

CAPITALS indicate matter added
STRIKE THRU indicate matter deleted

AMENDED
COUNTY ORDINANCE NO. 99-08A

A BILL ENTITLED

AN ACT Concerning the Repeal and Readoption with Amendments of Sections 27-404, 27-422, 27-504, 27-703, and 27-803 AND 27-1302 (C) (2) of Title 27 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE of Making Certain Corrections to the Classification Plan of the County Human Resource Ordinance; Adding and Deleting certain Position Titles from said Classification Plan; Adding Restrictions Related to Call Out Pay; Subjecting Correctional Officers to Drug Testing; Clarifying the County Policy Regarding Donation of Sick Leave; CLARIFYING THE JURISDICTION OF THE PERSONNEL BOARD; and generally making corrections to the Queen Anne's County Human Resource Ordinance.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 27-404, 27-422, 27-504, 27-703 and 27-803 AND 27-1302(C) (2) of Title 27 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be repealed and reenacted to read as set forth ~~on the attached~~ BELOW:

TITLE 27. HUMAN RESOURCES

27-404. Classification Plan.

- (a) Allocation of Positions; Classified Service.
Positions within the Classified Service are allocated to the following pay grades:

| <u>Position Title</u> | <u>Pay Grade</u> |
|-----------------------|------------------|
| Clerk Typist I | 1 |
| Custodian | 1 |

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|--------------------------------|---|
| KENNEL OPERATOR | 1 |
| Clerk Typist II | 2 |
| Human Service Associate I | 2 |
| 4-H Program Assistant | 3 |
| Clerk I | 3 |
| Clerk Typist III | 3 |
| Highway Worker | 3 |
| Maintenance Worker I | 3 |
| Clerk II | 4 |
| Corrections Cook | 4 |
| Human Service Associate II | 4 |
| Maintenance Worker II | 4 |
| Mechanic Helper | 4 |
| Senior Center Manager | 4 |
| Clerk III | 5 |
| Custodial Supervisor | 5 |
| Equipment Operator I | 5 |
| Liquor Inspector | 5 |
| Maintenance Worker III | 5 |
| Mechanic I | 5 |
| Public Safety Dispatcher I | 5 |
| Recreation Program Coordinator | 5 |
| Secretary I | 5 |
| Senior Programs Planner | 5 |
| Transportation Dispatcher | 5 |
| Weed Control Technician | 5 |
| Benefits Counselor | 6 |
| Clerk IV | 6 |
| Equipment Operator II | 6 |
| Maintenance Technician | 6 |
| Public Safety Dispatcher II | 6 |
| Secretary II | 6 |
| Utility Worker | 6 |
| Zoning Inspector | 6 |
| Administrative Assistant | 7 |
| Animal Control Officer | 7 |
| Computer Technician I | 7 |
| Equipment Operator III | 7 |

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|--|----|
| GIS Program Specialist | 7 |
| Legal Secretary | 7 |
| Maintenance Craftsman | 7 |
| Mechanic II | 7 |
| Office Supervisor | 7 |
| Utilities Technician I | 7 |
| Waste Water Operator I | 7 |
| Water Operator I | 7 |
| | |
| Computer Technician II | 8 |
| Construction Inspector I | 8 |
| Housing Program Coordinator | 8 |
| Maintenance Supervisor | 8 |
| | |
| Correctional Officer | 9 |
| Construction Inspector II | 9 |
| Deputy Sheriff | 9 |
| Deputy Sheriff First Class | 9 |
| Economic Development Specialist | 9 |
| Foreman | 9 |
| Health Care Specialist | 9 |
| Prosecution Coordinator | 9 |
| Senior Care Specialist | 9 |
| TRANSPORTATION COORDINATOR | 9 |
| Utilities Technician II | 9 |
| Wastewater Operator II | 9 |
| Water Operator II | 9 |
| | |
| CHIEF OF RECREATION | 10 |
| Controlled Substance Testing Coordinator | 10 |
| Corporal (Corrections) | 10 |
| Corporal (Sheriff's Office) | 10 |
| Golf Course Manager | 10 |
| Housing Program Manager | 10 |
| Land Use Planner I | 10 |
| Public Landings Supervisor | 10 |
| Utilities Technician III | 10 |
| Wastewater Operator III | 10 |
| Water Operator III | 10 |
| | |
| Accountant | 11 |
| Civil Engineer I | 11 |
| Construction Supervisor | 11 |

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|---|----|
| Landscape Architect I | 11 |
| Nutrition Program Coordinator | 11 |
| Parks Supervisor | 11 |
| Sergeant (Corrections) | 11 |
| Sergeant (Sheriff's Office) | 11 |
| Social Worker I | 11 |
| Solid Waste Supervisor | 11 |
| Utilities Shift Supervisor | 11 |
| Vehicle Service Supervisor | 11 |
| | |
| Assistant Director, Human Resources | 12 |
| CONSTRUCTION SUPERVISOR | 12 |
| Laboratory Technician | 12 |
| Land Use Planner II | 12 |
| Lieutenant (Corrections) | 12 |
| Lieutenant (Sheriff's Office) | 12 |
| Parks Superintendent | 12 |
| Roads Superintendent | 12 |
| SOCIAL WORKER II | 12 |
| UTILITY FOREMAN | 12 |
| | |
| Captain (Corrections) | 13 |
| Facilities Project Manager | 13 |
| Landscape Architect II | 13 |
| Paramedic | 13 |
| PUBLIC INFORMATION SPECIALIST | 13 |
| Treasury Manager | 13 |
| | |
| Chief Wastewater Operator | 14 |
| Chief Water Operator | 14 |
| Civil Engineer II | 14 |
| FACILITIES MAINTENANCE MANAGER | 14 |
| Supervisor, ALS | 14 |
| Utilities Collection Supervisor | 14 |
| Utility Construction Supervisor | 14 |
| Utilities System Maintenance Supervisor | 14 |
| Zoning Administrator | 14 |
| | |
| Airport Manager | 15 |
| Land Use Planner III | 15 |

(b) Full Time and Part Time. Positions within the Classified Service shall consist of both full and

part time.

27-422. Call Out Pay. An employee who is required to return to work after a regular tour of duty shall be paid the greater of three (3) hours of overtime pay or the number of hours actually worked rounded to the next highest fifteen (15) minutes to be computed between the time the employee leaves his or her home and returns home AND AGGREGATED FOR ALL CALL-OUTS DURING ANY CONSECUTIVE TWELVE (12) HOUR TIME FRAME.

27-504. Allocation of Positions; Professional and Executive Service. The County's Professional and Executive Service shall consist of the following positions, allocated to the following pay grades:

| <u>Position Title</u> | <u>Pay Grade</u> |
|--|------------------|
| Captain, Sheriff's Office | PE1 |
| Chief, Advanced Life Support Services | PE1 |
| Clerk to County Commissioners | PE1 |
| Director, Animal Control | PE1 |
| DIRECTOR, TOURISM | PE1 |
| Accounting Manager | PE2 |
| Civil Engineer III | PE2 |
| COORDINATOR, LOCAL MANAGEMENT BOARD | PE2 |
| Director, Housing and Community Services | PE2 |
| Director, Public Safety Communications | PE2 |
| Director, Economic Development | PE2 |
| Director, Tourism | PE2 |
| Principal Land Use Planner | PE2 |
| Chief of Engineering | PE3 |
| Chief Roads Engineer | PE3 |
| Chief Sanitary Engineer | PE3 |
| Director, Human Resources | PE3 |
| INFORMATION SYSTEMS MANAGER | PE3 |
| Utility Manager | PE3 |

| | |
|---------------------------------|-----|
| Director, Aging | PE4 |
| Director, Correctional Services | PE4 |
| Director, Parks and Recreation | PE4 |
| Director, Finance | PE5 |
| Director, Planning and Zoning | PE5 |
| Director, Public Works | PE5 |

27-703. Controlled Substance Testing.

- (a) Employees who occupy safety sensitive positions, other than sworn sheriff's personnel, shall be subject to testing for the presence of the following drugs in their system in accordance with a policy promulgated by the County Administrator;
- (1) Marijuana;
 - (2) Cocaine;
 - (3) Opiates;
 - (4) Phencyclidine (PCP); and
 - (5) Amphetamines.
- (b) Sworn sheriff's personnel AND CORRECTIONAL OFFICERS shall be subject to testing for the presence of the following drugs in their system in accordance with a policy promulgated by the County Administrator;
- (1) Marijuana;
 - (2) Cocaine;
 - (3) Opiates;
 - (4) Phencyclidine (PCP);
 - (5) Amphetamines;

- (6) Barbiturates;
- (7) Propoxyphene; and
- (8) Benzodiazepines.

27-803. Forms of Leave.

(a) Vacation Leave. In recognition of the fact that periods of time away from the work place enhances long term job performance, the County shall provide a paid vacation leave benefit to employees. Vacation leave may also be used for certain qualifying events or absences, but is primarily intended to provide employees with paid, non-duty time within which to pursue employee-selected recreational activities.

(1) Full-time employees serving a probationary period following initial appointment shall not be permitted to take vacation leave during the first six (6) months of the probationary period unless the denial of such leave will create an undue hardship.

(2) Each full-time employee shall earn vacation leave on a monthly basis in accordance with the following schedule of total service:

(i) Less than five (5) years: ninety six (96) hours per year. While employees shall accrue leave in accordance with this schedule from date of hire, they shall not be entitled to take any vacation leave during the first six (6) months of employment;

(ii) Five years but less than ten years: one hundred and twenty (120) hours per year;

(iii) Ten years but less than twenty years: one hundred and sixty (160) hours per year; and

- (iv) Twenty of more years: two hundred (200) hours per year.
 - (3) No more than four hundred (400) hours of vacation leave may be carried forward from calendar year to calendar year by any member of the Classified or Professional and Executive services. At the end each calendar year, employees shall forfeit all vacation leave in excess of four hundred (400) hours of such leave.
 - (4) Vacation leave shall only be taken with the prior, written approval of the employee's appointing authority.
 - (5) An employee who is separated shall be paid for vacation leave accumulated to the date of separation, not to exceed a maximum of four hundred (400) hours. Any advanced vacation leave owed the County shall be deducted from the employee's final compensation.
 - (6) The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account, not to exceed a maximum of four hundred (400) hours.
 - (7) No employee shall take more than two (2) consecutive weeks of his or her vacation at any one time except by approval of his or her appointing authority.
- (b) Sick Leave. The County shall provide employees with a paid leave benefit to be used when sickness, other disabling conditions or medical treatment preclude an employee from reporting to work.
- (1) Rate of Accrual of Sick Leave. Sick leave shall be provided to all full-time employees

of the County at the rate of ten (10) hours of leave for each full calendar month of service. Part-time employees scheduled to work and actually working a minimum of 1,000 hours per year shall earn sick leave at a rate of five (5) hours per month.

(2) Sick Leave Year. For the purpose of earning and accruing sick leave, the twelve (12) calendar month period between January 1 and December 31 is established as the leave year.

(3) Qualifying Condition for Use of Sick Leave. Employees may be granted sick leave for absence due to the following:

(i) Sickness or bodily injury that prevents the employee from performing regular duties;

(ii) Employee's medical or dental appointments;

(iii) The actual period of temporary disability caused by or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom. A physician's certificate is required to verify the employee's period of temporary disability for these reasons;

(iv) Exposure to a contagious disease when continuing work might jeopardize the health of others; and

(v) Care of spouse, dependent child, or parent, not to exceed eighty (80) hours in a leave year.

(4) Physician's certificate.

(i) Sick leave may be granted full-time and eligible part-time employees of the

County for three (3) consecutive days without a physician's certificate.

(ii) Sick leave in excess of three (3) consecutive days shall require a physician's certificate. Refusal or failure to supply an adequate certificate shall result in the period of absence being charged against other available leave available to such employee or leave without pay in the discretion of the employee's appointing authority.

(iii) Upon return to work an employee who has been absent from work to care for a spouse, dependent child, or parent shall provide a physician's certificate. The certificate shall verify the actual period that the spouse, dependent child, or parent was under a physician's care. An employee who fails to provide a certificate from a physician shall not be granted sick leave. The employee may be allowed to use accrued vacation or leave without pay.

(iv) The department director shall have the right to request a physician's certificate after one (1) day of sick leave if this action shall serve the best interest of the County.

(5) Payment for Unused Sick Leave at Separation from Service. An employee shall not be paid for unused sick leave in the event of termination of employment.

(6) Notification of Supervisor. Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or not later than two (2) hours after the beginning of a scheduled work day. The

department director may require notification earlier than two (2) hours after the beginning of a scheduled work day. Sick leave may only be taken with the approval of the immediate supervisor.

- (7) Worker's Compensation Disqualification. A sick leave benefit shall not be received by an employee who is receiving Workers' Compensation disability payments.

- (8) Advanced Sick Leave.
 - (i) Any full-time member of the Classified Service may, upon written request, be advanced sick leave within the discretion and upon the approval of the County Administrator;

 - (ii) The written request shall be supported by a physician's certificate indicating that the advanced sick leave is medically necessary for the employee or a member of his or her immediate family and that the employee shall be able to return to work at a reasonable future date;

 - (iii) If the County Administrator approves the request, the employee and the County shall enter into a legally binding Leave Repayment Agreement which shall provide;

 - (iv) The advanced sick leave is medically necessary for the employee or a member of his or her immediate family;

 - (v) That the employee shall be able to return to work at a reasonable future date;
 - a) Sick leave to be advanced may not exceed a period of more than

fifteen (15) work days;

- b) With regard to repayment of advanced sick leave;
 - 1) After the employee returns to work, advanced sick leave previously used shall be repaid by a deduction from earned salary or earned sick leave to the employee to the County at the rate of ten hours (10) hours per month until such time the advanced leave is repaid in full.
 - 2) An employee who has received advanced sick leave and subsequently retires or terminates employment shall repay the County for the value of the balance of the advanced sick leave time, at the rate of salary earned by the employee at the date such leave was granted, from any salary the employee has accrued prior to the notice of termination.
 - 3) If the employee gives no notice, or the accrued salary due the employee is insufficient to repay the County, and the employee has not paid the County the value of the outstanding advanced sick leave, the County Administrator may direct the Director of Human Resources to file obtain a judgment against the employee and pursue all legal remedies to recoup the

balance due.

- e) In the event of death, liability to the County will cease to exist.
- (vi) After an advancement is granted, the Director of Human Resources shall grant the sick leave in increments of five (5) work days and shall review the circumstances of the individual case prior to granting an additional five (5) days to determine what portion of the advanced sick leave time is actually needed.
- (9) Retirement Credit for Accrued Sick Leave. Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the State Retirement and Pension System of Maryland.
- (10) Transfer of Sick Leave Credit. A full-time employee may transfer unused sick leave earned from another Maryland governmental agency and/or entity as follows:
 - (i) The total number of days accepted as transferred will be added to the record after completion of the one-year probationary period;
 - (ii) Verification of accumulated sick leave must be received in writing from the previous employer; and
 - (iii) The transfer must be completed within three (3) years from the employee's last work day with the previous employer.
- (11) Donation of Sick Leave. An employee may, with the permission of the Board of County Commissioners, donate sick leave to another member of the Classified or Professional and

Executive Service. ~~In the event of the death of the donee prior to the use of all donated sick leave, such leave shall be returned to the donors on a pro-rata basis.~~ ANY UNUSED DONATED SICK LEAVE MAY BE RETURNED TO THE DONOR IN ACCORDANCE WITH POLICIES AND PROCEDURES ADOPTED BY THE DEPARTMENT OF HUMAN RESOURCES.

(12) Loss of Sick Leave Credit. Employees who retire or resign and are not reinstated with the County within a one (1) year period shall lose all sick leave credits.

(c) Bereavement Leave.

(1) Bereavement leave shall be granted for the death in an employee's immediate family not to exceed four (4) consecutive days; and.

(2) Additional leave time, under exceptional circumstances, may be authorized by the County Administrator.

(d) Military Leave.

(1) Application. An employee who is a member of the National Guard or Armed Forces Reserve will be allowed up to three (3) calendar weeks paid military training leave annually.

(2) Retention of Employment Status. Employees who are guardsmen and reservists have all applicable job rights specified in the Veterans Readjustment Assistance Act.

(e) Civil Leave.

(1) Receipt of Subpoena or Summons to Testify. Any employee who receives a summons to jury duty or a subpoena from a state or federal

court to appear as a witness shall be entitled to leave with pay for such duty in addition to any fees received for such jury duty.

(2) Employee-Initiated Litigation. Any employee who initiates court action, volunteers to appear as a witness, or is a defendant in a non-County-related case will be excused from work for necessary court appearances. The employee shall not be entitled to civil leave for such time, however, leave without pay or vacation leave may be granted for this purpose.

(f) Educational and Community Service Leave. A leave of absence at full pay, partial pay, or without pay for a period not to exceed nine (9) months may be granted upon the recommendation of the appointing authority with the approval of the County Administrator. Such leave may only be used to take courses of study that will better equip the employee to perform duties for the County, or for special work which will permit the County to profit by the experience gained or the work performed. An employee on educational or community service leave with full pay shall continue to earn leave credits and any other benefits to which County employees are entitled.

(g) Maternity/Paternity Leave.

(1) Upon the recommendation of the appointing authority and with the approval of the County Administrator, an employee may be granted a leave of absence without pay for a period not to exceed six (6) months for reasons of maternity or paternity, and upon returning to duty after being on maternity or paternity leave, the employee shall be guaranteed a position of the same classification, seniority, and pay.

- (2) Failure to report for duty at the expiration of the maternity or paternity leave, unless an extension has been granted, shall be considered a resignation.
 - (3) Leave without pay may be granted during the time before and after childbirth or adoption when no actual disability is present. When an actual disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery exists, employees will use accumulated sick leave.
- (h) Family and Medical Leave. Family and medical leave is unpaid leave during which all employee benefits continue to be awarded and accrue.
- (1) Eligibility for Leave. Employees must be employed at least one year and have worked at least 1,250 hours during the past twelve (12) months to be eligible for family and medical leave;
 - (2) Period of Leave. Family and medical leave shall be granted without pay for a period not to exceed twelve (12) work weeks during any twelve (12) month period:
 - (i) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
 - (ii) Because of the placement of a son or daughter with the employee for adoption or foster care;
 - (iii) In order to care for the spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition; and
 - (iv) Because of a serious health condition that makes the employee unable to

perform the functions of the position of such employee.

- (3) Expiration of Entitlement. The entitlement to leave for birth or child placement expires one (1) year after the date of childbirth or placement;
- (4) Duration of Leave. Childbirth or placement leave is to be taken in one block of time up to twelve (12) weeks. Intermittent leave or a reduced leave (part-time) schedule is available if the department director and employee agree to such arrangement.
- (5) Notice of Leave. The employee shall give at least thirty (30) days notice of planned leave to the department director, whenever practical.
- (6) Physician's certificate. A physician's certification is required prior to the approval of family and medical leave due to a serious health condition of the employee, or his or her child, spouse, or parent. The County shall reserve the right to require a second opinion from an independent health care provider at County expense. If the second opinion differs from the first, the County can obtain a third opinion at its' expense. The third opinion will be binding.
- (7) Restoration of Employment. Once an employee's leave ends, the employee is entitled either to be restored to the position held prior to the leave or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Failure to report for duty at the expiration of the family and medical leave without pay period shall be considered a resignation.

(i) Leave Without Pay.

- (1) Authorization. Leave without pay may be granted to any employee upon application to the County administrator.
 - (2) Purpose. Leave without pay may be granted for any purpose.
 - (3) Accrual of Vacation and Sick Leave. Vacation and sick leave credits will not be accrued during leave without pay status which exceeds two consecutive weeks with the exception of military leave.
 - (4) Payment of Medical Insurance Premiums. Payment for the employee's portion of individual medical and dental/vision coverage and the full cost of dependent coverage shall be the responsibility of the employee while on leave without pay status for more than two consecutive calendar weeks.
 - (5) Cafeteria Benefits. Access to child care and medical care flexible spending accounts will continue while on leave without pay status.
 - (6) Cessation of Payroll Deductions. Optional payroll deductions shall cease during leave without pay status for more than two consecutive calendar weeks.
- (j) Personal Leave.
- (1) Employees shall be accrue forty (40) hours of Personal Leave annually. New employees shall accrue of personal leave in an amount which is prorated on the basis of the date of their employment.
 - (2) Personal leave usage shall be coordinated with an employee's supervisor and shall be used in segments of not less than four hours. In exigent circumstances, a supervisor may seek authority from the County Administrator

to deny an employee use of personal leave when such leave would expose another person to an unreasonable risk of harm, impose serious or costly hardships on the performance of a County activity or is being abused by such employee.

(3) Personal Leave shall not be carried over from one calendar year to the next.

(k) Compensatory Leave.

(1) Compensatory leave shall be available as a form of overtime compensation for those employees assigned to departments of County government which have developed and maintain a written policy authorizing the accumulation and use of such leave.

(2) Accrued compensatory leave may be used by employees within the quarter in which it is earned or shall be converted to overtime pay and paid to employees at the end of such quarter.

(l) Group Health, Vacation, and Sick Leave Benefits While on Leave.

(1) Payment of an employee's group health benefits shall continue while an employee is on a paid leave status or as directed by the County Commissioners.

(2) Retention of Leave Credit. An employee on educational and community service leave, military leave, maternity or leave without pay status shall retain all unused vacation and sick leave.

(3) Accrual of Leave While On Leave Status. Vacation and sick leave credits will accrue during paid leave status only.

27-1302. Jurisdiction.

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(c) Authorized Action. Based upon the decision of a majority of the Board, the personnel action appealed from shall be either;

(1) Sustained; or

(2) Overruled. The Personnel Board shall not be empowered to modify any disciplinary sanction applied IMPOSED by an appointing AUTHORITY.

(3) 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.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Marlene Davis

DATE: 6-1-99

PUBLIC HEARING HELD: N/A

VOTE: 3 YEA NAY

DATE: 6/1/99

Effective: July 14, 1999