**Maryland Paid Sick and Safe Leave (Maryland Healthy Working Families Act)**

**For part-time (“Variable Hour”) Employees**

 **HRD: 4200**

**Effective Date**: February 11, 2018

**Scope**: This policy applies to all part time (“variable hour”) employees who regularly work at least 12 hours per week.

**Definition**:

**Policy**: Effective February 11, 2018 it is the policy of the College of Southern Maryland to provide paid “earned sick and safe” (ESS) leave to part-time (“variable hour”) employees in non-budgeted positions who regularly work at least 12 hours per week. All references to “employee” or “employees” in this policy apply to the specific group of non-regular, variable hour employees and not to regular employees holding budgeted positions.

**Family Member**: For purposes of ESS use, family member is defined as the: (a) biological, adopted, foster or step children, grandparents, grandchildren, and siblings of an employee; (b) biological, adoptive, foster, or step parent of the employee or the employee’s spouse; (c) a child for whom the employee has legal or physical custody or guardianship; (d) a child for whom the employee stands in loco parentis regardless of the child’s age; (e) the legal guardian(s) of the employee; (f) 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; and (g the spouse of the employee.

**Use of Sick and Safe Leave**

Current employees may use ESS as it is accrued. Employees hired after February 11, 2018 may use accrued ESS after being employed by the College of Southern Maryland for 106 calendar days.

If the need to use ESS is foreseeable (for example a scheduled doctor’s appointment), the employee must provide his or her supervisor notice 7 days prior to leave use. Otherwise, an employee is required to make a request to his or her immediate supervisor to take ESS as soon as it is practical after the employee is aware of the necessity for the leave and should include the expected duration of the leave.

Employees may not use more than 64 hours of ESS in a fiscal year. If an employee uses ESS for more than two (2) consecutive shifts, the employee must provide documentation showing that the ESS was used for a reason listed below. If the employee fails to provide the verification, subsequent requests to take ESS leave for the same reason may be denied. Types of documentation may include, but are not limited to, a doctor’s note, a certification from a law enforcement officer or victim advocate, or a court order.

ESS may be used for the following reasons:

* To care for or treat an employee’s mental or physical illness, injury, or condition.
* To obtain preventive medical care for the employee or employee’s family member.
* To care for a family member with a mental or physical illness, injury, or condition.
* Maternity or paternity leave.
* When an employee’s absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee’s family member, and the leave is being used 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 staking;
	+ (b) services from a victim services organization related to the domestic violence, sexual assault, or stalking;
	+ (c) legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking; or
	+ (d) an employee’s temporary relocation due to domestic violence, sexual assault, or stalking.

**Accrual and carryover**

Current staff who meet the above requirements will begin accruing ESS on February 11, 2018. For those hired after February 11, 2018, ESS will begin to accrue on the date on which the employee begins employment. ESS will not accrue in a two week pay period in which the employee worked fewer than 24 hours total.

Employees who meet the above requirements will earn 1 hour of ESS for every 30 hours worked, up to 40 hours of ESS in a fiscal year beginning on their first day of employment. At no time may an employee accrue more than 64 hours of ESS. Employees may carry over up to 40 hours of ESS from one fiscal year to the next.

ESS is not paid out at separation of employment. If an employee had an accrued, but unused ESS balance upon termination, and the employee is rehired within 37 weeks of separation, the employee’s accrued, but unused ESS will be reinstated.

**Payment of Sick and Safe Leave**

ESS will be paid at the employee’s normal wage rate.