

RESOLUTION 2018-02
COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND
AMENDMENTS TO KENT COUNTY EMPLOYEE HANDBOOK

WHEREAS, The County Commissioners of Kent County, Maryland, have previously adopted The Kent County Employee Handbook on October 17, 2017; and

WHEREAS, the County Commissioners of Kent County, Maryland, have determined that the *Sick Leave* policy found on page 39, the *Administrative Leave* policy found on page 42, and the *Leave without Pay* policy found on page 43 need to be amended; and

WHEREAS, the Human Resources Department of Kent County has developed and proposed on this date amended policies and the County Commissioners of Kent County have reviewed the amended policies.

NOW THEREFORE, Be It Resolved by the County Commissioners of Kent County, Maryland, that the *Sick Leave* policy found on page 39, the *Administrative Leave* policy found on page 42, and the *Leave without Pay* policy found on page 43, which were approved effective November 1, 2017, be replaced with the proposed policies, and pages 39 through 44 of the manual be replaced with the amended pages.

BE IT FURTHER resolved that the amended policies be effective March 21, 2018.

ADOPTED this 20th day of March 2018.

ATTEST:

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


Sondra M. Blackiston, Clerk


William W. Pickrum, President


Ronald H. Fithian, Member


William A. Short, Member

Every effort shall be made to give you the opportunity to use your earned leave. However, annual leave use will be approved at the discretion of your supervisor or Department Head. Each request will be reviewed based on a number of factors, including the department's staffing requirements.

You will be paid for your annual leave at your base pay rate at the time you use the annual leave.

If you do not use all of your available annual leave by the end of the calendar year, you may carry over up to a total of 400 hours of annual leave. Anything over 400 hours will be forfeited. If your employment terminates, you will be paid for any unused annual leave that has been earned through your last day of actual work, up to 400 hours. Your annual leave pay out may be decreased by deductions you owe to the County that may not have been taken from your final paycheck.

Sick and Safe Leave

(Amended 3/21/18, Resolution #2018-2)

We provide paid sick leave benefits to eligible employees to use when you are temporarily absent due to illness or injury. Use of sick leave is subject to the County's approval.

Full Time and Permanent Part Time Employees: During the first three months of employment, there are no sick leave benefits available to you. After three months of employment, full-time employees will receive a bucket of approximately 30 hours of sick leave and part time employees will receive a pro-rated amount. Full time employees will then accrue sick leave at the rate of 4.6154 hours per pay period, for a maximum of 120 hours per year. Part time employees will accrue it at the rate of .0577 times the average number of hours worked per pay period for a maximum of 26 pay periods in a year.

Employees who regularly work at least twelve hours per week but do not work in a position which qualifies for paid leave benefits: During the first 106 days of employment, there are no sick leave benefits available to you. After 106 days, you will receive a bucket of hours equal to one hour for every thirty hours that you have worked. You will then accrue sick leave at the rate of one hour for every thirty hours worked up to a maximum total of forty hours per year.

Employees who have been employed more than three months and transfer from a part time position in which they did not work enough hours to earn leave benefits to a position with leave benefits will begin accruing sick leave and have access to the benefit.

You may use sick leave in increments approved by your supervisor or department head, dependent upon departmental needs. You may use it to be absent for the following reasons:

1. to care for or treat the employee's mental or physical illness, injury, or condition;
2. to obtain preventive medical care for the employee or employee's family member;
3. to care for a family member with a mental or physical illness, injury, or condition;
4. for maternity or paternity leave; or
5. if:
 - (i) the absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member; and
 - (ii) the leave is being used:
 1. by the employee to obtain for the employee or the employee's family member: a. medical or mental health attention that is related to the domestic violence, sexual assault, or stalking; b. services

from a victim services organization related to the domestic violence, sexual assault, or stalking; or c. legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking; or

2. during the time that the employee has temporarily relocated due to the domestic violence, sexual assault, or stalking.

A family member is defined as:

- a biological child, an adopted child, a foster child, or a step-child of the employee;
- a child for whom the employee has legal or physical custody or guardianship;
- a child for whom the employee stands in loco parentis, regardless of the child's age;
- a biological parent, an adoptive parent, a foster parent, or a step-parent of the employee or of the employee's spouse;
- the legal guardian of the employee;
- an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor;
- the spouse of the employee;
- a biological grandparent, an adopted grandparent, a foster grandparent, or a step-grandparent of the employee;
- a biological grandchild, an adopted grandchild, a foster grandchild, or a step-grandchild of the employee; or
- a biological sibling, an adopted sibling, a foster sibling, or a step-sibling of the employee.

Sick leave may also be granted to use to care for a family member other than those listed above wounded in combat while on active military duty only if all other paid leave has been used. The use of sick leave for anyone other than yourself is limited to eighty hours per calendar year.

If you cannot report to work because of an illness or injury, you must notify your supervisor before the scheduled start of your workday and prior to any additional days you will miss. In the event of a planned absence, such as surgery, you should notify your supervisor as soon as you become aware of the need. Your supervisor will determine the specific notification requirements of your department, depending on your department's scheduling needs.

Full time employees who are unable to work for more than sixteen hours due to an illness or injury must provide a doctor's statement that you are unable to work. If you work a non-traditional shift (over eight hours), you must provide a doctor's note for the illness or injury if it continues on the next shift following the one on which you exceeded sixteen hours. Part time employees must provide a doctor's note for absences greater than 2 of their average workdays. The County may request a note for other sick leave absences less than previously stated. Any absences in excess of 16 hours, whether continuous or intermittent for the same diagnosis, must be promptly reported to the HR Department so that a determination can be made if it is an FMLA qualifying event. If applicable, all eligible sick leave used by the employee shall run concurrent with FMLA leave.

While you are on sick leave, you are required to notify your supervisor if there is any change in your expected return date. In the event of a serious illness or injury to you, you will not be permitted to return to work until the county receives a doctor's note stating that you are capable of returning to full

duty and performing all of your job duties. The County reserves the right to allow you to return to duty in a reduced capacity (*i.e.*, light duty) and will evaluate each case individually to make a determination, subject to the department's needs and availability of appropriate work.

Your sick leave pay will be calculated on your base rate at the time of your absence. Sick Leave benefits do not include any special forms of compensation, such as overtime pay.

Full Time and Permanent Part Time Employees: There is no limit on the number of sick leave hours which can be accrued. There is no cash payout of unused sick leave hours upon separation of employment with Kent County. However, they may be exchanged for additional service credits to increase your monthly benefit when you leave employment with Kent County to retire through the Maryland State Pension System.

Employees who regularly work at least twelve hours per week but do not work in a position which qualifies for paid leave benefits: You may carry over a maximum of forty hours annually. There is no cash payout of unused sick leave hours upon separation of employment with Kent County.

Employees who leave county employment and are re-hired within thirty-seven weeks will have their accrued sick leave bank re-instated. However, the employee must meet the county requirement of completing three months or 106 days (whichever is applicable) before sick leave may be used.

Sick Leave benefits are meant to provide income protection in the case of a qualifying illness or injury. They may not be used for any other absence. If it is found that an absence does not warrant the use of sick leave, it will be charged to another type of leave or leave without pay, if appropriate. An Employee who develops a pattern of using Sick and Safe Leave on Mondays or Fridays, or before or after holidays or other types of leave, to extend time off from work, or who in any way abuses sick leave, may be subject to disciplinary action, up to and including termination.

Excessive use of sick leave may result in unsatisfactory performance assessments or disciplinary actions. Department heads are responsible for monitoring and counseling employees regarding the use of sick leave.

Sick Leave Bank and Donation

Sick Leave donation allows a qualified employee to voluntarily donate sick leave for use by a qualified employee who is unable to work because of his/her own extended serious illness or injury. The Sick Leave Bank serves as a depository into which you may donate accrued leave for use by you and your co-workers.

A full time employee, who has met the membership requirements, has twelve months of continuous employment, and who is unable to work due to a personal qualifying illness or injury, is eligible to withdraw leave from the sick leave bank and receive sick leave donations.

If you have a combined minimum total of 88 hours in your annual, sick, and comp leave banks on December 1 of each year, you may join the sick leave bank for the following calendar year during the

open enrollment period of December 1 to December 20. Membership for the following year closes on December 20 and you will have to wait until the following December to join. You may donate any number of hours you wish to the bank as long as you donate at least 8 hours and your leave balances total 80 or more hours after the donation. Once leave is donated to the bank, it cannot be returned to you. When you join for the first time or after a period of non-membership, there is a waiting period until April 1 to apply for the benefit.

All leave donated to the bank will be converted to the cash value of the donor's rate of pay. It shall be re-converted to leave hours at the recipient's rate of pay.

You must complete the request form and provide medical certification of the illness or injury that includes the starting and expected ending date of the disability. This documentation must be submitted to the Director of Human Resources, who will review it and make a determination on benefit qualification.

To request to use the benefit, you must be out of work in excess of twenty-one calendar days for the same injury or illness. Additionally, you must have exhausted all paid leave and have no other source of income. If you are receiving income from any other source, such as workers' compensation or disability pay under any private, state, or federal plan, you are ineligible for this benefit.

You must not engage in outside employment and are expected to avoid activities that may delay your recovery and a return to work.

The maximum amount of time you may use from the bank for one illness or injury is either one third of the value of the bank or the FMLA time you are eligible for, up to 360 hours, whichever is less. You may not use more than 360 hours in one rolling year.

If you exhaust the maximum benefit from the sick leave bank but have not yet exhausted your FMLA benefit, you may receive donated sick leave from co-workers up to your maximum eligible FMLA period. The employee who chooses to donate time to you can donate hours as long as his/her leave banks total at least 120 hours after the donation. These hours will not be converted to a cash value and reconverted to hours; you will receive 8 hours of sick leave for 8 hours donated. Employees who are not members of the sick leave bank may donate sick leave to a co-worker but employees who are not members of the sick leave bank may not receive donated sick leave.

You will not accrue any leave benefits or receive holiday pay during any pay period you are using sick leave from the bank or receiving donated sick leave hours. If you work extra hours during any pay period you receive sick leave bank hours or donated hours, the sick leave hours you may use will be adjusted accordingly.

You must submit a fitness for duty note from your doctor to the Director of Human Resources to return to work. Any employee whose absence is designated as FMLA (Family and Medical Leave Act) leave is eligible for reinstatement as provided by FMLA.

If you have any questions regarding this policy you should contact the Human Resources Department.

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Bereavement Leave

We provide bereavement leave to full time and eligible part time employees who need to take time off because a family member had passed away. It is designed to be used during the period of time between the death and the funeral.

The County will grant up to 32 hours of bereavement leave for full time employees for the following family members: spouse, parent, child, sibling, grandparent, or grandchild, including in-laws and steps, or someone who lived in the household of the employee. Documentation of the relationship and death may be requested prior to approval. The actual time granted will be dependent on case by case circumstances and departmental needs. Eligible part time employees will be granted leave on a proportional rate. With your supervisor's approval, you can use any available paid leave you have, such as annual leave, if you need more time off.

While you are on paid bereavement leave, you will receive your base rate.

Personal Leave

The County grants personal leave to full time and eligible part time employees.

Personal leave is granted after a newly hired employee has completed six months of employment in a position which provides leave benefits. Thereafter, it is granted each year on January 1st. It must be used no later than December 31st of the same calendar year or it will be forfeited.

Full time employees are eligible for 32 hours of personal leave per calendar year. Newly hired employees hired on or between March 1st and June 30th will be eligible for up to 16 hours of personal leave after six months and then 32 hours on January 1st. Permanent part time employees are eligible for personal leave proportionately to their annual budgeted hours.

Every effort shall be made to give you the opportunity to use your personal leave. However, personal leave is approved at the discretion of your supervisor or department head. Each request will be reviewed based on a number of factors, including the department's staffing requirements.

If your employment ends, you will not be paid for any unused personal leave.

Administrative Leave

(Amended 3/21/18, Resolution #2018-02)

Administrative leave is leave with pay that is not charged against an employee's accrued leave balances. Approval of administrative leave is limited to an amount necessary to bring the employee to full pay status. In no case can approval of administrative leave cause the employee to exceed the number of standard hours in the employee's work period.

Examples of Administrative Leave include, but are not limited to, suspension while an investigation is conducted for violation of a rule or statute, to capture the hour lost if working during the "spring forward" for Daylight Savings Time, and County offices may have been closed at times due to natural disasters or other emergency situations.

Administrative leave can be used only with approval of the County Administrator or his/her designee.

leave without Pay

(Amended 3/21/18, Resolution #2018-02)

Leave without pay may not be used until all applicable leave banks are depleted. Supervisors may authorize short periods of unpaid leave after consideration of the circumstances and needs of the department. Requests for leave without pay may be denied unless the leave is protected by law (such as FMLA).

Employee Assistance Program

The Employee Assistance Program (EAP) is available to all full time and permanent part time employees and their dependents at no charge. It is designed to provide confidential assistance to you for solving issues and problems that may be affecting your work life and/or personal life. It can also help you with resources for financial and legal issues, personal development and training, lifestyle benefits (such as weight lost and retirement/college planning) and more.

The EAP offers a large variety of services through face-to-face counseling, telephonic counseling, and a comprehensive website. Contact the HR department or go to www.theEAP.com for further information regarding this benefit.

Health, Dental, & Vision Insurance

We offer medical, dental, and vision care benefits to eligible employees and their dependents.

Employees may participate in the medical, dental, and vision insurance plans subject to the terms and conditions of the agreement between Kent County and the insurance carriers. You may be enrolled in the insurance plans as long as you are a full time or permanent part time employee, you are actively working, you are on paid leave, or until the end of an approved FMLA leave, whichever occurs later.

The County Commissioners shall determine the amount of the premium paid for full time employees and their dependents. For eligible part time employees, the County will pay fifty per cent of the costs paid for full time employees.

If you are enrolled in the medical, dental, and/or vision insurance and move to an employment classification that would make you no longer eligible for coverage, you may be able to continue your benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). When employees are no longer employed with the County, they are subject to the COBRA legislation. See the Benefits Continuation (COBRA) policy in this handbook for more information.

You will find details of the medical, dental, and vision insurance plans in the Summary Plan Descriptions (SPD). When you become eligible, you will receive your SPD's and rate information prior to the enrollment date. For questions about insurance, contact the HR Department for additional information.

Employees who retire through the Maryland State Retirement and Pension System (MSRPS) with thirty (30) or more accumulated years of County service and sworn deputies who retire through the Law Enforcement Officers Pension System (LEOPS) with twenty-five (25) or more accumulated years of County service are qualified to receive health, dental, and vision insurance coverage at the same percentage paid of premium costs as provided to current full time or permanent part time employees, whichever is applicable. If your employment included both full time and part time periods, your costs will be prorated accordingly. Accumulated service is defined as the number of years of physically working for the Kent County Commissioners as a full time or permanent part time employee who was eligible for health, dental, and vision benefits, plus up to five years of credible military service as defined and accepted by the MSRPS. Employees who were hired before November 1, 2017, may elect coverage for their dependents under the same terms and conditions as current employees if the dependents were insured through the county for at least the seven years immediately prior to the retirement date. This benefit is limited to the retiree only for employees hired on or after November 1, 2017.

Retirees younger than 65 will remain on the County's medical plan for active employees until reaching age 65. Retirees age 65 and older are required to move to the County sponsored Medigap insurance plan and prescription plan. If a retiree moves out of the area or seeks out another insurance plan, the County will limit reimbursement to the actual cost of the replacement insurance or premium of the County sponsored plan, whichever is less. The County will reimburse the Medicare Part B cost at the rate determined by the Social Security Administration based on the annual salary paid by the County to the employee in the qualifying year. The dental and vision plans will remain the same as current employees.

Retirees who retired with an accidental disability are qualified to receive health, dental, and vision insurance coverage at a 50/50 cost share with the county.

Life Insurance

Kent County offers a basic life insurance plan for eligible employees through participation in the MSRPS. This benefit is available after one year of eligible membership (you have worked 500 hours in a fiscal year) and is equivalent to one year of the employee's salary at the time of death, the return of contributions you made to the system, and the interest earned on your contributions.

Eligible employees may also purchase additional life insurance for themselves and dependents through a voluntary program.

Participation in the life insurance plans are subject to the terms and conditions of the agreement between Kent County and its insurance carriers.

Contact HR for further details regarding the life insurance benefits.