

~~(viii) Acts during or outside of duty hours which are incompatible with the public service or which tend to bring the county into disrepute;~~

~~(ix) 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 Substance Testing Policy substance abuse policy; and~~

~~(x) Sexual harassment.~~

~~(c) Notification to employee. When an appointing authority determines that a member of the classified service should be suspended, demoted or dismissed, the employee shall immediately 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 (in the event of a pending termination); and~~

~~(4) The recourse available to the employee.~~

~~(d) Departmental pretermination hearing.~~

~~(1) A departmental pretermination hearing shall:~~

~~(i) Be afforded any member of the classified service:~~

~~1. Who has completed the original probationary period;~~

~~2. Whom an appointing authority has determined, and the County Administrator has concurred, should be terminated from county employment for one or more rule infractions; and~~

~~3. Before the decision to terminate is effectuated.~~

~~(ii) Be conducted by an appointing authority:~~

~~1. Before the termination of a member of the classified service; and~~

~~2. No later than five days after receipt of concurrence from the County Administrator that an employee should be terminated from the classified service.~~

~~(2) At the pretermination hearing, the accused employee shall be:~~

~~(i) Informed of the specific nature of the allegations against him or her;~~

~~(ii) Given full opportunity to respond to the alleged rule infractions; and~~

~~(iii) Asked to give specific reasons why the employee's termination should not proceed.~~

~~(3) A member of the classified service shall not be entitled to any representation at a pretermination hearing.~~

~~(4) In the event that the employee is duly notified and fails to appear for the pretermination hearing, all rights to such a hearing shall be forfeited~~

~~(e) Procedure for hearing.~~

~~(1) Attendees. The pretermination hearing shall be attended by and limited to:~~

~~(i) The accused employee;~~

~~(ii) The supervisor(s) of the accused employee;~~

~~(iii) The appointing authority; and~~

~~(iv) The Director of Human Resources or a designee.~~

~~(2) At the conclusion of the hearing, the appointing authority shall verbally inform the accused employee of the action to be taken, if any.~~

County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1103. Dismissal.

~~An employee who is dismissed for disciplinary reasons shall be relieved immediately of all duties and responsibilities and discharged from the employment of the county.~~

~~(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)~~

27-1104. Demotion.

~~(a) An employee whose performance is unsatisfactory may be demoted for disciplinary reasons.~~

~~(b) The appointing authority may, with the approval of the County Administrator ***and Director of Human Resources***, reassign the employee to another position.~~

~~(c) An employee who is demoted shall be relieved of present duties and responsibilities immediately. ***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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-11053. Disciplinary suspension.

(A) ~~A member of the classified service who is suspended with or without pay for disciplinary reasons shall be relieved temporarily of all duties and responsibilities for the period of suspension~~
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.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1104. 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 pre-termination 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 pre-termination hearing.

(C) Department pre-termination hearing.

(1) A departmental pre-termination hearing shall:

(i) Be afforded any member of the classified-service County employee:

(a) Who has completed the probationary period;

(b) Whom 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 pre-termination hearing.

(i) The pre-termination 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;

(ii) The pre-termination 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 pre-termination hearing.

(i) At the pre-termination hearing, the accused shall be:

(a) Informed of the specific nature of the allegations against him or her;

(b) Given full opportunity to respond to the alleged rule infractions;

(c) Asked why the employee's termination should not proceed.

(ii) 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 pre-termination hearing shall be attended by and limited to:

(i) Accused employee;

(ii) The supervisor(s) of the accused;

(iii) The appointing authority; and

(iv) The Director of Human Resources or a designee.

(2) Failure to attend pre-termination hearing. In the event the employee is duly notified and fails to appear for the pre-termination 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.

27-1106 5. Exit procedure.

(a) An exit interview shall be conducted by the Department of Human Resources with every member of the classified service **County employee** 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

Subtitle 12. Appeals

27-1201. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1202. Matters 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.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1203. 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 County employee may file an appeal for any other reason enumerated in this title.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

7-1204. 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 (5) business days of the date of the pre-termination hearing.** ~~bypassing all other intervening appeal steps.~~

(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 (5) 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.

(bc) *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 at a ~~Step 4 appeal proceeding~~ 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1205. 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 subtitle.

(b) *Nontermination cases.*

(1) Step 1. Supervisor's meeting.

(i) 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.

(ii) 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.

(iii) 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.

(i) 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.

(ii) Within five calendar days after receipt of the notice of appeal, the director shall schedule and conduct a director's conference.

(iii) 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.

(iv) 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.

(v) 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.

(vi) 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.

(vii) 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 resource conference.*

(i) 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.

(ii) Within five calendar days after receipt of the notice of appeal, the Director of Human Resources shall schedule and conduct a human resource conference.

(iii) The human resource 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.

(iv) The purpose of the human resource 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.

(v) The human resource 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.

(vi) 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.

(vii) 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.

(i) 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.

(ii) 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.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

Subtitle 13. Personnel Board

27-1301. Establishment of Personnel Board.

(a) *Establishment of Personnel Board.* The Queen Anne's County Personnel Board is hereby established.

(b) *Definitions.* As used in this Subtitle, the following terms shall have the meanings indicated:

(1) **Party.** "Party" includes both the employee prosecuting an appeal and the county.

(2) **Relevant.** "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 No. 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:

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

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

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

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

(v) 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.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-01, effective 2-2-1999; County Ord. 99-22, effective 12-21-1999.)

27-1302. 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:

(i) Sustained; or

(ii) 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 title.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-07 A, effective 7-16-1999; County Ord. 99-22, effective 12-21-1999.)

27-1303. 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.

(County Ord. 98-17A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1304. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1305. 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:

- (i) Schedule all Personnel Board hearings and meetings.
- (ii) Conduct and preside at all meetings of the Personnel Board.
- (iii) 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.
- (iv) 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 title.
- (2) If any action required by this title 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:
 - (i) The impartiality of any member of the Personnel Board;
 - (ii) The jurisdiction of the Personnel Board; or

(iii) 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.

(i) The existence and content of federal, state and county laws;

(ii) The identity of the County Commissioners, County Administrator and all department directors;

(iii) Facts which are common knowledge; and

(iv) 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:

(i) Is credible;

(ii) Tends to establish or refute the existence of a relevant fact; and

(iii) 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' direct testimony, through use of leading or other questions.

(i) No party may verbally abuse or otherwise impose upon a witness in terms of the manner in which questions are asked; and

(ii) 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

Subtitle 14. Personnel Records

27-1401. Personnel records maintenance.

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.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1402. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1403. Access to personnel records.

As required by the Maryland Public Information Law, the information listed in § 27-1402 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1404. Confidential information.

All information contained in a county employee's personnel file, other than the information listed in § 27-1402 of this section, 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1405. Remedies of employees objecting to material in a 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1406. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1407. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

Subtitle 15. Contractual employees

27-1501. 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:
 - (i) Initiated and executed on the basis of legitimate county need;
 - (ii) 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:
 - (i) The appointing authority seeking to employ a contractual worker;
 - (ii) The Director of Human Resources; and
 - (iii) The County Administrator.

(e) *Contractual worker benefits.*

(1) The following benefits are mandatory and shall be included in all employment agreements:

- (i) Worker's compensation coverage; and
- (ii) 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 employment agreements only.**

(i) 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. The County will also provide dental coverage at no cost to the Contractual worker.** ~~The premiums for health insurance coverage to be paid in the ratio of 90% by the county and 10% by the contractual worker for individual, husband and wife or family coverage.~~

(ii) Holidays. ~~Contractual workers may receive no more than six major paid holidays, including:~~ **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. Dental coverage is available for 100% premium cost.**

- ~~1. New Year's Day;~~
- ~~2. Memorial Day;~~
- ~~3. Fourth of July;~~
- ~~4. Labor Day;~~
- ~~5. Thanksgiving; and~~

~~6. Christmas Day.~~

~~(iii) Leave. A contractual worker may accrue eight hours of leave per month which may be used for vacation, illness or injury or personal purposes. Any accrued but unused leave will be forfeited upon termination of an employment agreement.~~

(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, conform to the requirements of the county's Alcohol and 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:

(i) Normally be prefaced by a two-week notice period; or

(ii) 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.

(County Ord. 98-17A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-1502. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-424. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-425. Salary of part-time and temporary 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.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-426. 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.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-427. ~~County Director of Finance to pay employees.~~ Paycheck Options.

~~At least once each year the Director of Finance or a designated representative shall personally~~ and each employee his or her salary check. **Employees have the option of receiving an actual paycheck or may choose direct deposit.**

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-428. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

Subtitle 5. Professional and Executive Service

27-501. Establishment.

(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.

, County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-502. 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.

, County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-503. Appointing authorities and qualifications.

(a) ~~Clerk~~ **Executive Assistant** to County Commissioners.

(1) Appointment. The Clerk **Executive Assistant** to the County Commissioners shall be appointed by the County Commissioners.

(2) Minimum qualifications. The Clerk **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.

(i) 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;

(ii) Experience: five or more years' experience in public sector agency management; or

(iii) An equivalent combination of education and experience in the discretion of the County Commissioners.

(3) Employment agreement.

(i) 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 of the year of a general election.

(ii) 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.

(i) Education: an undergraduate degree in public or business administration, engineering or planning

(ii) Experience: three or more years experience in public sector agency management; or

(iii) 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 paragraphs (c)(1) through (c)(3) of this subsection, 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 those enumerated in paragraphs (c)(1) through (c)(3) of this subsection, shall have a right of administrative appeal of an adverse personnel action.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-01, effective 2-2-1999; County Ord. 99-22, effective 12-21-1999.)

27-504. 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:

(County Ord. 98-17A, effective 1-1-1999; amended by County Ord. 99-01, effective 2-2-1999; County Ord. 99-07, effective 7-16-1999; County Ord. 99-07 A, effective 7-16-1999; County Ord. 99-22, effective 12-21-1999.)

27-505. 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 ~~study~~ **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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-506. 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 consist of the following: **be identified by the County Administrator.**

~~(1) Director, Human Resources.~~

~~(2) Chief Roads Engineer.~~

~~(3) Director of Finance.~~

~~(4) Director of Planning and Zoning.~~

~~(5) Director of Recreation and Parks.~~

~~(6) Director of Public Works.~~

(c) *Survey outcome.* If warranted by the survey results, the Director of Human Resources shall recommend a percentage adjustment to professional and executive position classification plan and salary schedules of the professional and executive employee.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-507. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-508. Annual performance review.

The job performance of all employees shall be reviewed annually between June 1 and June 20 through use of objective, job-related methods approved by the Director of Human Resources.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-01, effective 2-2-1999; County Ord. 99-22, effective 12-21-1999.)

27-509. Performance salary advance/incentive award within the grades.

(a) *Annual salary increase.* Employees may receive an annual salary increase ~~on July 1,~~ **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.

- (i) 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.
- (ii) If an employee's performance is rated above average, a salary increase of 3% shall take effect as provided above.
- (iii) If an employee's performance is rated as commendable, a salary increase of 4% shall take effect as provided above.
- (iv) If an employee's performance is rated as superior, a salary increase of 5% shall take effect as above provided.
- (v) If an employee's performance is rated as outstanding, a salary increase of 6% shall take effect as above provided.
- (vi) 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.

(a) 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.

Intent. These increases are intended to:

(i) Recognize acceptable or better performance on the part of the employee and are not intended to be automatic; and

(ii) Reflect increases in productivity and effectiveness as employees gain experience in their positions.

(2) Eligibility.

(i) Full-time employees shall be eligible for consideration for a job performance incentive award depending on their performance.

(ii) Incentive awards shall be granted to those employees who have demonstrated a proficient level of job performance.

(iii) Only those employees who have reached the maximum salary range.

(3) Amount of incentive award.

(i) A two-percent incentive award shall be granted for an acceptable job performance evaluation.

(ii) A three-percent incentive award shall be granted for an above average job performance evaluation.

(iii) A four-percent incentive award shall be granted for a commendable job performance evaluation.

(iv) A five-percent incentive award shall be granted for a superior job performance evaluation; and

(v) A six-percent incentive award shall be granted for an outstanding job performance evaluation.

County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-01, effective 2-2-1999; County Ord. 99-22, effective 12-21-1999.)

27-510. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-511. 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.

County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-512. 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 shall, 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 may, 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-513. 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 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 experience no decrease in pay.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-514. 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.

(County Ord. 98-17A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

7-515. 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 following the employee's anniversary date. ***in July.***

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-516. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-517. Temporary transfer pay.

(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

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

(2) One hundred and five percent of the base salary to which the employee is normally entitled.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-518. 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.

County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

Subtitle 6. Recruitment and Selection

27-601. Position vacancy announcements.

(a) The Department of Human Resources shall 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:

(1) On the county bulletin board in the lobby of the Liberty Building; and

(2) By each department director on at least one bulletin board within their department or 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:

(1) The announcement number;

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

- (3) The title, rate of pay and location of the position;
- (4) The closing date of the announcement;
- (5) A summary of the duties of the position;
- (6) A summary of the basic qualifications requirements;
- (7) The procedures for making application; and
- (8) A statement of equal employment opportunity. .

(County Ord. 98-17 A effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-602. 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 state-wide, 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.

(County Ord. 98-17 A effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-603. 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.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-604. 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 Department.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-605. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-606. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-607. 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.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-608. 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 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 character 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 shall may establish a list of eligibles 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 Assistant I, II, 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 period of 12 months; however, they may be extended in duration by the Director of the Department of Human Resources.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-609. 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 eligibles 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 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-610. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

Subtitle 7. Conditions of Employment

27-701. Alcohol testing.

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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-702. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-703. Controlled substance testing.

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

(a b) Employees who occupy safety-sensitive positions, other than sworn Sheriffs personnel, shall be subject to testing for the presence of the following drugs in their systems in accordance with policy promulgated by the County Administrator:

- (1) Marijuana;
- (2) Cocaine;
- (3) Opiates
- (4) Phencyclidine (PCP);
- (5) Amphetamines.

(b c) Sworn Sheriffs personnel and correctional officers 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);
- (5) Amphetamines;
- (6) Barbiturates;
- (6) Propoxyphene;
- (8) Benzodiazepines.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-07, effective 7-16-1999; -County Ord. 99-07A, effective 7-16-1999; County Ord. 99-22, effective 12-21-1999.)

27-704. Driver safety standards.

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 in 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 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-705. 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.

(County Ord. 98-17 A effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-706. ~~Employment/supervision of relatives.~~ Nepotism.

~~The employment of relatives in the same department and the supervision of an immediate family member by a relative shall require the authorization of the County Administrator.~~ **A Department Director or employee may not appoint, promote, reassign, or participate in any action affecting a member of his/her family or an individual involved with the employee in an intimate relationship. A Department Director may not permit the employment of 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 co-habitate. Examples include: significant other (boyfriend or girlfriend) or partner. Any exceptions shall require the approval of the County Administrator.**

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-707. 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) In, after a thorough examination of all relevant facts and circumstances, no reasonable accommodation is possible:

(i) 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.

(ii) 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:

(i) 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.

(ii) In such instance, the employee shall be terminated from employment by the county on the basis of the inability to perform assigned essential functions.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-708. 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.

(County Ord. 98-17-A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-709. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-710. 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.

(County Ord. 98-17A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-711. 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 Sheriffs Department, who shall *may* be required to successfully complete a probationary period of two years. Where appropriate, and with the approval of the Director of Human Resources, a probationary period may be extended an additional six months upon the written request of a department director which is initiated prior to the expiration of the original probationary period.

(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:

(i) That the employee's accomplishments, failures, strengths and weaknesses have been discussed with the employee;

(ii) Whether or not the employee is performing acceptable work; and

(iii) 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.

(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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999; County Ord. 99-22A, effective 12-21-1999.)

47-712. 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:

(i) Less than one year of county service: no benefit.

(ii) One year but less than five years of county service: one month of salary.

(iii) Five years but less than 10 years of county service: two months of salary.

(iv) Ten years but less than 15 years of county service: three months of salary.

(v) 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 title, 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.

(i) 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.

(ii) All payments for unused leave shall be made in a lump sum payment.

(4) Health insurance.

(i) 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.

(ii) In the event that the employee acquires other health insurance during this period of time, he or she shall notify the Personnel Department, at which time the coverage will terminate.

(iii) 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 a 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-713. Sexual harassment.

(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 ~~by any person of any other person, in any form.~~ **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:

- (i) A department director;
- (ii) The Director of Human Resources; or
- (iii) 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:

- (i) It contains sufficient facts and allegations to comprise a case of sexual harassment as defined herein;
- (ii) It sufficiently identifies the complainant and the person alleged to have committed the act. Anonymous complaints will not be accepted; and
- (iii) 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 and 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:

- (i) In a manner commensurate with the facts and circumstances of the offense;
- (ii) Consistent with principles of progressive discipline; and
- (iii) 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 interviews with the complainant;
- (5) Personal interviews with the employee who is accused of sexual harassment;
- (6) Personal interviews 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-714. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-715. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-716. 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.

(County Ord. 98-17 A, effective 1-1-1999; amended by County Ord. 99-22, effective 12-21-1999.)

27-717. 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