

Chapter 27, HUMAN RESOURCES

[HISTORY: Adopted by the Board of County Commissioners of Queen Anne's County 1-1-1999 by Ord. No. 98-17-A; amended in its entirety 11-5-2002 by Ord. No. 02-14. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Definitions -- See Ch. 2.

Rules of interpretation -- See Ch. 3.

Ethics -- See Ch. 8.

ARTICLE I, Definitions; Word Usage

§ 27-1. Terms defined.

In this chapter, the following words have the meanings indicated:

ANNIVERSARY DATE -- The date of employment of an employee by the Queen Anne's County government as either a full- or part-time employee. For persons who began employment as contractual workers, the employee's anniversary date shall be the date upon which the employee converted from status as a contractual worker to that of a member of either the classified or professional and executive services.

ANNUAL LEAVE -- The employment benefit awarded to all full-time County employees which allows them to be absent from the workplace while continuing to receive pay at their regular rate.

APPEAL -- An action by a member of the classified service pertaining to a personnel action.

APPOINTING AUTHORITY -- The designated position responsible for making the decision to appoint and terminate persons occupying nonelected classes of work positions within the County government.

BUDGETED POSITION -- One that is expressly approved by the County Commissioners as part of the annual budget process. It is specifically shown in the position schedule that is completed as part of the budget process. Individuals paid from line items covering a number of part-time or contractual employees are not considered to

be regular employees of the County and do not occupy budgeted positions.

CLASSIFICATION -- The process of systematically examining and evaluating the duties, responsibilities and overall value of positions and classes of work to the County and, thereafter, assigning positions to an appropriate class of work and all classes of work to an appropriate grade on a County pay scale.

CLASSIFIED SERVICE -- Consists of those full- and part-time positions which are designated as such by resolution of the County Commissioners.

CLASS OF WORK -- A grouping of positions bearing the same title which are assigned to the same pay grade on a County salary scale.

COMPENSATION -- Salary, wages and allowances of any type paid to an employee or contractual worker and compensatory leave.

COMPENSATION PLAN -- Shall consist of:

- A. The salary schedules for both the classified service and the professional and executive service; and
- B. The grading of classes for salary purposes as depicted in Article VI of this chapter.

COMPENSATORY LEAVE -- A leave benefit which an employee elects to receive for working in excess of a normal workweek in lieu of overtime pay.

CONTRACTUAL WORKER -- A person who is employed by the County under an employment contract or agreement.

CONTROLLED SUBSTANCE -- Includes the following for employees other than sworn members of the Sheriff's Office: marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines., For sworn members of the Sheriff's Office, the term includes, in addition to the foregoing substances, barbiturates, propoxyphene and benzodiazepine.

DEMOTION -- The movement of an employee from a class of work to another class of work which is assigned to another grade on a County salary scale which is lower than the class of work previously occupied by the employee.

DUTY STATUS -- The period of time and status an employee occupies when, regardless of physical location, he or she is performing assigned duties and responsibilities for the County.

ELIGIBILITY LIST -- A list of persons who have successfully completed all phases of the selection process for a position or position series and are eligible for appointment to the position or positions.

EXEMPT SERVICE -- Consists of State officials who by State law are funded by the County and subject to the County budget procedures, agents, and employees of the

County specified herein who are exempt from certain provisions of this chapter as hereafter specified. Such State officials are not made County employees by inclusion in the Exempt Service, however the County has included such personnel for the purpose of assisting the State officers who manage such personnel by providing them with the Department of Human Resources functions and services specified in Article III of this chapter. [Amended 2-21-2006 by Ord. No. 05-18]

HOLIDAY -- Any weekday so designated by the County Commissioners on which the Queen Anne's County government is closed for business on a prescheduled basis.

IMMEDIATE FAMILY -- A spouse, children, mother, father, sister, brother, guardian, grandparents and grandchildren including and the various combinations of half, step, in-law and adopted relationships. which can be derived from those named who reside in the employee's household.

LABOR MARKET -- Consists of the Counties of Talbot, Wicomico, Worcester, Prince Georges, Caroline and Anne Arundel; the Maryland State Police; and the cities of Easton and Annapolis; the Chesapeake Bay Foundation; Harms and Associates; or as determined by the Director of Human ResourcesCounty Commissioners.

LEAVE STATUS -- The status an employee occupies while scheduled for work but during which he or she is absent from work. Leave status may be paid or unpaid.

LEAVE WITHOUT PAY -- The status an employee occupies when he or she is absent from a scheduled duty status while not on an approved leave status and during which time the employee's right to receive payment of salary is suspended.

OVER MAXIMUM SALARY -- A term which applies to an employee who, as of the date of a County classification study, was making an amount which was in excess of the salary properly assigned to the position he or she occupies and whose salary has been deemed not eligible for increase until it falls within the General Salary Schedule as that Schedule is periodically adjusted.

OVERTIME -- Refers to those hours worked by an employee in excess of 40 worked during any County workweek.

PAID LEAVE -- The period of time and status an employee occupies when he or she is not required to perform any work but during which he or she is entitled to be paid. Payment to an employee on leave status shall not exceed the regular hourly rate of pay the employee would normally receive had he or she been in duty status.

PERSONNEL ACTION

A. Includes, with respect to any member of the classified service:

- (1) Any evaluation of job performance which reports unsatisfactory performance;
- (2) Written reprimand;

- (3) Suspension without pay;
- (4) Reclassification with a reduction or loss of associated compensation;
- (5) Demotion; and
- (6) Termination from employment.

B. A "personnel action" shall not include:

- (1) Any evaluation of job performance which reports performance which is better than unsatisfactory;
- (2) Oral reprimand;
- (3) Suspension with pay;
- (4) Reclassification without a reduction or loss of associated compensation; or
- (5) Other personnel status change.

POSITION -- A budgeted and authorized grouping of tasks, duties and functions. A position may be either occupied by an employee or vacant.

PROFESSIONAL AND EXECUTIVE SERVICE -- Consists of those professional County staff members designated as such by resolution of the County Commissioners and all department directors and persons who serve at the pleasure of the County Commissioners.

PROMOTION -- The movement of an employee from a class of work to another class of work which is assigned to a grade on a County salary scale which is higher than the class of work previously occupied by the employee.

RECLASSIFICATION -- The processes of systematically reexamining and reevaluating the duties, responsibilities assigned to an employee to ascertain:

- A. Whether the employee is assigned to the proper class of work; or
- B. Whether the class of work of which the employee's position is a part is assigned to the proper salary grade.

REDUCTION IN FORCE -- The deletion of any full-time position from the County budget due to a reduction of the County services, elimination of County services or insufficient funds.

SALARY -- The cash compensation that shall be paid for work performed by employees during duty status.

SALARY GRADE -- The minimum and maximum amounts depicted for each of the

pay grades as shown on the Classified Employees Salary Schedule, or the minimum and maximum amounts depicted for each of the five pay grades on the Professional and Executive Salary Schedule.

SICK LEAVE -- That employment benefit awarded to all full-time County employees which allows them to be absent from the work place when they are incapacitated by illness or injury and unable to perform their assigned duties and responsibilities while continuing to receive pay at their regular rate.

TEMPORARY TRANSFER PAY -- The amount of salary in addition to or deducted from an employee's normal salary as a result of the assignment of greater or lesser duties and job duties and responsibilities as specified in this policy.

WORKWEEK -- To the official County workweek which commences at 12:01 a.m. on Wednesday and concludes at 12:00 midnight the following Tuesday.

§ 27-2. Word usage.

In this chapter, the provisions and rules of this section shall be observed and applied, except where the context clearly requires otherwise.

- A. Verb tense. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Masculine and feminine gender. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- C. "Shall." The word "shall" is mandatory.
- D. "May." The word "may" is permissive.
- E. Text controls. In case of any difference in the meaning or implication between the text of this chapter and any caption, illustration or table, the text shall control.

ARTICLE II, Organization of Human Resources System

§ 27-3. Statement of purpose; policy.

- A. The purpose of this chapter (hereafter called "Human Resources Ordinance") is to establish a centralized human resource system according to which all matters relating to personnel shall be administered.
- B. It is the policy of the County Commissioners that such a system feature equitable and

uniform personnel administration practices throughout County government and that County employment practices are based solely on job-related considerations and operate so as to ensure that the best qualified persons are employed by the County in every position.

- C. This Human Resources Ordinance is not intended to and does not constitute an expressed or implied contract of employment between the County and any employee.
- D. This Human Resources Ordinance is not intended to preclude the development and implementation of operational policies and procedures by department directors. Such policies and procedures shall be developed and implemented:
 - (1) When reasonably necessary to effectuate effectiveness and efficiency of County operations;
 - (2) In a job-related context; and
 - (3) With the approval of the County Administrator who shall ensure that such policies and procedures are applied to as many departments and units of County government as shall be appropriate and, where necessary, extended to the entire County workforce.

§ 27-4. Human resource practice standards.

The following standards shall apply to all County personnel practices:

- A. Employment shall be based on the principle that the County seeks to identify, select and employ the highest qualified candidates for all positions without regard to race, color, religion, political affiliation, marital status, sex, age, physical or mental disability or any other basis prohibited by state or federal law.
- B. Qualified persons with a disability, persons who have a known association with a disabled person or persons who aid or encourage others to exercise any right granted or protected under the Americans with Disabilities Act may not be discriminated against in regard to employment terms, conditions or privileges;
- C. Conditions of employment shall be maintained to promote efficiency and economy in the operation of County government;
- D. Position classification and compensation plans shall be established and revised from time to time to meet changing conditions;
- E. Appointments and promotions shall be made solely on the basis of merit and fitness as demonstrated by examination and/or other evidence of competence; and
- F. Tenure of employment shall be subject to satisfactory performance of work, personal conduct compatible with the trust inherent in public service, necessity for the

performance of work and availability of funds.

§ 27-5. Responsibilities of County Commissioners.

The County Commissioners shall:

- A. Appoint a qualified person to the position of County Administrator;
- B. Appoint a qualified person to the position of Executive Assistant to the County Commissioners;
- C. Define and list the essential functions and other duties and responsibilities of the County Administrator;
- D. Appoint members of the Personnel Board; and
- E. Establish personnel policy through the periodic amendment of this chapter.

§ 27-6. Responsibilities of County Administrator.

The County Administrator shall:

- A. Perform those essential functions, duties and responsibilities which are assigned by the County Commissioners in a written job description and all reasonably related activities;
- B. Faithfully adhere to all provisions of this chapter;
- C. Administer this chapter in order to ensure the faithful adherence to its provisions by all County employees;
- D. Monitor the personnel functions within all County departments to ensure conformance with the requirements of this chapter;
- E. Appoint all department directors to the professional and executive service with the advice and consent of the Board of County Commissioners and ensure that appropriate and comprehensive job descriptions are developed and distributed for all department directors;
- F. Appoint members of his or her staff; and
- G. Supervise the Director of the Department of Human Resources to ensure that he or she manages that Department in an efficient and effective manner.

§ 27-7. Responsibilities of Director of Department of Human Resources.

Under the supervision of the County Administrator, the Director of Human Resources shall:

- A. Perform those essential functions, duties and responsibilities which are assigned by the County Administrator in a written job description and all reasonably related activities;
- B. Faithfully adhere to all provisions of this chapter;
- C. Interpret, apply and enforce the provisions of this chapter and the policies and procedures adopted thereunder;
- D. Appoint departmental staff members;
- E. Provide technical assistance to County managers and supervisors, as necessary, to ensure conformance to the highest standards of human resource practice;
- F. Manage the Department of Human Resources efficiently and effectively:
 - (1) With regard to recruitment and selection of persons to fill positions of employment within the classified service and professional and executive service:
 - (a) Conduct recruiting for all positions within the classified service and other positions as assigned by preparing job announcements and appropriate advertisements; and
 - (b) Develop or cause to be developed appropriate tests or evaluative processes which are designed to evaluate the relative presence or absence of job-related knowledge, skills and ability for all job applicants.
 - (2) With regard to employment screening:
 - (a) On the basis of tests and/or other evaluative procedure results, rank applicants for employment in accordance with the level of their respective qualifications; and
 - (b) Prepare and maintain eligibility lists for each position within the County classified service as appropriate.
 - (3) With regard to the process of employing persons to work for the County:
 - (a) Receive requisitions from departments wishing to fill budgeted vacant positions;
 - (b) Certify the names of the three candidates, standing highest sequentially, on an appropriate eligibility list to an appointing authority; and
 - (c) Upon a decision of the appointing authority, acquire accurate and complete data regarding a new employee to:

- [1] Enter him or her in the County's payroll/personnel system;
 - [2] Enroll him or her in the benefits programs for which he or she is eligible and which he or she selects; and
 - [3] Include him or her in an employee orientation program.
- (4) With regard to human resource policy development:
- (a) Develop and submit recommendations regarding human resource policy to the County Commissioners;
 - (b) Develop and submit personnel rules and procedures necessary to implement the provisions of this chapter to the County Administrator for his review and implementation; and
 - (c) Develop and publish operating procedures for the Department of Human Resources.
- (5) With regard to classification:
- (a) Using an objective, job-related system, evaluate the tasks, duties and responsibilities of all positions of employment within both the classified and professional and executive services;
 - (b) Establish appropriate internal relationships between all positions;
 - (c) Rank order and group positions so that those with tasks, duties and responsibilities of an equivalent value are grouped together;
 - (d) Recommend allocation of all new and existing positions to appropriate pay grades;
 - (e) Recommend that the County Commissioners amend the position classification plan for classified and professional and executive employees to establish a new class to which the new position may be allocated;
 - (f) Allocate the new position to the appropriate class within the existing classification plan; and
 - (g) Prepare and submit recommended position specifications for all positions of employment within County government to the County Commissioners for adoption, including:
 - [1] All full- and part-time positions within the classified service; and
 - [2] All positions within the professional and executive service.
- (6) With regard to compensation:

- (a) Develop and recommend a pay plan to the County Commissioners;
 - (b) Conduct periodic studies regarding cost of living based upon the increase in cost-of-living statistics as maintained and published by the United States Department of Labor; and
 - (c) Conduct periodic studies regarding labor market wage comparisons for the labor market.
- (7) With regard to benefits:
- (a) Make recommendations regarding benefit plan contents and structure; and
 - (b) Administer various benefit plans.
- (8) With regard to records, manage the preparation and maintenance of all personnel records for all members of the County's classified and exempt services.
- (9) With regard to appeals:
- (a) Supervise and coordinate the appeal process to ensure that employees receive a fair and timely resolution of all appeals;
 - (b) Conduct hearings and adjudicate Step 3 appeals in a fair, impartial and timely manner; and
 - (c) Present Step 4 appeals to and represent the County before the Personnel Board.
- G. Periodically audit the personnel practices and records of all County departments and units of government to which County employees are assigned in order to ensure conformance to this chapter and the highest standards of human resource practice;
- H. Foster and develop programs for the improvement of employee effectiveness; and
- I. Perform other duties as assigned by the County Administrator.

§ 27-8. Responsibility of departmental directors.

Under the supervision of the County Administrator, departmental directors shall:

- A. Perform those essential functions, duties and responsibilities which are assigned by the County Administrator in a written job description and all reasonably related activities;
- B. Adhere to the provisions of this chapter and the policies and procedures adopted thereunder;

- C. Appoint qualified persons to positions of employment within the classified and professional and executive service within their respective departments;
- D. Negotiate and recommend for approval by the County Administrator employment contracts with persons to perform work within those departments and who are not in approved, classified positions;
- E. Seek technical assistance from the Department of Human Resources to ensure conformance to the highest standards of human resource practice;
- F. Manage the human resources assigned to their departments efficiently and effectively; and
- G. Initiate requisitions for persons to fill authorized, budgeted positions within their departments and cooperate with the Department of Human Resources in recruiting, selection and employment activities.

ARTICLE III, Exempt Service and State Employees

§ 27-9. Establishment.

The exempt service of Queen Anne's County is hereby created.

§ 27-10. Composition. [Amended 2-21-2006 by Ord. No. 05-18]

The exempt service shall consist of:

- A. Elected officials occupying the following positions:
 - (1) County Commissioner;
 - (2) Judge of the Orphan's Court;
 - (3) State's Attorney; and
 - (4) Sheriff.
- B. Employees of the Circuit Court for Queen Anne's County;
- C. Employees of the State's Attorney for Queen Anne's County;
- D. Deputy Sheriffs of the Sheriff's Department for Queen Anne's County;

- E. Any attorney employed under a legal services agreement;
- F. Members of boards, commissions and committees appointed by the County Commissioners;
- G. All independent contractors performing work for the County; and
- H. All contractual workers employed by the County under employment agreements.

§ 27-11. Application of Human Resources Ordinance. [Amended 2-21-2006 by Ord. No. 05-18]

The provisions of this chapter shall not apply to members of the exempt service except as follows.

- A. Employees of the Circuit Court for Queen Anne's County shall:
 - (1) Be subject to the provisions of Articles VIII, IX, X, and XIV.
 - (2) Serve under the direct supervision and at the pleasure of the County Administrative Judge.
- B. Employees of the State's Attorney for Queen Anne's County shall:
 - (1) Be subject to the provisions of Articles VIII, IX, X, and XIV.
 - (2) Serve under the direct supervision and at the pleasure of the State's Attorney of Queen Anne's County.
- C. Deputy Sheriffs of the Sheriff's Department for Queen Anne's County shall:
 - (1) Be subject to the provisions of Articles VIII, IX, X, XIV, and all sections of Article VII except §§ 27-72 and 27-80.
 - (2) Serve under the direct supervision of the Sheriff of Queen Anne's County in accordance with Maryland state law.

ARTICLE IV, Classified Service

§ 27-12. Establishment.

- A. The classified service of Queen Anne's County is hereby established.

- B. All appointments, promotions and personnel transactions within the County's classified service shall be based solely upon merit and fitness ascertained by means of job-related selection practices and techniques and without regard to race, color, religion, political affiliation, marital status, sex, age, physical or mental disability or any other basis prohibited by state or federal law.

§ 27-13. Tenure.

Members of the classified service shall retain their positions of employment, provided that:

- A. Sufficient funds are available to pay their salaries;
- B. They display reasonable competence in their assigned duties and responsibilities;
- C. They are physically and mentally able, with or without reasonable accommodations, to perform assigned essential functions; and
- D. With respect to a disciplinary offense:
 - (1) It is not established by a preponderance of evidence that they committed such an offense; and
 - (2) Termination from County service is not a reasonable sanction given the nature of the offense committed, the employee's work history and any relevant, mitigating factors.

§ 27-14. Appointing authority.

The appointing authority for members of the classified service shall be the department director of the department to which the employee is assigned. In the case of employees who are assigned to work for state agencies, the appointing authority shall be the Director of Human Resources.

§ 27-15. Position classification plan for classified employees.

- A. A plan assigning positions within the classified service to pay grades shall be established and may be amended from time to time by resolution of the County Commissioners.
- B. Full-time and part-time. Positions within the classified service shall consist of both full- and part-time.

§ 27-16. Administration.

- A. The Human Resources Department shall be responsible for administering and maintaining the position classification plan so that it accurately reflects the duties performed by employees in the classes to which their positions are allocated. Department directors shall be responsible for bringing to the attention of the Director of Human Resources:
- (1) The need for new positions; and
 - (2) Any material changes, either increases or decreases, in the nature, complexity, quantity or quality of duties, responsibilities or working conditions affecting the classification of a position.
- B. New positions shall be established upon recommendation of the Human Resources Director with the approval of the County Commissioners.
- C. The Human Resources Department shall audit 1/3 of the position classes in the classification plan each year.
- D. When the Human Resources Department finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the existing class specification shall be revised. The County Administrator shall recommend amendments to the position classification plan that:
- (1) Change the salary range of the existing class of positions;
 - (2) Reallocate the position to the appropriate class within the existing position classification plan; or
 - (3) Establish a new class to which the position may be allocated.

§ 27-17. Amendment of position classification plan.

The County Commissioners may by resolution approve a change in salary grade and/or range for a class of positions, the reallocation of the position to an appropriate class and additions to and deletions from the existing position classification plan based on the recommendation of the County Administrator.

§ 27-18. Hours of work.

Members of the classified service:

- A. Full-time employees shall work a schedule consisting of 40 hours per workweek as determined by the director of the department to which they are assigned and part-time employees shall work in accordance with the Part-time Employees Policy; and

- B. Are covered by the provisions of the Fair Labor Standards Act. Thus, persons occupying positions in this service shall be entitled to earn overtime compensation.
- C. Shall be entitled to a meal period, a minimum of which shall be 1/2 hour. Standard workweek hours are exclusive of meal periods. Standard Mmeal periods during a normal work schedule may not be included in any computations used to determine the amount of regular pay, leave or overtime due an employee.

§ 27-19. Establishment of pay schedule. These need to be combined as the FT and PT scales are one in the same.

- A. Classified Service Full-Time Salary Schedule. The Classified Employees Full-Time Salary Schedule shall be established and may be amended from time to time by resolution of the County Commissioners. This salary schedule shall constitute the pay grades and equivalent rates of pay for all positions within the classified service.
- B. Part-Time Pay Schedule. The Classified Employees Part-Time Salary Schedule shall be established and may be amended from time to time by resolution of the County Commissioners. This salary schedule shall constitute the pay grades and equivalent rates of pay for all positions within the classified service.

C. The full-time and part-time salary Schedules may, in the discretion of the County Commissioners, be combined in a single, comprehensive salary schedule covering both full and part-time classified employees.

§ 27-20. Cost-of-living changes.

- A. Adjustments to Classified Employees Salary Schedule.
 - (1) The Classified Employees Salary Schedule may be adjusted from time to time by resolution of the County Commissioners to account for any increases in the cost of living. Such adjustments, if any, shall be based upon the annual review conducted by the Director of Human Resources designed to identify any changes in the Consumer Price Index maintained by the United States Department of Labor (CPI-U for the Baltimore-Washington standard metropolitan statistical area).
 - (2) As part of the annual operating budget process, the County Commissioners shall review the cost-of-living statistics for the preceding fiscal year furnished by the Director of Human Resources and, thereafter, may continue or amend by resolution all County salary schedules for the forthcoming fiscal year.
- B. Adjustments to salaries of existing employees. Whenever the Commissioners adopt by resolution a new salary schedule in response to a change in the cost of living, employees shall continue to be paid within the same grades, but at the new pay rates.

§ 27-21. Labor market comparability.

- A. Pay survey. To establish and maintain a compensation program which is competitive with other employers in the labor market, at least once every three years the Director of Human Resources shall obtain or conduct a pay survey in the labor market of prevailing wage rates for at least one position within each pay grade and any other position identified by the Director of Human Resources and County Administrator.
- B. Study outcome. At the conclusion of the study, the Director of Human Resources shall make recommendations to the County Commissioners for appropriate percentage adjustments to the Classified Employees Position Classification Plan and salary schedule for classified employees.
- C. Salary schedule adjustment. In order to maintain internal balance within the Queen Anne's County Civil Service, any adjustment to a County salary schedule may be affected by an increase derived from a percentage. When the General Salary Schedule is adjusted to reflect labor market conditions, employees shall continue to be paid within the same grades, but at the new pay rates.

§ 27-22. Salary upon initial appointment.

- A. Policy. Upon initial appointment to the civil service, it is the policy of Queen Anne's County to compensate employees in an amount equal to the minimum salary of the pay grade of the position to which they have been appointed.
- B. Advanced placement. Based upon a prospective employee's unique qualifications in terms of previous work experience; relevant knowledge; skills and abilities; level of total compensation received from a previous employer; superior qualifications of the applicant; a shortage of qualified applicants available at the hiring rate; or the refusal of qualified applicants to accept employment at the minimum salary, a new employee may be appointed at an annual salary which is greater than the minimum salary within the applicable pay grade for the position to which the employee is to be appointed.

§ 27-23. Performance salary advance/incentive award within grades. [Amended 5-6-2003 by Ord. No. 03-13]

- A. Annual performance review. The job performance of all employees shall be reviewed annually on their anniversary date through use of objective, job-related methods approved by the Director of Human Resources.
- B. Job performance salary increases. The degree to which an employee shall be entitled to receive an annual salary increase shall be dependent upon the quality of his or her work performance as reflected in the annual performance review.

(1) Intent. These increases are intended to:

- (a) Recognize acceptable or better performance on the part of the employee and are not intended to be automatic; and
 - (b) Reflect increases in productivity and effectiveness as employees gain experience in their positions.
- (2) Eligibility. [Amended 2-21-2006 by Ord. No. 05-18]
- (a) Full-time employees shall be eligible for consideration for a job performance salary increase depending upon their performance.
 - (b) Part-time employees shall be eligible for consideration for a job performance salary increase depending upon their performance.
 - (c) Contractual employees may be eligible for consideration for a salary increase at the time of contract renewal, if approved by the County Administrator Department Director and Director of Human Resources in accordance with the budget.
 - (d) Job performance salary increases shall be granted only to those employees who have demonstrated a proficient level of job performance.
 - (e) Job performance salary increases shall not be awarded above the maximum salary for a given grade. In the event a pay for performance evaluation percentage elevates the employee's salary above maximum salary, the employee shall be compensated at the maximum salary. The balance of the evaluation increase shall be in the form of an incentive award.
- (3) Amount of job performance increase.
- (a) A two-percent increase shall be awarded for an acceptable job performance evaluation.
 - (b) A three-percent increase shall be awarded for an above-average job performance evaluation.
 - (c) A four-percent increase shall be awarded for a commendable job performance evaluation.
 - (d) A five-percent increase shall be awarded for a superior job performance evaluation.
 - (e) A six-percent increase shall be awarded for an outstanding job performance evaluation.
- C. Job performance incentive awards. The degree to which an employee shall be entitled to receive an annual incentive award shall be dependent upon the quality of his or her work performance as reflected in the annual performance review.

- (1) Intent. These increases are intended to:
 - (a) Recognize acceptable or better performance on the part of the employee and are not intended to be automatic; and
 - (b) Reflect increases in productivity and effectiveness as employees gain experience in their positions.
 - (2) Eligibility. [Amended 2-21-2006 by Ord. No. 05-18]
 - (a) Full-time employees shall be eligible for consideration for a job performance incentive award depending upon their performance.
 - (b) Part-time employees may be eligible for consideration for a job performance incentive award depending upon their performance.
 - (c) Contractual employees will not be eligible for a job performance incentive award.
 - (d) Incentive awards shall be granted only to those employees who have demonstrated a proficient level of job performance.
 - (e) Only those employees who have reached the maximum salary rate or are structured within years 0 to 4, 6 to 9, and 11 to 14 of longevity status of any pay grade are eligible for incentive awards.
 - (3) Amount of incentive award.
 - (a) A two-percent increase shall be awarded for an acceptable job performance evaluation.
 - (b) A three-percent increase shall be awarded for an above-average job performance evaluation.
 - (c) A four-percent increase shall be awarded for a commendable job performance evaluation.
 - (d) A five-percent increase shall be awarded for a superior job performance evaluation.
 - (e) A six-percent increase shall be awarded for an outstanding job performance evaluation.
- D. Budget funds for performance pay increases. The County Administrator shall each year include funds in the budget request to the County Commissioners for providing performance pay increases.
- E. Unsatisfactory performance evaluation. An employee whose annual performance evaluation is unsatisfactory shall:

- (1) Receive no increase in salary on the date due;
- (2) Be counseled as to the reasons for the unsatisfactory evaluation; and
- (3) Within seven working days after the evaluation, in conjunction with his or her immediate supervisor, develop a three-month performance improvement plan with specific, measurable objectives.
 - (a) The plan will include a date certain upon which a reevaluation of the employee's overall performance and accomplishment of the performance improvement plan will be conducted; and
 - (b) The employee will be given a copy of the plan and the date upon which the reevaluation will occur. The employee will be specifically informed that he or she may be terminated for incompetence.
- (4) Be reevaluated on the date specified in the performance improvement plan.
 - (a) If the employee achieves the objectives set out on the plan, he or she shall receive the percentage increase in salary to which he or she may be entitled;
or
 - (b) If the employee fails to achieve all of the objectives set out on the plan, he or she may be disciplined for incompetence up to and including termination.
 - [1] If a lesser form of discipline is administered, the employee shall receive no increase in salary for the remainder of the year following the evaluation, and his or her eligibility for a percentage increase in salary during the next cycle shall depend upon the next performance evaluation.
 - [2] Any employee receiving two consecutive unsatisfactory performance evaluations may be terminated for incompetence without the necessity of the foregoing procedure.

F. Limitation of effect. No percentage salary increase shall be given to any employee after an employee reaches the maximum salary in any pay grade until such employee becomes eligible for longevity.

§ 27-24. Salary rate upon promotion.

Upon receipt of a promotion, the new salary rate for the promoted employee shall be the greater of:

- A. The minimum salary of the new pay grade; or
- B. That salary within the new pay grade which is at least 4% above the former salary.

§ 27-25. Salary rate upon lateral transfer.

The salary of an employee transferred to a position in the same class or to a position in a different class with the same salary range shall not be lowered. Under certain circumstances a transferred employee may receive a pay increase with the approval of the Director of Human Resources.

§ 27-26. Salary rate upon demotion.

The salary of an employee demoted for disciplinary reasons to a position in a class with a lower salary range shall be adjusted to the maximum of the new range, or 10% below the former salary, whichever reduction in salary is less. Any employee who is placed in the position of being over maximum shall receive no cost-of-living or other pay increase until the pay scale advances to a point which incorporates such salary through periodic cost-of-living pay increases.

§ 27-27. Salary rate upon reclassification.

- A. Reclassification to higher pay grade. In the event that an employee is reclassified to a position which is assigned to a higher pay grade than that occupied by an employee, such employee shall, on the effective date of the reclassification, be entitled to receive an increase in his or her rate of pay, without an adjustment to the anniversary date, which shall be computed as the greater of:
 - (1) The minimum salary of the pay grade of the position to which the employee has been reclassified; or
 - (2) That place within the new pay grade which equals an increase which is at least 4% above the former salary.
- B. Reclassification to a lower pay grade. In the event that an employee is reclassified to a position which is assigned to a lower pay grade than that occupied by an employee for nondisciplinary reasons, the employee shall be placed at a salary within the pay scale which is lower than the amount the employee formerly earned. If, by virtue of the assignment to a lower pay grade, the employee is over maximum salary, the employee shall receive no cost-of-living or other pay increase until the pay scale advances to a point which incorporates such salary through periodic cost-of-living pay increases.

§ 27-28. Salary rate upon reallocation of class of work to another pay grade.

- A. Reallocation of class of work with higher pay grade. In the event that the class of work occupied by an employee is reallocated to a higher pay grade than that presently assigned to such class of work, employees occupying such class of work shall receive

no pay increase except in the event that any such employee's salary does not equate to at least the minimum salary of the new pay scale, in which case such employee shall receive a salary increase in an amount to place his or her salary at the minimum salary of the new pay grade.

- B. Reallocation of class of work with lower pay grade. In the event that the class of work occupied by an employee is reallocated to a lower pay grade than that presently assigned to such class of work, employees occupying such class of work shall be placed at a salary of the pay scale which is closest to, but lower than, the amount the employee formerly earned. If, by virtue of the assignment to a lower pay grade, the employee is over maximum salary, the employee shall receive no cost-of-living or other pay increase until the pay scale advances to a point which incorporates such salary through periodic cost-of-living pay increases.

§ 27-29. Change in assigned duties.

- A. Equivalent duties. The rate of an employee's pay shall not be affected by any service temporarily performed in addition to or differing from the usual duties or his or her class of work, provided that such service:

- (1) Is generally equivalent to those **duties** routinely performed by the employee or by other employees who occupy positions which are assigned to the same pay grade as the position occupied by the employee;
- (2) Does not require additional knowledge, skills or abilities other than those normally required of the employee; and
- (3) Has been properly assigned to an employee by a supervisory authority as a result of a change in work volume, character or other conditions.

- B. Temporary transfer pay.

- (1) An employee shall be entitled to receive temporary transfer (increased) pay in the event that a supervisory authority requires an employee for a continued work period of more than 15 days:
 - (a) To perform the work of a person occupying a funded position within the civil service who, for any reason, is absent from work;
 - (b) To assume all of the duties of an established class of work which is assigned to a higher pay grade than that occupied by an employee; and
 - (c) To suspend the performance of other, regularly assigned duties.
- (2) Temporary transfer pay shall be in an amount which shall be computed as the greater of: [Amended 2-21-2006 by Ord. No. 05-18]

- (a) The minimum salary of the pay grade of the position for which the employee is temporarily assigned; or
- (b) Four-percent increase in salary to which the employee is normally entitled.

§ 27-30. Salary for hazardous duty assignment.

- A. Eligibility and amount. An employee shall be entitled to receive a hazardous duty allowance which shall amount to an additional 5% of the employee's regular salary or rate of pay:
 - (1) When such employee is assigned to perform tasks and duties which expose him or her to an immediate and substantial risk of harm, as determined by a department director in conjunction with the County Administrator; and
 - (2) Such duties are not those which are regularly and routinely performed by the employee.
- B. Qualifying period of work. Such allowance shall be paid for any workday or portion of a workday in which the tasks and duties in question are actually performed by the employee.

§ 27-31. Overtime.

- A. Adherence to Fair Labor Standards Act (FLSA). The County abides by all applicable sections of the Fair Labor Standards Act and the Fair Labor Standards Amendments of 1986. The County will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to employees of Queen Anne's County who are nonexempt under the Fair Labor Standards Act.
- B. Work period. Employees are expected to work during all assigned periods, exclusive of breaks or mealtimes.
 - (1) Employees are not to perform work during breaks or at any time that they are not scheduled to work, unless they receive approval from their immediate supervisor, except in cases of emergency.
 - (2) An emergency exists if a condition arises that could reasonably result in damage to property or persons or which requires immediate attention of the employee. Employees who work excess hours due to an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.
- C. Permission to work overtime required. Except in those circumstances in which it would pose an unreasonable risk of harm to a person, or when it would pose an

unreasonable risk of serious damage to property or seriously undermine the achievement of the employee's organization, an employee shall secure permission from his or her supervisory authority before working overtime.

D. Entitlement to overtime compensation. Persons who are deemed nonexempt from the FLSA shall be paid overtime compensation for all overtime worked. Designation of "nonexempt" or "exempt" from the FLSA shall appear on all job descriptions.

- (1) Overtime worked includes that which was worked with express permission as well as all work which is suffered by the County to be performed (e.g., allowing an employee to eat at his or her desk while answering the business telephone, emergency situations as described above, etc.).
- (2) Overtime worked includes all time worked for any single department or combination of County departments or units within those departments.
- (3) Overtime worked shall not include work which is performed on a volunteer basis by an employee for any independent fire company located within or outside Queen Anne's County.
- (4) Employees subject to these provisions shall have the right to receive:
 - (a) Overtime pay computed at the rate of 1 1/2 times the regular hourly rate of pay for all hours worked in excess of 40 in any week or, in the case of law enforcement employees, for all hours worked in excess of 171 hours during an established twenty-eight-day work period;
 - (b) In the event that the department to which an employee is assigned has established a written policy of awarding compensatory leave, compensatory leave accrued at the rate of 1 1/2 times the hour, fraction of an hour or hours actually worked for all hours worked in excess of 40 in any week or, in the case of law enforcement employees, for all hours worked in excess of 171 hours during an established twenty-eight-day work period, provided that:
 - [1] The election of whether to receive overtime pay or compensatory leave is exclusively that of the employees.
 - [2] Public safety, emergency response or seasonal employees may accrue up to a maximum of 480 hours of compensatory time off. All other classified employees may accrue up to a maximum of 240 hours of compensatory time off.
 - [3] Earned compensatory time off will be used by March 31 of each year, as long as the use does not disrupt the operations of the department. After March 31 the employee will be paid as outlined in § 27-91L(2), Compensatory leave. The use of compensatory leave may be denied if, in the judgment of the Department Director, the same would unduly disrupt the operations of the Department.

[4] Except for the Department of Public Works and the Queen Anne's County Sheriff's Office, accumulated compensatory leave shall be used by the end of the last pay period in March that corresponds with the last paycheck dated in March of each year and shall be paid out at that time. Accumulated compensatory leave in the Department of Public Works and the Queen Anne's County Sheriff's Office shall be used by the end of the last pay period in June that corresponds with the last paycheck dated in June of each year and shall be paid out at that time.

E. Eligibility for overtime compensation. The right to receive overtime compensation or compensatory leave shall accrue to all employees who are not exempt from the FLSA. [Amended on 10-13-10 by Ord. No. 10-13]

- (1) In computing the amount of entitlement to overtime compensation, if an, vacation leave, personal leave, holiday leave, sick leave, injury leave, compensatory leave or other official leave taken during the period under consideration shall not be counted as hours worked.
- (2) The County Administrator shall have the authority upon the request of a department director to grant either limited or general exceptions to the provisions of the foregoing subsection under appropriate circumstances when the granting of such exception is necessary for the proper staffing and/or functioning of a particular department.
- (3) The calculation of hours worked for entitlement to overtime compensation for employees working on County designated holidays shall be computed using the actual hours worked on the designated holiday.

§ 27-32. Shift differential pay.

A department of County government which employs workers in a schedule which exceeds normal business hours may, with the approval of the County Administrator, allow payment of a shift differential allowance for work outside such normal business hours.

§ 27-33. Call out pay.

An employee who is required to return to work after a regular tour of duty shall be paid the greater of three hours of overtime pay or the number of hours actually worked, rounded to the next highest 15 minutes, to be computed between the time the employee leaves his or her home and returns home. in accordance with policies and procedures promulgated by the Department of Human Resources and approved by the County Commissioners.

§ 27-34. Limitation of effect.

- A. Prohibition against exceeding maximum salary rate. No salary increase as a result of a promotion, reclassification or annual performance shall result in a salary rate above the maximum rate of the grade for the position held.
- B. No increase in annual salary upon reaching the maximum salary per grade in the Classified Salary Schedule. Upon reaching the maximum salary in the Classified Employees Salary Scale, an employee shall not receive additional yearly increases in salary as a result of annual evaluations until he or she becomes eligible for a longevity increase.
- C. No pay beyond maximum salary amount. Excluding overtime and hazardous duty pay, no person occupying a position within any class of work shall be paid more than the maximum amount specified by the salary schedule to which such position is assigned, with the exception of employees who, on the date of adoption of a classification study, were determined to be over maximum salary.

§ 27-35. Longevity.

- A. Computation of longevity. Longevity awards shall be computed on the salary the employee is earning at the maximum salary by grade of the County's Classified Employees Salary Scale.
- B. Award of longevity. Longevity shall be awarded on an employee's anniversary dates.
 - (1) Upon the fifth anniversary date after the employee reaches the maximum salary by grade on the Classified Employee's Pay Schedule, the employee will be eligible for a maximum salary increase of 6% based on the employee's annual evaluation.
 - (2) Upon the 10th anniversary date after the employee reaches the maximum salary by grade on the Classified Employee's Pay Schedule, the employee will be eligible for a maximum salary increase of 6% based on the employee's annual evaluation.
 - (3) Upon the 15th anniversary date after the employee reaches the maximum salary by grade on the Classified Employee's Pay Schedule, the employee will be eligible for a maximum salary increase of 6% based on the employee's annual evaluation.

§ 27-36. Salary of part-time employees.

An employee appointed for less than full-time service shall be paid at a rate not less than the minimum for a comparable class of positions in the salary plan. If there is no

comparable class of positions in the salary plan, the employee shall be paid at a rate to be approved by the Director of Human Resources.

§ 27-37. Effective date of salary adjustments.

- A. Salary adjustments approved after the first working day of the pay period shall become effective at the beginning of the next pay period, or at specific dates as may be provided.
- B. Job performance salary adjustments shall normally be effective the first pay period following the employee's anniversary date.
- C. COLA adjustments (if approved by County Commissioners) will normally be effective the first full pay period in July.

§ 27-38. Paycheck options.

Employees have the option of receiving an actual paycheck or may choose direct deposit.

§ 27-39. Payroll deductions.

Federal and state income taxes, social security tax and retirement contributions shall be deducted as required by law. Additional deductions, benefits or salary reductions may be allowed at the option of the employee. Authority to allow any other payroll deductions is vested in the County Commissioners.

ARTICLE V, Professional and Executive Service

§ 27-40. Establishment; basis for transactions.

- A. The professional and executive service of Queen Anne's County is hereby established.
- B. All appointments, promotions and personnel transactions within the professional and executive service shall be:
 - (1) Based solely upon merit and fitness ascertained by means of job-related selection practices and techniques;
 - (2) Made without discrimination due to race, color, religion, political affiliation,

marital status, sex, age or any other basis prohibited by state or federal law.

§ 27-41. Tenure.

Members of the professional and executive service shall retain their positions of employment, provided that:

- A. Sufficient funds are available to pay their salaries;
- B. They display acceptable levels of competence in their assigned duties and responsibilities;
- C. They are physically and mentally able, with or without reasonable accommodations, to perform assigned essential functions; and
- D. With respect to a disciplinary offense:
 - (1) It is not established by a preponderance of evidence, in the judgment of the appointing authority, that they committed such an offense; and
 - (2) Termination from County service is not a reasonable sanction given the nature of the offense committed, the employee's work history and any relevant, mitigating factors.

§ 27-42. Appointing authorities and qualifications.

A. Executive Assistant to County Commissioners.

- (1) Appointment. The Executive Assistant to the County Commissioners shall be appointed by the County Commissioners.
- (2) Minimum qualifications. The Executive Assistant to the County Commissioners shall possess a high school diploma and be able to accurately record and transcribe minutes of the Board of County Commissioners.
- (3) No right of appeal. A person appointed to this position by the County Commissioners shall have no right of appeal of an adverse personnel action to the Personnel Board.

B. County Administrator.

- (1) Appointment. The County Administrator shall be appointed by the County Commissioners.
- (2) Minimum qualifications. This section sets forth the minimum qualifications for any person appointed to the position of County Administrator. These

qualifications may be supplemented with other, job-related qualifications by the Board of County Commissioners of Queen Anne's County.

- (a) Education: an undergraduate degree in public or business administration, engineering or planning; and a masters degree in public or business administration, engineering or planning or a law degree;
 - (b) Experience: five or more years' experience in public sector agency management; or
 - (c) An equivalent combination of education and experience in the discretion of the County Commissioners.
- (3) Employment agreement.
- (a) Upon appointment, the County Commissioners shall execute an employment agreement with the County Administrator, the duration of which shall not exceed four years and which shall expire no later than ~~December 31~~^{six (6)}~~months after the county commissioners are sworn in and take office of the year of a general election.~~ July 1 of the year following the next general election.
 - (b) The employment agreement shall contain all of the compensation, rights, privileges and benefits to which the County Administrator shall be entitled during his or her period of service.
- (4) No right of appeal. A person appointed to this position by the County Commissioners shall have no right of appeal of an adverse personnel action to the Personnel Board.

C. Department directors.

- (1) Appointment. Department directors shall be appointed by the County Administrator upon the advice and consent of the Board of County Commissioners.
- (2) Minimum qualifications. This section sets forth the minimum qualifications for any person appointed to the position of department director. These qualifications may be supplemented with other, job-related qualifications by the Board of County Commissioners of Queen Anne's County.
 - (a) Education: an undergraduate degree in public or business administration, engineering or planning;
 - (b) Experience: three or more years' experience in public sector agency management; or
 - (c) An equivalent combination of education and experience.

- (3) No right of appeal. A person appointed to the position of department director shall have no right of administrative appeal of an adverse personnel action.

D. Remaining members of the professional and executive service.

- (1) Appointment. All members of the professional and executive service, other than those enumerated in Subsection C(1) A through (3) C of this section, shall be appointed by the department directors of the departments to which the positions are assigned.
- (2) Right of appeal. Persons appointed to positions in the professional and executive service, other than Department Directors those enumerated in Subsection C(1) through (3) of this section, shall have a right of administrative appeal of an adverse personnel action.

§ 27-43. Position classification plan for professional and executive service employees.

A plan assigning positions within the professional and executive service to pay grades shall be established and amended from time to time by resolution of the County Commissioners.

§ 27-44. Compensation.

A. Salary schedule. The Professional and Executive Salary Schedule shall be established and amended from time to time by resolution of the County Commissioners. This salary schedule shall constitute the pay grades and equivalent rates of pay for all positions within the professional and executive service as follows.

B. Cost-of-living adjustments.

- (1) The Professional and Executive Salary Schedule may be adjusted from time to time by the County Commissioners to account for any increases in the cost of living. Such adjustments, if any, shall be based upon the annual review conducted by the Director of Human Resources designed to identify any changes in the Consumer Price Index maintained by the United States Department of Labor (CPI-U for the Baltimore-Washington area).
- (2) As part of the annual operating budget process, the County Commissioners shall review the cost-of-living statistics for the preceding fiscal year furnished by the Director of Human Resources and, thereafter, may continue or amend all County salary schedules for the forthcoming fiscal year.
- (3) Adjustments to existing salaries. When the minimum and maximum ranges of the pay grades of the Professional and Executive Salary Schedule are adjusted,

the salaries of all persons assigned to that schedule shall be adjusted by a percentage amount equivalent to the percentage adjustment applied to the schedule as a whole.

§ 27-45. Labor market comparability of professional and executive service.

- A. Pay survey. To establish and maintain a compensation program which is competitive with other employers in the labor market, at least once every three years the Director of Human Resources shall conduct a pay survey in the labor market of prevailing wage rates for the benchmark positions.
- B. Benchmark positions. The benchmark positions for the professional and executive service shall be identified by the County Administrator.
- C. Survey outcome. If warranted by the survey results, the Director of Human Resources shall recommend a percentage adjustment to the professional and executive position classification plan and salary schedules of the professional and executive employee.

§ 27-46. Salary upon initial appointment.

Upon appointment to the professional and executive service, a person shall be assigned that salary amount denoted as the minimum salary for the pay grade. Based upon unique experience, knowledge, skill and/or ability, however, the County Administrator may assign a starting salary to a new member of the professional and executive service an amount ranging from the minimum salary to the maximum for any pay grade.

§ 27-47. Annual performance review/professional and executive. [Amended 2-21-2006 by Ord. No. 05-18]

The job performance of all employees shall be reviewed annually on their anniversary date through use of objective, job-related methods approved by the Director of Human Resources.

§ 27-48. Performance salary advance/incentive award within the grades. [Amended 5-6-2003 by Ord. No. 03-13]

- A. Annual salary increase. Employees may receive an annual salary increase effective the first full pay period in July, provided that their performance is evaluated as acceptable or better.
- B. Purpose of annual pay increase. These increases are intended to recognize increases in productivity and effectiveness as employees gain experience in their positions.

C. Determination of amount of annual pay increase.

- (1) Any increase in annual salary which may occur shall result in a rate of pay which falls within the range of pay set forth in the Professional/Executive Service Salary Schedule and shall be determined in accordance with the provisions of this section.
- (2) Employees shall receive an annual performance evaluation conducted by their appointing authority on or within one month prior to their anniversary date.
 - (a) If an employee's performance is rated as acceptable, a salary increase of 2% of the employee's rate of pay shall take effect in the pay period immediately following the date of evaluation.
 - (b) If an employee's performance is rated as above average, a salary increase of 3% shall take effect as provided above.
 - (c) If an employee's performance is rated as commendable, a salary increase of 4% shall take effect as provided above.
 - (d) If an employee's performance is rated as superior, a salary increase of 5% shall take effect as above provided.
 - (e) If an employee's performance is rated as outstanding, a salary increase of 6% shall take effect as above provided.
 - (f) In the event that an employee's performance is evaluated as unsatisfactory, no salary increase shall be provided.
 - [1] The appointing authority shall reevaluate the employee's performance within three months of the initial evaluation or the date of the final decision to award no salary increase, whichever is later.
 - [2] If the second performance evaluation is also unsatisfactory, the appointing authority may, upon the approval of the County Administrator, reduce the employee's salary by no more than 10% or terminate the employee.

D. Job performance incentive awards. The degree to which an employee shall be entitled to receive an annual incentive award shall be dependent upon the quality of his or her work performance as reflected in the annual performance review.

- (1) Intent. These increases are intended to:
 - (a) Recognize acceptable or better performance on the part of the employee and are not intended to be automatic; and
 - (b) Reflect increases in productivity and effectiveness as employees gain

experience in their positions.

- (2) Eligibility.
 - (a) Full-time employees shall be eligible for consideration for a job performance incentive award depending on their performance.
 - (b) Incentive awards shall be granted to those employees who have demonstrated a proficient level of job performance.
 - (c) Only those employees who have reached the maximum salary range.
- (3) Amount of incentive award.
 - (a) A two-percent incentive award shall be granted for an acceptable job performance evaluation.
 - (b) A three-percent incentive award shall be granted for an above-average job performance evaluation.
 - (c) A four-percent incentive award shall be granted for a commendable job performance evaluation.
 - (d) A five-percent incentive award shall be granted for a superior job performance evaluation; and
 - (e) A six-percent incentive award shall be granted for an outstanding job performance evaluation.

E. Budget funds for performance pay increases. The County Administrator shall each year include funds in the budget requests to the County Commissioners for providing performance pay increases. The County Commissioners may fund all, part or none of such performance pay increases. In the event the County Commissioners shall decide to fund either a portion or none of such performance pay increases then, notwithstanding any other provisions of this [Title Chapter](#), the amount of such performance pay increases including salary increases and incentive awards shall abate accordingly.

§ 27-49. Salary rate upon promotion from a class within the classified service.

Upon promotion from a class in the classified service to a class within professional and executive service, the employee's new rate of pay shall be the greater of:

- A. The minimum salary for the grade in the Professional and Executive Service Salary Schedule; or
- B. A salary rate within the new pay grade which is at least 100% of the base salary the

employee is being paid at the time of promotion.

§ 27-50. Salary rate upon promotion from another class within the professional and executive service.

Upon promotion from one class within the professional and executive service to another class allocated to a higher pay grade within the professional and executive service, the employee's new rate of pay shall be the greater of:

- A. The minimum salary for the grade in the Professional and Executive Service Salary Schedule; or
- B. A salary rate within the new pay grade which is at least 100% of the base salary the employee is being paid at the time of promotion.

§ 27-51. Salary rate upon reclassification.

- A. Reclassification to position with a higher pay grade. In the event that an employee is reclassified to an existing position which is assigned to a higher pay grade than that occupied by an employee, such employee may, on the effective date of the reclassification, be entitled to receive an increase in his or her rate of pay which shall be computed as the greater of:
 - (1) The minimum salary for the grade in the Professional and Executive Service Salary Schedule; or
 - (2) A salary rate within the new pay grade which is at least 100% of the base salary the employee is being paid at the time of promotion.
- B. Reclassification to position with a lower pay grade. In the event that an employee is reclassified to a position which is assigned to a lower pay grade than that occupied by an employee, the salary of such employee shall, on the effective date of the reclassification, be reduced by no more than an amount which equals a six-percent reduction in the salary which the employee was receiving on the date of the reclassification.

§ 27-52. Salary rate upon reallocation of class of work.

- A. Reallocation of class of work with higher pay grade. In the event that a class of work occupied by an employee is reallocated to a higher pay grade than that currently assigned, any employee occupying that class of work shall, on the effective date of the reallocation, be entitled to receive an increase in his or her rate of pay which shall be computed as the greater of:

- (1) The minimum salary of the new grade in the Professional and Executive Service Salary Schedule; or
 - (2) A salary rate within the new pay grade which is at least 100% of the base salary the employee is being paid at the time of promotion.
- B. Reallocation of class of work with lower pay grade. In the event that a class of work occupied by an employee is reallocated to a lower pay grade than that currently assigned, any employee occupying that class of work shall experience no decrease in pay.

§ 27-53. Salary rate upon lateral transfer.

In the event that an employee is transferred to another position within the professional and executive service which is allocated to the same pay grade, the employee shall receive no increase in salary.

§ 27-54. Effective date of salary adjustments.

Salary adjustments approved after the first working day of the pay period shall become effective at the beginning of the next pay period, or at specific dates as may be provided. Job performance salary adjustments shall normally be effective the first full pay period in July.

§ 27-55. Limitation of effect.

No salary increase as a result of a promotion, reclassification or annual performance shall result in a salary rate above the maximum rate of the grade for the position held.

§ 27-56. Temporary transfer pay/professional and executive.

- A. Entitlement. An employee shall be entitled to receive temporary transfer (increased) pay in the event that a supervisory authority requires an employee, for a continued work period of more than 15 days:
- (1) To perform the work of a person occupying a funded position within the professional and executive service who, for any reason, is absent from work; and
 - (2) To assume all of the duties of an established class of work which is assigned to a higher pay grade than that occupied by an employee.
- B. Amount. Temporary transfer pay shall be computed as the greater of: [Amended 2-21-2006 by Ord. No. 05-18]

- (1) The minimum salary of the pay grade of the position for which the employee is temporarily assigned; or
- (2) Four-percent increase in salary to which the employee is normally entitled.

§ 27-57. Hours of work.

Members of the County's professional and executive service:

- A. Shall not work a fixed work schedule, but work during those hours necessary to satisfactorily perform assigned duties and responsibilities; and
- B. Are all exempt from the provisions of the Fair Labor Standards Act. Thus, persons occupying positions in this service shall not be entitled to earn overtime compensation of any sort since their salaries have been established on the premise that a reasonable amount of work shall be performed after normal working hours.

ARTICLE VI, Recruitment and Selection

§ 27-58. Position vacancy announcements. -

- ~~A. The Department of Human Resources shall adopt policies and procedures for the advertising of and the recruiting of qualified persons for vacant positions. prepare and distribute position vacancy announcements for every vacant position within the classified service and professional and executive service.~~
- ~~B. Position vacancy announcements shall be posted: [Amended 2-21-2006 by Ord. No. 05-18]~~
 - ~~(1) By department directors on at least one bulletin board within their department, sent electronically to employees and/ or posted by the Human Resource Director.~~
- ~~C. All position vacancy announcements shall be posted for the period specified within the announcement but in no event for less than a period of seven calendar days.~~
- ~~D. Position vacancy announcements shall contain, at a minimum: [Amended 2-21-2006 by Ord. No. 05-18]~~
 - ~~(1) The period during which the announcement shall be posted;~~
 - ~~(2) The title, rate of pay and location of the position;~~
 - ~~(3) The closing date of the announcement;~~

~~(4) A summary of the duties of the position;~~

~~(5) A summary of the basic qualifications requirements;~~

~~(6) The procedures for making application; and~~

~~(7) A statement of equal employment opportunity.~~

§ 27-59. Position advertisements.

- A. In the event a position vacancy is not filled from the prior announcement within Queen Anne's County government in seven calendar days, the vacancy for a class of work during any one year period shall be advertised in a newspaper of general circulation within Queen Anne's County. Vacancies within the same class of work during any year in which a vacancy advertisement has been published need not, but may be, at the discretion of the Director of Human Resources, publicly advertised. At the discretion of the Director of Human Resources, advertisements may run concurrently with in-house announcements.
- B. Optional advertising in statewide, national or specific publications and the County web site may be carried out as requested by the department director in the discretion of the Director of the Department of Human Resources and as funds are available. The Department of Human Resources shall prepare and adopt policies and procedures for the proper advertisement of position vacancies.

§ 27-60. Application for employment.

An official County application form shall be made available to all applicants for all position listings and shall be the only method by which applicants for vacancies shall be considered for employment. No applications may be accepted by a department; all applications must be made through and filed with the Human Resources Department.

§ 27-61. Applicant tracking.

- A. The Human Resources Department shall be responsible for maintenance of permanent records of all position vacancy announcements, including posting and closing dates, all optional referral sources used in the recruitment process and the pool of applicants considered for each vacancy.
- B. The applicant pool data for each position shall include an alphabetized listing of all applicants and test scores, when applicable, for each position vacancy announcement. In addition, EEO-4 forms, providing data on race and sex of applicants, shall be maintained. by the Human Resources DepartmentDepartment of Budget and Finance.

§ 27-62. Qualification standards.

All applicants considered for employment or promotion shall meet the essential qualification standards established by the class specifications for the position to which the appointment is being made.

§ 27-63. Disqualification for false statements.

Applicants who knowingly make any material false statement concerning their application for appointment or promotion to a position in County employment shall forfeit their right to be considered for or occupy the position.

§ 27-64. Selection.

The Department of Human Resources shall develop, use and document, on a consistent, routine basis, a selection process that best suits the County's needs in filling position vacancies. All selection methods developed and utilized shall be valid measures of job performance.

§ 27-65. Establishment of eligibility lists.

- A. The Director of Human Resources shall be responsible for assisting the departments in recruiting and selecting such employees as are authorized by the position classification plans for classified and professional and executive employees and by the budget.
- B. The Human Resources Department shall **coordinate and/or** conduct all employment screening processes and shall refer those applicants most qualified for the position to the appointing department.
- C. Depending upon the nature of the duties assigned to the position to be filled, the County screening process shall include:
 - (1) Assembled and unassembled testing, including written and nonwritten testing (job task simulation exercises);
 - (2) Structured oral interviews;
 - (3) Previous employment history verification;
 - (4) Review and analysis of business references; and
 - (5) Review of motor vehicle traffic records and criminal conviction history records.
- D. No commitment shall be made by the Human Resources Department or appointing

department to an applicant or employee until such time as all available interested individuals have had a reasonable opportunity to be considered for the position.

- E. The Director of the Department of Human Resources may establish a list of eligible candidates for all classes of work:
 - (1) Regardless of the existence of a vacancy for such class of work; and
 - (2) For a series of classes of work such as Office Administrative Assistant I, II, and III, IV and V.
- F. Upon completion of all employment screening for any class of work, the Department of Human Resources shall:
 - (1) Establish criteria by which applicants for the vacancy shall be evaluated;
 - (2) Evaluate all persons who have completed the screening process;
 - (3) Determine which candidates meet the required qualifications and which do not;
 - (4) Notify all unqualified candidates that they have not been selected for employment;
 - (5) Analyze the qualifications of those persons deemed qualified and rank order them in a sequence from the most highly qualified to the least qualified; and
 - (6) Place the names in the order of appearance on an eligibility list for that class of work.
- G. Eligibility lists shall be maintained by the Department of Human Resources and shall remain valid for a maximum period of 12 months. ; however, they may be extended in duration by the Director of the Department of Human Resources.

§ 27-66. Appointments.

- A. Appointment to the classified service shall only be made from the names of persons appearing on a valid eligibility list.
- B. Upon receipt of a requisition from an appointing authority to fill a vacant position, the Director of the Department of Human Resources shall certify the names of the three persons standing highest on an appropriate list of eligible candidates to the appointing authority.
- C. An appointing authority shall select the name of the person to be appointed from among the three names certified. In making the selection, the appointing authority may review the candidates' credentials and interview the three candidates; however, the appointing authority shall administer no additional tests of any type prior to

identifying the person to be hired.

- D. Appointments to County employment shall be made on the basis of merit and fitness demonstrated by examination and/or other evidence of competence without regard to race, sex, color, national origin, religion, age, political affiliation or physical or mental disability.
- E. Qualified persons with a disability, or persons who have a known association with a disabled person, shall be given equal consideration with other applicants for positions in which their known physical and mental limitations shall be reasonably accommodated.
- F. After a conditional job offer is made, all certain applicants are subject to a medical exam. The County cannot refuse to hire disabled individuals based on the results of a medical exam, unless the reason for rejection is job related, and their known physical and mental limitations cannot be reasonably accommodated or in circumstances in which the only possible accommodations would impose an undue hardship on County operations.

§ 27-67. Promotions.

- A. Promotions in County employment shall be made on the basis of merit, experience, conduct and seniority demonstrated by testing and/or other evidence of competence without regard to race, sex, color, national origin, religion, age, political affiliation or physical or mental disability.
- B. Based on the results of the promotional screening process, the Human Resources Department shall certify to the appointing department the names of those applicants most qualified for the position.
- C. Promotional appointments shall be made by the department director, with the approval of the Human Resources Department and County Administrator, or the County Administrator, as the case may be.

ARTICLE VII, Conditions of Employment

§ 27-68. Alcohol testing.

Employees and applicants for employment will be subject to testing for blood alcohol in accordance with policies and procedures adopted by the Department of Human Resources. ~~Employees who occupy safety sensitive positions shall be subject to testing for blood alcohol levels in accordance with a policy promulgated by the County~~

Administrator.

§ 27-69. Communicable disease.

Queen Anne's County has a legitimate interest in maintaining a safe and healthy work environment for employees. Employees with serious communicable diseases will be subject to the provisions of the County's Communicable Disease Program. The Queen Anne's County's Communicable Disease Program shall be administered in accordance with state law governing communicable diseases and the Americans with Disabilities Act and shall be governed by the most current communicable disease policy adopted by the County Commissioners.

§ 27-70. Controlled substance testing. [Amended 2-21-2006 by Ord. No. 05-18]

A. Queen Anne's County is a drug- and alcohol-free workplace.

B. Employees and applicants for employment shall be subject to testing for controlled dangerous substances and drugs in accordance with policies and procedures adopted by the Department of Human Resources who occupy safety sensitive positions, other than sworn Sheriff's personnel, shall be subject to testing for the presence of the following drugs in their systems in accordance with a policy promulgated by the County Administrator:

(1) Marijuana;

(2) Cocaine;

(3) Opiates;

(4) Phencyclidine (PCP); and

(5) Amphetamines.

C. Sworn Sheriff's personnel and correctional officers shall be subject to testing for the presence of the following drugs in their system in accordance with a policy promulgated by the County Administrator:

(1) Marijuana;

(2) Cocaine;

(3) Opiates;

(4) Phencyclidine (PCP);

(5) Amphetamines;

~~(6) Barbiturates;~~

~~(7) Propoxyphene; and~~

~~(8) Benzodiazepines.~~

§ 27-71. Driver safety standards.

~~All employees shall be subject to driver safety standards in accordance with policies and procedures adopted by the Department of Human Resources. Queen Anne's County has established the following driver safety standards in order to ensure that all persons who operate motor vehicles are suitably qualified to do so. For the purpose of these standards, a "motor vehicle" is defined as any automobile, truck or other motorized conveyance which is intended to transport one or more persons, or which requires one or more persons to operate, and which is operated in connection with County activities or business.~~

~~A. All persons who are required to operate a motor vehicle shall possess a valid license issued by the state of his or her residence during the course of the period of his or her employment. The license shall be of the class and with appropriate endorsements to authorize operation of the type of motor vehicle required in order to perform assigned essential functions.~~

~~B. Persons who operate motor vehicles shall report to their immediate supervisor all motor vehicle collisions or violations involving any property damage immediately.~~

~~C. Employees operating a motor vehicle at the time of an accident are required to:~~

~~(1) Remain at the accident scene until directed to do otherwise by their supervisor;~~

~~(2) Request the appropriate law enforcement agency to come to the scene and make a report; and~~

~~(3) Ask for his or her supervisor to come to the scene. If the employee's supervisor cannot be reached, the Controlled Substance Testing Program Coordinator shall be asked to come to the scene.~~

~~D. The driving records of employees who operate motor vehicles shall be reviewed periodically by the County.~~

~~E. Any person who accumulates five or more current points on his or her Maryland motor vehicle license, or a warning letter from any state motor vehicle administration as a result of the accumulation of points from traffic offense convictions, shall be prohibited from operating a motor vehicle until he or she completes a report of point assessment and receives, and successfully completes, an appropriate course of retraining administered by or at the direction of the County.~~

- ~~F. Prior to employment in any position the essential functions of which require the operation of a motor vehicle, the motor vehicle record of all applicants shall be reviewed. The County may decline to hire any person whose motor vehicle record displays a history of violations which raises a reasonable doubt concerning the applicant's commitment to safe vehicle operation or ability to safely operate a motor vehicle.~~
- ~~G. Both applicants for employment and employees shall, upon request of the County, complete and submit an authorization to obtain motor vehicle operator record information.~~
- ~~H. All persons operating and occupying motor vehicles equipped with passenger restraints (seatbelts and/or shoulder harnesses) shall comply with the County's Safety Belt Use Policy during all periods of vehicle operation.~~
- ~~I. Except under emergency circumstances, persons authorized to do so shall only transport children under the age of 10 years, or who weigh less than 60 pounds, in the rear seat of a motor vehicle.~~
- ~~J. No person shall operate a motor vehicle in a manner which is inconsistent with the Maryland motor vehicle laws. Specifically, no person shall operate a motor vehicle either while his or her ability is impaired by alcohol or controlled dangerous substance(s) or while intoxicated by alcohol or controlled dangerous substance(s).~~
- ~~K. No person whose license is either suspended or revoked shall operate a motor vehicle in furtherance of the business of the County. Any person who must operate a motor vehicle in order to perform assigned essential functions and whose license is suspended or revoked may, at the option of the County, be demoted, suspended without pay or terminated from employment.~~

§ 27-72. Employee-Employer Relations Policy.

- A. Productive and harmonious relationships between County employees and management can best be achieved with respect to working conditions if relationships and policies are clearly set forth. The following shall be considered the official policy of the County relating to employee-employer relations:
- (1) The County, in accordance with Maryland State Law, does not accept any employee organization as the sole spokesman for any category of employees;
 - (2) Employees or employee representatives of employee groups will be afforded the right to present suggestions and make statements on any issue relating to conditions of work;
 - (3) Strikes and work stoppages by County employees will not be permitted. Instigation of, participation in or giving leadership to a strike, slowdown or work

stoppage shall constitute grounds for disciplinary action up to and including dismissal; and

- (4) Infractions of work rules, including unauthorized absences from work, shall be grounds for disciplinary action up to and including dismissal.

B. The County Administrator is hereby designated as the spokesman for the County in matters concerning employee-employer relations under ordinary conditions. The County Administrator, or a designee, is hereby empowered to meet and confer with employees. The final determination of employee-employer relations policy rests with the County Commissioners.

§ 27-73. Nepotism.

A department director or employee may not appoint, promote, reassign, or participate in any action affecting a member of his/her **immediate** family or an individual involved with the employee in an intimate relationship. A department director may not permit the employment of **an immediate family member or a person involved in an intimate relation members of a family** where one has direct or indirect supervision over the other. **"Family" is an individual related to the County employee by blood, marriage, or adoption. Examples include, but are not limited to parent or stepparent, spouse, brother, stepbrother, sister, stepsister, child or stepchild, spouse's parents, grandparents or spouse's grandparents, ~~cousin~~, legal guardian, or any other relative living under the same roof as the employee.** "Intimate relationship" is a situation in which two individuals are involved in a romantic sense and may or may not cohabit. Examples include significant other (boyfriend or girlfriend) or partner. Any exceptions **to this policy** shall require the **advance** approval of the County Administrator **who may institute such procedural safeguards with regard to the employment as the County Administrator may determine to be necessary or appropriate.**

§ 27-74. Fitness for duty physical examination.

A. The County Director of Human Resources may require an employee to submit to a physical and/or mental examination to evaluate the employee's fitness for continued duty:

- (1) After an employee uses 20 consecutive or a total of 20 sick leave days in any one-hundred-eighty-day period; or
- (2) Upon learning of facts and circumstances which lead to the reasonable conclusion that an employee is suffering from a medical condition which impedes his or her ability to perform assigned essential functions.

B. The results of the examination shall be reviewed by the appointing authority, the employee and the Director of Human Resources.

- (1) If it is determined that the employee is a qualified individual with a disability, the County shall provide reasonable accommodation so that the employee will be able to return to work.
- (2) If, after a thorough examination of all relevant facts and circumstances, no reasonable accommodation is possible: [Amended 2-21-2006 by Ord. No. 05-18]
 - (a) The County shall require the employee to file and the employee shall file an application for disability retirement with the State Retirement and Pension System of Maryland, if eligible.
 - (b) In such instance, the employee shall be terminated from employment by the County on the basis of the inability to perform assigned essential functions.
- (3) If it is determined that the employee is not a qualified individual with a disability and there is no reasonable likelihood that the employee will be able to return to work within a reasonable period of time:
 - (a) The County shall require the employee to file and the employee shall file an application for disability retirement with the State Retirement and Pension System of Maryland, if eligible.
 - (b) In such instance, the employee shall be terminated from employment by the County on the basis of the inability to perform assigned essential functions.

§ 27-75. Occupational safety.

Queen Anne's County has a legitimate interest in the welfare and safety of its employees and the public it serves. The County desires to provide the safest possible working conditions for its employees and to provide a safe environment for the public that uses our services. Queen Anne's County occupational safety program shall be governed by the most current safety policies adopted by the County Commissioners.

§ 27-76. Outside employment. [Amended 2-21-2006 by Ord. No. 05-18]

- A. The work of the County shall have priority over the other occupational interests of employees, and
- B. An employee shall not undertake any outside work, which would create a conflict of interest or otherwise be incompatible with County service, and
- C. Employment causing potential conflicts regarding scheduling or other operational issues shall be approved by the employee's appointing authority.

§ 27-77. Political activity.

- A. Every employee has a civic responsibility to support good government by every available means and in every appropriate manner.
- B. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles by available means and in every appropriate manner.
- C. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic organizations of a partisan or political nature, but may not:
 - (1) Engage in any political activity, including the performance of any duties of elective office, while on duty;
 - (2) Be required as a duty of office or employment, or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
 - (3) Coerce or compel contributions for political or partisan purposes by any other employee of the governmental unit; or
 - (4) Use any supplies or equipment of the governmental unit for political purposes.
- D. Any County employee who shall register to become a candidate for nomination or election to the office of County Commissioner shall immediately forfeit the employment held with the County.
- E. Campaign speeches or other political activities by individuals seeking a County elective office shall not be conducted on the premises of any County property, nor shall candidates for a County elective office seek to contact and talk to employees for the purpose of promoting their candidacy while the employees are on duty for the County. This shall not prohibit candidates from speaking with County employees in a legitimate effort to obtain information concerning County operations. The use of facilities designed for public meetings shall be exempted from this subsection.
- F. Any violation of this section shall be deemed improper conduct and shall subject such employee to dismissal or other disciplinary action by the appointing authority.

§ 27-78. Probationary period.

- A. Original probationary period.
 - (1) Prior to attaining permanent status, every person appointed to a position in County employment within either the classified or professional and executive services is required to successfully complete a probationary period of one year,

except for law enforcement personnel employed by the Queen Anne's County Sheriff's Department, who may be required to successfully complete a probationary period of two years. [Amended 2-21-2006 by Ord. No. 05-18]

- (a) Where appropriate, and with the approval of the Director of Human Resources, the appointing authority may extend an employee's probationary period for a duration not to exceed 90 days.
 - (b) If an employee has a leave of absence during their probationary period, their probation shall be extended by an amount of time equal to that of their leave of absence.
- (2) The probationary period shall be considered to be part of the selection process.
- (3) A probationary employee may be the subject of a personnel action, without right of appeal, at any time during the probationary period if the appointing department director, with the approval of the Director of Human Resources, determines that the employee is not performing assigned duties in a satisfactory manner.
- (4) Job performance evaluations shall be completed on all probationary employees at the end of three months, six months and 11 months of service. The appointing department director shall indicate to the Human Resources Department, in writing, on each job performance appraisal:
- (a) That the employee's accomplishments, failures, strengths and weaknesses have been discussed with the employee;
 - (b) Whether or not the employee is performing acceptable work; and
 - (c) Whether or not the employee should be retained in the position.
- B. Promotional probationary period. Any employee appointed to a promotional position shall serve a probationary period of six months. Before the end of the probationary period, the appointing department director shall indicate to the Human Resources Director, in writing, on a promotional probationary evaluation form:
- (1) Whether or not the employee is performing acceptable work;
 - (2) Whether or not the employee should be retained in the position or be reinstated in a former class. Reinstatement to a former class during a promotional probationary period shall not be considered a demotion, unless the reinstatement is done for disciplinary reasons and is contingent on the availability of the former job.
- C. Extension of probationary period. The appointing department director may, with the approval of the Director of Human Resources, extend an employee's original probationary period or promotional probationary period for a period of time not to

exceed 90 days.

§ 27-79. Reduction in force.

- A. Selection criteria. In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance as documented by current performance appraisals, organizational needs and seniority in determining those employees to be retained.
- B. Notice of reduction in force. Employees who are laid off because of a reduction in force shall be given at least two weeks' notice.
- C. Protection of full-time employees. No full-time employee shall be separated while there are contractual, part-time or temporary employees serving in the same class in the same department, unless the full-time employee is not willing to transfer to the position held by the part-time or temporary employee.
- D. Severance pay. In any circumstance in which employment is terminated because of lack of work or abolition of a position from the annual budget, an affected employee may apply for and receive severance benefits which shall include the following:
 - (1) Severance benefits. Salary equivalent to that depicted in the following schedule:
 - (a) Less than one year of County service: no benefit.
 - (b) One year but fewer than five years of County service: one month of salary.
 - (c) Five years but fewer than 10 years of County service: two months of salary.
 - (d) Ten years but fewer than 15 years of County service: three months of salary.
 - (e) Fifteen or more years of County service: four months of salary.
 - (2) Payment of severance benefits. Such payment may be made in a lump sum or biweekly at the request of the employee. For purpose of this section of this chapter, no pay received prior to the receipt of written notice of the termination by the employee shall be included in the amount to which the employee is entitled under this section. During the period an employee receives a salary under this section, normal withholding of taxes and other sums shall continue. Employees shall not accrue any leave during this period.
 - (3) Payment for accrued leave.
 - (a) An affected employee shall receive payment for all accrued but unused annual and compensatory leave to which he or she is entitled. This payment shall be made at the rate of pay earned by the employee as of the date of receipt of a termination notice.

- (b) All payments for unused leave shall be made in a lump sum payment.
- (4) Health insurance.
 - (a) The County shall continue to pay that portion of the affected employee's health insurance premium that it paid immediately prior to the notice of termination. Such payment shall continue for a period of three months from the date of receipt of written notification of termination by the employee.
 - (b) In the event that the employee acquires other health insurance during this period of time, he or she shall notify the Personnel Human Resources Department, at which time the coverage will terminate.
 - (c) This benefit is intended to be in addition to and not a limitation of any rights to which an employee may be entitled under COBRA.
- (5) County equipment and facilities. To the extent reasonably possible, and consistent with the County's financial, operational and administrative needs, an employee who receives notice of severance under a reduction in force may be allowed to use County office equipment, including a telephone for local calls only, in pursuit of another job. This benefit shall be provided, limited, conditioned and supervised within the sole discretion of the County Administrator.
- E. Work reference. An affected employee shall receive a suitable work reference to inquiring potential employers. This reference may be in the form of either a written or verbal response to an inquiry and will be consistent with the last performance evaluation received by the employee.
- F. Termination for other reasons. The foregoing provisions are not intended to nor do they provide any benefits for persons whose employment is terminated by the County because of retirement, voluntary resignation, failure to successfully complete probation, poor job performance or commission of a disciplinary infraction.
- G. Reinstatement. In the event that an employee is reinstated to full-time County employment within 365 days from the date of termination, the employee shall be entitled to credit for sick leave, any unused vacation leave and the period of prior service in computing longevity credit for any purpose whatsoever.

§ 27-80. Sexual Harassment.

The Department of Human Resources shall adopt policies and procedures for addressing allegations of all forms of harassment, sexual and otherwise.

A. Definition of sexual harassment. "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- ~~(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;—~~
- ~~(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or—~~
- ~~(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.—~~

~~B. Policy.—~~

- ~~(1) Queen Anne's County opposes sexual harassment of any kind.—~~
- ~~(2) The County shall thoroughly investigate all allegations of sexual harassment.—~~
- ~~(3) Alternative officials shall be designated to receive, investigate and adjudicate complaints of sexual harassment to avoid a situation in which an official may have a conflict of interest in terms of being accused of such an act while responsible for processing a complaint.—~~

~~C. Complaint procedure.—~~

- ~~(1) Any employee who believes he or she may have a complaint of sexual harassment may file the complaint directly with:—~~
 - ~~(a) A department director;—~~
 - ~~(b) The Director of Human Resources; or—~~
 - ~~(c) The County Administrator.—~~
- ~~(2) The complaint shall be in writing in a form prescribed by the Department of Human Resources.—~~
- ~~(3) No complaint shall be accepted by the Department of Human Resources under this section unless:—~~
 - ~~(a) It contains sufficient facts and allegations to comprise a case of sexual harassment as defined herein;—~~
 - ~~(b) It sufficiently identifies the complainant and the person alleged to have committed the act. Anonymous complaints will not be accepted; and—~~
 - ~~(c) It is executed by the complainant.—~~

~~D. Guidelines. The following guidelines will apply to any complaint alleging sexual harassment in the workplace:—~~

- ~~(1) The complainant shall not be transferred or reassigned unless at his or her request.—~~
- ~~(2) No action or alteration in the terms and/or conditions of the complainant's employment shall occur in retribution for the filing of a complaint, regardless of whether substantiated or unsubstantiated, unless it is determined that the complaint was false and filed for improper purposes.—~~
- ~~(3) No person accused in a complaint of an act of sexual harassment shall participate in the processing of a complaint arising out of such accusations.—~~
- ~~(4) The person accused shall be presumed not to have committed the act until a conclusion to the contrary is reached by a department director or County Administrator.—~~
- ~~(5) All information supplied in connection with a complaint and investigation of sexual harassment shall be held in confidence and available only to officials who are responsible for investigating, adjudicating or hearing an appeal in connection with a complaint of sexual harassment.—~~
- ~~(6) A person found to have committed an act of sexual harassment or to have filed a false complaint against another person shall be disciplined:—~~
 - ~~(a) In a manner commensurate with the facts and circumstances of the offense;—~~
 - ~~(b) Consistent with principles of progressive discipline; and—~~
 - ~~(c) In consideration of his or her length of County service and work record and other mitigating factors.——~~

~~E. Investigation. Unless he or she is the subject of a complaint, the Director of Human Resources will conduct a comprehensive investigation into any allegation of sexual harassment. At a minimum, the investigation shall include:—~~

- ~~(1) A thorough review and analysis of the complaint;—~~
- ~~(2) Development of a list of persons to be interviewed;—~~
- ~~(3) Acquisition of any physical evidence;—~~
- ~~(4) Personal interview(s) with the complainant;—~~
- ~~(5) Personal interview(s) with the employee who is accused of sexual harassment;—~~
- ~~(6) Personal interview(s) with any persons identified as witnesses by the complainant; and—~~
- ~~(7) A visit to the scene of the alleged incident for the purpose of locating additional evidence and witnesses.——~~

~~F. Preparation of report. The person conducting the investigation shall prepare and submit a report documenting the investigative findings only to the director of the department in which the accused employee is assigned, or the County Administrator in the event that the director is the person accused. No conclusions or assumptions shall be included in the report.~~

~~G. Determination of culpability. The department director receiving the report or County Administrator:~~

~~(1) Shall objectively review all available statements and evidence;~~

~~(2) May draw reasonable inferences from the evidence and statements;~~

~~(3) Shall compare the elements of the alleged infraction with the facts and reasonable inferences therefrom; and~~

~~(4) Shall make a determination based upon a preponderance of all available evidence that the accused committed/did not commit an act of sexual harassment and form a conclusion regarding whether the charges against the accused employee are true, false or unsubstantiated.~~

~~H. Administration of discipline. The department director or County Administrator acting in his or her stead shall administer appropriate disciplinary sanctions for any act of sexual harassment.~~

~~I. False accusations. Any person who makes an accusation of sexual harassment which is proven to be false and made on the basis of improper motive shall be subject to disciplinary action up to and including termination.~~

~~J. Notification to complainant. The department director or County Administrator acting in his or her stead shall notify the complainant of the outcome of the complaint. Because the specific nature of disciplinary action is not public information under state law, the nature of the disciplinary sanction administered in sustained cases shall not be disclosed.~~

§ 27-81. Solicitation prohibited.

No officer or employee of the County or any other person, directly or indirectly, shall solicit or receive, or in any manner be directly or indirectly involved in soliciting or receiving, from anyone on an eligible list or employed in the classified service of the County any assessment, subscription, contribution or political service for aiding or assisting in the campaign for election or appointment to any political or official position in the County service or to any position in the classified service of the County.

§ 27-82. Tardiness.

- A. Employees who report late for work may be docked for such time as they are late. with a minimum of 3/4 hour's pay being deducted for any one incident.
- B. Employees who are habitually late may be subject to disciplinary action up to and including dismissal.

§ 27-83. Unexplained absences.

- A. Employees who are absent without approved leave and who do not notify their supervisor within a period of two consecutive workdays shall be considered as having voluntarily terminated their employment with the County.
- B. Any exceptions shall be made at the request of the department director with the approval of the Director of Human Resources and the County Administrator.

§ 27-84. Whistle-blower protection.

No employee shall be the subject of retaliation by the County, its managers or supervisors for filing a complaint with the County Administrator, County Commissioners or any other governmental agency or official in connection with an allegation of fraud, abuse or waste on the part of any County employee or official.

§ 27-85. Weapons policy. [Amended 2-21-2006 by Ord. No. 05-18]

- A. No person employed by the County, either paid or volunteer, other than law enforcement, corrections personnel and animal control officers, is permitted to possess any firearm or other dangerous weapon while performing his or her duties.

Corrections personnel employees must follow the guidelines established by the Queen Anne's County Sheriff and the Director of Correctional Services.

- B. The foregoing policy includes possession of any firearm or other dangerous weapon by employees or volunteers while in any County building or in any County-owned vehicle.
- C. Violation of this policy will result in mandatory disciplinary action, up to and including dismissal for the first offense.

§ 27-86. Workweek.

- A. The standard workweek for all full-time employees of the various departments of the County shall be 40 hours per week; and

- B. Work schedules within the workweek shall be established by department directors depending upon the nature of the work to be performed and the needs of the unit of County government.

§ 27-87. Workplace violence.

- A. Queen Anne's County is committed to doing what it can to prevent violence in the workplace.
- B. Acts of violence directed toward another employee may result in immediate dismissal.
- C. The County may also discharge an employee who takes action which indicates that violence may follow, such as threats of bodily harm or property damage.
- D. Every employee shall report possible workplace violence problems to the department director or the Director of Human Resources.

ARTICLE VIII, Holidays and Leave

§ 27-88. General conditions.

- A. Except as otherwise provided herein, leave shall not be taken until it has accrued.
- B. Adjustments in the type of leave taken by an employee may only be made within the pay period immediately following that in which the leave was taken for good cause and with the written approvals of the director of the department to which the employee is assigned, Finance, and Human Resources.
- C. Leave may not be converted from one form to another to avoid loss of leave due to restrictions on year-to-year carry-over.

§ 27-89. Paid holidays observed. [Amended 2-21-2006 by Ord. No. 05-18]

- A. All full-time employees shall receive a maximum of eight hours of regular pay and shall not be required to report for duty on those days designated as the following holidays:
 - (1) New Year's Day;
 - (2) Dr. Martin Luther King, Jr. birthday;

- (3) Presidents' Day;
- (4) Good Friday;
- (5) Memorial Day;
- (6) Independence Day;
- (7) Labor Day;
- (8) Columbus Day;
- (9) Election Day (in years in which a general election is held);
- (10) Veterans Day;
- (11) Thanksgiving Day;
- (12) Day after Thanksgiving; and
- (13) Christmas Day.

B. Saturday or Sunday holidays. Any holiday that falls on Saturday or Sunday shall be observed on the preceding Friday or the following Monday, as determined by the County Administrator.

- (1) If Christmas Day falls on a Saturday or Sunday, employees required to work on that day will receive pay in accordance with § 27-89D.

C. If a designated holiday falls on an employee's regularly scheduled day off, the employee shall receive, in lieu of holiday pay, eight hours of holiday leave to be scheduled at the discretion of the appointing authority.

D. Payment of employees required to work on a County designated holiday.

- (1) Eligible employees who work all or any part of a designated holiday shall receive at his or her option, in addition to eight hours of holiday pay, either:
 - (a) Pay at the rate of time-and-one-half the employee's normal rate of pay for every hour actually worked on the designated holiday; or
 - (b) Compensatory leave computed at time-and-one-half hours for every hour actually worked on the designated holiday.

[1] Accrued compensatory leave must be taken in accordance with § 27-31D(4)(b)[3].

- (2) Department of Emergency Services, Detention Center, Parks and Recreation, Sheriff's Department and Department of Public Works employees shall receive,

at the discretion of their appointing authority, based on departmental business needs, either:

- (a) An equivalent amount of holiday leave which will be observed in accordance with work schedules established by their respective departments; or
- (b) Options offered to all other eligible County employees, as stated in § 27-89D(1).

§ 27-90. Adverse weather conditions.

The Department of Human Resources shall adopt polices and procedures for the closing of County offices due to adverse weather or other conditions.

County offices and departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation is received from the County Administrator's office. All departments and offices will be given sufficient advance notice of any authorized early closings via appropriate public media and other means. Employees who leave work before an official early closing time, as well as those employees who report for work late or do not report for work at all, will be required to use earned vacation or leave without pay for days or hours taken.

§ 27-91. Forms of leave.

A. Vacation leave. In recognition of the fact that periods of time away from the workplace enhance long-term job performance, the County shall provide a paid vacation leave benefit to employees. Vacation leave may also be used for certain qualifying events or absences, but is primarily intended to provide employees with paid, nonduty time within which to pursue employee-selected recreational activities. **[Amended 11-11-2008 by Ordinance No. 08-26].**

- (1) Full-time employees serving a probationary period following initial appointment shall not be permitted to take vacation leave during the first six months of the probationary period unless the denial of such leave will create an undue hardship.
- (2) Each full-time employee shall earn vacation leave on a monthly basis in accordance with the following schedule of total service:
 - (a) Fewer than five years: 96 hours per year. While employees shall accrue leave in accordance with this schedule from date of hire, they shall not be entitled to take any vacation leave during the first six months of employment.
 - (b) Five years but fewer than 10 years: 120 hours per year.

- (c) Ten years but fewer than 20 years: 160 hours per year.
 - (d) Twenty orf more years: 200 hours per year.
- (3) No more than 520 hours of vacation leave may be carried forward from calendar year to calendar year by any member of the classified or professional and executive services. At the end of each calendar year, employees shall forfeit all vacation leave in excess of 520 hours of such leave.
 - (4) Vacation leave shall only be taken with the prior, written approval of the employee's appointing authority.
 - (5) An employee who is separated shall be paid for vacation leave accumulated to the date of separation, not to exceed a maximum of 520 hours. Any advanced vacation leave owed the County shall be deducted from the employee's final compensation.
 - (6) The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account, not to exceed a maximum of 520 hours.
 - (7) No employee shall take more than two consecutive weeks of his or her vacation at any one time except by approval of his or her appointing authority.
- B. Sick leave. The County shall provide employees with a paid leave benefit to be used when sickness, other disabling conditions or medical treatment preclude an employee from reporting to work.
- (1) Rate of accrual of sick leave. Sick leave shall be provided to all full-time employees of the County at the rate of 10 hours of leave for each full calendar month of service. Part-time employees scheduled to work and actually working a minimum of 1,000 hours per year shall earn sick leave at a rate of five hours per month.
 - (2) Sick leave year. For the purpose of earning and accruing sick leave, the twelve-calendar-month period between January 1 and December 31 is established as the leave year.
 - (3) Qualifying condition for use of sick leave. Employees may be granted sick leave for absence due to the following:
 - (a) Sickness or bodily injury that prevents the employee from performing regular duties.
 - (b) Employee's medical or dental appointments.
 - (c) The actual period of temporary disability caused by or contributed to by pregnancy, miscarriage, childbirth and recovery therefrom. A physician's

certificate is required to verify the employee's period of temporary disability for these reasons.

- (d) Exposure to a contagious disease when continuing work might jeopardize the health of others.
 - (e) Care of a sick spouse, dependent child or parent to include physician office visits, not to exceed 80 hours in a leave year which is tracked by the respective department and referred to as Family Sick. .
- (4) Physician's certificate.
- (a) Sick leave may be granted full-time and eligible part-time employees of the County for three consecutive days without a physician's certificate.
 - (b) Sick leave in excess of three consecutive days shall require a physician's certificate. Refusal or failure to supply an adequate certificate shall result in the period of absence being charged against other available leave available to such employee or leave without pay in the discretion of the employee's appointing authority.
 - (c) The Department Director shall have the right to ~~require~~ request a physician's certificate upon return to work of an employee Upon return to work, an employee who has been absent from work to care for a sick spouse, dependent child or parent shall provide a physician's certificate. The certificate shall verify the actual period that the spouse, dependent child or parent was under a physician's care. An employee who fails to provide a certificate from a physician shall not be granted sick leave. The employee may be allowed to use accrued vacation, personal leave or leave without pay.
 - (d) The department director shall have the right to ~~require~~ request a physician's certificate after one day of sick leave if this action shall serve the best interest of the County.
- (5) Payment for unused sick leave at separation from service. An employee shall not be paid for unused sick leave in the event of termination of employment.
- (6) Notification of supervisor. Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or not later than two hours after the beginning of a scheduled workday. The department director may require notification earlier than two hours after the beginning of a scheduled workday. Sick leave may only be taken with the approval of the immediate supervisor.
- (7) Worker's compensation disqualification. A sick leave benefit shall not be received by an employee who is receiving workers' compensation disability payments.
- (8) Advanced sick leave.

- (a) Any full-time member of the classified service or professional and executive service may, upon written request, be advanced sick leave within the discretion and upon the approval of the County Administrator.
- (b) The written request shall be supported by a physician's certificate indicating that the advanced sick leave is medically necessary for the employee or a member of his or her immediate family and that the employee shall be able to return to work at a reasonable future date.
- (c) If the County Administrator approves the request, the employee and the County shall enter into a legally binding leave repayment agreement which shall provide that:
 - [1] The advanced sick leave is medically necessary for the employee or a member of his or her immediate family.
 - [2] The employee shall be able to return to work at a reasonable future date.
 - [a] Sick leave to be advanced may not exceed a period of more than 15 workdays.
 - [b] With regard to repayment of advanced sick leave:
 - [i] After the employee returns to work, advanced sick leave previously used shall be repaid by a deduction from the employee's earned salary or earned sick leave to the employee to the County at the rate of 10 hours per month until such time as the advanced leave is repaid in full.
 - [ii] If the employee gives no notice, or the accrued salary due the employee is insufficient to repay the County, and the employee has not paid the County the value of the outstanding advanced sick leave, the County Administrator may direct the Director of Human Resources to file/obtain a judgment against the employee and pursue all legal remedies to recoup the balance due.
 - [iii] In the event of death, liability to the County will cease to exist.
- (d) After an advancement is granted, the Director of Human Resources shall grant the sick leave in increments of five workdays and shall review the circumstances of the individual case prior to granting an additional five days to determine what portion of the advanced sick leave time is actually needed.
- (9) Retirement credit for accrued sick leave. Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the State Retirement and Pension System of Maryland.

(10) Transfer of sick leave credit. A full-time employee may transfer unused sick leave earned from another Maryland governmental agency and/or entity **in accordance with policies and procedures adopted by the Department of Human Resources.**

~~(a) The total number of days accepted as transferred will be added to the record after completion of the one year probationary period;—~~

~~(b) Verification of accumulated sick leave must be received, in writing, from the previous employer; and—~~

~~(c) The transfer must be completed within three years from the employee's last workday with the previous employer.—~~

(11) Donation of sick leave. Upon approval from the County Administrator, an employee may donate sick leave to another eligible member of the classified or professional and executive service. The County reserves the right to refuse the donation of sick leave in accordance with policies and procedures adopted by the Department of Human Resources. [Amended 2-21-2006 by Ord. No. 05-18]

(12) Loss of sick leave credit. Employees who retire or resign and are not reinstated with the County within a one-year period shall lose all sick leave credits.

C. Injury leave. Employees who are temporarily disabled in the line of duty shall receive injury leave pay for the period of their disability, subject to the following conditions: [Amended 2-21-2006 by Ord. No. 05-18]

(1) Provided that the disability resulted from an injury or illness sustained directly in the performance of the employee's work, as provided in the State Workers' Compensation Act and is approved by the County's designated worker's compensation insurance provider.

(2) Employees who are disabled in the line of duty shall receive their full rate of pay for 40 hours as injury leave. Thereafter, injury leave will be paid in accordance with the provisions of the Maryland State Workers' Compensation Act.

(a) If the injury claim is denied under the State Workers' Compensation Act, the County may convert any injury leave paid, resulting in a charge to the employee's sick leave.

(b) In accordance with § 27-31E, sick leave or injury leave taken will not be counted as hours worked for overtime compensation calculations.

(c) Employees that do not have enough sick leave balance to cover a conversion from injury leave will be placed into a leave without pay status and will be treated in accordance with § 27-91J.

(3) Subsequently, as an accommodation, the County will advance workers'

compensation payments bi-weekly in accordance with the Maryland State Workers' Compensation Act for a period not to exceed 120 hours. Benefits, including leave accruals, will continue during this period.

- (4) Receipt of advanced workers' compensation is contingent upon the assignment of workers' compensation benefits to the County during the period that advanced workers' compensation is paid.
- (5) At the end of 120 hours of advanced workers' compensation payments, employees will not be eligible for further payment through the County until they return to work. All subsequent payments will be made by the County's workers' compensation insurance carrier.
 - (a) In order to maintain their medical insurance during this period, employees will be responsible for submitting their portion of the medical insurance premium to the Finance Department.
 - (b) Leave accruals will cease two weeks following the end of advanced workers' compensation payments in accordance with § 27-91J.
- (6) If incapacitated from regular employment, employees may be given other duties within County Government for the period of recuperation. Unwillingness to accept such an assignment as directed by the Appointing Authority or the Director of Human Resources will make the employee ineligible for injury leave/advanced workers' compensation payments during the time involved.
- (7) A physician selected by the Director of Human Resources may determine the physical ability of the employee to continue working or to return to work.

D. Bereavement leave.

- (1) Bereavement leave shall be granted for a death in the employee's immediate family, not to exceed 32 consecutive work hours; and [Amended 2-21-2006 by Ord. No. 05-18]
- (2) Additional leave time, under exceptional circumstances, may be authorized by the County Administrator.

E. Military leave.

- (1) Application. An employee who is a member of the National Guard or Armed Forces Reserve will be allowed up to three calendar weeks paid military training leave annually.
- (2) Retention of employment status. Employees who are guardsmen and reservists have all applicable job rights specified in the Veterans Readjustment Assistance Act.

- (3) Leave of absence. Queen Anne's County provides military leave of absence for employees who are members of the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

F. Civil leave.

- (1) Receipt of subpoena or summons to testify. Any employee who receives a summons to jury duty or a subpoena from a state or federal court to appear as a witness shall be entitled to leave with pay for such duty in addition to any fees received for such jury duty.
- (2) Employee-initiated litigation. Any employee who initiates court action, volunteers to appear as a witness or is a defendant in a noncounty-related case will be excused from work for necessary court appearances. The employee shall not be entitled to civil leave for such time; however, leave without pay, **personal leave** or vacation leave may be granted for this purpose.

G. Educational and community service leave. A leave of absence at full pay, partial pay or without pay for a period not to exceed nine months may be granted upon the recommendation of the appointing authority with the approval of the County Administrator. Such leave may only be used to take courses of study that will better equip the employee to perform duties for the County, or for special work which will permit the County to profit by the experience gained or the work performed. An employee on educational or community service leave with full pay shall continue to earn leave credits and any other benefits to which County employees are entitled.

H. ~~(Reserved) Maternity/paternity leave. Delete this section as it is now part of the FMLA.~~

~~(1) Upon the recommendation of the appointing authority and with the approval of the County Administrator, an employee may be granted a leave of absence without pay for a period not to exceed six months for reasons of maternity or paternity, and, upon returning to duty after being on maternity or paternity leave, the employee shall be guaranteed a position of the same classification, seniority and pay.~~

~~(2) Failure to report for duty at the expiration of the maternity or paternity leave, unless an extension has been granted, shall be considered a resignation.~~

~~(3) Leave without pay may be granted during the time before and after childbirth or adoption when no actual disability is present. When an actual disability caused or contributed to by pregnancy, miscarriage, childbirth and recovery exists, employees will use accumulated sick leave.~~

I. Family and medical leave. Family and medical leave is leave during which all employee benefits continue to be awarded and accrue.

- (1) Eligibility for leave. Employees must be employed at least one year and have worked at least 1,250 hours during the past 12 months to be eligible for family and medical leave.
- (2) Period of leave. Family and medical leave shall be granted for a period not to exceed 12 workweeks during any twelve-month period:
 - (a) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
 - (b) Because of the placement of a son or daughter with the employee for adoption or foster care;
 - (c) In order to care for the spouse, son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition; and
 - (d) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
- (3) Expiration of entitlement. The entitlement to leave for birth or child placement expires one year after the date of childbirth or placement.
- (4) Duration of leave. Childbirth or placement leave is to be taken in one block of time up to 12 weeks. Intermittent leave or a reduced leave (part-time) schedule is available if the department director and employee agree to such arrangement.
- (5) Notice of leave. The employee shall give at least 30 days' notice of planned leave to the department director, whenever practical.
- (6) Physician's certificate. A physician's certification is required prior to the approval of family and medical leave due to a serious health condition of the employee or his or her child, spouse or parent. The County shall reserve the right to require a second opinion from an independent health care provider at County expense. If the second opinion differs from the first, the County can obtain a third opinion at its expense. The third opinion will be binding.
- (7) Restoration of employment. Once an employee's leave ends, the employee is entitled either to be restored to the position held prior to the leave or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Failure to report for duty at the expiration of the family and medical leave without pay period shall be considered a resignation.
- (8) The Department of Human Resources shall adopt polices and procedures for implementation and administration of Family and medical leave.
- (9) Family leave shall run concurrently with, and not in addition to, injury leave and periods of workman's compensation.

J. Leave without pay.

- (1) Authorization. Leave without pay may be granted to any employee upon application to the County Administrator Director of Human Resources.
- (2) Purpose. Leave without pay may be granted for any purpose.
- (3) Accrual of vacation and sick leave. Vacation and sick leave credits will not be accrued during leave without pay status which exceeds two consecutive weeks, with the exception of military leave.
- (4) Payment of medical insurance premiums. Payment for the employee's portion of individual medical and dental/vision coverage and the full employee's portion of the cost of dependent coverage shall be the responsibility of the employee while on leave without pay status for more than two consecutive calendar weeks.
- (5) Cafeteria benefits. Access to child care and medical care flexible spending accounts will continue while on leave without pay status.
- (6) Cessation of payroll deductions. Optional payroll deductions shall cease during leave without pay status for more than two consecutive calendar weeks.

K. Personal leave.

- (1) Full-time Employees shall accrue 40 hours of personal leave annually. New full time employees shall accrue personal leave in an amount which is prorated on the basis of the date of their employment.
- (2) Personal leave usage shall be coordinated with an employee's supervisor and shall be used in segments of not less than four one hours. In exigent circumstances, a supervisor may seek authority from the County Administrator to deny an employee use of personal leave when such leave would expose another person to an unreasonable risk of harm, would impose serious or costly hardships on the performance of a County activity or is being abused by such employee.
- (3) Personal leave shall not be carried over from one calendar year to the next.

L. Compensatory leave.

- (1) Compensatory leave shall be available as a form of overtime compensation for those employees assigned to departments of County government which have developed and maintain a written policy authorizing the accumulation and use of such leave.
- (2) Accrued compensatory leave may be used in accordance with Section 27-31

D. (4)(b)[4] by employees by March 31 of each year or shall be converted to overtime pay and paid to employees on the next regularly issued pay.

M. Group health, vacation and sick leave benefits while on leave.

- (1) Payment of an employee's group health benefits shall continue while an employee is on a paid leave status or as directed by the County Commissioners.
- (2) Retention of leave credit. An employee on educational and community service leave, military leave, maternity or leave without pay status shall retain all unused vacation and sick leave.
- (3) Accrual of leave while on leave status. Vacation and sick leave credits will accrue during paid leave status only.

ARTICLE IX, Employee Recognition

§ 27-92. Employee Recognition Awards Committee. [Amended 10-7-2003 by Ord. No. 03-18] -

- A. Establishment. An Employee Awards Committee is hereby established.
- B. Composition and appointment. The Employee Awards Committee shall consist of the following members:
 - (1) County Administrator or his or her designee;:
 - (2) Director of the Department of Human Resources, who shall serve as Chairperson;
 - (3) Two residents of the County who shall be appointed by the County Commissioners;
 - (4) Two employees who shall be selected and appointed from the classified service by the County Administrator; and
 - (5) One employee who shall be selected and appointed from the professional and executive service by the County Administrator.
- C. Term. Other than the County Administrator and the Director of the Department of Human Resources, Employee Awards Committee members shall serve for terms of two years.
- D. Responsibilities. The Employee Awards Committee shall implement and administer

~~an employee recognition program in accordance with policies and procedures adopted by the Department of Human Resources. shall have the following responsibilities:~~

~~(1) Perform oversight for all County employee awards.~~

~~(2) Make recommendations to the County Commissioners to more effectively structure and operate awards programs.~~

~~(3) With respect to employee suggestions:~~

~~(a) Receive and preliminarily evaluate each suggestion.~~

~~(b) Refer suggestions to specific County departments for technical evaluation in order to establish their merit on the basis of practical application and amount of cost savings, if any, associated with such suggestions.~~

~~(c) Receive and review technical evaluations prepared by County departments.~~

~~(d) Obtain independent technical evaluations of suggestions where appropriate and with the approval of the County Administrator.~~

~~(e) Identify appropriate suggestions as qualifying suggestions for purposes of an employee award. A qualifying suggestion shall be one which:~~

~~[1] May be implemented by using technology or equipment in the County's inventory or technology or equipment which is readily available on the market;~~

~~[2] Will have a direct and ascertainable cost saving impact upon current County operations. In evaluating cost savings, the Committee shall examine the cost of implementing the suggestion in terms of new equipment, new employees, training and other relevant factors; and~~

~~[3] Does not replicate current County processes or equipment or those which the County can document have been identified prior to the filing of the suggestion by the employee.~~

~~(f) Make a determination of the amount of an employee award and reduce such determination to a recommendation which shall be made by the Committee to the County Commissioners. The type of award shall be consistent with the following scale:~~

=

~~Annual Cost Savings to County Type of Award~~

~~\$0 to \$1,000~~

~~Plaque~~

\$1,001 to \$5,000	\$50
\$5,001 to \$10,000	\$100
\$10,001 to \$50,000	\$500
\$50,001 to \$100,000	\$1,000
\$100,001 to \$500,000	\$5,000
\$500,001 and more	\$10,000

E. Meetings.

- (1) The Employee Awards Committee shall meet at least annually during the first week of November of each year and on as many other occasions as is reasonably necessary to accomplish its assigned responsibilities.
- (2) ~~Four~~Five Committee members shall constitute a quorum for the transaction of Committee business.

§ 27-93. Types of awards.

~~A. Perfect attendance award. "Perfect attendance" shall be defined as the use of no days of sick leave during a calendar year. Employees who have perfect attendance during a calendar year shall receive a certificate and a fifty dollar face value United States savings bond at an awards ceremony held during the month of January every year.~~

~~B. Length of service award. Employees with the specified years of continuous service with the County as of December 31 shall receive the following recognition from the County at an awards ceremony held during the month of January every year:~~

- ~~(1) Five years' continuous service: a framed certificate signed by the County Commissioners and County Administrator;~~
- ~~(2) Ten years' continuous service: a plaque signed attesting to the service by the County Commissioners and County Administrator;~~
- ~~(3) Fifteen years' continuous service: a plaque signed attesting to the service by the County Commissioners and County Administrator;~~
- ~~(4) Twenty years' continuous service: a plaque signed attesting to the service by the County Commissioners and County Administrator;~~
- ~~(5) Twenty five years' continuous service: a wristwatch; and~~

~~(6) Thirty years' continuous service: a plaque signed attesting to the service by the County Commissioners and County Administrator and an order granting the employee his or her birthday as a holiday. —~~

~~C. Employee suggestion award. —~~

~~(1) An employee may make a suggestion regarding methods by which County operations may be made more efficient. —~~

~~(2) Suggestions shall be made using the forms which are maintained by the Department of Human Resources for that purpose and shall be submitted to that Department. —~~

~~(3) Employees shall be recognized and rewarded for qualifying suggestions which are received by September 30 at an awards ceremony held during the month of January every year. To be identified as a "qualifying suggestion," a suggestion must be received and evaluated by the Employee Awards Committee for an award and designated as such. —~~

~~(4) Technical evaluation of suggestions. —~~

~~(a) Employee suggestions shall be referred to appropriate departments and/or external technical consultants for review. —~~

~~(b) In reviewing such suggestions, departments and/or external technical consultants shall: —~~

~~[1] Consider the practicality of the suggestion in terms of cost of implementation in comparison to direct value to the County of the benefit which will reasonably be derived; —~~

~~[2] Determine whether the suggestion replicates a documentable action which the County was planning to take before the suggestion was submitted; and —~~

~~[3] Value the net savings to the County in specific terms if the suggestion were to be implemented. —~~

~~(c) Technical evaluations shall be completed and a written report provided to the Employee Awards Committee within 30 days after receipt by a department or external technical consultant. —~~

The Employee Recognition Committee shall, in accordance with policies and procedures of the Department of Human Resources, implement and administer a system to provide for the appropriate recognition of County employees for exemplary attendance records, length and service, employee suggestions and such other categories as may be appropriate.

ARTICLE X, Benefits

§ 27-94. Health insurance benefits.

- A. The County will provide both individual hospitalization insurance, dental reimbursement and life insurance to all full-time employees in accordance with the provisions of the group plan. Health insurance coverage shall, at the employee's option, and in accordance with the group plan's rules, include a spouse or family.
- B. An employee eligible for health insurance (including dental) plan participation shall pay 10% of the cost of such coverage, and the County shall pay 90% of the cost of such coverage. [Amended 2-21-2006 by Ord. No. 05-18]
- C. Deductions shall be allowable, at the option of the employee, to provide hospitalization, dental and life coverage for dependents in accordance with the provisions of the group plan.
- D. Retired County employees shall be entitled to continuation of group health insurance (including dental coverage) under the following conditions: [Amended 4-27-10 by Ord. No. 10-01]
 - (1) Disability retirees must not be eligible for group insurance in any other plan or for Medicare.
 - (2) Retiree health insurance coverage shall conform to the Health Insurance Program for Retired County Employees adopted by Resolution of the County Commissioners as amended from time to time.
 - (3) A retired employee with 15 or more years of County services shall receive a health insurance subsidy paid by Queen Anne's County based on the employee's years of service. Retired employees with 15 years of County service shall receive a subsidy of 54% of health insurance premium costs. The subsidy shall increase by 306% for each additional year of County service up to a maximum subsidy of 90%.
 - (4) Retired employees hired prior to July 1, 2010 shall be entitled to the subsidy described in the foregoing sub-paragraph on their entire health insurance costs, including the cost for coverage of eligible dependants.
 - (5) Any retired employee who is hired or rehired on or after July 1, 2010 shall receive a health insurance subsidy based on the retiree's years of service but shall pay the full additional cost for coverage of any eligible dependant.

§ 27-95. Workers' compensation insurance.

Workers' compensation insurance shall be provided to all employees and administered in accordance with the law of the State of Maryland and the policies of the carrier retained by the County to provide such coverage.

§ 27-96. Unemployment compensation insurance.

Employees who are laid off or dismissed from the County service may apply for unemployment compensation through the local office of the Employment Security Commission. Eligibility for unemployment compensation will be determined by the Employment Security Commission.

§ 27-97. Old age and survivors' insurance (social security).

The County, to the extent of its lawful authority and power, shall extend social security benefits to its eligible employees in accordance with the provisions of the Social Security Act. The federal Social Security Program provides monthly benefits upon retirement, with full benefits available at age 65 and reduced benefits available as early as age 62.

§ 27-98. Retirement benefits.

- A. Eligibility for participation. Each employee in a budgeted position will be enrolled in thea Contributory State Retirement and Pension System of Maryland.
- B. Eligibility and benefits shall be determined by the rules and regulations of the Contributory State Retirement and Pension System of Maryland.

§ 27-99. Death benefit.

If an employee dies while still in active service, the employee's designated beneficiary(ies) will receive a designated lump sum payment of life insurance in an amount based upon the County insurance program in effect on the date of such employee's death.

§ 27-100. Reimbursement for career development training expense.

When employees enter into a career development training program with the prior approval of the department director and the Director of Human Resources, they may be reimbursed for expenses such as tuition and books fees upon successful completion of the course within the limits established by the County's Career Development Reimbursement Educational Assistance Policy.

§ 27-101. Optional benefits. Make a general statement that the County offers Optional Benefits and don't itemize them in the Ordinance.

Additional benefits may be allowed at the option of the County. employee:

A. Supplemental life insurance.

(1) Employees shall be entitled to purchase term life insurance at the same rate as that offered to the County for the group life insurance offered to all employees.

(2) The amount of any supplemental life insurance available to employees shall not exceed \$100,000.

(3) Upon termination of County service for any reason, the employee may continue supplemental life insurance coverage upon direct payment of all premiums to the life insurance company issuing the term policy.

B. United States savings bonds. Employees shall be eligible to purchase United States savings bonds through payroll deduction in such denominations as they shall choose.

C. Credit union. Employees shall be eligible to join and participate in the State Employees' Credit Union (SECU).

D. Deferred compensation plan. The County has established and operates a deferred compensation plan under the provisions of Section 457 of the Internal Revenue Service Code for the purpose of enabling employees to obtain supplemental long-term retirement income. Employees may elect to participate in the various options available under the plan.

E. Flexible spending accounts. Flexible spending accounts are provided by the County under Section 125 of the Internal Revenue Service Code, allowing employees to spend pretax dollars on insurance premiums and deductibles, uncovered health and medical expenses and dependent child care expenses.

ARTICLE XI, Discipline

§ 27-102. General provisions.

A. Introduction. All employees are expected to work in a safe and efficient manner. When an employee fails to abide by the County's rules and regulations, it may be necessary to discipline the employee. Disciplinary action is intended to encourage compliance with the County's policies and procedures. Disciplinary action includes, but is not necessarily limited to, oral and written reprimands, demotion, suspension without pay or termination. The County reserves the right to determine the

appropriate disciplinary action, up to termination, based upon the frequency and severity of the offense or offenses at issue.

- B. Basis for disciplinary action. It is not possible to list every conceivable form of conduct that is unacceptable. However, set forth below is a list of examples of conduct that may result in disciplinary action, up to termination. This list is not intended to be exhaustive and the County reserves the right to discipline employees for other conduct which is not listed but is considered inconsistent with the safe and effective operation of County government.
- C. The following conduct may result in disciplinary action up to and including termination:
- (1) Absence without approved leave;
 - (2) Acceptance of any service, benefit, or item of value, such as a loan or discount not available to the general public, received directly or indirectly from any person, firm, or corporation, for the implied or perceived expectation of favorable influence or preferential treatment from the employee;
 - (3) Acts during or outside of duty hours which are incompatible with the public service or which tend to bring the County into disrepute;
 - (4) Careless, negligent or improper use of County property or equipment;
 - (5) Committing an act which amounts to a violation of the ethics section;^{iEN}
 - (6) Criminal conduct, that is, conviction of a crime, the potential sentence for which includes a period of incarceration for 30 days or more;
 - (7) Disclosure of information which is restricted under the Maryland Public Information Law;
 - (8) Discourteous treatment of the public or other employees;
 - (9) Engagement in any private endeavor in conflict with County business, ethical policy, or operations;
 - (10) Excessive attention to personal business or affairs while on duty as a County employee;
 - (11) Excessive lateness or absenteeism, absence from workplace or duty station without notice, or abuse of leave benefits;
 - (12) Habitual pattern of failure to report for duty at the assigned time and place;
 - (13) Employment fraud; that is, making a false representation of a material fact on a job application or during the selection process;

- (14) Falsification or unauthorized destruction of County records;
- (15) General misconduct or boisterous or disruptive activity, such as gambling, fighting, use of abusive or obscene language, threatening violence, or creating a nuisance or disturbance, while on duty, at the workplace, or engaged in County business;
- (16) Improper political activity as defined in this chapter;
- (17) Inappropriate official or personal conduct degrading to County classified service or general misconduct undermining the trust in public service;
- (18) Inappropriate, unlawful, or unauthorized solicitation or influence for political or ideological purposes or personal gain, including ticket sales, posting of advertisements, circulation of petitions, donation requests, while on duty or engaged in County business;
- (19) Incompetence, inefficiency or negligence in the performance of duties;
- (20) Negligent or willful damage or waste of County or client-owned property, vehicles, equipment, material, or supplies;
- (21) Offensive treatment of clients, the public, or coworkers;
- (22) Possession of unauthorized or deadly weapons, firearms, or explosives while on duty or engaged in County business;
- (23) Racial, sexual, or other unlawful or unwelcome harassment, or failure to act to stop such conduct in the workplace;
- (24) Smoking in prohibited areas;
- (25) The use of alcohol or controlled substances while on duty or the presence of alcohol or controlled substances in the body system, subject to conditions outlined in the County's Alcohol and Controlled Substances Testing Policy;
- (26) Theft, or inappropriate use, removal, or possession of County property;
- (27) Unauthorized, personal, or illegal use of telephones, the mail system, communications systems and equipment, and computer systems and equipment;
- (28) Unauthorized use of County property, equipment, materials, supplies, vehicles, or resources for personal gain;
- (29) Unauthorized disclosure of confidential information;
- (30) Unauthorized transfer of official identification or other County property;
- (31) Untruthful statements, willful or negligent falsification of timesheets, reports,

records, or other fraudulent behavior detrimental, or potentially detrimental, to the County, the public or coworkers;

- (32) Use, possession, distribution, sale, or transfer of, or impairment by, alcohol or controlled or illegal substances while on duty, at a County workplace, engaged in County business, or operating County-owned vehicles or equipment;
- (33) Willful, negligent, or criminal violation of County personnel policies or federal, state, or local laws, regulations, ordinances, statutes, or policies in effect;
- (34) Willful or negligent violation of safety or health rules; or
- (35) Willful slander or malicious mischaracterization of coworkers, superiors, clients, associates, elected County officials, or public citizens.

§ 27-103. Demotion.

- A. An employee whose performance is unsatisfactory may be demoted.
- B. The appointing authority may, with the approval of the County Administrator and Director of Human Resources, reassign the employee to another position.
- C. When an appointing authority determines, with the concurrence of the County Administrator, that a County employee should be demoted, the employee shall immediately be provided written notice of the action to be taken, which will include:
 - (1) Effective date of the personnel action;
 - (2) The reason(s) for the action, including the specific work rule(s) alleged to have been violated; and
 - (3) The recourse available to the employee.

§ 27-104. Disciplinary suspension.

- A. A County employee whose performance is unsatisfactory may be suspended without pay for disciplinary reasons.
- B. When an appointing authority determines, with the concurrence of the Director of Human Resources, that a County employee should be suspended without pay, the employee shall immediately be provided with written notice of the action to be taken, which shall include:
 - (1) The effective date of the personnel action;
 - (2) The reasons for the action, including the specific work rule(s) alleged to have

been violated; and

(3) The recourse available to the employee.

C. A County employee who is suspended without pay shall be relieved temporarily of all duties and responsibilities for the period of the suspension.

§ 27-105. Dismissal.

A. An employee whose performance is unsatisfactory may be dismissed from County service.

B. When an appointing authority determines, with the concurrence of the County Administrator and Director of Human Resources, that a County employee should be dismissed, the employee shall be provided with written notice of the recommended action which shall include:

(1) The effective date of the personnel action;

(2) The reasons for the action, including the specific work rule(s) alleged to have been violated;

(3) The date of the pretermination hearing which shall be held within one business day from the date the written notice is provided to the employee;

(4) The recourse available to the employee; and

(5) Upon receipt of written notice of the contemplated termination, the employee shall immediately be placed on administrative leave with pay pending the pretermination hearing.

C. Department pretermination hearing.

(1) A departmental pretermination hearing shall be afforded any County employee:

(a) Who has completed the probationary period;

(b) Who an appointing authority has determined, and the County Administrator has concurred, should be terminated from County employment for one or more rules violations.

(2) Timing of pretermination hearing.

(a) The pretermination hearing shall occur no later than five days after receipt of concurrence from the County Administrator and Director of Human Resources that an employee should be terminated from service;

- (b) The pretermination hearing should occur within one business day of receipt of written notice being provided to the employee of the proposed termination.
- (3) Procedure for the pretermination hearing.
 - (a) At the pretermination hearing, the accused shall be:
 - [1] Informed of the specific nature of the allegations against him or her;
 - [2] Given full opportunity to respond to the alleged rule infractions;
 - [3] Asked why the employee's termination should not proceed.
 - (b) At the conclusion of the hearing, the appointing authority shall verbally inform the accused employee of the action to be taken, if any.

D. Procedure for hearing.

- (1) Attendees. The pretermination hearing shall be attended by and limited to:
 - (a) The accused employee;
 - (b) The supervisor(s) of the accused;
 - (c) The appointing authority; and
 - (d) The Director of Human Resources or a designee.
- (2) Failure to attend pretermination hearing. In the event the employee is duly notified and fails to appear for the pretermination hearing, all rights to such hearing shall be forfeited. Furthermore, the employee shall forfeit his/her right to appeal the termination decision to the County's Personnel Board.

§ 27-106. Exit procedure.

- A. An exit interview shall be conducted by the Department of Human Resources with every County employees who leaves County employment voluntarily or involuntarily.
- B. The purpose of the exit interview shall be to:
 - (1) Advise the employee of his or her legal rights and benefits;
 - (2) Ensure that all compensation due a terminating employee is paid that employee, less any legally collectible debts owed to the County; and
 - (3) Identify areas in County operations, supervision and/or management which might require improvement.

ARTICLE XII, Appeals

§ 27-107. Policy.

The prompt settlement of misunderstandings or problems on an informal basis at the work level is desirable in the interest of sound employee-employer relations.

Accordingly, it is the policy of the County:

- A. To provide an effective procedure for the presentation and mutual adjustment of points of disagreement which arise between employees and their supervisors;
- B. That employees receive a prompt, fair and impartial review of their problems, concerns and complaints;
- C. To the extent reasonably possible, employees are encouraged to discuss and attempt to resolve their concerns regarding employment with their immediate supervisors;
- D. Supervisors and department directors should have an opportunity to rethink and adjust initial decisions regarding employees through the vehicle of the appeal procedure;
- E. No person who initiates, attends, testifies before or is otherwise involved in any appeal proceeding, either for or against an employee, shall suffer retribution from any person or organization; and
- F. The attendance of County employees at appeals proceedings is to be facilitated whenever and wherever possible.

§ 27-108. Matter which may be appealed.

An appeal may be filed by an employee in connection with:

- A. A personnel action;
- B. Conduct of a supervisor;
- C. Conduct of a peer employee; or
- D. Working conditions.

§ 27-109. Eligibility to appeal.

- A. Except as otherwise provided herein, any employee who is not on probationary status may file an appeal in response to a personnel action.

B. Any employee may file an appeal for any other reason enumerated in this chapter.

§ 27-110. Guidelines regarding appeals.

- A. Termination of employment. An employee wishing to file an appeal of a decision to terminate his or her employment shall do so by filing a notice of appeal with the Director of Human Resources within five business days of the date of the pretermination hearing.
- B. Demotion or suspension of employment. An employee wishing to file an appeal of the decision to demote or suspend his or her employment shall do so by filing a notice of appeal with the Director of Human Resources within five business days of the date that the employee is notified of the demotion or suspension. Steps 1 and 2 of the County's Step Process are not applicable to demotions or suspensions. The employee shall immediately proceed to Step 3 of the County's Step Process.
- C. Other appeals.
- (1) An employee wishing to appeal a covered matter shall proceed by filing a Step 1 appeal.
 - (2) The County, through the Director of Human Resources, may agree, in writing, to waive any steps of the appeal process.
 - (3) An employee who files an appeal may be accompanied, but not represented, by one other person of his or her choosing at Steps 1, 2 and 3 of the appeal process. An employee may be represented by an attorney or other qualified person of his or her choosing before the County Personnel Board. In the event that the employee's companion or representative disrupts the proceedings in any way, the presiding official shall warn the employee to control such person and, in case of repeated disruptions, may declare the case concluded in a fashion adverse to the employee.

§ 27-111. Appeal steps.

- A. Termination cases. All cases involving termination of employment shall be heard by the Director of Human Resources and the Personnel Board in accordance with the provisions for such proceedings established by this article.
- B. Nontermination cases.
- (1) Step 1. Supervisor's meeting.
 - (a) Any employee desiring to initiate an appeal shall notify his or her immediate supervisor of that fact, either orally or in writing, within 10 calendar days

after an event or personnel action which gives rise to the appeal.

- (b) The Supervisor shall receive and review the appeal and shall meet personally with the employee and any other person the employee wishes to attend such meeting within five calendar days after receipt of the notice of appeal. The purposes of the meeting shall be to:
 - [1] Obtain all of the facts which form the basis for the appeal;
 - [2] Hear the employee's version of the appeal in full;
 - [3] Make a determination of any possible ways by which the matter can be resolved at the supervisor's level;
 - [4] Discuss the available alternatives for resolution of the dispute, if any, with the employee; and
 - [5] Attempt to conclude an informal resolution of the matter with the employee.
- (c) At the conclusion of the meeting, the supervisor may elect to render a decision or consult with his or her superiors. In the latter instance, the supervisor's decision shall be provided within five calendar days of the meeting. If no response is received by the employee within the specified time period, the employee may proceed to Step 2 of the appeal process.

(2) Step 2. Director's conference.

- (a) Any employee desiring to initiate an appeal from the decision of a supervisor at a supervisor's meeting shall do so within five calendar days after the date of the supervisor's meeting or the date of receipt of the supervisor's decision, whichever is later, by preparing a written notice of appeal and providing a copy to both the director of the department in which the employee works and to the Director of the Department of Human Resources.
- (b) Within five calendar days after receipt of the notice of appeal, the director shall schedule and conduct a director's conference.
- (c) The director's conference shall be held in an informal manner but shall conform with the following guidelines:
 - [1] The employee shall bear the burden of establishing the propriety of his or her case by a preponderance of relevant facts and testimony;
 - [2] The department director shall hear and decide the case on the basis of only credible information and facts which are presented at the conference and without regard to the identity of the employee or the nature of the appeal;

- [3] A representative of the Department of Human Resources shall attend the hearing for the purpose of monitoring the proceedings and shall take no active part in the presentation or adjudication of the case;
 - [4] The employee may bring a representative to the conference; however, such representative shall be limited to persons who are employed by the County. Inasmuch as the hearing is administrative in nature, legal counsel will not be permitted for the County or the employee during the course of the hearing; and
 - [5] The employee and the County may call other employees as witnesses, and the director shall facilitate their attendance at the conference.
- (d) The purpose of the director's conference shall be for the director to:
- [1] Obtain all of the facts which form the basis for the appeal;
 - [2] Hear the employee's version of the appeal in full;
 - [3] Receive and review testimonial and other evidence;
 - [4] Determine whether the action or condition which forms the basis for the employee's appeal amounts to a violation of law or policy; and
 - [5] Determine whether the penalty imposed, if any, is consistent with the offense, principles of progressive discipline, the employee's job record, law and County policy.
- (e) The director's conference shall proceed in accordance with the following sequence:
- [1] The employee shall present his or her case;
 - [2] The supervisor or other person who is the subject of the appeal shall present the County's case;
 - [3] The employee shall present a closing statement; and
 - [4] The supervisor or other person who is the subject of the appeal shall make a closing statement.
- (f) The director may render a decision at the conclusion of the closing statements or may reserve the decision. In the latter instance, the director's decision shall be provided within five calendar days after the conference. If no response is received by the employee within the specified time period, the employee may proceed to Step 3 of the appeal process.
- (g) The director may:

- [1] Affirm or reduce any penalty from which an appeal flows;
- [2] Require another employee to take or refrain from taking any action or engaging in any conduct; or
- [3] Take any action within his or her authority which the nature of the appeal may require.

(3) Step 3. Human resources conference.

- (a) Any employee desiring to initiate an appeal from the decision of a departmental director at a director's conference shall do so within five calendar days after the date of the director's conference, or within five calendar days after the date of receipt of the director's decision, whichever is later, by preparing a written notice of appeal and providing a copy to both the director of the department who held the conference and to the Director of the Department of Human Resources.
- (b) Within five calendar days after receipt of the notice of appeal, the Director of Human Resources shall schedule and conduct a human resources conference.
- (c) The human resources conference shall be held in an informal manner but shall conform with the following guidelines:
 - [1] The employee shall bear the burden of establishing the propriety of his or her case by a preponderance of relevant facts and testimony;
 - [2] The scope of the appeal shall conform to the matters which were raised by the employee at the director's conference;
 - [3] The Director of Human Resources shall hear and decide the case on the basis of only credible information and facts which are presented at the conference and without regard to the identity of the employee or the nature of the appeal;
 - [4] The employee may bring a representative to the conference; however, such representative shall be limited to persons who are employed by the County. Inasmuch as the hearing is administrative in nature, legal counsel will not be permitted for the County or the employee during the course of the hearing; and
 - [5] The employee and the County may call other employees as witnesses, and the director of the department to which the employee is assigned shall facilitate their attendance at the conference.
- (d) The purpose of the human resources conference shall be for the Director of Human Resources to:

- [1] Obtain all of the facts which form the basis for the appeal;
 - [2] Hear the employee's version of the appeal in full;
 - [3] Receive and review testimonial and other evidence;
 - [4] Determine whether the action or condition which forms the basis for the employee's appeal amounts to a violation of law or policy; and
 - [5] Determine whether the penalty imposed, if any, is consistent with the offense, principles of progressive discipline, the employee's job record, law and County policy.
- (e) The human resources conference shall proceed in accordance with the following sequence:
- [1] The employee shall present his or her case;
 - [2] The supervisor or department director shall present the County's case;
 - [3] The employee shall present a closing statement; and
 - [4] The supervisor or department director shall make a closing statement.
- (f) Within five calendar days after the conference, the Director of Human Resources shall notify the employee, in writing, of the findings and conclusions of the Director of Human Resources.
- (g) The Director of Human Resources may:
- [1] Affirm or reduce any penalty from which an appeal flows;
 - [2] Require another employee to take or refrain from taking any action or engaging in any conduct; or
 - [3] Take any action within his or her authority which the nature of the appeal may require.
- (4) Step 4. Personnel Board hearing.
- (a) Any employee desiring to initiate an appeal from the decision of the Director of Human Resources at a human resources conference shall do so within 10 calendar days after the date of the human resource conference, or within 10 calendar days after the date of receipt of the Human Resource Director's decision, whichever is later, by preparing a written notice of appeal and delivering it to the Personnel Board via the Director of the Department of Human Resources.
 - (b) Within five calendar days after receipt of the notice of appeal, the Director of

Human Resources shall confirm receipt of the notice of appeal to the employee and schedule a Personnel Board hearing.

ARTICLE XIII, Personnel Board

§ 27-112. Establishment.

A. Establishment of Personnel Board. The Queen Anne's County Personnel Board is hereby established.

B. Definitions. As used in this article, the following terms shall have the meanings indicated:

PARTY -- Includes both the employee prosecuting an appeal and the County.

RELEVANT -- Refers to information which relates to an issue before the Personnel Board and tends to establish the truth or falsity of such issue.

C. Composition of Board. The Personnel Board shall consist of five residents of Queen Anne's County.

D. Appointment. Personnel Board members shall be appointed by the County Commissioners and designated as Board Member Nos. 1 through 5 for purpose of establishing an initial term of office.

E. Term of office.

(1) In order to establish a system by which the terms of Board members are staggered so that, once established, continuity of operation may be maintained, the initial terms of Personnel Board members shall be as follows:

(a) Board Member No. 1: This member's term of office shall expire on June 30, 2001.

(b) Board Member No. 2: This member's term of office shall expire on December 31, 2001.

(c) Board Member No. 3: This member's term of office shall expire on June 30, 2002.

(d) Board Member No. 4: This member's term of office shall expire on December 31, 2002.

(e) Board Member No. 5: This member's term of office shall expire on June 30,

2003.

- (2) After the initial terms of office have expired for each Board member, Personnel Board members shall be appointed for terms of four years.
 - (3) Personnel Board members may be reappointed but may serve no more than three terms in office.
 - (4) No member of the Personnel Board shall hold any other County office or County employment.
- F. Removal of Board member. A member of the Personnel Board may be removed by a majority vote of the County Commissioners before the expiration of his or her term of office, for cause, for any of the following:
- (1) Failure to attend three or more meetings in any calendar year;
 - (2) Failure to deliberate, receive or consider evidence or render a decision on any case in good faith; or
 - (3) Conduct which is clearly intimidating, oppressive or abusive to any person.

§ 27-113. Jurisdiction.

- A. Scope of authority. The Personnel Board shall be empowered to:
- (1) Hear and decide all appeals by members of the classified service from personnel actions taken by the County.
 - (2) Advise the County Commissioners regarding modifications to the classification and salary plan; and
 - (3) Annually, receive a report from the Director of Human Resources regarding the state of the Human Resources Department and the County Merit System and present its findings regarding the Department specifically, and County personnel practices generally, to the County Commissioners.
- B. Scope of appeal. An appeal to the Personnel Board shall be limited to the issues:
- (1) Agreed upon by the County and the employee; or
 - (2) Those which were presented at the human resource conference or pretermination hearing.
- C. Authorized action.
- (1) Based upon the decision of a majority of the Board, the personnel action

appealed from shall be either:

- (a) Sustained; or
 - (b) Overruled. The Personnel Board shall not be empowered to modify any disciplinary sanction imposed by an appointing authority.
- (2) As a result of a Personnel Board hearing, the Board may require another employee to take or refrain from taking any action or engaging in any conduct.
- D. Additional powers. The County Commissioners may, by ordinance, confer upon the Personnel Board such further rights and duties as may be deemed necessary to enforce and carry out the principles and intent of this chapter.

§ 27-114. Purpose of Personnel Board hearing.

The purpose of a Personnel Board hearing shall be for the Personnel Board to:

- A. Obtain all of the facts which form the basis for the appeal;
- B. Hear the employee's version of the appeal in full;
- C. Receive and review testimonial and other evidence;
- D. Determine whether the action or condition which forms the basis for the employee's appeal amounts to a violation of law or policy; and
- E. Determine whether the penalty imposed, if any, is consistent with the offense, principles of progressive discipline, the employee's job record, law and County policy.

§ 27-115. Frequency of meetings.

The Personnel Board shall meet within 10 calendar days after receipt of an employee appeal and as frequently otherwise as is required to discharge its responsibilities effectively.

§ 27-116. Rules of procedure.

- A. Quorum. Three Personnel Board members shall constitute a quorum.
- B. Chairperson.
 - (1) During the month of January of each year, or at the first meeting of the Personnel Board in any year at which a quorum is present, the Personnel Board shall elect

one of its members as Chairperson.

- (2) The Chairperson shall:
 - (a) Schedule all Personnel Board hearings and meetings.
 - (b) Conduct and preside at all meetings of the Personnel Board.
 - (c) Make evidentiary rulings at all hearings. In the event of any disagreements among members of the Personnel Board regarding evidentiary or procedural matters, obtain the consensus of the Board regarding the issue in question and abide by such consensus.
 - (d) Poll members of the Personnel Board telephonically to make preliminary rulings regarding preliminary objections raised by any party prior to a Personnel Board hearing.

C. Guidelines for hearings. The Personnel Board hearing shall be held in an informal manner but shall conform with the following guidelines:

- (1) The employee shall bear the burden of establishing the propriety of his or her case by a preponderance of relevant facts and testimony;
- (2) The scope of the appeal shall conform to the matters which were raised by the employee at the human resource conference;
- (3) The Personnel Board shall hear and decide the case in accordance with the Queen Anne's County Personnel Board Rules of Procedure;
- (4) The employee and/or the County may be represented by an attorney at a Personnel Board hearing; and
- (5) The employee and the County may call other employees as witnesses, and the director of the department to which the employee is assigned shall facilitate their attendance at the conference.

D. Time limits.

- (1) All appeals shall proceed in accordance with time limits established by this chapter.
- (2) If any action required by this chapter is not taken within an established time limit, it shall be time barred, and any appeal dependent upon such action shall be dismissed.

E. Preliminary objections.

- (1) A party may note an objection to any Step 4 appeal by filing a preliminary objection no later than 10 days prior to the date of any scheduled Personnel

Board hearing.

- (2) A preliminary objection may be filed to challenge:
 - (a) The impartiality of any member of the Personnel Board;
 - (b) The jurisdiction of the Personnel Board; or
 - (c) Nonconformance by a party with any mandatory time limit or other procedural requirement.

F. Evidence.

- (1) Formal rules of evidence shall not apply to a Personnel Board hearing.
- (2) The Personnel Board may take administrative cognizance of:
 - (a) The existence and content of federal, state and County laws;
 - (b) The identity of the County Commissioners, County Administrator and all department directors;
 - (c) Facts which are common knowledge; and
 - (d) Normal physical properties of items.
- (3) All remaining facts must be established through the introduction of admissible evidence at a Personnel Board hearing.
- (4) Evidence shall be received which, in the judgment of the Personnel Board:
 - (a) Is credible;
 - (b) Tends to establish or refute the existence of a relevant fact; and
 - (c) Is not, by its nature, unreasonably prejudicial or repetitious.
- (5) Evidentiary rulings shall be made by the Chairman of the Personnel Board upon objection by a party to a Personnel Board hearing to any testimony or item of evidence.
- (6) Evidence which is not admitted shall not be considered by the Personnel Board for any reason.

G. Burden of proof.

- (1) The employee prosecuting the appeal shall have the burden of establishing the propriety of his or her position by a preponderance of evidence.

- (2) If the Personnel Board is unable to decide whether the employee has successfully met his or her burden of proof, the Board shall find for the County.

H. Order of presentation. The following order of presentation shall apply to all Personnel Board hearings:

- (1) The employee who is prosecuting the appeal may make an opening statement or may elect to waive such statement;
- (2) The County may make an opening statement;
- (3) The employee who is prosecuting the appeal shall present his or her case through his or her testimony, the testimony of witnesses and the introduction of physical evidence;
- (4) The County shall present its case through the testimony of witnesses and the introduction of physical evidence;
- (5) The employee who is prosecuting the appeal may make a closing statement summarizing the case; and
- (6) The County may make a closing statement summarizing the case.

I. Examination of witnesses.

- (1) A party shall examine his or its witnesses through use of nonleading, direct questions which are designed to elicit information which is relevant.
- (2) Each party may cross-examine the other party's witnesses, upon completion of such witness's direct testimony, through use of leading or other questions.
 - (a) No party may verbally abuse or otherwise impose upon a witness in terms of the manner in which questions are asked; and
 - (b) In the event that a witness refuses to answer questions on cross-examination, the witness shall be warned that continued refusal shall result in the exclusion from evidence of his or her direct testimony and, upon continued refusal of such witness to answer questions on cross-examination, the Personnel Board may exclude all or part of such person's testimony.
- (3) Upon completion of cross-examination, the party calling a witness shall have the opportunity to ask additional questions on redirect examination. The right of recross examination shall be granted or withheld in the discretion of the Personnel Board.

J. Decision of Personnel Board.

- (1) The decision of the Personnel Board shall be derived from a majority vote of a

quorum of Board members who attended the entire Step 4 appeals hearing.

- (2) Within 30 calendar days after the conference, the Personnel Board shall notify the employee, in writing, of the findings and conclusions of the Personnel Board.

K. Continuances.

- (1) The Personnel Board shall, as a matter of right, grant one continuance to a party, provided that the request is made no later than seven calendar days before any scheduled Personnel Board hearing.
- (2) Upon good cause shown, the Personnel Board may grant such other continuances as it deems essential to the search for truth or the proper resolution of an employee's appeal.

ARTICLE XIV, Personnel Records

§ 27-117. Maintenance of records.

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Director of Human Resources. The County shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs. All medical information shall be kept confidential and separate from personnel files.

§ 27-118. Information open to the public.

With respect to a County employee, the following is public information:

- A. Name;
- B. Date of original employment or appointment to County service;
- C. Current position title;
- D. Current salary; and
- E. Office to which the employee is currently assigned.

§ 27-119. Access to personnel records.

As required by the Maryland Public Information Law, the information listed in § 27-118

is available for the purpose of inspection, examination and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the County Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

§ 27-120. Confidential information.

All information contained in a County employee's personnel file, other than the information listed in § 27-118 of this article, will be maintained as confidential in accordance with the requirements of the Maryland Public Information Law and shall be open to inspection only in the following instances:

- A. The employee or his or her duly authorized agent may examine all portions of the employee's personnel file, except letters of reference solicited prior to employment;
- B. A licensed physician designated, in writing, by the employee may examine the employee's medical record;
- C. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file;
- D. By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court; and
- E. An official of any agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability without an order of court.

§ 27-121. Remedies of employees objecting to material in personnel file.

An employee who objects to material in his or her personnel file may place in the file a statement relating to the material the employee considers to be inaccurate or misleading. The employee may seek the removal of such material by sending a written request to delete such material to the Director of Human Resources.

§ 27-122. Penalty for permitting access to confidential file by unauthorized person.

Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as

expressly authorized by the designated custodian or person in interest, shall be subject to discipline, including termination from employment.

§ 27-123. Destruction of records.

No public official may destroy or otherwise dispose of any public record, except in accordance with the provisions of the Maryland Public Information Law.

ARTICLE XV, Contractual Employees

§ 27-124. Contractual workers.

A. Purpose of contractual work. A contractual worker is an individual, not a corporation, limited liability company or organization of any type, who or which is selected to perform a defined range of specific activities for the County under an employment agreement by an appointing authority. The County may elect to enter into employment agreements to employ persons for the purpose of:

- (1) Performing work which members of the classified service are not able to perform;
- (2) Performing work for a duration not to exceed one year from that date of execution of such an agreement, unless such contract is funded by a grant from a source external to the County in which the duration of the employment agreement shall extend for the entire period of the grant. Upon certification by an appointing authority that sufficient funds exist, an employment agreement may be extended for additional increments not exceeding one year.

B. Standards for employment contracts.

- (1) Standard form employment agreement. The Director of Human Resources shall, in conjunction with the County Attorney, develop and maintain a standard form employment agreement which shall be the exclusive vehicle by which contractual workers shall be employed.
- (2) Nondiscrimination. All employment agreements shall be:
 - (a) Initiated and executed on the basis of legitimate County need;
 - (b) Based upon merit and fitness ascertained by means of job-related selection practices and techniques, and without discrimination due to race, color, religion, political affiliation, marital status, sex, age or any other basis

prohibited by state or federal law.

- (3) Contract salary. The amount to be paid any contractual worker shall be approved by the Director of Human Resources and shall generally be equivalent to that paid members of the classified service for work of comparable value.

C. Recruitment and selection. Except as otherwise directed by the Director of Human Resources upon a finding that to do so would amount to an inappropriate and unnecessary expenditure of County funds, the following procedure shall be employed for the acquisition of contractual workers' services:

- (1) Requisition. An appointing authority wishing to employ a contractual worker shall initiate a staff requisition and forward it to the Director of Human Resources.
- (2) Announcement. The Department of Human Resources shall prepare and distribute a job announcement for the position which is clearly denoted as a contractual position.
- (3) Advertising. The Department of Human Resources may advertise the vacant contractual position in a newspaper of general circulation in the County and elsewhere.
- (4) Selection. The Department of Human Resources shall, in conjunction with the requisitioning department, construct and administer a job-related selection process to identify the most highly qualified candidate for employment. The candidate who is identified as most qualified in the selection process shall be the person with whom the employment agreement is executed.

D. Execution of employment agreement. Employment agreements shall be:

- (1) Prepared by the Human Resource Department; and
- (2) Executed by:
 - (a) The appointing authority seeking to employ a contractual worker; and
 - (b) The Director of Human Resources; and
 - (c) The County Administrator.

E. Contractual worker benefits.

- (1) The following benefits are mandatory and shall be included in all employment agreements:
 - (a) Workers' compensation coverage; and
 - (b) FICA.

- (2) The following benefits may, at the option of the appointing authority wishing to employ a contractual worker and upon a certification by such appointing authority that sufficient funds are available to pay for them, and approval of the Director of Human Resources, be included in an employment agreement. These benefits apply to long-term agreements only. [Amended 2-21-2006 by Ord. No. 05-18]
 - (a) Individual coverage health insurance. The County will pay for 90% of the cost of health insurance for the individual with the contractual worker paying 10% of the cost.
 - (b) The contractual worker may obtain expanded health insurance coverage as available, but shall be responsible for all costs over and above 90% of the cost of individual coverage.

F. Conditions applicable to contractual workers. Persons employed under an employment agreement shall:

- (1) Produce required documents to substantiate their eligibility for employment under federal laws and must complete the I-9 Immigration Form;
- (2) In the case of work which is safety sensitive, cConform to the requirements of the County's Drug and Alcohol and Use and Testing Controlled Substance Testing Policy;
- (3) Receive consideration for their contract services in the form of periodic contractual salary which shall be paid at the same time as that paid to members of the classified service. Contractual workers shall not be eligible for nor receive cost-of-living adjustments accorded members of the classified and professional and executive services. In making contractual salary payments, the County will deduct FICA as well as federal and state income tax withholdings; and
- (4) Conform to all County ordinances and policies which impose a duty upon County employees.

G. Termination of employment agreement.

- (1) At such time as work which formed the basis for an employment agreement is no longer necessary, or at such time as a grant which is the source of funding for an employment agreement terminates, the employment agreement shall also be terminated by the County.
- (2) Termination of an employment agreement shall be in writing and:
 - (a) Normally be prefaced by a two-week notice period; or
 - (b) In the case of termination for cause, require no period of notice prior to extinction.

- H. Preferential status. A contractual worker shall have preference over County employees and external candidates with respect to any position in the classified service which is an outgrowth of an employment agreement to which such contractual worker is a party.

§ 27-125. Independent contractors.

Persons and/or firms may be retained to perform work for the County under a general contract. In this instance, no employer-employee relationship between the County and individuals actually performing the work shall be created.

ARTICLE XVI, Code of Ethics [Added 4-29-2003 by Ord. No. 03-03]

§ 27-126. Standards of conduct for public officials and employees.

- A. It is the obligation of every public official and employee to support the Constitution of the United States and the Constitution of the State of Maryland.
- B. The laws of the nation, state and municipality shall be impartially administered. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen except by due process of law.
- C. Every citizen shall receive a fair and impartial hearing on any matter coming before County officials. No public official or employee shall make any promise or pledge to any person concerning any matter to be heard before a public official or employee except upon fair, impartial and final hearing thereof.
- D. The conduct of public business shall be free of any hidden personal or financial interest of any public official or employee. No public officials or employees shall advocate in any public meeting or private discussion any matter in which they have a personal or financial interest except upon full and timely disclosure of the interest.
- E. It is the obligation of every public official and employee to faithfully discharge the duties of office. Public officials shall make full and timely disclosure of any personal or financial interest which they have in any matter of public business to be transacted before them.
- F. The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the obligation of every public official and employee to refuse personal gifts, favors or special privileges in every instance where such public official or employee reasonably believes such gift, favor or special privilege

would not have been extended but for the position of such public official or employee, or where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the public official or employee, or where the gift is or may reasonably be considered to be designed to influence the actions of the public official or employee.

- G. No public officials or employees shall seek personal or financial advantage by means of their public office, appointment or employment.
- H. The use of public trust for private gain is inimical to good government. No public official or employee shall use confidential or advance information obtained by virtue of public office, appointment or employment for personal or financial advantage.
- I. It is the obligation of every public official and employee to carry out the lawful orders and policies of the County Commissioners. No public official or employee shall knowingly take any action inconsistent with the lawful orders or policies established by the County Commissioners. No public official or employee shall knowingly take any action which would be detrimental to the best interests of the County.

§ 27-127. Provisions supplemental to Ethics Ordinance.

These provisions are supplemental to the Queen Anne's County Ethics Ordinance and are not intended to substitute and/or abrogate any requirements of such ordinance.^{iiEN}

ⁱ Editor's Note: See Ch. 8, Ethics.

ⁱⁱ Editor's Note: See Ch. 8, Ethics.