

(B) COMPENSATION FOR UNUSABLE EXCESS LEAVE.

(1) IF AN EMPLOYEE IS DENIED THE OPPORTUNITY IN 1 CALENDAR YEAR TO USE ANNUAL LEAVE DAYS IN EXCESS OF THE 45 DAYS ALLOWED TO BE CARRIED OVER TO THE NEXT CALENDAR YEAR, THE HEAD OF THE EMPLOYEE'S PRINCIPAL DEPARTMENT OR OTHER INDEPENDENT UNIT MAY REQUEST THE SECRETARY TO ALLOW THE EMPLOYEE COMPENSATION, AT THE EMPLOYEE'S REGULAR RATE OF PAY, FOR THOSE EXCESS LEAVE DAYS.

(2) THE SECRETARY MAY APPROVE A REQUEST FOR COMPENSATION UNDER THIS SUBSECTION ONLY IF:

(I) THE DEPARTMENT OR UNIT HEAD DOCUMENTS THE UNUSUAL ADMINISTRATIVE REASONS FOR HAVING DENIED THE EMPLOYEE THE USE OF ANNUAL LEAVE; AND

(II) FUNDS ARE AVAILABLE FOR THAT PURPOSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 37(a)(2)(i) and § 37(d).

In subsection (a) of this section, the phrase "carry over from 1 calendar year to the next calendar year" is added for clarity. It is based on the reference to a "calendar year" in former Art. 64A, § 37(a)(1)(i). See Revisor's Note to § 7-303 of this subtitle.

Defined term: "Secretary" § 1-101

7-307. SAME — COMPENSATION ON TERMINATION OF EMPLOYMENT.

(A) IN GENERAL.

EXCEPT FOR EMPLOYEES COVERED BY A COLLECTIVE BARGAINING AGREEMENT AND EXCEPT AS PROVIDED IN § 7-308 OF THIS SUBTITLE, AN EMPLOYEE IS ENTITLED, ON TERMINATION OF STATE EMPLOYMENT, TO COMPENSATION FOR UNUSED ANNUAL LEAVE.

(B) AMOUNT OF COMPENSATION.

THE AMOUNT OF COMPENSATION TO BE PAID UNDER THIS SECTION SHALL EQUAL ONE-TENTH OF THE EMPLOYEE'S ESTABLISHED BIWEEKLY COMPENSATION AT THE TIME OF TERMINATION OF STATE EMPLOYMENT, MULTIPLIED BY:

(1) THE NUMBER OF DAYS OF ANNUAL LEAVE, NOT EXCEEDING 45 DAYS, THAT WERE ACCRUED AT THE END OF THE PREVIOUS CALENDAR YEAR AND THAT REMAIN UNUSED; AND

(2) THE NUMBER OF DAYS OF ANNUAL LEAVE THAT ACCRUED DURING THE CALENDAR YEAR IN WHICH THE EMPLOYEE'S STATE EMPLOYMENT TERMINATES AND THAT REMAIN UNUSED.