



# MCEA Member Celebrates Triumph

## MCEA Member Gets Sick Leave Granted, Along with Full Back Pay and Benefits *(February 2011)*

A Telecommunications Operator II employee of the Maryland Transportation Authority sought MCEA for grievance assistance and representation. The employee filed a grievance on July 18, 2010 claiming she should have been permitted to use sick leave for certain days when she didn't report to work, instead of leave without pay, as imposed by the MdTA. She contacted MCEA right away for help, and the case was heard at a Step I and Step II level, but was not resolved. So MCEA filed an appeal to the Office of Administrative Hearings (OAH) on her behalf.

On January 20, 2011, a hearing at the OAH in Hunt Valley was held, and MCEA Labor Relations Specialist Rosemary Wertz represented the employee. Testimony was offered from both sides as to whether the employee should be able to use sick leave for a medical emergency on Saturday and Sunday, even though she was not able to see a doctor until Monday. She called in all three days in a timely manner, in accordance with MdTA policy. While she submitted a doctor's note for Monday, her doctor's office would not back date a note for days prior to her appointment since the doctor was unavailable over the weekend.

Administrative Law Judge D. Harrison Pratt heard the facts and ruled that the employee had demonstrated that the MdTA misapplied and misinterpreted the requirement for documentation for sick leave, as set out in MdTA Directive D-99-1, COMAR 11.02.09.01A(2) and 11.02.0810J(3)(a). He ordered that the grievance be granted and the MdTA permit the employee to use sick leave for the two days she was placed on leave without pay. Additionally, he ordered the employee be given all back pay and benefits to which she would have been entitled to had she been allowed to take sick leave on the days in question.



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