



MARYLAND
Department of Health

POLICY

<https://health.maryland.gov/Pages/mdhpolices.aspx>

SECRETARY— OFFICE OF APPOINTMENTS AND EXECUTIVE NOMINATIONS
MDH POLICY #02.08.02
Effective Date: October 16, 2019

**MDH ATTENDANCE POLICY FOR APPOINTMENTS MADE BY
THE SECRETARY**

I. EXECUTIVE SUMMARY

Subject to any statutes or bylaws, this policy establishes the attendance policy for the Secretary's appointees to Boards and Commissions. Appointees will be required to attend at least 50% of Board and Commission meetings. Appointees who do not meet the attendance requirement may submit a waiver for the attendance requirement that is subject to the Secretary's approval. Additionally, each Board will be required to submit annual attendance reports.

II. POLICY STATEMENT

A. SCOPE.

This policy shall apply to all members of a State board or commission appointed by the Secretary.

B. DEFINITIONS.

1. "Annual attendance report" means the annual report submitted to the MDH Office of Appointments and Executive Nominations (OAEN) tracking the attendance for all Boards.
2. "Appointee" means a member of a Board appointed by the Secretary.

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3. "Board" means for the purposes of this policy, all Commissions, Councils, Committees, Task Forces, etc.
4. "Secretary" means the Secretary of the Maryland Department of Health.

C. ATTENDANCE REQUIREMENT.

1. Subject to any board or commission bylaws or state statute, a member of a State board or commission appointed by the Secretary who fails to attend at least 50% of the meetings of the board or commission during any consecutive 12-month period shall be considered to have resigned.

(a) If the appointee is unable to meet the attendance requirement, the appointee may submit a waiver, subject to the approval of the Secretary, detailing the reasons for each absence.

(b) If the individual has been unable to attend meetings for reasons satisfactory to the Secretary, the Secretary may waive the resignation.

D. ATTENDANCE REPORT AND CHART.

1. The Board shall submit to the OAEN an annual attendance report no later than January 15 and shall include the preceding calendar year's information.

2. The Board shall also include an attendance chart.

(a) The chart shall include a list of each current member in alphabetical order by last name.

(b) The attendance chart may not include:

(i) Ex-officio members (i.e. members who are not formally appointed by the Secretary);

(ii) Members who left prior to December 31st of the reporting year; and

(iii) Meetings that were canceled.

(c) If more than one meeting was held in a month, additional columns may be added.

- (d) If a member was permitted to attend the meeting remotely, they may be counted as present.
- (e) The chart shall include a completed column indicating the percentage of meetings attended by each member.
 - (i) This calculation shall be based on the total number of meetings that the member was eligible to attend during that calendar year.
 - (ii) Round the percentage to the nearest whole number.

3. All attendance reports and letters requesting waivers shall be submitted via email.

- (a) The Board shall keep a copy for their records.
- (b) Insufficient or incorrect forms will be returned for correction.

E. FAILING TO MEET THE 50% ATTENDANCE REQUIREMENT.

1. For any member who did not meet the 50% attendance requirement, indicate the following information on the attendance report form:

- (a) Name(s) of member(s) who failed to attend at least 50% of board meetings; and
- (b) Whether a waiver of cause is recommended for each of the members who failed to meet the attendance requirement.
 - (i) Members shall be notified of the report concerning their noncompliance and the opportunity to request a waiver cause.
 - (ii) Members shall be notified well in advance of the January 15 report deadline in order to allow them time to submit a waiver.

2. Waiver Request Letter.

- (a) If a waiver is requested, describe the exceptional reason(s) for non-compliance.

- (b) The waiver request letter shall be submitted in a PDF or Word format.
 - (c) The letter may be signed electronically.
 - (d) All waiver letters shall be submitted at the same time as the attendance report.
 - (e) Each letter shall be attached individually in the email.
3. A member requesting a waiver remains active while the request is under review.
4. The Board Chair and staff will be notified of the outcome once the OAEN has reviewed the waiver request.
5. If a waiver is not recommended, please indicate the reason(s) to request the termination of the appointment.

IV. REFERENCES

SAMPLES:

- Code of Maryland Regulations, COMAR 34.02.01 and 34.02.02
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=34.02.01.*
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=34.02.02.*
- Transportation Article, §22-412.2, Annotated Code of Maryland
<http://mgaleg.maryland.gov/webmga/fmStatutesText.aspx?article=gtr§ion=22-412.2&ext=html&session=2020RS&tab=subject5>

APPROVED:



Robert R. Neall, Secretary



Effective Date