

**BALTIMORE COUNTY**  
**Grievance and Appeal Form**

Please circle one category:

- 1.  Grievance
- 2.  Appeal of Suspension
- 3.  Appeal of Dismissal

EMPLOYEE NAME: Federation Grievance

DEPT/BUREAU: Department of Corrections

All employees of The Baltimore County Department of Corrections represented by the Baltimore County Federation of Public Employees local #4883 who are subject to the July 25, 2017 email notice by Correctional Captain Daniel Swain revising Policy 1.3.13- Sick Leave Usage.

HOME ADDRESS: 305 W. Chesapeake Ave. Suite L-30  
Towson, MD 21204

Phone: (410)296-1875

TITLE: DOC staff

BARGAINING UNIT: Pay Schedule: I and 1C

- 1) Nature of Grievance: The Federation, on behalf of the named employees, contests the Employer's Unilateral implementation of revised policy 1.3.13 – Sick Leave Usage as it is in direct violation of, and contrary to the collectively bargained for provisions of the MOU between the parties, including without limitation, Article 15. The matters set forth in the unilaterally amended policy alter the terms of the MOU and alter the terms and conditions of employment for Department of Corrections employees, and as such, are mandatory subjects of bargaining and are invalid as they apply to Federation represented employees. The MOU contains provisions for the employer to address specifically identified employees "whose absence pattern indicates a potential overuse or questionable use of sick leave", and the MOU contains remedial measures for the Employer to employ in such cases, such as to require employees, on an individual basis, "to submit written physician's certificate for any sick leave absence". The Revisions to Policy 1.3.13 paints a broad brush across all DOC employees, contrary to the provisions of the MOU, all in violation of the express provisions of Article 15.
- 2) Was the grievance discussed with your immediate supervisor? NO  
Supervisor's name: N/A Date of discussion: N/A
- 3) Specify the agreement, policy or regulation you believe was violated: The MOU between the parties, including addendums, in effect July 1, 2016 through June 30, 2019 in its entirety, including without limitation:  
Preamble  
Article 1.1 – Federation Recognition  
Article 2 – Management and Employee Rights  
Article 6.1 – No Discrimination  
Article 15 – Sick Leave  
Baltimore County Code, §4-5-101 *et seq.*  
Health Insurance Portability and Accountability Act of 1996 (HIPPA)  
DOC Policy 1.3.13 dated 07/21/17 and 12/02/11
- 4) Remedy requested: The Federation requests that the implementation of the Employer's revisions to Policy 1.3.13 be rescinded and remain in abeyance after the parties have had the opportunity to enter into collective bargaining on this mandatory subject of bargaining.

Employee signature \_\_\_\_\_

Date \_\_\_\_\_

Employee representative: Baltimore County Federation of Public Employees/AFT/AFL-CIO

Attn.: John Ripley, 305 West Chesapeake Avenue, Suite L 30, Towson, MD 21204

Phone number: 410-296-1875      Email: [Jripley@aft-maryland.org](mailto:Jripley@aft-maryland.org)

1. This Grievance and Appeal form must be submitted at each level of the grievance procedure.
2. Copy of the original grievance, any subsequent appeals, and all grievance dispositions must be submitted to the Office of Human Resources.

# Policy Update - 1.3.13 - Sick Leave Usage

Daniel Swain

Tue 7/25/2017 10:37 AM

To:DL-Corrections <DL-Corrections@baltimorecountymd.gov>;

The following policy has been updated and is available on the shared directory:

Department of Corrections Directive 1.3.13 – Sick Leave Usage

## Summary of Changes: (underlined and bolded text represents a change from the previous policy)

1. An employee who is unable to report to work because of illness or injury must contact the on-duty Shift Supervisor or Unit Supervisor or, have a member of their immediate family do so at least one hour prior to the time the employee was to report for duty. **If the Shift Supervisor receiving the call is a Sergeant, the Sergeant shall transfer the call to the Lieutenant on duty.**
2. **Employees under a physician's care for the present medical condition shall provide the name, address and telephone number of the physician and the projected return date provided by the physician.**
3. Employees **not under a physician's care for the present medical condition**, shall be required to state the nature of the medical condition.
4. **Employees not under a physician's care for the present medical condition, shall be required to contact the on-duty Shift Supervisor or Unit Supervisor each day the employee will be absent, at least one hour prior to the time the employee was to report for duty.**
5. **Employees using sick leave are expected to be convalescing at home. If the employee will not be at home during the period of sick leave use, the employee shall notify the supervisor of their intended whereabouts.**
6. **Use of sick leave is a paid benefit and the supervisor may verify the proper use of such leave by methods including, but not limited to: visiting or calling the employee's home or location of convalescence, verifying the details of medical appointments and authenticating documentation.**
7. The Shift Supervisor taking the call shall complete an *Absentee Report Form #119*, **noting whether or not the employee is under a physician's care, the physician's contact information, the location of convalescence and any other pertinent information.**
8. **The Shift Supervisor taking the call from employees not under a physician's care, shall email the major advising of the nature of the medical condition.**

NOTE: *The summary provided is intended to assist in identifying the specific updates; it does not eliminate the requirement that employees stay informed concerning Department procedures, policy updates, post orders and other information (Ref. Directive 1.3.01, Article 46).*

Captain D. Swain  
Administrative Captain