

COUNTY ORDINANCE NO. 05-18

A BILL ENTITLED

AN ACT CONCERNING the Queen Anne's County Human Resources Ordinance and the Clarification of Offices and Personnel of Queen Anne's County and the State of Maryland;

FOR THE PURPOSE of revising and updating the Code of Public Local Laws of Queen Anne's County (1996 Ed.) including Chapter 27 thereof (the Queen Anne's County Human Resources Ordinance) to expressly delineate those offices and personnel who are employees of the State of Maryland and those who are not employees of Queen Anne's County Government; correcting certain typographical errors in the Human Resources Ordinance; addressing payment for dental coverage, compensatory leave for work on County designated holidays, injury leave, overtime, performance reviews, temporary transfer pay; probationary periods, incentive awards, salary increases, conflicts of interest, sick leave, bereavement leave, and benefits for contractual workers; and generally revising and updating the provisions of the Queen Anne's County Code of Public Local laws, including the Human Resources Ordinance relating to State and County employees;

BY repealing, amending and reenacting Chapter 4, '4-12(BB), Chapter 27, Article 1, Definitions - Word Usage, Chapter 27, '27-10, '27-23 B. (2) and C. (2), '27-29 B. (2), '27-31 E., '27-47, '27-56 B., '27-58 B., and D. '27-70; '27-74 B. (2), '27-76, '27-78, '27-85, '27-89 A. and C., '27-91 B. (11) C. and D., '27-94 B and '27-124 E. (2) and repealing '27-11.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 4 '4-12(BB), Chapter 27, Article 1, Definitions - Word Usage, Chapter 27 '27-10, 27-23 B. (2) and C. (2), 27-29 B. (2), 27-31 E., 27-47, 27-56 B., 27-58 B. and D., 27-70, 27-74 B. (2), 27-76, 27-78, 27-85, 27-89 A. and C., 27-91 B. (11) and C. and 27-94 B. and 27-124 E. (2) be repealed, amended and reenacted and '27-11 be repealed to read as follows:

Chapter 4: Board of County Commissioners, '4-12. Express Powers (BB) Travel Expenses.

The County Commissioners may provide for payment of travel expenses and other expenses of:

County Official/Employees

1. Elected and appointed officers and employees of the County.

State elected officials/State employees

2. The Judges of the Orphans' Court of Queen Anne's County.
3. The Sheriff of Queen Anne's County.
4. The State's Attorney of Queen Anne's County.

Chapter 27: Human Resources, Article 1, Definitions - Word Usage

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

...

CONTROLLED SUBSTANCE - Includes the following for employees other than correctional officers, marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines. For correctional officers, the term includes, in addition to the foregoing substances, barbiturates, propoxyphene and benzodiazepine.

...

Chapter 27, Article III Exempt Service and State Employees.

'27-10. Composition.

The exempt service shall consist of:

A. Elected officials occupying the following positions:

(1) County Commissioners;

B. Any attorney employed under a legal services agreement;

C. Members of the boards, commissions and committees appointed by the County Commissioners.

D. All independent contractors performing work for the County; and

E. State officials/State employees. There are a number of agencies which are funded by the Commissioners for Queen Anne's County but the offices and its employees are employees of the State of Maryland. Pursuant to the Maryland Tort Claims Act, State Government Article, 12-101 et. seq., the following offices and/or personnel are employees of the State of Maryland and are not entitled to avail themselves of the policies and procedures contained herein:

1. The Sheriff, all Deputy Sheriffs, secretaries, clerks and all employees of the Sheriff's Office or of the Sheriff.
2. The Circuit Court Judges, all Law Clerks, Stenographers, Court Reporters, Secretaries, Paralegals, Bailiffs, clerks and all other employees of the Circuit Court.
3. The State's Attorney for Queen Anne's County, and all Deputy and Assistant State's Attorneys, Law Clerks, Paralegals, Secretaries, Stenographers, Clerks, Office Workers, Investigators and all other employees of the State's Attorney's Office or State's Attorney.
4. The Judges of the Orphans Court and all employees of the Orphans Court.
5. The members of the Board of License Commissioners.
6. Any person designed as a State Employee under the Maryland Tort Claims Act as the same may be from time to time amended (State Government Art. Section 12-101).

'27-11. Application of Human Resource Ordinance.

REPEALED

'27-23. Performance salary advance/incentive award within grades.

...

B. ...

(2) Eligibility.

(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.

(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.

C. ...

(2) Eligibility.

(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.

'27-29. Change in assigned duties.

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B. Temporary transfer pay.

(2) Temporary transfer pay shall be in an amount which shall be computed as the greater of:

(a) The minimum salary of the pay grade of the position for which the employee is temporarily assigned; or

(b) Four percent (4%) increase in salary to which the employee is normally entitled.

'27-31. Overtime.

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E. *Eligibility for overtime compensation.* The right to receive overtime compensation or compensatory leave only accrues to employees who are not exempt from the FLSA after they have actually worked or have used annual leave, personal leave or official leave within the regular workweek as that has been defined by the County.

(1) Accordingly (except in the case of call backs to work or other emergencies as defined by the County Administrator), in computing the amount of an entitlement to overtime compensation, if any, sick leave or injury leave taken during the period under consideration shall not be counted as hours worked.

(2) The calculation of hours worked for entitlement to overtime compensation for employees working on County designated holidays shall be computed using the greater of:

(a) Eight (8) hours of holiday pay; or

(b) Actual hours worked on the designated holiday.

'27-47. Annual Performance Review/Professional & Executive

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.

'27-56. Temporary transfer pay/Professional & Executive.

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B. *Amount.* Temporary transfer pay shall be computed as the greater of:

(1) The minimum salary of the pay grade of the position for which the employee is temporarily assigned; or

(2) Four percent (4%) increase in salary to which the employee is normally entitled.

'27-58. Position Vacancy Announcements.

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B. Position vacancy announcements shall be posted:

(1) By department directors on at least one bulletin board within their department or by the Human Resource Director.

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D. Position vacancy announcements shall contain, at a minimum:

(1) The period during which the announcement shall be posted;

(Renumber following subsections (2) through (7).

'27-70. Controlled substance testing.

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

B. Employees who occupy safety-sensitive positions, 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. 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.

'27-74. Fitness for duty physical examination.

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

- (2) If, after a thorough examination of all relevant facts and circumstances, no reasonable accommodation is possible:

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'27-76. Outside employment.

A. The work of the County shall have priority over the other occupational interests of employees.

B. An employee shall not undertake any outside work, which would create a conflict of interest or otherwise be incompatible with County service.

(1) A conflict of interest shall be determined by the employee's 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.

(i) 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.

(ii) 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.

'27-85. Weapons Policy.

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.

'27-89. Paid holidays observed.

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:

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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 '27-89(d).

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.

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

(2) Department of Emergency Services, Detention Center, Parks and Recreation, 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 27-89(D.) (1).

'27-91. Forms of leave.

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B. Sick leave.

(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.

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:

(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 Worker's 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 Worker's 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 '27-31 E., 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 '27-91. J.

(3) Subsequently, as an accommodation, the County will advance worker's compensation payments bi-weekly in accordance with the Maryland State Worker's 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 worker's 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 '27-91. J.

(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

(2) ...

'27-94. Health insurance benefits.

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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.

'27-124. Contractual Workers.

E.

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(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.

(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.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Joe Cupani

DATE: August 2, 2005

PUBLIC HEARING HELD: September 6, 2005

VOTE: 4 Yea 0 Nay (Commissioner Ransom Abstained)

DATE OF ADOPTION: February 21, 2006