



The State of Maryland

Executive Department

EXECUTIVE ORDER
01.01.2017.09

Sensible Paid Leave in the Executive Branch of State Government

- WHEREAS, As the chief executive of the State, it is my responsibility to serve the public's interest in effective management of temporary Executive Branch employees;
- WHEREAS, Marylanders who do not earn any paid leave can face economic distress because of missed work when they or their families are ill or require medical care;
- WHEREAS, The State of Maryland has a compelling interest in ensuring that its temporary employees will be healthy and secure;
- WHEREAS, Temporary employees who do not have access to paid leave are more likely to work while compromised by illness or other personal issues;
- WHEREAS, My powers as Governor enable me to, when needed for effective management of the Executive Branch, extend benefits to temporary Executive Branch employees, establish procedures for the administration of those benefits, and provide for other such matters that further the achievement of those objectives;
- WHEREAS, Providing temporary employees with paid leave ensures that essential State services and maintenance will not be compromised by illness or other personal issues;
- WHEREAS, Providing temporary employees with paid leave will help protect the State's and public's interest in the effective management of the Executive Branch; and

WHEREAS,

This Executive Order is intended to maximize the ability of the Department of Budget and Management and Maryland Department of Transportation, within the confines of existing law, to apply sensible policies of paid leave to certain Executive Branch employees who do not already receive such benefits from the State,

NOW, THEREFORE,

I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. The following terms shall have the meanings indicated:

a. "Paid leave" means:

- i. personal leave with pay that may be used for any purpose; and
- ii. is provided pursuant to this Order.

b. "Temporary employee":

- i. Except for employees of the Maryland Department of Transportation, includes a temporary employee as designated by Section 1-101 of the State Personnel and Pensions Article of the Code of Maryland.
- ii. For employees of the Maryland Department of Transportation, includes both:
 1. employees hired for a specific period not to exceed 12 months or the limits established by a special employment program; and
 2. employees whose conditions of employment and compensation are specified in personal services contracts.

B. This Order applies to all temporary employees of the Executive Branch's principal departments, except those who:

- a. Regularly work less than 30 hours a week;
- b. Are employed for less than 120 days during a 12-month period; or
- c. Are covered by a bona fide collective bargaining agreement.

C. This Order may not be construed to:

- a. Require a temporary employee to be compensated for unused paid leave upon or after completing his or her employment;
- b. Preempt, limit, or otherwise affect any workers' compensations benefits that may be available to the temporary employee;
- c. Affect the paid leave or benefits provided to State employees, other than temporary employees, pursuant to Title 9 of the State Personnel and Pensions Article of the Code of Maryland, Section 2-103.4 of the Transportation Article of the Maryland Code, or any regulations authorized by those statutes; or
- d. Otherwise diminish or infringe upon any rights, responsibilities, powers, or duties conferred by the Constitution of the State of Maryland or the Laws of Maryland.

D. Provision of Paid Leave.

- a. Temporary employees shall receive paid leave at the same wage rate as the temporary employee normally earns.
- b. After a temporary employee has worked 120 days in a 12-month period, paid leave shall accrue at a rate of one hour for every 30 hours worked, not to exceed 40 hours of paid leave per calendar year.

- c. Paid leave shall begin to accrue on and after July 1, 2017, for all temporary employees otherwise qualified to receive it.
 - d. Formal approval shall not be required before a temporary employee's use of paid leave.
 - e. A temporary employee may use only paid leave that has been accrued.
 - f. If a temporary employee has unused paid leave at the end of a calendar year, the temporary employee may carry, up to a total of 40 hours, the balance of the paid leave into the following year.
- E. The Department of Budget and Management and Maryland Department of Transportation shall, for the temporary employees within their respective authorities and management systems, administer this Order, and shall have the power, to the fullest extent permitted by law, to:
- a. Make determinations regarding the receipt and use of paid leave;
 - b. Resolve other issues that may arise pursuant to this Order; and
 - c. Promulgate such guidelines and establish such procedures as may be necessary for the proper implementation of this Order.
- F. Grievance Procedures. The Secretary of Budget and Management and Secretary of Transportation shall, for the temporary employees within their respective authorities and management systems, provide grievance procedures for temporary employees who dispute their receipt or use of paid leave pursuant to this Order.
- G. This Order may be revoked or amended by the Governor at any time.


H. In the event that a challenge to any provision of this Order results in a judicial determination that such provision is contrary to law, such provision shall be deemed separable from all other provisions of this Order.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 25th Day of May, 2017.


Lawrence J. Hogan, Jr.
Governor



ATTEST:


John C. Wobensmith
Secretary of State