:

7
8 1. BY THE EMPLOYEE TO OBTAIN FOR THE EMPLOYEE OR THE EMPLOYEE'S
9 FAMILY MEMBER:

10
11 A. MEDICAL OR MENTAL HEALTH ATTENTION THAT IS RELATED TO THE
12 DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING;

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14 B. SERVICES FROM A VICTIM SERVICES ORGANIZATION RELATED TO
15 THE DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; OR

16
17 C. LEGAL SERVICES OR PROCEEDINGS RELATED TO OR RESULTING
18 FROM THE DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING; OR

19
20 2. DURING THE TIME THAT THE EMPLOYEE HAS TEMPORARILY RELOCATED
21 DUE TO THE DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.

22
23 (2) Whenever disability leave is taken for a medical, dental, or optical appointment,
24 the request must be made prior to the beginning of the absence and supported by evidence
25 of the appointment. Whenever possible, examinations or treatments shall be scheduled on
26 non-work days.

27
28 **[[g)] (H) Certification of disability.** Except as provided in subsections **[[h),]** (i),
29 **[[and]] (j), AND (K),** the employee's personal certification is sufficient to support a charge
30 to disability leave for an absence of three working days or less. Absence resulting in a
31 charge to disability leave of more than three working days, must be supported by a medical
32 certificate attesting to the incapacity of the employee. On recovery from the disability, the
33 employee shall submit a statement from the attending physician attesting to the employee's
34 ability to resume the duties of the employee's position. The Personnel Officer may require
35 the employee to undergo a physical examination by the County's physician to determine
36 the employee's capability of resuming the duties of the employee's position.

37
38 **[[j)] (K) Advancement of disability leave.** Disability leave may be advanced by the
39 appointing authority with the approval of the Personnel Officer if all of the following
40 conditions are met:

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42 (8) The employee has not been required to provide a medical certificate under
43 subsection **[[h)] (I).**

44
45 **TITLE 2. EXEMPT SERVICE**

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47 **6-2-101. Exempt pay and benefit plan.**

48
49 (h) **Employment benefits.** Employees in the exempt pay and benefit plan are entitled
50 to the employment benefits that are applicable to classified non-represented employees,
51 except that disability leave shall be administered **[[on a basis of reasonable need]] IN A**
52 **MANNER THAT MEETS THE MINIMUM REQUIREMENTS OF AND IS CONSISTENT WITH STATE**
53 **LAW.**

1 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
2 from the date it becomes law.

AMENDMENTS ADOPTED: October 21, 2019

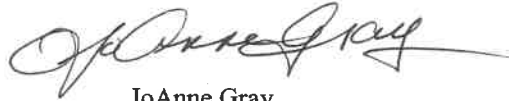
READ AND PASSED this 4th day of November, 2019

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 5th day of November, 2019



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 12th day of November, 2019



Steuart Pittman
County Executive

EFFECTIVE DATE:

DEC 2 7 2019

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
70-19. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer