



SPS Project – #060B3490012

**Future State
Process Definition and
Requirements Document (PDR)**

**Attachment F7
LV – FMLA and Leaves of Absence**

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I. Document Information

A. Definitions/Abbreviations/Acronyms

<i>Abbreviation/ Acronym</i>	<i>Definition</i>
Accident Leave	Leave provided to an employee who has sustained a work-related disabling personal injury that is compensable under the Maryland Worker's Compensation Act.
AD&D	Accidental Death and Dismemberment
DBM	Department of Budget and Management
Direct Pay	A benefits administration process that requires an employee to pay for their health benefits coverage directly as opposed to payroll deductions.
EBD	Employee Benefits Division
FMLA	Family Medical Leave Act: A federal law that entitles eligible employees to an absence of up to 12 workweeks of leave in any 12-month period.
Managed Return to Work Program	A comprehensive, proactive program that provides suitable temporary transitional duty as a bridge back to full normal employment as quickly as medically possible.
Service Member Family Leave or Military Caregiver Leave	A State of Maryland program that entitles eligible employees to an absence of up to 26 workweeks of leave in any 12-month period to care for a covered service member.

II. Organizational Overview

A. Background

The State has a requirement to track and manage employee FMLA, unpaid leaves of absence and other extended absences from the workplace.

The State has statutes, regulations or policies to manage:

- FMLA or Service Member Leave thru the *Family and Medical Leave Act (FMLA) Guide* published by the Department of Budget and Management.
- Leave of Absence Without Pay thru COMAR 17.04.11.24

The State does not currently have statutes, regulations or written policies to manage other extended absences from the workplace, which may be paid or unpaid and in fact does not have statutes or regulations that recognize a paid leave of absence.

Currently, the State does not have a shared system/application or tool to administer and track workplace absences. In many cases, the data is hand-tracked and in some cases an Agency may have developed a custom Access application to assist in the administration.

Since the administration is manual, the current process contains constraints, inefficiencies and increases the possibility of program abuse, as follows:

- The process to determine FMLA eligibility is error prone and time consuming because it relies on a manual compilation of employee demographic and exhausted FMLA information.
- The process to track and manage that employees do not exceed 12 weeks of FMLA usage (or 26 weeks for Service Member) in a 12-month period is error prone and time consuming because it relies on a manual compilation of employee time keeping information.
- The process to track and administer intermittent FMLA is error prone and time consuming because it relies on a manual compilation of taken FMLA which may span multiple concurrent FMLA events.
- The process to track and manage that couples where both spouses work for the State do not exceed 40 days combined (or 30 days for one employee) accrued sick leave usage for the birth of a child relies on employee marital status knowledge that is not tracked in a system and manual tracking and administration of sick leave usage for both employees.
- The process to track and manage that employees are using approved leave based on the category of FMLA event is error prone and time consuming because it relies on a manual reconciliation of event category with time keeping records.
- The process to administer employee military pay differential is error prone and time consuming since it relies on Agency Payroll making a manual ETR/PTR adjustment every pay period that

the employee is on military leave.

- The process of benefits administration for employees out of the workplace on leave is error prone since it relies on either the employee or Agency personnel to manually alert the DBM Employee Benefits Department.
- The process of identifying employees out of the workplace is time-consuming since it relies on manual HR records or an investigation of employees based on time keeping records.

B. Future State Process Narrative

The proposed future state functionality of the SPS system will provide more automation and functionality to alleviate many of the challenges facing Agencies in regards to managing and administering FMLA and Leaves of Absence.

As mentioned earlier, COMAR 17.04.11.24 states that an employee in the State Personnel and Management System may apply for, and the appointing authority may grant a leave of absence without pay:

- (1) For personal reasons for a period not to exceed 30 calendar days
- (2) Under the Family and Medical Leave Act (FMLA) for the amount of time permitted by the FMLA; or
- (3) Up to a maximum of 6 months, for the employee's documented temporary personal illness or disability, when there is medical documentation that the employee can return to the employee's full range of duties within 6 months.

Proposal to Expand Use of Leave of Absence Terminology

The proposed future state design includes expanding the State's usage of the *Leave of Absence* term to include both paid and unpaid circumstances with the reason for the leave categorized as:

- FMLA
- Service Member
- Personal
- Medical
- Military
- Accident
- Other

This proposal allows the State to utilize delivered functionality without having to customize the software in addition to creating a more simplified process for Agency HR which will not require the use of different terms for different types of employee workplace absences.

Summary of Proposed Future State Design

The proposed future state design in this document includes the following functionality which is focused on alleviating the Agency challenges identified earlier:

- Provide the ability for the system to identify if an employee is eligible for FMLA or Service Member leave.
- Provide the ability for the system to track FMLA requests and their disposition.
- Provide the ability for the system to track concurrent FMLA events for an employee.
- Provide the ability for the system to track an employees FMLA (or Service Member) usage against the 12 (or 26) week allocation.
- Provide the ability to track non-FMLA absences from the workplace.

- Provide the ability for the system to identify benefit eligibility changes based on the employee leave status.
- Provide the ability for the system to identify leave accrual rate changes based on the employee leave status.
- Provide the ability for the system to identify holiday pay eligibility changes based on the employee leave status.
- Provide the ability to identify employees who are participating in the *Managed Return to Work* program.
- Provide the ability to define a military pay differential that will automatically apply every pay period until a designated end date.
- Provide the ability to generate reports to:
 - Identify employees who took Sick leave 5 or more consecutive days in a pay period.
 - Identify employees are currently out of the workplace on a leave of absence.
 - Identify employees who were out of the workplace during a user-specified time frame on a leave of absence.
 - Identify for a user-specified employee leave of absence details.
 - Identify employees on intermittent FMLA leave and the amount of FMLA usage.
 - Identify employees who are approaching or have exceeded the 12-week FMLA (or 26-week Service Member) leave allocation.

C. Process Diagrams

The functional requirements definition included the preparation of process flow diagrams. The diagrams are intended to identify “future state” business process and show transaction stakeholders, process initiators and approvers, integrations, automation touch-points and required system functionality.

Appendix A contains the following process flow diagrams:

Evaluation, Processing and Tracking of Leave of Absence

LV0100 – Initial Request or Evaluation of a Leave of Absence

BA0404 – Record a Leave of Absence


BA0405 – AD&D and Life Insurance Coverage

BA0406 – FMLA

BA0407 – Return from Leave of Absence

D. Process Diagram Narrative

This section will provide a narrative for each process flow diagram. The narrative will identify both business process and system functionality requirements including, required fields, field valid values, field defaults, field/page edits, calculations, and references to State documentation that identifies State specific policies the system should accommodate.

The process flow diagrams reflect required workflow with the  symbol. The text in the symbol will either indicate "Worklist" or "Notification".

- "Worklist" means the workflow requirement is to place an item in the associated role/users online worklist since these individuals will be frequent if not full-time system users.
- "Notification" means the workflow requirement is to send an email notification to the associated role/user since these individuals will be infrequent system users.

Evaluation, Processing and Tracking of Leave of Absence

Associated Process Flows: LV0100 – Initial Request and Evaluation of a Leave of Absence
BA0404 – Record a Leave of Absence
BA0405 – AD&D & Live Insurance Coverage
BA0406 – FMLA
BA0407 – Return from Leave of Absence

Initial Request and Evaluation of a Leave of Absence

Associated Process Flows: LV0100 – Initial Request and Evaluation of a Leave of Absence

As noted earlier, the proposed future state design includes expanding the State's usage of the *Leave of Absence* term to include any paid or unpaid extended absence from the workplace for any of the following reasons:

- FMLA
- Service Member
- Personal
- Medical
- Military
- Accident

An additional proposal is to create a single form for employees to request a *leave of absence* from the workplace for any of the above-mentioned reasons. In addition to an employee formally requesting a *leave of absence*, there may be circumstances where the Agency HR Coordinator becomes aware of an employee who has missed 5 or more consecutive days of work and after evaluation of the situation determines the employee should be placed on a *leave of absence* in the system.

The process outlined below does not contain automated workflow to route the *Leave of Absence Request Form* for review and approval. The standard *Leave of Absence Request Form* will contain signature lines and the Agency HR Coordinator will be responsible for ensuring all required parties have reviewed and approved the requests.

The process does provide for three distinct initiation or entry points for the leave of absence process, including:

- The employee initiates the process
- Agency HR initiates the process based on a periodic review of time & labor reports
- The employee Supervisor initiates the process by alerting Agency HR that the employee has been out of the workplace unscheduled for 5 or more consecutive days

The following steps outline the *Initial Request and Evaluation of a Leave of Absence* process.

Initial Request and Evaluation of a Leave of Absence Events/Steps:

The following steps outline the Initial Request and Evaluation of a Leave of Absence process when it is initiated by the employee:

Employee Completes a Leave of Absence Request Form: (Step 1): The employee will complete a standard Leave of Absence Request Form that will be available to download and print from the SPS portal for completion.

This standard Leave of Absence Request Form will be a new State form that will be used across all Agencies and will consolidate an employee request for any type of workplace leave, including, FMLA, Service Member, Personal, Medical, Military or Accident. This form will not be used to request extended vacations where Annual leave will be used.

Employee Submits Completed Leave of Absence Request Form to Agency HR: (Step 2): The employee will submit a hard-copy of their completed Leave of Absence Request Form to the Agency HR Coordinator.

Review Leave of Absence Request Form: (Step 3): The Agency HR Coordinator will review the Leave of Absence Request Form submitted by the employee and will determine if the request is for FMLA leave, Military leave or some other form of leave of absence.

If the form is not accurately completed, the Agency HR Coordinator will contact the employee to clarify the request.

Is the Employee Requesting FMLA?: (Step 4): The Agency HR Coordinator will determine if the employee is requesting FMLA or Service Member leave.

If the employee is requesting FMLA or Service Member leave, Agency HR will perform the following steps:

SPS: Record Employee FMLA/Service Member Request: (Step 5): The system shall provide the ability for the Agency HR Coordinator to record the employee's request for FMLA or Service Member leave.

The system shall offer at a minimum the following FMLA fields:

Field	Access Mode	Other
Employee ID	Required Entry	
Employee Name	Display	
Employee Agency	Display	
Effective Date of Leave Request	Required Entry	
Type of FMLA	Required Entry	See Rules Below
Reason for FMLA	Required Entry	See Rules Below
Disposition	Required Entry	See Rules Below
Denial Reason	Optional Entry	See Rules Below

Special Field/Page Rules:

Field	Other
Type of FMLA	The system shall require selection of one of the following valid values: <ul style="list-style-type: none"> - FMLA - Service Member
Reason for FMLA	The system shall require selection of one of the following valid values: <ul style="list-style-type: none"> - Personal - Medical - Accident - Other/Undetermined
Disposition	The system shall require selection of one of the following valid values: <ul style="list-style-type: none"> - Pending Approval - Approved - Denied
Denial Reason	The system shall require selection of one of the following valid values: <ul style="list-style-type: none"> - Ineligible; Not Enough Work History - Ineligible; Not Enough Time Lapsed Since Previous Event - Ineligible; Event Doesn't Qualify as FMLA - Ineligible; Event Doesn't Qualify as Service Member

SPS: Determine Employee Eligibility: (Step 6): The system shall provide the ability for the Agency HR Coordinator to identify if an employee is eligible for FMLA or Service Member leave based on work history and previous FMLA/Service Member leave events.

The system shall offer at a minimum the following FMLA fields:

Field	Access Mode	Other
Worked for the State for 12+ Months?	Display	See Rules Below
Break in Service Greater than 7 Years?	Display	See Rules Below
Work Hours in Previous 12 Months	Display	See Rules Below
FMLA Hours Since Event Start Date	Display	See Rules Below

Special Field/Page Rules:

Field	Other
Worked for the State for 12+ Months?	The system shall display the employees months of service based on Current Date – Entry on Duty Date.
Break in Service Greater than 7 Years?	
Work Hours in Previous 12 Months	The system shall calculate and display the total <u>work</u> hours for the

Field	Other
	<p>employee between the Event Start Date and (Event Start Date – 365 Days).</p> <p><u>Work</u> hours will follow the State definition, which includes Sick, Annual, Personal or Compensatory leave hours.</p>
Remaining FMLA Hours Based on Event Start Date	<p>The system shall calculate and display the remaining FMLA or Service Member hours the employee is eligible for based on the following calculation:</p> <p><u>If Type of FMLA = 'FMLA'</u> 480 Hours – (Timekeeping Hours (hours worked) Marked as FMLA between Event Start Date and (Event Start Date– 365 Days))</p> <p><u>If Type of FMLA = 'Service Member'</u> 1040 Hours – (Timekeeping Hours (hours worked) Marked as FMLA between Event Start Date and (Event Start Date– 365 Days))</p>

Print Notice of Eligibility and Rights & Responsibilities: (Step 7): The system shall provide the ability for the Agency HR Coordinator to print a blank Notice of Eligibility and Rights & Responsibilities (MS381). The Agency HR Coordinator will hand-complete the form based on the FMLA eligibility information available in the SPS system.

Send Certification Form to Employee: (Step 8): The Agency HR Coordinator will deliver the completed Notice of Eligibility and Rights & Responsibilities to the employee. If the employee is eligible to continue their request for FMLA/Service Member leave, the Agency HR Coordinator will attach the pertinent Certification of Health Care Provider Form.

The State utilizes distinct Certification of Health Care Provider Forms based on the type of FMLA/Service Member leave being requested. Each of these forms identified below shall be available for the Agency HR Coordinator to download/print off of the SPS portal.

- Certification of Health Care Provider for Employee's Serious Medical Condition (MS 380E)
- Certification of Health Care Provider for Family Member's Serious Medical Condition (MS 380F)
- Certification of Qualifying Exigency for Military Family Leave (MS 384)
- Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (MS 385)

Complete Certification of Health Care Provider Form: (Step 9): Based on the information contained in the Notice of Eligibility and Rights & Responsibilities, the employee will complete the applicable Certification of Health Care Provider form if they are continuing their FMLA/Service Member leave request.

SPS: Determine and Record FMLA Disposition: (Step 10): If the employee returns a completed Certification of Health Care Provider Form, the Agency HR Coordinator will review the form and

determine based on the form content if the event qualifies as FMLA leave. The system shall provide the Agency HR Coordinator with the ability to record a disposition.

The system shall offer at a minimum the following FMLA disposition fields:

Field	Access Mode	Other
Employee ID	Display	
Employee Name	Display	
Employee Agency	Display	
Effective Date of Leave Request	Modifiable	
Type of FMLA	Modifiable	See Rules Below
Reason for FMLA	Modifiable	See Rules Below
Disposition	Optional Entry	See Rules Below
Denial Reason	Optional Entry	See Rules Below

Special Field/Page Rules:

Field	Other
Type of FMLA	The system shall allow modification of the previously entered <i>Type of FMLA</i> by selecting of one of the following valid values: <ul style="list-style-type: none"> - FMLA - Service Member
Reason for FMLA	The system shall allow modification of the previously entered <i>Reason for FMLA</i> by selecting one of the following valid values: <ul style="list-style-type: none"> - Personal - Medical - Accident - Other/Undetermined
Disposition	The system shall require selection of one of the following valid values: <ul style="list-style-type: none"> - Pending Approval - Approved - Denied
Denial Reason	The system shall require selection of one of the following valid values if the Disposition = Denied: <ul style="list-style-type: none"> - Ineligible; Not Enough Work History - Ineligible; Not Enough Time Lapsed Since Previous Event - Ineligible; Event Doesn't Qualify as FMLA - Ineligible; Event Doesn't Qualify as Service Member

Did HR Determine the Request Qualifies as an FMLA Event?: (Step 11): If the Agency HR Coordinator determined the event qualifies as an FMLA or Service Member event, the Agency HR Coordinator will proceed and record the Leave of Absence on the employee job record by following the process identified in BA0404 – Record a Leave of Absence.

If the employee was not requesting FMLA or Service Member leave, Agency HR will perform the following steps:

Is the Employee Requesting Military Leave?: (Step 12): The Agency HR Coordinator will determine if the employee is requesting Military leave.

Did the Employee Supply a Copy of Military Orders?: (Step 13): The Agency HR Coordinator will determine if the employee supplied valid Military orders for Military leave.

- If the employee did supply valid Military orders, the Agency HR Coordinator will proceed with processing the request.
- If the employee did not supply valid Military orders, the Agency HR Coordinator will contact the employee to get copies of the orders. (Step 17)

Determine if the Employee Will Have a Pay Differential: (Step 14): The Agency HR Coordinator will determine if the employee will have a pay differential between their State salary and their military pay.

- If the employee does have a pay differential, the Agency HR Coordinator will contact Agency Payroll and have them setup the pay differential in the SPS system. Per the Agency Payroll PDR, the system shall provide the ability to establish the differential as a dollar amount that shall automatically be included in the employee pay until an entered end date. (Steps 15 and 16)
- If the employee does have a pay differential, the system shall provide the ability for the employee to continue to accrue leave based on the work hours associated with the pay differential. For example, if the employee has a pay differential of \$100 per pay period and makes \$10/hour, the employee would continue to accrue leave for 10 hours a pay period.

Go To BA0404 – Record a Leave of Absence: (Step 24): The Agency HR Coordinator will proceed and record the Leave of Absence on the employee job record by following the process identified in BA0404 – Record a Leave of Absence.

If the employee was not requesting FMLA/Service Member or Military leave, Agency HR will perform the following steps:

Is the Employee Requesting Something Other than FMLA or Military Leave that Qualifies as a Leave of Absence?: (Step 18): The Agency HR Coordinator will determine if the employee is requesting a non-FMLA and non-Military leave of absence, such as a Personal, Medical or Accident.

- If the employee request does qualify as a Leave of Absence, the Agency HR Coordinator will Go To BA0404 – Record a Leave of Absence. (Step 24)
- If the employee request does not qualify as a Leave of Absence, the Agency HR Coordinator will contact the employee to discuss their request. (Step 19)

The following steps outline the Initial Request and Evaluation of a Leave of Absence process when it is initiated by Agency HR:

Run 5+ Consecutive Days Report: (Step 20): The system shall provide the ability for the Agency HR Coordinator to run a report that will identify the employees who have missed 5 or more unscheduled consecutive days of work based on the employee timesheet that do not have a current Leave of Absence event recorded on their job record.

The system shall provide the ability for the Agency HR Coordinator to run the report at any point in time based on the current timekeeping records, but it is noted the report will produce the most effective data after the pay period close.

Identify Employees Requiring Further Investigation: (Step 21): The Agency HR Coordinator will review the report and identify any employee who warrants further investigation. In most cases, this will be an employee who missed 5 or more consecutive days and is currently still out of the workplace.

The system shall provide the ability for the Agency HR Coordinator to record Leave of Absence events at any point in time, but it is unlikely they will record an event that comes to their attention after-the-fact.

Review Individual Employees: (Step 22): The Agency HR Coordinator will manually investigate any employee they identified for further review. This review may include a more detailed review of employee timesheets and conversations with the employees Supervisor/Manager.

Should the Employee Have a Leave of Absence Recorded?: (Step 23): The Agency HR Coordinator will determine if the employee should have a Leave of Absence recorded on their job record.

- If the employee should have a Leave of Absence recorded, the Agency HR Coordinator will Go To BA0404 – Record a Leave of Absence. (Step 24)

The following steps outline the Initial Request and Evaluation of a Leave of Absence process when it is initiated by the employee Supervisor/Manager:

Manager Identifies an Employee has Missed 5+ Consecutive Days of Work: (Step 25): The employee Supervisor identifies when an employee has missed 5 or more unscheduled consecutive days of work. In this scenario, the identification most likely will occur before the employee timesheet reflects the absence.

Notify Agency HR of Employee Absence: (Step 26): When the employee Supervisor identifies an employee has missed 5 or more unscheduled consecutive days of work, he/she will notify the Agency HR Coordinator. Once the Agency HR Coordinator receives the notification, they will proceed with employee investigation previously identified (Steps 21 thru 24).

Record a Leave of Absence

Associated Process Flows: BA0404 – Record a Leave of Absence

When it has been determined that an employee is on a leave of absence, the State will record the event on the employee job record. Recording the event will alert other areas, such as Benefits, Timekeeping and Payroll of the change in employee status.

When an employee goes on a leave of absence the State allows the employee to either continue their already elected health benefits coverage, to drop all or some coverage or to pay upon returning from FMLA Leave. The Leave of Absence *Reason* in addition to whether the leave is paid or unpaid will determine if the participant must pay the full premium for their coverage or whether they will continue to receive state subsidization.

- If the employee goes on Leave of Absence – Military, the State absorbs the full cost of all health benefits except for AD&D or Life Insurance coverage.
- If the employee goes on Leave of Absence – Accident, the employee continues to pay their portion of the health benefit coverage costs.
- If the employee goes on Leave of Absence – FMLA, the participant will continue to receive State subsidy for the period the participant is continuing to receive pay due to Leave Accrual or Leave Bank. Once the employee exhausts Leave Accrual or Leave Bank, the employee must pay direct for their portion of the coverage.
- For all other Leave of Absence reasons (Personal and Medical), the employee must pay direct for their coverage.

Currently, when an employee goes on a leave of absence and returns from a leave of absence, the State requires the employee to re-enroll in health benefit coverage. That process will be eliminated in the future state design. The employee will only be required to re-enroll if they are choosing to drop any or all coverage while on leave.

Record a Leave of Absence Events/Steps:

Modify Employee Status to Record a Leave of Absence: (Step 1): The system shall provide the ability for the Agency HR Coordinator to record a Leave of Absence *Action* on the employee record.

The system shall offer at a minimum the following fields:

Field	Access Mode	Other
Employee ID	Display	
Employee Name	Display	
Employee Agency	Display	
Start Date of Leave	Required Entry	
Anticipated Return Date from Leave	Optional Entry	

Field	Access Mode	Other
Reason for Leave	Required Entry	See Rules Below

Special Field/Page Rules:

Field	Other
Reason for Leave	<p>The system require selection from a list of valid values:</p> <ul style="list-style-type: none"> - FMLA - Service Member - Personal - Medical - Military - Accident - Other

- If the Leave of Absence *Reason* = Military or Accident, the Agency HR Coordinator should be able to attach a scanned copy of the employees Military orders or Accident documentation to the transaction.

Does the Employee Participate in Benefits?: (Step 2): If the employee does not participate in benefits there is no benefits processing required. If the employee does participate in benefits, the system needs to evaluate the Leave of Absence *Reason* to determine if approval is required from the DBM EBD Direct Pay/Satellite group.

If the employee does not participate in Benefits, the Agency HR Coordinator will monitor the employee while they are on the Leave of Absence by executing the following process:

Go To BA0407 Return From Leave: (Step 3): While the employee is on leave, the Agency HR Coordinator will continue to monitor the employees leave of absence.

If the employee does participate in Benefits, the process will continue with the following steps:

Is the Leave of Absence Reason = Accident or Military?: (Step 4): If the Leave of Absence *Reason* entered by the Agency HR Coordinator was Military or Accident, the DBM EBD Direct Pay/Satellite group should receive a worklist notification to review the leave request to ensure the paperwork provided qualifies the employee for Military or Accident benefits (Step 5).

If the Leave of Absence *Reason* entered by the Agency HR Coordinator was not Military or Accident, the Agency Benefits Coordinator and the DBM EBD Direct Pay/Satellite group should receive a worklist notification that employee is going on Leave of Absence. (Steps 10 and 11)

Review Military Orders or Accident Documentation: (Step 6): The DBM EBD Direct Pay/Satellite group will review the attached documentation to ensure the employee qualifies for either Military or Accident Leave.

Enter Leave Reason Approval or Denial Online: (Step 7): The DBM EBD Direct Pay/Satellite group will either approve or deny the Military or Accident leave request.

- If DBM EBD Direct Pay/Satellite denies the leave request, the Agency HR Coordinator should receive a worklist notification (Step 9) and they should proceed to modify the Leave of Absence *Reason* on the transaction to something other than Military or Accident and re-submit the transaction. (Step 1)
- If DBM EBD Direct Pay/Satellite approves the leave request, the Agency Benefits Coordinator and the DBM EBD Direct Pay/Satellite group should receive a worklist notification that an employee is going on a leave of absence. (Steps 10 and 11)

Contact Employee to Discuss Benefit Implications/Discuss Benefit Implications w/Agency Benefit Coordinator: (Steps 12 and 13): The Agency Benefits Coordinator will meet with the employee going on leave to discuss their health benefit options and implications.

Does Employee Want to Remove Coverage?: (Step 14): Based on the discussion with the Agency Benefits Coordinator, the employee will decide if they want to drop/remove any coverage while they are on leave. If they do want to make coverage changes, they will use the Benefits Administration On-Going Enrollment process (BA0302 – On-Going Enrollment Web/Paper) outlined in the Benefits Administration PDR. (Step 15)

Is the Leave of Absence Reason = Military?: (Step 16): If the employee Leave of Absence *Reason* is Military, the system needs to evaluate the employees health benefit coverage to determine what portion the State will pay using the BA0405 – AD&D & Life Insurance Coverage process. (Step 17).

Is the Leave of Absence Reason = FMLA?: (Step 18): If the employee leave type is FMLA the employees health benefit coverage while on leave will be processed by BA0406 – FMLA (Step 19).

Go To BA0603 – Direct Pay: (Step 20): If the Leave of Absence Reason is not Military or Accident, the DBM EBD Coordinator will follow the Direct Pay process (BA0603 – Direct Pay Invoicing & Lockbox Receivables).

AdHoc Report: Employee's on Leave of Absence: (Step 21): The Agency HR Coordinator, Agency Benefits Coordinator and DBM EBD Direct Pay/Satellite should have reports available to identify all employees currently on a leave of absence, their anticipated return date and the status of their health benefits coverage while on leave.

AD&D and Life Insurance Coverage

Associated Process Flow: BA0405 – AD&D & Life Insurance Coverage

This process will evaluate the health benefit coverage of the participant on Military leave and determine if any coverage qualifies for direct pay or if all coverage will be paid by the State.

AD&D & Life Insurance Coverage Events/Steps:

Is the Employee Enrolled in AD&D or Life?: (Step 1): The system will evaluate if the participant is currently enrolled in AD&D or Life Insurance coverage.

- If the employee is not enrolled in AD&D and Life Insurance coverage, the employee will not require any direct pay and the State will pay all health benefit coverage costs while the employee is on leave. (Step 2)
- If the employee is enrolled in either AD&D and/or Life Insurance coverage, the AD&D and/or Life coverage should be identified as direct pay coverage and be processed in the BA0603 – Direct Pay Invoicing & Lockbox Receivables process outlined in the Benefits Administration PDR (Step 4) and all other health coverage costs will be paid by the State while the employee is on leave. (Step 5)

FMLA

Associated Process Flow: BA0406 – FMLA

This process will evaluate the health benefit coverage of the employee on a *Leave of Absence* for a *Reason* = FMLA and determine if or when any coverage qualifies for direct pay or if coverage will be paid by payroll deductions. The system shall provide the ability for the participant to choose to pay while on FMLA leave or upon return. If "upon return" is selected, the system will track the amount owed and will offer the option to pay by coupon upon return or to include as an additional payroll deduction amount.

FMLA Events/Steps:

Is the Employee Using Leave for Pay?: (Step 1): The system shall evaluate if the participant is currently using either accrued Annual, Sick, Personal or Compensatory Leave or Leave Bank time while on FMLA leave to continue to receive a paycheck.

- If the employee is not using accrued Personal Leave or Leave Bank time, their health benefit coverage should be identified as direct pay coverage and be processed in the BA0603 – Direct Pay Invoicing & Lockbox Receivables process outlined in the Benefits Administration PDR. (Step 2)
- If the employee is using accrued Personal Leave or Leave Bank time, the system shall determine if the employee pay will cover all health benefit coverage deductions. (Step 3)

Does Employee Pay Cover their Deductions?: (Step 3): The system shall evaluate if the employee pay will cover all health benefit coverage deductions.

- If the employee paycheck does cover the employees health benefit deductions, the system shall reassess each pay period if the employee paycheck covers their health benefit deductions. (Step 4)
- If the employee paycheck does not cover the employees health benefit deductions, their health benefit coverage should be identified as direct pay coverage and be processed in the BA0603 – Direct Pay Invoicing & Lockbox Receivables process outlined in the Benefits Administration PDR. (Step 2)

Return from Leave of Absence

Associated Process Flow: BA0407 – Return from Leave of Absence

When an employee goes on a leave of absence, the employee will either *Return from Leave* or will *Terminate* from State service. While the employee is on a *leave of absence*, the Agency HR Coordinator is responsible for monitoring the situation and keeping the system updated with the employee status. If the employee is on FMLA Leave and exhausts all 12 weeks of FMLA and is still remaining on Leave the Agency HR Coordinator will be responsible to updating the employees Leave of Absence *Reason* to a non-FMLA value.

Return from Leave of Absence Events/Steps:

Monitor Leave of Absence & Anticipated Return Date: (Step 1): The Agency HR Coordinator will monitor the employee's situation and their *Anticipated Return Date*.

Is the Employee Returning as Scheduled?: (Step 2): The Agency HR Coordinator will assess if the employee is returning to work on the *Anticipated Return Date* as scheduled.

If the employee is not returning to work as scheduled, the following steps will be executed:

Has the Employee Exhausted FMLA/Service Member?: (Step 3): If the employee is not returning as scheduled and is on FMLA/Service Member, the Agency HR Coordinator will assess if the employee has exhausted all 12 weeks (or 26 weeks for Service Member) of their leave.

- If the employee has exhausted all 12 weeks of their FMLA (or 26 weeks of Service Member) and is not yet ready to return to work, the Agency HR Coordinator will update the employee's Leave of Absence *Reason* to a non-FMLA value in the BA0404 - Leave of Absence process. (Step 4)

Is the Employee Terminating?: (Step 5): If the employee is not returning to work as scheduled, the Agency HR Coordinator will assess if the employee will not be returning and will be terminating their State service.

- If the employee is not terminating, the Agency HR Coordinator shall have the ability to update the employee's *Anticipated Return Date* in the system. (Step 6)
- If the employee is terminating, the Agency HR Coordinator should process a personnel transaction and enter the termination for the employee by following PS0705 – Process a Termination - LAW – Medical/Military/Personal outlined in the Personnel Transactions PDR. (Step 7)

If the employee is returning to work as scheduled, the following steps will be executed:

Modify Employee Status to Record a Return from Leave of Absence: (Step 8): The system shall provide the ability for the Agency HR Coordinator to record a Return from Leave of Absence *Action* on the employee job record.

The system shall offer at a minimum the following fields:

Field	Access Mode	Other
Employee ID	Display	
Employee Name	Display	
Employee Agency	Display	
Start Date of Leave	Display	
Anticipated Return Date from Leave	Display	
Reason for Leave	Display	
Return from Leave of Absence Date	Required Entry	
Participating in Managed Return to Work Program?	Optional Entry	See Rules Below

Special Field/Page Rules:

Field	Other
Participating in Managed Return to Work Program?	<p>The system provide the ability to track if an employee returning from a Leave of Absence is participating in the <i>Managed Return to Work Program</i> requiring selection from a list of valid values:</p> <ul style="list-style-type: none"> - Yes - No <p>When the employee exits from the <i>Managed Return to Work Program</i> the system shall provide the ability to record the exit along with the <i>Effective Date</i> of the exit.</p>

Does the Employee Participate in Benefits?: (Step 9): After the *Return from Leave Action* has been entered into the system, the system shall evaluate if the employee participates in benefits.

- If the employee does not participate in benefits, there is no further processing required.
- If the employee does participate in benefits, the system shall evaluate if the original Leave of Absence *Reason* was Military. (Step 10) If the original Leave of Absence *Reason* was Military, the DBM EBD Direct Pay/Satellite group needs to review the Military return orders. The DBM EBD Direct Pay/Satellite group should receive a worklist notification that a Military Return from Leave requires review. (Step 11)
- If the employee does participate in benefits and the original Leave of Absence Reason was not Military, the Agency Benefits Coordinator and the DBM EBD Direct Pay/Satellite group should receive worklist notifications that an employee is returning from leave. (Steps 15 and 20)

Contact Employee to Discuss Implications/Discuss Benefit Implications w/Agency Benefits Coordinator: (Steps 16 and 17): If the employee has established a benefits portal account, the system should send an email to the employee prior to their *Anticipated Return Date* from the *Leave of Absence* that identifies benefit implications. If the employee has not established a benefits portal account, the Agency Benefits Coordinator and the benefit participant will discuss the benefit implications of returning from leave.

Does the Employee Want to Change their Benefits?: (Step 18): The benefit participant will decide if they want to modify their health benefits coverage when they return from leave. For the participants enrolled in the benefits portal, the system will send an email notification while on leave outlining the implications.

- If the participant does want to change their enrollment, they will execute the Benefits Administration BA0303 - On-Going Enrollment process outlined in the Benefits Administration PDR. (Step 19)
- If the participant does not want to change their enrollment, they do nothing.

If the Leave of Absence Reason was Military, the following steps will be executed:

Review Military Return Documents: (Step 12): The DBM EBD Direct Pay/Satellite group will review the employees' military return documents and enter an approval or denial of return online (Step 13).

- If the DBM EBD Direct Pay/Satellite group approves the documents, the Agency Benefits Coordinator and the DBM EBD Direct Pay/Satellite group should receive worklist notifications that an employee is returning from leave. (Steps 15 and 20)
- If the DBM EBD Direct Pay/Satellite group does not approve the documents, the Agency HR Coordinator should receive a worklist notification that the leave return has been denied. (Step 26) And, the Agency HR Coordinator will discuss next steps with the employee. (Step 27)

Cancel All Future Direct Pay Invoices: (Step 21): When an employee *Returns from a Leave of Absence* and no longer requires direct pay to cover health benefit coverage, the system shall cancel all future invoices.

Determine if the Employee is Due a Refund: (Step 22): Depending on the timing of the *Return from Leave of Absence*, an employee may be due a refund for health benefit coverage they paid direct that will now be covered by payroll deductions. The DBM EBD Direct Pay/Satellite group will review each situation and determine if the employee is due a refund.

- If the employee is due a refund, the DBM EBD Direct Pay/Satellite group will complete a refund request form. (Step 24)
- The DBM EBD Accounting group will review the form for accuracy and R*STARS coding.
- After the review is complete, the form is sent to Comptrollers Office in Annapolis for processing. (Step 25)

AdHoc Report: Employee's on Leave of Absence: (Step 28): The Agency HR Coordinator, Agency Benefits Coordinator and DBM EBD Direct Pay/Satellite should have reports available to identify all employees currently on a leave of absence, their anticipated return date and the status of their health benefits coverage while on leave.

Leave and Sick Type Definitions:

In the table below are the different Leave and Sick types along with their definitions as they pertain to The State of Maryland.

Accident Leave

Agency	Category	Definition
All Agencies	General	Employees are entitled to work-related accident leave with sick pay if (a). The employee sustains a disabling personal injury that would be compensable under the Maryland Worker's Compensation Act; and (b). A physician examines the employee and certifies that the employee is disabled because of the injury.
All Agencies	Period of Leave	Employees may use work-related accident leave; (a). Beginning on the first day of disability; and (b). Continuing until the earlier of : (i). The day that the employee is able to return to work; or (ii). 6 months from the date of disability.
All Agencies	Non Compensable	If a Workers' Compensation Commission order determines that the injury is not compensable, the appointing authority shall correct the employee's leave record to reflect a conversion of the work-related accident leave which was granted in advance of the notification, to leave with pay, or, if the employee does not have leave with pay, to leave of absence without pay.
All Agencies	Leave for Continuing Treatment	After employees return to work, work-related accident leave may be granted for continuing treatment up to 6 months from the day of the original disability.
All Agencies	Additional 6-month leave	Work-related accident leave may be granted for up to an additional 6 months if; (a). The employee is certified by a physician (b). No decision has been reached by the Worker's Compensation Commission on the employee's claim.

Administrative Leave

Agency	Category	Definition
All Agencies	General	An appointing authority may authorize paid administrative leave, not to exceed 10 work days, in order to remove an employee from the workplace when the employee: (a) May pose a threat to self, another individual, or State property; (b) May be incapable of properly performing the employee's duties because of extraordinary circumstances; or (c) Is under investigation for work-related conduct.
All Agencies	Emergency Conditions	1. A governmental jurisdiction, authorized to do so, declares an emergency condition which prohibits all non-emergency vehicle travel on specified roadways, and such declared emergency is in the home jurisdiction, a jurisdiction along the route, or the jurisdiction of the work location, as determined by the official personnel records of an employee, thereby proscribing the employee's ability to get to work, such employees shall be granted administrative leave because of the emergency condition, unless the Employer provides transportation to the work location. 2. A non-state governmental jurisdiction declares an emergency condition which closes a facility where State employees work, such employees shall

		be granted administrative leave for such an emergency condition.
All Agencies	Incentive Awards	Administrative leave may be authorized for incentive awards.
All Agencies	Not Disciplinary Action	Administrative leave as specified is not a disciplinary action.
All Agencies	Other reasons	Administrative leave may be authorized by the Secretary (DBM) for any other reasons which are consistently applied and which are not illegal or unconstitutional.

Annual Leave

Agency	Category	Definition
All Agencies	Accumulation - Unused Annual Leave - Full Time Employee	Employees may accumulate unused annual leave and may carry over from 1 year to the next year up to 75 days or 600 hours of that unused annual leave.
All Agencies	Accumulation - Unused Annual Leave - Part Time Employee	For a part-time employee, annual leave may be accumulated to a maximum determined on the basis of the percentage of 600 hours of annual leave equal to the percentage of employment, and carried into a new calendar year.
All Agencies	Approval	Employees may use annual leave after obtaining approval from the employee's supervisor.
All Agencies	Change of Workweek	If the designated workweek for an employee changes, the appointing authority, in accordance with guidelines, policies, or directives of the Secretary (DBM), shall credit the employee with annual leave equal to the number of hours the employee has earned at the time of the change.
All Agencies	Compensation - On Termination of Employment	The amount of compensation for unused annual leave on termination of State employment shall equal one-tenth of the employee's established biweekly compensation at the time of termination of State employment , multiplied by (a). The number of days of annual leave, not exceeding 50 days or 400 hours of the total that were accrued at the end of the previous calendar year and that remain unused; and (b). The number of days of annual leave that accrued during the calendar year in which the employees' State employment terminates and that remain unused.
All Agencies	Donation	An employee may voluntarily donate any amount of the employee's annual leave to the State Employees' Leave Bank or to another State employee under the Employee-to-Employee Leave Donation Program.
All Agencies	Eligible hours for Earning	Annual leave is not earned for hours worked in excess of the employee's regular work schedule. The employee's work schedule is determined by the employee's percentage of employment.
All Agencies	Forfeiture and Disqualification	Employees whose State employment is terminated for a cause involving moral turpitude forfeit all unused annual leave and all compensation for

	- Termination for moral turpitude	unused annual leave.
All Agencies	Forfeiture and Disqualification - Termination within 6 months of appointment	An employee whose State employment terminates within 6 months after the employee's original appointment is not eligible for annual leave or compensation for annual leave.
All Agencies	Forfeiture - Unused Annual Leave	Any accumulated and unused annual leave in excess of 75 days or 600 hours shall be forfeited at the beginning of the first full pay period of the next calendar year.
All Agencies	Minimum Usage Eligibility Period	Employees may not use annual leave until employees have completed 6 months of State service. However the leave will be accrued into the Annual Leave balance during the first 6 months.
All Agencies	On Termination of Employment	Employees are entitled, on termination of State employment, to compensation for unused annual leave.
All Agencies	Placement in Leave bank	Annual leave that is forfeited is placed, unless the employee objects, in the State Employee's Leave Bank.
All Agencies	Rate of Earnings	<p>Annual leave accrues as follows, on a pro rata basis:</p> <ol style="list-style-type: none"> 1. From the first through the sixth month of service, leave is not available for use or payment. Upon completion of the sixth month of service, an employee shall be credited with annual leave for the first 6 months on the basis of 1 hour of leave for each 26 hours of work. 2. From the beginning of the first year through the completion of the fifth year, an employee shall be credited with annual leave at the rate of 1 hour of leave for each 26 hours worked. An employee may not earn more than 80 hours of annual leave a year. 3. From the beginning of the sixth year of service through the completion of the tenth year, an employee shall be credited with annual leave at the rate of 1-1/2 hours of leave for each 26 hours worked. An employee may not earn more than 120 hours of annual leave a year. 4. From the beginning of the eleventh year of service through the completion of the twentieth year of service, an employee shall be credited with annual leave at the rate of 2 hours of leave for each 26 hours worked. An employee may not earn more than 160 hours of annual leave a year. 5. From the beginning of the twenty-first year of service and after that, an employee shall be credited with 2-1/2 hours of leave for each 26 hours worked. An employee may not earn more than 200 hours of annual leave a year.
All Agencies	Reinstatement	An employee who returns to State service with an authorized status of reinstatement is entitled to the same rate of leave earnings in effect at the

		time of the employee's separation from service or at the time of the employee's return to service, whichever rate is higher.
All Agencies	Return to State service	An employee who returns to State service is only entitled to credit for previous service if the employee had satisfactory performance and at least 180 days of continuous State service in an allocated position.
All Agencies	Return to State service - Rate	An employee who returns to State service is entitled to credit for all prior State service in determining the rate at which the employee shall earn annual leave.
All Agencies	Separated or terminated and returns to State service	A former temporary employee who was separated or terminated and returns to State service is not entitled to credit for prior years of service.
All Agencies	Unusable Excess Leave	If employees are denied the opportunity in 1 calendar year to use annual leave days in excess of the 75 days or 600 hours allowed to be carried over to the next year, the head of the employees' principal unit may allow the employee compensation, at the employees' regular rate of pay, for those excess leave days.
All Agencies	Usage - Compressed Schedules	When leave is taken, employees are charged for their normal workday (scheduled hours).
All Agencies	Usage reason	Annual leave may be used for any purpose.

Death in Employee's Family Leave

Agency	Category	Definition
All Agencies	Additional Leave	If additional time is required by the employee, the supervisor shall make reasonable efforts to arrange the employee's work so that the employee may take other accrued leave for this purpose.
All Agencies	Bereavement Leave option	An employee may elect to receive up to 3 days of bereavement leave with pay, instead of using 3 of the 5 sick days that an employee is allowed to use upon the death of the following members of the employee's immediate family: <ol style="list-style-type: none"> 1. Spouse; 2. Children, including foster and stepchildren; 3. Parents, stepparents, or foster parents of the employee; 4. Brothers and sisters of the employee; 5. Grandparents and grandchildren of the employee.
All Agencies	Maximum - Immediate Family	A maximum of 5 working days, depending on need, may be charged to sick leave in the event of death of one of the following members of the immediate family: <ol style="list-style-type: none"> 1. Spouse; 2. Children, including foster and stepchildren; 3. Parents, stepparents or foster parents of the employee or spouse, or others who took the place of parents; 4. Legal guardians of the employee or spouse; 5. Brothers and sisters of the employee or spouse; 6. Grandparents or grandchildren of the employee or spouse; and

		7. Other relatives living as a member of the employee's household.
All Agencies	Relatives	A maximum of 1 working day may be charged to sick leave in the event of the death of one of the following relatives: 1. Aunts and uncles of the employee or spouse; 2. Nephews and nieces of the employee or spouse; 3. Brothers-in-law and sisters-in-law of the employee or employee's spouse; and 4. Sons-in-law and daughters-in-law.

Disaster Service Leave

Agency	Category	Definition
All Agencies	Eligibility	Employees may be entitled to disaster service leave with pay if: (a). The employee is certified by the American Red Cross as a disaster service volunteer; and (b). The American Red Cross requests the services of the employee during a disaster that is designated at Level II or above in the regulations and procedures of the National Office of the American Red Cross.
All Agencies	Amount Allowed	Employees may use up to 15 days of disaster service leave in any 12-month period only after obtaining approval from the employees' appointing authority.
All Agencies	Workers Comp	For the purposes of Worker's compensation, while employees are using disaster service leave, the employees are deemed not to be State employees.

Examinations and Interviews Leave

Agency	Category	Definition
All Agencies	General	An employee shall be allowed up to four (4) hours leave with pay to take examinations and attend interviews for State positions. An employee who has to travel in excess of fifty (50) miles will be given additional administrative leave not to exceed eight (8) hours in total. The appointing authority may: 1. require prior approval of the interview or examination leave request; 2. require verification of the examination taken or interview or examination attended; 3. require verification of the travel time in excess of 50 miles one way; and, 4. limit the number of interviews and time allotted when abuse is apparent. Note: The four (4) hours leave is per each instance. There is no set limit on number of instances of such leave within any given time period.

FMLA

Agency	Category	Definition
All Agencies	Concurrent use of other available leave	Eligible employees may be required to use other available accrued leave concurrently with family and medical leave.
All Agencies	Determination	The determination of whether an employee has worked the required

	of required number of hours	number of hours must be calculated from the date that the leave is scheduled to begin. For example, if an employee requests a FMLA absence before becoming eligible but will have worked the required number of hours by the time the leave is scheduled to begin, the employee shall be deemed to have satisfied the required number of hours.
All Agencies	Duration of Leave	An employee with at least one year of service who is otherwise eligible may be absent for a maximum of 12 weeks in a 12 month period. Note: Instead of using the calendar year, for instance, to determine the 12-month period, the State has determined that a "rolling" 12-month period shall be used to calculate an employee's FMLA absence entitlement. The date on which an employee begins FMLA leave is the beginning of the rolling period.
All Agencies	Employee Eligibility	To qualify under FMLA, an employee must have actually worked at least a total of 12 months for the State and at least 1,250-work hours during the preceding 12 months. The employee may be employed in any capacity, including that of a contractual. The total of 12 months of employment does not necessarily mean 12 consecutive months. The time of employment may be separated by a break in service as long as the total time worked is at least 12 months. When calculating the 1,250-hour requirement, overtime hours worked are included; however, any unpaid leave is not included.
All Agencies	Husband and Wife both state employees	If a husband and wife both work for the State, they are limited to a combined total of 12 workweeks (or 26 workweeks for Service member Family Leave) for a FMLA absence for the birth or the placement of a child for adoption or foster care, the serious health condition of a child under age 18, an adult child who cannot care for himself or herself.
All Agencies	Intermittent Leave - Amount of Leave	If an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted towards the 12 weeks of leave to which an employee is entitled. For example, if a full-time employee who normally works 8-hour days works 4-hour days under a reduced leave schedule, the employee would use 1/2 week of FMLA leave.
All Agencies	Intermittent Leave - General	A FMLA absence taken to care for a covered relative with a serious health condition or for the employee's own serious health condition may be taken intermittently or on a reduced work schedule only when acceptable medical documentation, which supports the medical necessity, is submitted.
All Agencies	Intermittent Leave - Increments	State employees using FMLA leave on an intermittent basis must use FMLA leave in increments of at least one hour.
All Agencies	Paid or Unpaid Leave	Under certain circumstances FMLA permits an eligible employee to choose to substitute paid leave for unpaid FMLA leave.
All Agencies	Part Time	If an employee works part-time or has variable hours, the amount of leave to which the employee is entitled is determined on a pro-rata basis by comparing the new schedule with the employee's normal schedule. For

		example, if an employee who normally works 30 hours per week works only 20 hours a week under a reduced leave schedule, the employee's ten hours of leave would constitute one-third of a week of FMLA leave for each week the employee works the reduced leave schedule.
All Agencies	Reasons	<p>FMLA absences are for</p> <ol style="list-style-type: none"> 1. The serious illness of the employee; 2. To care for a newborn or newly adopted child of the employee; 3. To care for a foster child placed with the employee; or 4. To care for an employee's seriously ill child, spouse, parent, or legal dependent.
All Agencies	Recordkeeping	<p>Appointing authorities must keep the following records for at least three years:</p> <ol style="list-style-type: none"> (a) basic payroll and identifying employee data, including name, address and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages, and total compensation paid; (b) dates of any FMLA absence taken by employees (leave must be designated in the records as a FMLA absence); (c) if the FMLA absence is in increments of less than one full day, the hours of the leave; (d) copies of notices and requests for absence furnished by the employee to the appointing authority, if in writing, and copies of all general and specific notices given to employees as required under FMLA and its regulations; (e) any documents describing employee benefits or the State of Maryland's policies and practices regarding the taking of paid and unpaid leave; (f) premium payments of employee benefits; and (g) records of any dispute between the appointing authority and an employee regarding designation of leave as a FMLA absence.
All Agencies	Service member Family Leave	<p>Service member Family Leave, effective January 28, 2008, entitles an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member to an absence of up to a total of 26 workweeks of unpaid leave (a covered employer may allow for paid or unpaid leave) in a single 12-month period for the following reason:</p> <ol style="list-style-type: none"> (a) To care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. (b) An employee may be entitled to a combined total of 26 work weeks in a single 12-month period when using leave under 1 and 2 of this section. <p>Note: The "rolling" 12-month period shall be used to calculate an</p>

	employee's entitlement.
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Jury Service Leave

Agency	Category	Definition
All Agencies	General	An employee (including temporary employee) who serves as a member of a jury is entitled to leave with pay only when the employee's jury service occurs on the employee's scheduled workday. If, after reporting for jury duty, the employee is dismissed for the day, the employee shall return to work if time permits. An employee who is selected for jury service shall notify the appointing authority without delay. An appointing authority may request a court to excuse an employee when the public interest requires that the employee not be absent from work.

Leave Request - Agency Specific

Agency	Category	Definition
DGS	Leave	<ol style="list-style-type: none"> 1. Employees currently request leave using leave slips. 2. Leave balances are not eligible to have negative values. 3. The following leave types are applicable for the agency. <ol style="list-style-type: none"> a) Annual Used Regular b) Annual Used Sick doc c) Annual FMLA, Sick used document d) Sick used undocumented e) Sick Death in Family f) Bereavement leave g) Sick-adoption doc h) Leave bank i) Sick FMLA j) Donated leave used k) Accident leave l) Comp used m) Comp used sick doc n) Personal regular o) Personal sick doc p) Personal FMLA q) LWOP personal r) LWOP sick doc s) LWOP military t) LWOP FMLA u) LWOP unauthorized v) LWOP disp susp w) Military x) Merit Interview Exam y) Emergency Release z) Jury aa) Legal Action bb) Grievance

		<p>cc) Training dd) Administrative Leave ee) Adm pending dis ff) Holiday 24 hr empl.</p>
DHMH	Leave	<ol style="list-style-type: none"> 1. The leave request and approval process is different at each location. 2. DHMH employees are eligible for leave accrual and usage types as per COMAR. 3. The absence codes being used by DHMH are defined by and specific to DHMH. 4. The leave balances are not allowed to have negative value.
DHR	Leave	<ol style="list-style-type: none"> 1. If an employee works 40 hours in a week by working 4 days x 10 hours and has a furlough day in the week, then the employee should reschedule the furlough day. 2. Employees currently use a leave slip to request leave. 3. The agency uses all leave types stated in COMAR including furlough and administrative leave. 4. The agency does not allow the leave balances to have negative values.
DJS	Leave	<ol style="list-style-type: none"> 1. Employees can earn and use comp time in the same time period. 2. Employees currently use a leave slip to request and get approval for leave. 3. All the leave types defined in COMAR (Code of Maryland Regulations) are applicable for the agency. 4. Leave balances are not allowed to have negative value.
DPSCS	Leave	<ol style="list-style-type: none"> 1. Currently sick leave categories are not being tracked. 2. DPSCS indicated that leave balances do not go negative except in certain scenarios: <ol style="list-style-type: none"> a) If an employee is out of any accrued balances and if the employee requests leave from the leave bank, then the employee's leave balances may go negative till the leave request is processed and approved (usually 6 weeks). b) For the recent H1N1 tasks, the leave balances went negative. 3. Employees currently use leave forms to request leave.
MDE	Leave	<ol style="list-style-type: none"> 1. Employees currently request leave through a leave request card. 2. Secretary Awards: If an employee receives Secretary's award, the employee will be granted 8 hours of administrative leave. 3. Leave balances usually are not allowed to have negative values but may go negative when a new employee requests and is approved leave in advance.
MPT	Leave	<ol style="list-style-type: none"> 1. Employees currently use a leave request for to request leave. The employees indicate the requested dates of absence and the type of leave to be used. 2. All the leave accrual and usage types defined in the COMAR (Code of Maryland Regulations) are applicable for the agency. 3. The leave balances are not allowed to have negative values.

MSA	Leave	<ol style="list-style-type: none"> 1. Employees are not allowed to earn and use the same earned leave on the same business day. 2. The agency does not pre load the holiday comp time at the beginning of the year or before the holiday. 3. The agency uses a holiday comp time balance which is different from regular comp and COE (Cash Overtime Eligible) comp time. 4. Though regular comp time should expire at 1 year from the date of earning the agency allows the comp time to expire at the end of the next calendar year. 5. COE comp balance can have a maximum value of 240 hours. All hours over 240 should be compensated in cash. 6. Employees are eligible to use the comp time in the same pay period that the comp time was earned in. 7. The agency tracks employees' comp time usage which is restricted to 10 'full day' occurrences per year irrespective of the number of hours per each occurrence. MSA recognizes a leave usage greater than 4 hours as a 'full day'. However, if an employee uses 4 hours or less comp time in a business day and works the remaining 4 or more hours, then such comp time usage is not counted towards the 10 occurrences per year. 8. Comp time is earned on 10th of an hour basis. There is no minimum 30 minutes policy to earn comp time. 9. Leave balances for MSA employees are not allowed to have negative values. 10. Employees submit leave request to the supervisor for approval and a leave notice of at least 24 hours is preferred. 11. If a minimum notice of 24 hours is not provided by the employee before taking a leave, then the approved leave is tracked using a different usage code for short notice.
MSDE	Leave	<ol style="list-style-type: none"> 1. Employees are not eligible for LWOP (Leave Without Pay) with an exception of Medical LWOP. Personal LWOP may be requested. The Appointing Authority that approved the Personal LWOP is only required to hold the position open for a maximum period of 30 days. After 30 days they may fill the position. 2. Employees submit leave request through a leave request form (leave slip) indicating the period of absence and the type of leave to be used. 3. Leave should be approved before used. 4. All the leave types mentioned in the COMAR are applicable for the agency. 5. The agency does not allow the leave balances to have negative value.
MSP	Leave	<ol style="list-style-type: none"> 1. MSP indicated that Administrative leave is not similar to suspension. 2. Administrative leave is applicable to injured sworn officers. 3. Accident leave is applicable to injured civilian employees. 4. MSP is unable to track the comp time's expiration which is 1 year

		<p>after from the date the comp time is earned. MSP currently allows comp time expiration per calendar year which results in the comp time being available to some employees for more than a year.</p> <p>5. Currently the leave is calculated electronically, but the leave balances are only available by paper printouts that are distributed.</p> <p>6. Currently if an employee requests leave, supervisors do not have access to the current up-to-date leave data in order to verify if the employee has sufficient leave for the requested absence. Employees and Supervisors are provided with up to date leave balances generally within one week of the close of the prior pay period. MSP anticipates that the proposed system should have access to the up-to-date leave balance.</p> <p>7. Leave balances usually do not go negative but sometimes administrative requirements make it necessary to carry negative balances (i.e. Donated leave request is in the pipeline, but not yet approved). MSP indicated that the leave balances should have the flexibility to have negative values if required.</p>
SBE	Leave	<p>1. Employees currently request leave using a leave request form which has the below details</p> <ol style="list-style-type: none"> Employee Name Division / Program Date Submitted SSAN: Type of Leave (Annual, Sick, Personal, Comp, Other) Code Date and Time requested No of Hours Check boxes for Approved and Disapproved. Employee and Supervisor Signatures. <p>2. The agency does not have any additional leave types in addition to the ones stated in COMAR.</p> <p>3. The agency does not allow the leave balances to have negative values.</p>
OSFM	Leave	<p>1. Employees request leave through a leave request slip.</p> <p>2. The agency uses the leave types as defined in the COMAR.</p> <p>3. The agency uses the Furlough leave balance which is not defined in COMAR.</p> <p>4. Leave balances are not allowed to have negative values.</p>
MSP	Leave	<p>8. Employees are eligible for the leave accrual and usage types as per COMAR viz.,</p> <ol style="list-style-type: none"> Annual Leave Personal Leave Sick Leave Comp Holiday LAW (Pers) LAW (Mil)

		<p>g) LAW (Medical) h) Suspension i) Accident (Civilians) j) Admin (injured Sworn employee) k) Bereavement l) MAL (Military Administrative Leave) m) Furlough n) Release Time o) Admin (Salary Reduction) p) Donated Sick Leave (from Leave Bank) q) Donated Sick Leave (from Employee to employee)</p>
Admin/Clerical	Weekly/Biweekly Scheduled Hours	<p>Employees are required to work at least the weekly/biweekly scheduled hours.</p> <ol style="list-style-type: none"> 1. If employees work less than the weekly/biweekly scheduled hours in a business week/pay period a leave request should be submitted for the absence hours. 2. If employees work more than the weekly/biweekly scheduled hours in a business week/pay period, employees may be eligible for overtime compensation as per the overtime eligibility and compensation rules. 3. If employees work equal to the weekly/biweekly scheduled hours in a business week/pay period employees are compensated at straight rate for the scheduled hours worked.

Leave Bank

Agency	Category	Definition
All Agencies	Composition	The Leave Bank consists of donated leave and forfeited annual, personal, and sick leave.
All Agencies	Donation	<ol style="list-style-type: none"> 1. An employee may donate 8 hours of personal leave to the State Employees' Leave Bank within the first 60 days of employment. 2. All other donations shall be made during the open enrollment period. 3. An employee may voluntarily donate the employee's unused annual, personal, or sick leave in increments of the employee's normal workday to the Bank. 4. An employee may voluntarily donate any number of workdays of unused annual or personal leave to the Bank. 5. An employee may voluntarily donate unused sick leave to the Bank, but only to the extent that the donating employee has a sick leave balance of at least 240 hours after the donation.
All Agencies	Eligible Employee Groups	<ol style="list-style-type: none"> (1) Employees in principal departments and other independent units in the State Personnel Management System; and (2) Employees in a principal unit in the executive, judicial, or legislative branches of State government with an independent personnel system that allows its employees to voluntarily participate in the Bank.
All Agencies	Granting of Leave	<p>The Secretary (DBM) may grant leave from the State Employees' Leave Bank to employees who:</p> <ol style="list-style-type: none"> (a). Have exhausted all forms of annual, personal, sick, and

		<p>compensatory leave because of a serious and prolonged medical condition;</p> <p>(b). Provides a certificate of illness or disability; and</p> <p>(c)(i) Is a member of the State Employees' Leave Bank for at least 90 days; or</p> <p>(ii) Is granted an exemption by the Secretary from the membership requirement for good cause.</p>
All Agencies	Ineligible donations	<p>Annual leave up to 15 work days that is forfeited as a result of disciplinary action is not eligible.</p> <p>An employee, who forfeits up to 15 days of annual leave as a result of disciplinary action, does not become a member of the Leave Bank as a result of the forfeiture.</p>
All Agencies	Ineligible Employee Groups	Temporary Employees
All Agencies	Leave during determination period	If an employee runs out of leave before the Secretary (DBM) makes a determination, the employee is automatically granted leave until the Secretary makes a determination.
All Agencies	Maximum	Employees may not receive more than a total of 2080 hours of leave from the Leave Bank and the Leave Donation Program
All Agencies	Maximum combined with other Paid Leaves	Employees may not use leave from Leave Bank, the Leave Donation Program, or both for any continuous period that, when combined with all other forms of paid leave, exceeds 16 months.
All Agencies	Membership	<p>Employees are members of the Leave Bank for 2 years from the date on which the employees:</p> <p>(a). Voluntarily donates at least 8 hours of annual, personal, or sick leave to the Leave Bank ; or</p> <p>(b). Has at least 8 hours of annual or personal leave placed in the Leave Bank as a result of a forfeiture.</p>
All Agencies	Record Keeping	<p>Each principal department or other independent unit in the State Personnel Management System, and each principal department or other independent unit of State government with an independent personnel system that allows its employees to participate in the State Employees' Leave Bank program, shall:</p> <p>(1) Maintain a record of the employee leave donated; and</p> <p>(2) Submit to the Secretary (DBM), on or before October 15 of each year, a report providing the following information for the preceding fiscal year:</p> <p>(a) Number of employees who donated leave,</p> <p>(b) Kind of leave and number of hours donated by each employee,</p> <p>(c) Number of employees who received donated leave from the Bank, and</p> <p>(d) Number of hours of donated leave received and used by each employee from the Bank.</p>
All Agencies	Unused	If an employee who receives leave from the Bank does not use all of the

	Leave	leave received, the remaining hours of leave automatically revert to the Bank.
Admin/Clerical	Repayment	If the application of an employee whose leave is automatically granted is subsequently denied, any leave used is converted to leave without pay, and the employee shall reimburse the State at the minimum rate of 1/2 of the sick leave earned and, at the employee's discretion, by applying credited annual leave, personal leave, additional sick leave, compensatory leave, or cash payments. The cash payments may be automatically deducted from employee's biweekly pay.

Leave Donation Program

Agency	Category	Definition
All Agencies	Amount of Donation - Annual Leave	An employee may voluntarily donate any amount of unused annual leave to an eligible employee.
All Agencies	Amount of Donation - Personal Leave	An employee may voluntarily donate any amount of unused personal leave to an eligible employee.
All Agencies	Amount of Donation - Sick Leave	An employee may voluntarily donate unused sick leave to an eligible employee, but only to the extent that the donating employee has a sick leave balance of at least 240 hours after the donation.
All Agencies	Approval	Employees may use leave received through the Leave Donation program for the prolonged medical condition of the employee OR for a catastrophic illness or injury of a member of the employee's immediate family only after obtaining approval from the employees' appointing authority.
All Agencies	Donation reason	An employee may voluntarily donate the employee's unused annual, personal, or sick leave to another employee who has exhausted all available annual, personal, sick, and compensatory leave because of a: (a) Serious and prolonged medical condition of the employee that existed at the time of the donation; or (b) Catastrophic illness or injury to a member of the employee's immediate family for whom the employee is needed to provide direct care.
All Agencies	Eligible Employee Groups	(1) Employees in principal departments and other independent units in the State Personnel Management System; and (2) Employees in a principal unit in the executive, judicial, or legislative branches of State government with an independent personnel system that allows its employees to voluntarily participate in the Program.
All Agencies	Ineligible Employee Groups	Temporary employees.
All Agencies	Leave Types eligible for voluntary donation	Unused annual, sick or personal leave.
All Agencies	Maximum	Employees may not use leave from Leave Bank, the Leave Donation

	combined with other Paid Leaves	Program, or both for any continuous period that, when combined with all other forms of paid leave, exceeds 16 months.
All Agencies	Maximum leave received	Employees may not receive more than a total of 2080 hours of leave from the Leave Bank and the Leave Donation Program.
All Agencies	Record Keeping	Each principal department or other independent unit in the State Personnel Management System, and each principal department or other independent unit of State government with an independent personnel system that allows its employees to participate in the Program, shall: (1) Maintain a record of the employee leave donated; and (2) Submit to the Secretary (DBM), on or before October 15 of each year, a report providing the following information for the preceding fiscal year: (a) Number of employees who donated leave, (b) Kind of leave and number of hours donated by each employee, (c) Number of employees who received donated leave, and (d) Number of hours of donated leave received and used by each employee to whom leave was donated.
All Agencies	Unused Donated Leave	If an employee who receives donated leave does not use all of the leave received, the remaining hours of leave shall be automatically transferred to the State Employees' Leave Bank.
All Agencies	Use of donated Leave	An employee who receives leave through the Leave Donation Program may only use the leave for: (a). An illness or disability of the employee due to the medical condition that existed at the time of the donation; or (b). A catastrophic illness or injury of a member of the employee's immediate family for whom the employee is needed to provide direct care.

Leave General

Agency	Category	Definition
All Agencies	Annual Report	By February 1, each unit shall submit an annual report to the Secretary (DBM) which includes the following information from the preceding calendar year: (a) Total number of employees in the unit; (b) Aggregate amounts of annual, personal, and sick leave taken by the employees of the unit; and (c) Categories and amounts of other leave taken by employees of the unit.
All Agencies	Calculation Date	All the leave accruals are calculated based on Entry on Duty date (adjusted date if employee is rehired).
All Agencies	Cascading - Annual Leave	If employees request Annual Leave and if the Annual Leave balance is exhausted, then leave will be charged to the below balances in the order shown:

		<ol style="list-style-type: none"> 1. Regular Compensatory Time 2. Personal Leave 3. Cash Overtime Eligible (FLSA) Compensatory Time 4. Leave without Pay
All Agencies	Cascading - Cash Overtime Eligible Comp Time (FLSA Comp)	<p>If employees request Cash Overtime Eligible (FLSA) Comp Time and if the Cash Overtime Eligible (FLSA) Comp Time balance is exhausted, then leave will be charged to the below balances in the order shown:</p> <ol style="list-style-type: none"> 1. Regular Compensatory Time 2. Annual Leave 3. Personal Leave 4. Leave without Pay
All Agencies	Cascading - Exception	Sick Leave will not be used in the cascading order.
All Agencies	Cascading - Personal Leave	<p>If employees request Personal Leave and if the Personal Leave balance is exhausted, then leave will be charged to the below balances in the order shown:</p> <ol style="list-style-type: none"> 1. Regular Compensatory Time 2. Annual Leave 3. Cash Overtime Eligible (FLSA) Compensatory Time 4. Leave without Pay
All Agencies	Cascading - Regular Comp Time	<p>If employees request Regular Comp Time and if the Regular Comp Time balance is exhausted, then leave will be charged to the below balances in the order shown:</p> <ol style="list-style-type: none"> 1. Annual Leave 2. Personal Leave 3. Cash Overtime Eligible (FLSA) Compensatory Time 4. Leave without Pay
All Agencies	Cascading - Sick Leave	<p>If employees request Sick Leave and if the Sick Leave balance is exhausted, then leave will be charged to the below balances in the order shown:</p> <ol style="list-style-type: none"> 1. Regular Compensatory Time 2. Annual Leave 3. Personal Leave 4. Cash Overtime Eligible (FLSA) Compensatory Time 5. Leave without Pay
All Agencies	Contractual Employee to Budgeted Position	A contractual employee, who transfers to a budgeted position, shall be given credit for service in the contractual position only for the purpose of calculating the applicable leave accrual rate. However, a contractual employee may not accrue leave during the period worked as a contractual employee.
All Agencies	Earned and	The following leave categories can be earned and used as per the

	Used	individual leave's earning and usage rules. 1. Annual 2. Sick 3. Compensatory Time 4. Cash Overtime Eligible (FLSA) Compensatory Time 5. Holiday Comp (applicable for Stadium Authority) 5. Personal
All Agencies	Eligible Full Time Employees	Employees of the following types are eligible to earn/accrue leave without proration 1. Permanent - Full Time 2. Executive Service - Full Time
All Agencies	Eligible Part Time Employees	Employees of the following types are eligible to earn/accrue leave on a prorated basis based on their designated weekly/biweekly hours (% of employment) 1. Permanent - Part Time 2. Executive Service - Part Time
All Agencies	Employee appointed on Emergency Basis	An individual appointed on an emergency basis, shall be given credit for the time served as an emergency appointee if there is no break in service between the time served as an emergency appointee and the individual's appointment to a budgeted position.
All Agencies	Ineligible Employee Groups	Employees of the following types are not eligible to earn/accrue any leave 1. Contractual - Full Time 2. Contractual - Part Time 3. Temporary - Full Time 4. Temporary - Part Time
All Agencies	Leave Accrual while on Paid leave	While using leave with pay, an employee continues seniority and leave accruals based on the employee's regular hours.
All Agencies	Leave during emergency	In the case in which an employee is granted the use of annual leave, personal leave, or compensatory time on the day on which an emergency is declared because of the emergency such annual leave, personal leave, or compensatory leave shall be converted to release time and shall not be deducted from any time accrued by the employee if the Employer declares an emergency condition within two (2) hours of the beginning of the employee's regular work shift.
All Agencies	Leave usage after Resignation	Once an employee has given notice of resignation, the employee may not use more than 10 days of annual leave, personal leave, or compensatory leave, or any combination of those types of leave, between the time notice is given and the effective date of resignation.
All Agencies	Retention of Leave Records on Separation from Service	When an employee separates from State service, the employee's last leave record shall be retained by the unit for a period of not less than 4 calendar years from the separation date. If an employee is reinstated in another unit, the new unit shall request the former unit to forward the employee's leave record.
All Agencies	Temporary Employees	Leave time, other than compensatory time elected by an overtime-eligible employee, is not earned by temporary employees.

All Agencies	Termination of Employment - FLSA exempt fulltime employee	A Fair Labor Standards Act (FLSA) exempt full-time employee shall be compensated in cash for unused compensatory time for up to a maximum of 2 working days irrespective of when the compensatory time was earned.
All Agencies	Termination of Employment - FLSA exempt part-time employee	Payment to a Fair Labor Standards Act (FLSA) exempt, part-time employee for unused compensatory time is prorated on the basis of 2 working days as determined by the percentage of employment.
All Agencies	Termination of Employment - FLSA non exempt employee	Upon separation from State service, a Fair Labor Standards Act (FLSA) nonexempt employee shall be compensated for accrued Fair Labor Standards Act (FLSA) compensatory time at a rate of compensation equal to the greater of: (1) The average regular rate received by the employee during the last 3 years of employment; or (2) The final regular rate received by the employee.
All Agencies	Transfer of Leave Earnings	An employee who transfers to a position in any unit of State government, regardless of the personnel system governing the position, shall do so without loss of leave earned or credit for State employment in other units of State government. Fair Labor Standards Act (FLSA) exempt employees may transfer up to 10 days of compensatory time earned as overtime or for time worked. Fair Labor Standards Act (FLSA) nonexempt employees may transfer compensatory time regardless of the amount earned.
All Agencies	Used	The following leave categories can be only used as per the individual leave's usage rules. 1. Bereavement 2. Accident 3. Holiday 4. Military 5. Military Training/ Active Military Duty 6. Disaster Service 7. Jury Service 8. Court/Grand Jury/Administrative Unit/Deposition 9. Leave For Grievance 10. Exam/Interview 11. Administrative Leave 12. To Attend Employee Organization events 13. Emergency Release 14. Leave Donation 15. Leave Bank 16. Leave Without Pay

		<p>17. FMLA 18. Public Health 19. Religious 20. Other 21. Organ Donation Leave 22. Furlough Day 23. Service Reduction Day 24. Positive Tuberculin Test</p>
Admin/Clerical	Union Time	<p>Bargaining Unit Release Time---paid time not charged to the employee's leave balances, essentially treated as work time; used for employees designated to attend Union meetings, training or conferences. Bargaining Unit Grievance/LMC Prep Time---paid time, not charged to the employee's leave balances, essentially treated as work time; used for employees acting as stewards or union reps in grievances and at LMC meetings.</p>

LOA without Pay

Agency	Category	Definition
All Agencies	Annual Leave	When an employee enters military training or service for a period of at least 16 days up to a maximum of 4 years, the employee may choose to bank the employee's annual leave earned up to the date of departure for military training or service or to be paid for that earned annual leave. However, after the completion of 4 years, the employee shall be paid for all accumulated annual leave earned up to the date of departure for military training or service whether or not the employee returns to State service.
All Agencies	Armed Services	Leave to enter the armed services shall be for the period of time of the employee's initial tour of duty in the armed services.
All Agencies	Automatic authorization of leave of absence	<p>For the following conditions, the appointing authority shall automatically authorize leave of absence without pay, unless the employee wishes to resign:</p> <p>(a) An employee who is a member of the armed forces and is called to active service in the armed forces; or (b) An employee injured in the line of duty who, following a period of work-related accident leave has exhausted all paid leave before the employee is able to return to active duty.</p>
All Agencies	Failure to notify return to service	An employee who does not notify the appointing authority in writing of the employee's desire to return to duty before expiration of a leave of absence without pay shall be considered resigned from State service.
All Agencies	Maximum Duration	A leave of absence without pay may not exceed 2 years except for leave to enter the armed services.
All Agencies	Notification of return to service	Except for a leave of absence for military purposes, an employee granted leave of absence without pay for more than 30 calendar days, and who is ready to return to duty at or before the expiration of the leave, shall notify the appointing authority of the employee's readiness to return and may be restored to the employee's classification, if a vacancy exists in the

		department. If the employee is not restored to duty, the employee may request that the Secretary (DBM) place the employee's name on the appropriate eligible list as a reinstatement candidate.
All Agencies	Payroll-separated	Leave of absence without pay for a period exceeding the time periods established shall require notification to the Secretary (DBM), and may be granted for a cause satisfactory to the appointing authority. In these situations, the employee shall be separated from the payroll.
All Agencies	Payroll-not separated	If a request for leave of absence without pay is approved, the employee is not separated from the payroll.
All Agencies	Reasons	An employee may apply for, and the appointing authority may grant, a leave of absence without pay: (1) For personal reasons for a period not to exceed 30 calendar days; (2) Under the Family and Medical Leave Act (FMLA) for the amount of time permitted by the FMLA; or (3) Up to a maximum of 6 months, for the employee's documented temporary personal illness or disability, when there is medical documentation that the employee can return to the employee's full range of duties within 6 months.
All Agencies	Return to service after leave of absence without pay	If a leave of absence without pay is approved by an appointing authority for a period greater than the times indicated, it does not mean that the employee who is granted the leave shall, upon return, be restored to the position the employee vacated or any other position in State service.

Legal Actions Leave

Agency	Category	Definition
All Agencies	General	An employee who is summoned to appear in a court action, before a grand jury, before an administrative agency, or for a deposition, and is neither a party to the action nor a paid witness, may be absent from work without loss of pay or charge against any leave.

Military Administrative Leave

Agency	Category	Definition
All Agencies	Eligible Employees	Military administrative leave may be provided to employees who: (a). Are on active military duty on July 1, 2003; or (b). Are activated for military duty on or after July 1, 2003.
All Agencies	Election	Employees eligible to receive military administrative leave who are activated for military duty on or after July 1, 2003, shall elect to use either military administrative leave or paid leave.
All Agencies	Compensation	(a). Employees who are eligible to receive military administrative leave are entitled to leave in an amount sufficient to compensate the employees, during each pay period for which the employees are eligible to receive military administrative leave, for the difference between the employees' active duty base salary paid by the federal government and the employees' State base salary or direct wages.

		(b). Compensation provided may not exceed employees' State base salary or direct wages.
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Military Leave

Agency	Category	Definition
All Agencies	General	An employee who is a member of a reserve unit of the armed forces, or in the organized militia, is entitled to leave with pay for military training for a period of not more than 15 days annually, without loss of pay or charge against leave.

Organ Donation Leave

Agency	Category	Definition
All Agencies	General	Employees may use: (a) Up to 7 days of organ donation leave in any 12 month period to serve as a bone marrow donor; and (b) Up to 30 days of organ donation leave in any 12 month period to serve as an organ donor.
All Agencies	Usage	(a) Organ donation leave may only be used for the actual donation procedure, the preparation for the donation procedure, and recovery from the donation procedure. (b) Leave may be used in increments of 1 hour or more.
All Agencies	Approval	Employees may use organ donation leave only after obtaining approval from the employees' appointing authority.

Personal Leave

Agency	Category	Definition
All Agencies	Accrual - First Year of employment	For the calendar year in which an employee begins employment, the employee is entitled only to the following personal leave with pay: (a). 6 days, not to exceed 48 hours, if employment begins on or after January 1 and on or before the last day in February; (b). 5 days, not to exceed 40 hours, if employment begins on or after March 1 and on or before April 30; (c). 4 days, not to exceed 32 hours, if employment begins on or after May 1 and on or before June 30; or (d). 3 days, not to exceed 24 hours, if employment begins on or after July 1.
All Agencies	Accrual - Fulltime Employees	Eligible employees are entitled to 6 days, not to exceed 48 hours, of personal leave with pay at the beginning of the first full pay period of the calendar year.
All Agencies	Accrual - Part Time Employees	Part-time employees accrue Personal leave on a prorated basis.
All Agencies	Approval	Employees may use personal leave after notice to the employees' immediate supervisor.
All Agencies	Approval - Exception	If employees are scheduled to work on a holiday or is employed in a unit that provides a service continuously on a 7-day-a-week basis, the

		employee may use personal leave only after obtaining approval from the employees' appointing authority.
All Agencies	Compressed Work Schedules	The number of hours of personal leave granted for employees on compressed work schedules shall be same as that of employees on standard work schedules.
All Agencies	Donation	Employees may voluntarily donate any amount of the employees' personal leave to the State Employees' Leave Bank or to another State employee under the Employee-to-Employee Leave Donation Program.
All Agencies	Forfeiture - Unused Leave	Any unused personal leave shall be forfeited at the beginning of the first full pay period of the next calendar year. Employees may not accumulate unused personal leave.
All Agencies	Placement in Leave bank	Personal Leave that is forfeited is placed, unless the employee objects, in the State Employees' Leave Bank.
All Agencies	Usage Reason	Personal Leave may be used for any purpose.

Positive Tuberculin Test Leave

Agency	Category	Definition
All Agencies	Eligibility	An employee is entitled to receive leave with pay, if : 1. The employee has a positive tuberculin skin test result on a test taken by the employee at the direction of the employee's appointing authority; and 2. The Secretary of Health and Mental Hygiene determines that, for public health reasons, the employee should not work for a given period of time.
All Agencies	Period of Leave	Leave granted to an employee under this subsection for public health reasons may not exceed 90 days. If it is determined that a longer absence is medically required, the employee may use other forms of leave.

Professional Meetings Leave

Agency	Category	Definition
All Agencies	General	To the extent consistent with the operational needs of the Employer, employees will be granted time off with pay, not to exceed their normal workday to attend pre-approved professional meetings that are job related.

Public Health Leave

Agency	Category	Definition
All Agencies	General	Employees are entitled to receive appropriate health care to be provided by the appointing authority and leave with pay if (a). The employee has a positive tuberculin skin test result on a test taken by the employee at the direction of the employees' appointing authority; and (b). The Secretary of Health and Mental Hygiene determines that, for public health reasons, the employee should not work for a given period of time.
All Agencies	Period of Leave	Leave granted to an employee for public health reasons may not exceed 90 days. If it is determined that a longer absence is medically required, the

	employee may use other forms of leave.
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Religious Leave

Agency	Category	Definition
All Agencies	General	Work schedules should be provided to allow employees whose religious beliefs require absence from work to perform optional, compensatory work outside of the employees' regular work hours to offset the absence.
All Agencies	Compensatory Work - Employee Entitled to Overtime	If an employee who is entitled to overtime pay elects to perform compensatory work: (a). For any workweek in which the employee works 40 hours or less, each hour of compensatory work offsets 1 hour of absence for religious observance; and (b). For any workweek in which the employee works more than 40 hours, each hour of compensatory work over 40 hours offsets 1.5 hours of absence for religious observance.
All Agencies	Compensatory Work - Employee Exempt from Overtime	If an employee who is exempt from overtime pay elects to perform compensatory work under this section, each hour of compensatory work offsets 1 hour of absence for religious observance.
All Agencies	Eligible Employee Groups	All employees including temporary employees, of all units in the Executive Branch.
All Agencies	Ineligible Employee Groups	Employees of a unit that must provide a service continuously on a 7-day-a-week basis.

Sick Leave

Agency	Category	Definition
All Agencies	Accumulation	Sick leave may be accumulated without limitation.
All Agencies	Advanced Sick Leave - Definition	"Advanced sick leave" means sick leave with pay that shall be repaid.
All Agencies	Advanced Sick Leave - Discontinuation	The Secretary (DBM) shall discontinue the advanced sick leave policy when the Secretary (DBM) and the Secretary of the Department of Health and Mental Hygiene agree that the Statewide health emergency, or threat of one, has ended.
All Agencies	Advanced Sick Leave - General	When the Secretary of Health and Mental Hygiene and the Secretary (DBM) have determined that there is a strong likelihood of a Statewide health emergency, the Secretary (DBM) may, in the best interests of the public and State employees, implement an advanced sick leave policy to minimize exposure to health threats and the spread of disease.
All Agencies	Advanced Sick Leave - Reason	State employees, except temporary employees, may request and be automatically approved for advanced sick leave if: (a) The Secretary (DBM) has implemented an advanced sick leave policy;

		<p>(b) The employee has a need to use sick leave for eligible reasons except following the birth of the employee's child or When a child is placed with the employee for adoption;</p> <p>(c) The employee has exhausted all earned sick, annual, personal, and compensatory leave hours;</p> <p>(d) The employee agrees to repay the advanced sick leave at a rate of 50 percent of earned sick leave as it is earned upon the employee's return to work; and</p> <p>(e) The employee agrees that any outstanding leave amount due upon the employee's separation from State employment for any reason shall be considered a debt to the State.</p>
All Agencies	Advanced Sick Leave - Repayment	At the discretion of the employee, an employee who returns to work may apply additional accrued annual or personal leave to the amount owed, or elect to pay in cash at a 100 percent repayment rate.
All Agencies	Advanced Sick Leave - Separated from State Service	An employee who does not return to work after a period of advanced sick leave, or who separates from State service without fully repaying the debt, shall be referred to the Central Collection Unit in the Department of Budget and Management.
All Agencies	As continuation of salary	Payment for sick leave taken for any reason other than personal illness or disability is a continuation of salary.
All Agencies	As separate benefit	Payment for sick leave taken for personal illness or disability constitutes a separate benefit on account of sickness and is not a continuation of salary.
All Agencies	Certification of Illness - FMLA	A certificate is not required when prohibited by the Family and Medical Leave Act (FMLA).
All Agencies	Certification of Illness	For an illness or disability of 5 or more consecutive work days, an employee shall submit an original certificate which authenticates the illness or disability. This does not preclude an appointing authority from requiring a certificate for lesser periods.
All Agencies	Change of Workweek	If the designated workweek for an employee changes, the appointing authority shall credit the employee with sick leave equal to the number of hours that the employee had earned at the time of the change.
All Agencies	Eligible Reasons	<p>Sick leave may be used:</p> <p>(a). For illness or disability of the employee;</p> <p>(b). For death, illness, or disability of a member of the employee's immediate family;</p> <p>(c). Following the birth of the employee's child;</p> <p>(d). When a child is placed with the employee for adoption; or</p> <p>(e). For a medical appointment of the employee or a member of the employee's immediate family.</p> <p>An employee who wishes to use accrued sick leave to care for a newborn or newly adopted child shall be allowed to use up to 30 days of accrued sick leave to care for the child.</p>

All Agencies	Forfeiture on termination of employment	Employees whose State employment terminates for any reason forfeit all unused sick leave.
All Agencies	Illness or disability caused by a third person	If an illness or disability is caused by a third person, the State, after notice to the employee, shall be subrogated to the rights of the employee to the extent of any compensation paid or owed. If the employee fails to enforce a claim against the third person, the State may bring an action in its own name.
All Agencies	Limitations Upon Earnings	Sick leave is not earned for hours worked in excess of an employee's regular work schedule.
All Agencies	Part-Time Employees	The payment, sick leave usage rate, and sick leave balance for part-time employees will be prorated based on the employees' percentage of employment.
All Agencies	Placement in Leave Bank	Sick leave that is forfeited is placed, unless the employee objects, in the State Employees' Leave Bank. This provision does not preclude an employee's use of unused sick leave toward credit for time in the pension system at the time of the employee's separation due to retirement.
All Agencies	Rate of Earnings	An employee shall be credited with 1-1/2 hours of sick leave for each 26 hours worked for a maximum of 15 days, not to exceed 120 hours, of sick leave a year.
All Agencies	Sick Leave during Annual Leave	If an illness or disability of 1 day or more occurs during a period of annual leave, the appointing authority shall grant sick leave for the period of illness or disability if the employee presents a certificate which authenticates the period of illness or disability.
All Agencies	Sick leave with sick pay	After an employee has used sick leave on account of an employee's sickness or injury for 6 continuous months and the employee continues to use more sick leave immediately following that 6-month period, the sick leave shall be recorded as sick leave with sick pay, which is exempt by federal law from Social Security taxes, on all time-keeping records beginning on the first day of that month that follows the last day of the 6-month period. Sick leave taken for any purpose other than sickness or injury of the employee shall be recorded on all time-keeping records as sick leave only.
All Agencies	Usage - Compressed Schedules	When leave is taken, employees are charged for their normal workday (scheduled hours).

Sick Leave Incentive Program

Agency	Category	Definition
All Agencies	Eligibility	To be eligible for the Program, an employee shall maintain a sick leave balance of at least 240 hours after payment is received for leave.
All Agencies	Annual Report	A unit that participates in the Sick Leave Incentive Program shall submit to the Secretary (DBM) at the end of each calendar year a report that includes: <ol style="list-style-type: none"> 1. The number of employees receiving payment for unused sick leave; 2. The total payment received by employees;

		<p>3. The number of unused sick leave hours exchanged for payment;</p> <p>4. The total sick leave hours used during the calendar year; and</p> <p>5. Any estimated overtime savings as a result of this Program.</p>
All Agencies	Incentives	<p>The Sick Leave Incentive Program consists of the following two incentives:</p> <p>(a). Payment of up to 40 hours of unused sick leave per calendar year if an employee has used no more than 40 hours of sick leave during the calendar year and has a sick leave balance of at least 240 hours on December 31 of that calendar year; and</p> <p>(b). Payment for up to 56 hours of unused sick leave per calendar year if an employee has used no more than 24 hours of sick leave during the calendar year and has a sick leave balance of at least 240 hours on December 31 of that calendar year.</p>
All Agencies	Qualifying leave	<p>(a). For the purpose of determining eligibility for the Program, the following use of leave does not qualify as sick leave usage;</p> <p>(i). Sick leave that is used for a death in the immediate family;</p> <p>(ii). Sick leave that is donated to another employee in accordance with the provisions of the Employee-to-Employee Leave Donation Program;</p> <p>(iii). Sick leave that is donated to the State Employees' Leave Bank; and</p> <p>(iv). Sick leave that is taken in accordance with the Family and Medical Leave Act.</p> <p>(b). Sick leave that is taken in accordance with the Family and Medical Leave Act shall not be used to determine eligibility for employees' leave balance of at least 240.</p>

Sick Pay

Agency	Category	Definition
All Agencies	General	After an employee has used work-related accident leave for an injury for 6 continuous months and the employee continues to use work-related accident leave immediately following that 6-month period, the work-related accident leave shall be recorded as work-related accident leave with sick pay, which is exempt by federal law from Social Security taxes, on all time-keeping records beginning on the first day of that month that follows the last day of the 6-month period.
All Agencies	Basis of Pay	Payment to an employee for work-related accident leave taken under this subtitle shall be based on two-thirds of the employees' regular pay.
All Agencies	Seniority and Leave Benefits	Notwithstanding the reduced rate that an employee is paid while using work-related accident leave, the employee continues seniority and leave accruals based on the employee's regular pay.
All Agencies	Separate Benefit	Payment for work-related accident leave taken under this subtitle constitutes a separate benefit on account of accidental disability and is not a continuation of salary.

E. Process Modifications

There are significant differences in the “future” state business processes outlined in this document in comparison with the current state environment. The differences include:

- ❖ Expanding the term *Leave of Absence* to include both paid and unpaid extended workplace absences for one of the following reasons:
 - FMLA
 - Service Member
 - Military
 - Medical
 - Personal
 - Other
- ❖ Development and utilization of a standard *Leave of Absence Request Form* for all agencies.
- ❖ Tracking all FMLA and Service Member requests in the SPS system.
- ❖ Tracking the FMLA or Service Member request disposition in the SPS system.
- ❖ Tracking all employees on a Leave of Absence in the SPS system at the employee level as opposed to identifying employees on a leave thru timekeeping records.
- ❖ Using the SPS system to assist in identifying employee eligibility to participate in FMLA or Service Member leave.
- ❖ Tracking the employees who are participating in the *Managed Return to Work Program*.
- ❖ Enhanced reporting capabilities to include:
 - The ability to easily identify all employees out of the workplace on a Leave of Absence during a user-specified time period.
 - The ability to audit the type of accrued leave types on the employee timesheet against the FMLA or Service Member *Reason*.
 - The ability to identify employees who have missed 5+ consecutive unscheduled workdays.
 - The ability to review an employees *Leave of Absence* history.
 - The ability to review an employees *FMLA or Service Member* history
 - The ability to easily identify all employees who participated in the *Managed Return to Work Program* during a user-specified time period.

F. Reference Pertinent Documents

The reference documents used in the preparation of this document include:

Pertinent Documentation	Link
State of Maryland – Family and Medical Leave Act (FMLA) Guide	http://dbm.maryland.gov/employees/Documents/Leave/FMLAGuideMary2010.doc
Medical Absence Guidelines	Document is still in <i>DRAFT</i> ; link will be updated when document is finalized.
State of Maryland – Managed Return to Work Program – Policy Requirements and Procedures	http://dbm.maryland.gov/employees/Documents/MedicalServices/ManagedReturnToWorkPolicy.pdf

Pertinent Documentation	Link
MS 381 – Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act)	http://dbm.maryland.gov/employees/Documents/Leave/FMLANoticeEligibilityRightsForm381.doc
MS 382 – Designation Notice (Family and Medical Leave Act)	http://dbm.maryland.gov/employees/Documents/Leave/FMLADesignationForm382.doc
MS 380E – Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)	http://dbm.maryland.gov/employees/Documents/Leave/FMLAEmployeeForm380.doc
MS 380F – Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act)	http://dbm.maryland.gov/employees/Documents/Leave/FMLAFamilyMemberForm380F.doc
MS 384 – Certification of Qualifying Exigency for Military Family Leave (Family and Medical Leave Act)	http://dbm.maryland.gov/employees/Documents/Leave/FMLAQualExigencyForm384.doc
MS 385 – Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (Family and Medical Leave Act)	http://dbm.maryland.gov/employees/Documents/Leave/FMLACoveredServicememberForm385.doc

G. Legal Considerations

The following are links to State regulations, guidelines and requirements.

Referenced Item	Link
State Personnel & Pensions Article, §9-1107 – Military Administrative Leave	http://dbm.maryland.gov/employees/Pages/Policies.aspx
State Personnel & Pensions Articles, §9-701 – Work Related Accident Leave §9-702 – Period of Leave §9-703 – Periodic Examination §9-704 – Sick Pay §9-705 – Subrogation	http://dbm.maryland.gov/employees/Pages/Policies.aspx
COMAR 17.04.11.24 – Leave of Absence Without Pay	http://www.dsd.state.md.us/comar/comarhtml/17/17.04.11.24.htm
COMAR 17.04.11.07 – Work Related Accident Leave	http://www.dsd.state.md.us/comar/comarhtml/17/17.04.11.07.htm

H. Outstanding Issues

<i>Issue Log Number</i>	<i>Outstanding Issue</i>

III. Interfaces

The following interfaces will be inputs/outputs to the future process.

A. In-Bound

List In-Bound Interfaces used/required by this process.

<i>Interface Name</i>	<i>Description/Purpose</i>	<i>Source System/Vendor</i>	<i>Frequency</i>	<i>Transmission Method</i>
<i>None.</i>				

B. Out-Bound

List Out-Bound Interfaces used/required by this process.

<i>Interface Name</i>	<i>Description/Purpose</i>	<i>Receiving System/Vendor</i>	<i>Frequency</i>	<i>Transmission Method</i>
<i>None.</i>				

IV. Forms

The following forms will be used or generated by the process.

Form Name	Agency/ Dept	Input/ Output	Automated/ Manual	Purpose	Fields/Content
MS 381 – Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act)	Agency HR	Input/ Output	Manual	Notify employees if they are/are not eligible to participate in FMLA.	
MS 382 – Designation Notice (Family and Medical Leave Act)	Agency HR	Output	Manual	Notify employees if their FMLA request was approved.	
MS 380E – Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)	Agency HR	Input/ Output	Manual	Health care provider certification of the employee medical condition relevant to the FMLA request.	
MS 380F – Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act)	Agency HR	Input/ Output	Manual	Health care provider certification of the family member's medical condition relevant to the FMLA request.	
MS 384 – Certification of	Agency HR	Input/ Output	Manual	Employee certification of the qualifying exigency relevant	

Form Name	Agency/ Dept	Input/ Output	Automated/ Manual	Purpose	Fields/Content
Qualifying Exigency for Military Family Leave (Family and Medical Leave Act)				to the FMLA request.	
MS 385 – Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave (Family and Medical Leave Act)	Agency HR	Input/ Output	Manual	Health care provider certification of the service member's medical condition relevant to the military family leave request.	
Leave of Absence Request Form	Employee	Input	Manual	This will be a new State standard form utilized by all Agencies that will provide a vehicle for an employee to request a leave of absence from the workplace.	

V. Reports

The following reports will be inputs/outputs to the process.

A. Reports Used as Input to the Process

For example, if someone runs a report which they then use to determine what actions may need to be taken, list those reports.

Report Name	Requestor	Frequency	Purpose	Contents	Routing/Users
<i>None.</i>					

B. Reports to be Produced

For example, note reports generated for management or for the administration of the system, department review, etc. (e.g., reconciliation reports)

Report Name	Requestor	Frequency	Purpose	Contents	Routing/Users
Employees On Leave of Absence	Agency HR Coordinator Agency Benefit Coordinator	AdHoc	Show all of the employees who are on a Leave of Absence. <u>Parameters:</u> - Agency - Leave Effective Date Range - Leave Reason - Employee Id	The report needs to show all of the employees who are on a Leave of Absence during a user-specific date range along with the leave details (reason, leave status, anticipated return date, etc.).	
Employee Leave of Absence History	Agency HR Coordinator	AdHoc	Show all of the Leave of Absence Actions for a	This report would identify employee	

Report Name	Requestor	Frequency	Purpose	Contents	Routing/Users
			user-specified employee for a user-specified time period.	demographics and all of their job record Leave of Absence Actions along with the indicated Reason.	
Employee FMLA History	Agency HR Coordinator	AdHoc	Show all of the FMLA events for a user-specified employee for a user-specified time period.	This report would identify employee demographics and all of their FMLA requests, dispositions and event details.	
5+ Consecutive Days Off	Agency HR Coordinator	AdHoc	Show all employees who took 5 or more unscheduled days of Sick leave during a user-specified time period that were not already on a designated Leave of Absence.	This report would identify only the employees that meet the criteria and indicate if they are remained out of the workplace on the last day of the user-specified time period.	
Leave of Absence Time Reporting Audit	Agency HR Coordinator	AdHoc	Show the distinct time reporting codes being used by employees with a Leave of Absence status during a user-specified time period.	This report would identify all employees on a Leave of Absence during the user specified time period. In addition, it would identify all of the distinct time reporting codes used by the employee in order to verify adherence to State policy.	
Employees on Managed Return to Work	Agency HR Coordinator	AdHoc	Show all employees that participated in the Managed Return to Work Program during a user-specified time period.	The report would identify the employee, the date they began the Managed Return to Work Program and the date they ended the Managed Return to Work Program.	
Employee FMLA Usage	Agency HR Coordinator	AdHoc	Show the FMLA usage for a single employee or all employees.	This report would identify all employees with an FMLA event in the user-specified time period and the total FMLA taken for the events. In addition,	

Report Name	Requestor	Frequency	Purpose	Contents	Routing/Users
				the report would identify if the FMLA event is Intermittent.	

VI. Databases/Spreadsheets

List any databases, spreadsheets, etc used to support or aid this process.

DB/Spreadsheet Name	Agency/ Dept	Input/ Output	Purpose
<i>None.</i>			

VII. Data Conversion Considerations

A. Data that will be converted

The following data is required to be converted into the new software.

Current Source	Type of Data	Source Years
<i>Paper – Manual</i>	FMLA and Leave of Absence	Current

B. Data that will not be converted

The following data will not be converted into the new software.

Current Source	Type of Data	Source Years
<i>N/A</i>		

VIII. Change Management Considerations

A. Policy/Procedure Impacts

With the business process and role changes proposed, there will be change management considerations for the following groups.

- ❖ The role of the Agency HR Coordinator is changing.
 - Agency HR will evolve from a completely manual FMLA/Service Member leave eligibility and tracking environment into an environment where the SPS system assists them with determining eligibility in addition to tracking FMLA requests and dispositions.
 - Agency HR will have access to employee timesheet data to assist them in analysis of application of statutes and policy. Due to the non-integrated HR and timekeeping systems that exist today, Agency HR has very limited access to employee timesheet data.

B. Communication Requirements

- None

C. Training Requirements

- None

Appendix A – Future State Process Diagrams

See separate PDF document [LV – FMLA and Leave of Absence – Appendix A](#)

Appendix B – Forms

See separate PDF document [LV – FMLA and Leave of Absence – Appendix B](#)