



Maryland Sick and Safe Leave

Guideline: HR044

Responsible Executive: Vice President
for Human Resources

Responsible Office: Human Resources

Approved by: Senior Planning Group

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Policy Statement

Johns Hopkins University (“JHU” or “University”) recognizes the challenges University employees face in balancing family, professional, and academic responsibilities and the importance of promoting the well-being of employees and their families. Effectively integrating the professional and personal lives of University employees is essential to maintaining a vibrant, healthy, and productive community. The University is supportive of accommodating employees who must take time away from work to care for or treat their own or a family member's mental or physical illness, injury, or condition for maternity or paternity leave or if the absence from work is necessary due to domestic violence, sexual assault, or stalking.

Eligible University employees, as defined below, with a work location in the State of Maryland earn a paid sick and safe leave ("Maryland Sick and Safe Leave" or "MDSS") that is consistent with the minimum provisions of the Montgomery County Earned Sick and Safe Leave Law and the Maryland Healthy Working Families Act. All supervisors, department chairs and divisional deans must adhere to the MDSS accrual minimum requirements as stated herein.

This Policy neither replaces the University Sick Leave Policy nor creates a new allotment of paid leave. Rather, as set forth in this Policy, MDSS is a particular type of leave which, when used, is charged against accrued, available sick leave for employees who accrue leave under the Sick leave Policy. This policy complements the

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main University Sick Leave policy where that policy is inconsistent with Maryland or Montgomery County sick and safe leave laws.

Who Is Governed By This Policy

This Policy applies to eligible University employees, as defined herein, who have a work location in the State of Maryland.

This Policy does not apply to postdoctoral fellows, employees of the Applied Physics Laboratory, temporary staff agency employees and independent contractors. Postdoctoral fellows are encouraged to consult the Postdoctoral Fellows Policy for information on their sick and safe leave benefits.

Faculty, staff and student employees who do not work in the State of Maryland are also excluded from this Policy.

Policy Purpose

The Maryland Sick and Safe Leave Policy (“Policy”) covers the eligibility requirements, accrual rates, permitted uses and procedures for utilizing MDSS in accordance with the Montgomery County Earned Sick and Safe Leave Law and the Maryland Healthy Working Families Act for eligible University employees working in the State of Maryland.

Definitions

Appointed Senior Staff	<p>Staff members who receive appointment letters and are not required to maintain time and attendance records.</p> <p>Clinical Associates are appointed senior staff members who have time and attendance records maintained by a designee. Appointed senior staff are eligible for all senior staff benefits except for accrued sick and vacation leave and are not entitled to a payout of leave when they terminate or retire from the University. Clinical associates with grandfathered sick leave are eligible for accrued sick leave payouts at retirement.</p>
Child	<p>A biological child, an adopted child, a foster child, or a stepchild of the employee;</p> <p>A child for whom the employee has legal or physical custody or guardianship; or</p> <p>A child for whom the employee stands in loco parentis, regardless of the child's age.</p>

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Eligible University Employees	<p>Eligible University employees mean those employees with a work location in the State of Maryland and who hold one of following position categories</p> <ol style="list-style-type: none"> 1. Full-Time Staff 2. Part-Time Staff 3. Casual Staff 4. Limited Staff (paid hourly) 5. Student Employees (paid hourly) 6. Appointed Senior Staff 7. Faculty 8. Deans and Executives <p>Unless otherwise noted in Sections I and II of this Policy, each category of eligible University employee who normally or customarily works at least eight (8) hours per week is entitled to accrue MDSS.</p> <p>Note: An eligible University employee who normally or customarily works less than 8 hours per week is not covered by this Policy. If an eligible University employee normally or customarily works 8 or more hours per week but the employee works less than 8 hours in an isolated week, those hours in the isolated week would still count toward the employee's MDSS accrual.</p> <p>For complete position descriptions, consult the Position Categories Policy in JHU Policy Manual.</p>
Extended Family Member	<p>For purposes of this Policy, an extended family member of an eligible University employee means:</p> <ol style="list-style-type: none"> 1. A biological grandparent, an adoptive grandparent, a foster grandparent, or a step-grandparent of the employee; 2. A spouse of a biological grandparent, an adoptive grandparent, a foster grandparent, or a step-grandparent of the employee; 3. A biological grandchild, an adopted grandchild, a foster grandchild, or a step-grandchild of the employee; or 4. A biological sibling, an adopted sibling, a foster sibling, or a step-sibling of the employee. 5. A spouse of a biological sibling, an adopted sibling, a foster sibling, or a step-sibling of the employee.
Immediate Family Member	<p>An immediate family member is a spouse, domestic partner, child, or parent of the eligible University employee.</p>

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Maryland Sick and Safe Leave ("MDSS")	<p>An eligible University employee is allowed to use earned Maryland Sick and Safe Leave ("MDSS") for the following reasons which shall be treated as an approved absence:</p> <ol style="list-style-type: none"> 1. To care for or treat the employee's mental or physical illness, injury, or condition; 2. To obtain preventive medical care for the employee's immediate or extended family member; 3. To care for an immediate or extended family member with a mental or physical illness, injury, or condition; 4. For maternity or paternity leave, including the birth of a child or the placement of a child with the employee for adoption or foster care and for a newborn newly adopted or newly placed child for adoption or placement; or 5. If the absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member and the leave is being used: (1) to obtain for the employee or employee's immediate or extended family member: (a) medical or mental health attention; (b) services from a victim services organization; (c) for legal services or proceedings; or (2) because the employee has temporarily relocated as a result of the domestic violence, sexual assault or stalking; or 6. For a public health emergency.
Parent	<p>An eligible University employee's parent is:</p> <ol style="list-style-type: none"> 1. A biological parent, an adoptive parent, a foster parent, or a stepparent of the employee or the employee's spouse; 2. A domestic or marital partner of a biological or adoptive parent; 3. A legal guardian or ward of the employee or the employee's spouse; or 4. An individual who acted as a parent, primary caregiver or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor.
Public Health Emergency	<p>An eligible University employee may use MDSS for the following public health emergency reasons:</p> <ol style="list-style-type: none"> 1. The closure of an employee's place of business is ordered by a public health official due to a public health emergency; 2. The closure of the employee's immediate or extended family member's school or child care center is ordered by a public health official due to a public health emergency; or 3. The employee is needed to care for an immediate or extended family member if a health official or health care provider has determined that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease.

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Work Schedule Rule	The work schedule rule determines the amount of leave a staff member accrues in conjunction with their weekly work schedule. Individuals can have a 35 (SAIS only), 37.5 or 40 hour per week work schedule rule. The work schedule rule is determined based on a combination of position, campus and/or the department. The work schedule rule determines the accrual of leave and proration of leave for individuals who do not work at least 35, 37.5 or 40 hours per week.
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Policy

I. GENERAL

All eligible University employees working in the State of Maryland are entitled to earn MDSS at a rate of no less than one (1) hour for every 30 hours worked. The University will not reduce compensation for eligible University employees who work in the State of Maryland but do not accrue MDSS if their absence is related to MDSS (i.e., faculty, deans/executives and salaried staff and students who are not required to maintain time and attendance records).

II. MDSS ELIGIBILITY AND ACCRUAL RATES

A. Full-Time and Part-Time Staff (19 to 40 hours per week)

The University provides up to a maximum of 90 days of sick leave for eligible staff who are regularly scheduled to work at least 19 hours per week at an accrual rate of up to one (1) day per month. A maximum of 80 hours of accrued sick leave that is available in an employee's sick leave balance may be allocated as MDSS per fiscal year. Full-time and part-time staff who work at least one (1) day in the month earn an accrual of MDSS for that month.

B. Limited Staff and Casual Staff and Student Employees (8 to 18.9 hours per week)

Limited staff, casual staff and student employees paid on an hourly basis who normally or customarily work at least eight (8) hours per week in the State of Maryland, accrue MDSS at the rate of one (1) hour for every 30 hours worked, to a maximum of 80 hours per fiscal year. Limited and casual staff members and student employees who do not normally or customarily work at least eight (8) hours per week in the State of Maryland do not accrue MDSS.

C. Clinical Associates

Clinical associates are appointed senior staff who are provided up to 40 days of paid benefit time at the beginning of each fiscal year. That amount of leave granted is pro-rated based on the percentage of full-time effort which is further adjusted for any partial fiscal year during which the clinical associate is employed and then calculated at a rate of at least one (1) hour of leave for every 30 hours expected to work. Absences for MDSS are charged against a clinical associate's paid benefit time.

D. Faculty, Deans, Executive, and Appointed Senior Staff

Faculty, deans, executives, and appointed senior staff are eligible for MDSS but do not accrue sick leave and therefore do not accrue MDSS. Any absences for MDSS will not reduce these employees' compensation.

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III. MDSS USAGE AND CARRYOVER PROVISIONS**A. MDSS Usage**

While MDSS begins to accrue at the start of Maryland employment, eligible University employees may not use earned MDSS during the first 90 calendar days of their employment. MDSS will run concurrently with a staff member's accrued sick leave and will not be used concurrently with other leave. In order to use MDSS during an absence, the employee must be scheduled to work during that exact period of time (i.e. if an employee is not scheduled to work, then they may not utilize the MDSS benefit).

B. MDSS Usage and Limits

Non-exempt staff, limited and casual staff and hourly-paid student employees may use earned MDSS in 15-minute increments. Exempt employees may use MDSS in increments of not less than one-half day. The amount of MDSS that can be charged in a day is limited by the employee's status and their work schedule rule. Student employees paid hourly can charge up to 4 hours of MDSS per day. Casual and limited staff paid hourly in positions with a 37.5 hour work schedule rule can charge up to 7.5 hours to MDSS per day and can charge up to eight (8) hours of MDSS in positions with a 40 hour work schedule rule. Casual staff, limited staff, and student employees paid on an hourly basis who have active concurrent MDSS-eligible full- and part-time positions within the State of Maryland can earn and utilize MDSS on all active personnel assignments in the State of Maryland.

C. Carryover Provisions

Eligible University employees may carryover, accrue and allocate a maximum of 80 hours of MDSS each fiscal year.

D. Employee Notification and Documentation Requirements

Employees must follow departmental procedures for reporting an absence when using MDSS. If the need to use MDSS is foreseeable, the employee should provide reasonable advance notice of at least seven (7) days before the date MDSS begins. If the need to use MDSS is not foreseeable, an employee shall provide notice to their supervisor or manager as soon as practical.

Employees must identify if MDSS is being used for themselves, or an immediate or extended family member, as defined in this policy.

A department may require an employee who uses earned MDSS to provide verification that the leave was used appropriately if the leave was used for more than three (3) consecutively scheduled shifts.

E. Leave Accrual and Other Paid Leave During MDSS

Staff members continue to accrue sick and vacation leave when using MDSS. University holidays that occur when an employee is using MDSS will not be charged to MDSS if the employee is eligible for paid University holidays.

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IV. POSITION TRANSFERS**A. Departmental Transfers**

Full- and part-time staff members transferring from one department to another department within the University retain their MDSS eligibility provided their work location remains within the State of Maryland. If the new work location is outside the State of Maryland, full- and part-time staff retain their accrued sick leave but forfeit their MDSS eligibility. Casual, limited and student employees who change their work location to outside the State of Maryland will forfeit their MDSS eligibility and their ability to accrue or retain their existing MDSS balance. Faculty, deans/executives and appointed senior staff who do not accrue sick leave will only retain their MDSS eligibility if their work location remains within the State of Maryland.

B. Transfers from Faculty or Appointed Senior Staff Positions

Staff members transferring from faculty or appointed senior staff positions to non-appointed staff positions within the University are credited with one-half day of sick leave for each complete month of prior full-time service, not to exceed the maximum 90 days of accrued sick for staff. A maximum of 80 hours per fiscal year can be allocated as MDSS. Clinical associates are excluded from this provision.

C. Status Changes

Accrued MDSS balances will be retained for individuals who transfer to or from hourly staff or hourly student positions to or from full or part-time staff positions provided the work location remains within the State of Maryland.

V. CHANGE IN EMPLOYMENT STATUS

An employee's change in employment status and change in work location may change the employee's eligibility for MDSS. For example, if an employee is in a position that is not MDSS-eligible and changes to a position that meets the aforementioned MDSS eligibility requirements, their MDSS accruals will begin on the effective date of the change in position.

A. MDSS Eligible to Not Eligible

When an employee who is MDSS-eligible separates from employment, transfers to a position that is not eligible to accrue MDSS or begins working in a state other than Maryland, any remaining MDSS will be held in their MDSS bank for a period of 37 weeks or 259 calendar days. If the employee is rehired into an MDSS-eligible position within 37 weeks or 259 calendar days from the termination date or change in work location, the unused MDSS balance will be reinstated and available for use.

B. Termination

MDSS is not a terminal benefit and has no cash value upon separation or termination. Therefore, at termination, University employees are not paid for unused MDSS.

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C. Reinstatement of Accrued MDSS

An employee who returns to employment within 37 weeks or 259 calendar days from termination of all active assignments and does not meet the six (6) or twelve (12) month University reinstatement criteria will have unused MDSS reinstated up to a maximum of 80 hours provided they return to a position with a work location within the State of Maryland and that the position they were terminated from was MDSS-eligible. For more information on the University's reinstatement policy, please refer to the Rehiring section of the [Recruiting and Employment Policy](#) in the JHU Policy Manual.

VI. OTHER REQUIREMENTS**A. Statement of Earned MDSS**

All eligible University employees who accrue MDSS may view their availability of MDSS in the appropriate time management system or Employee Self Service (ESS).

B. Required Statement and Records

The University will maintain a record of MDSS accrual and usage records for a minimum of three years.

C. Proper Use of MDSS Required

Abuse of earned MDSS, including use of MDSS for purposes other than those meeting the definition of MDSS in this Policy, is prohibited, and subject to disciplinary action up to and including termination. Eligible University employees using earned MDSS for unauthorized purposes or who have demonstrated a pattern of abusing MDSS, may be subject to disciplinary action.

D. Notice

An employer is required to notify its employees that the employee is entitled to earned MDSS along with an explanation of how earned MDSS accrues and the purposes for which the leave may be used.

E. Adverse Employment Action

The Maryland and the Montgomery County sick and safe laws prohibit both an employer from taking adverse action against an employee for exercising their rights under these laws as well as prohibit an employee from making a complaint, bringing an action or testifying in an action in bad faith. After an employee has exhausted all of their accrued MDSS, the University may apply its normal attendance policies to any subsequent unscheduled absences.

F. Questions

The Maryland Commissioner of Labor and Industry has oversight of issues related to earned MDSS. The Commissioner may be contacted at ssl.assistance@maryland.gov.

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Policy Enforcement

Enforcement	The Office of Human Resources is responsible for enforcing this Policy. The Office of Human Resources is responsible for investigating suspected violations, and may recommend disciplinary action, up to and including termination or dismissal in accordance with any applicable University policy or process.
Reporting Violations	Suspected violations of this Policy should be reported to the Office of Human Resources, or to the Speak2Us Compliance Hotline at 844-SPEAK2US (844-773-2528) or via the online form .

Related Resources

University Policies and Documents
Johns Hopkins University Sick Policy
Maryland Sick and Safe Leave Frequently Asked Questions
Supervisor's Guide to Managing Maryland Sick & Safe Leave for Hourly Paid Staff and Students
Supervisor's Guide to Managing Maryland Sick & Safe Leave for JHU Bargaining Unit Staff
Johns Hopkins University Termination Policy
Postdoctoral Fellows Policy

Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation	HR Compliance Services	443-997-2157	HRComplianceSvcs@jhu.edu HealthSciencesLeave@jhu.edu