

## HUMAN RESOURCES

### Subtitle 1. Definitions and

#### Word Usage

#### **27-101. Definitions and word usage.**

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

#### ***Anniversary date.***

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

#### ***Annual leave.***

"Annual leave" means the employment benefit awarded to all full-time county employees which allows them to be absent from the workplace while continuing to receive pay at their regular rate.

#### ***Appeal.***

"Appeal" means an action by a member of the classified service pertaining to a personnel action.

#### ***Appointing Authority.***

"Appointing Authority" means the designated position responsible for making the decision to appoint and terminate persons occupying non-elected classes work positions within the county government.

#### ***Budgeted Position.***

***"Budgeted Position" means one that is expressly approved by the County Commissioners as part of the annual budget process. It is specifically shown in the position schedule that is completed as part of the budget process. Individuals paid from line items covering a number of part time or contractual employees are not considered to be regular employees of the County and do not occupy budgeted positions.***

#### ***Class of Work.***

"Class of work" means a grouping of positions bearing the same title which are assigned to the same pay grade on a county salary scale.

#### ***Classification.***

"Classification" means the process of systematically examining and evaluating the duties, responsibilities and overall value of positions and classes of work to the county and, thereafter,

assigning positions to an appropriate class of work and all classes of work to an appropriate grade on a county pay scale.

***Classified service.***

"Classified service" consists of those full- and part-time positions which are designated as such by resolution of the County Commissioners.

***Compensation.***

"Compensation" means salary, wages and allowances of any type paid to an employee or contractual worker and compensatory leave.

***Compensation plan.***

"Compensation plan" shall consist of:

- (1) The salary schedules for both the classified service and the professional and executive service; and
- (2) The grading of classes for salary purposes as depicted in Subtitle 6 of this title.

***Compensatory leave.***

"Compensatory leave" is a leave benefit which an employee elects to receive for working in excess of a normal workweek in lieu of overtime pay.

***Contractual worker.***

"Contractual worker" is a person who is employed by the county under an employment contract or agreement.

***Controlled Substance.***

"Controlled substance" includes the following for employees other than sworn members of the Sheriffs Office: marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines. For sworn members of the Sheriffs Office, the term includes, in addition to the foregoing substances, barbiturates, propoxyphene and benzodiazepine.

***Demotion.***

"Demotion" means the movement of an employee from a class of work to another class of work which is assigned to another grade on a county salary scale which is lower than the class of work previously occupied by the employee.

***Duty status.***

"Duty status" is the period of time and status an employee occupies when, regardless of physical location, he or she is performing assigned duties and responsibilities for the county.

***Eligibility list.***

"Eligibility list" is a list of persons who have successfully completed all phases of the selection process for a position or position series and are eligible for appointment to the position or positions.

***Exempt service.***

"Exempt service" consists of officials and employees of the county specified herein who are exempt from certain provisions of this title as hereafter specified.

***Holiday.***

"Holiday" is any weekday so designated by the County Commissioners on which the Queen Anne's County government is closed for business on a prescheduled basis.

***Immediate family.***

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

***Labor market.***

"Labor market" consists of the Counties of Talbot, Wicomico, Worcester, Prince Georges, Caroline and Anne Arundel; the Maryland State Police; and the cities of Easton and Annapolis; the Chesapeake Bay Foundation; Harms and Associates; or as determined by the County Commissioners.

***Leave status.***

"Leave status" means the status an employee occupies while scheduled for work but during which he or she is absent from work. Leave status may be paid or unpaid.

***Leave without pay.***

"Leave without pay" means the status an employee occupies when he or she is absent from a scheduled duty status while not on an approved leave status and during which time the employee's right to receive payment of salary is suspended.

***Over maximum salary.***

"Over maximum salary" is a term which applies to an employee who, as of the date of a county classification study, was making an amount which was in excess of the salary properly assigned to the position they occupy and whose salary has been deemed not eligible for increase until it falls within the General Salary Schedule as that Schedule is periodically adjusted.

***Overtime.***

"Overtime" refers to those hours worked by an employee in excess of 40 worked during any county workweek.

***Paid leave.***

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

***Personnel action.***

(1) A "personnel action" shall include, with respect to any ~~nonprobationary~~ member of the classified service:

- (i) Any evaluation of job performance which reports unsatisfactory performance;
- (ii) Written reprimand;
- (iii) Suspension without pay;
- (iv) Reclassification with a reduction or loss of associated compensation;
- (v) Demotion; and
- (vi) Termination from employment.

(2) A "personnel action" shall not include:

- (i) Any evaluation of job performance which reports performance which is better than unsatisfactory;
- (ii) Oral reprimand;
- (iii) Suspension with pay;
- (iv) Reclassification without a reduction or loss of associated compensation; or
- (v) Other personnel status change.

***Position.***

"Position" is a budgeted and authorized grouping of tasks, duties and functions. A position may be either occupied by an employee or vacant.

***Professional and executive service.***

"Professional and executive service" consists of those professional county staff members designated as such by resolution of the County Commissioners and all department directors and persons who serve at the pleasure of the County Commissioners.

***Promotion.***

"Promotion" means the movement of an employee from a class of work to another class of work which is assigned to a grade on a county salary scale which is higher than the class of work previously occupied by the employee.

***Reclassification.***

"Reclassification" is the processes of systematically reexamining and reevaluating the duties, responsibilities assigned to an employee to ascertain:

(1) Whether the employee is assigned to the proper class of work; or

(2) Whether the class of work of which the employee's position is a part is assigned to the proper salary grade.

***Reduction in force.***

"Reduction in force" means the deletion of any full-time position from the county budget due to a reduction of the county services, elimination of county services or insufficient funds.

***Salary.***

"Salary" means the cash compensation that shall be paid for work performed by employees during duty status.

***Salary grade.***

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

***Sick leave.***

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

***Temporary transfer pay.***

"Temporary transfer pay" means the amount of salary in addition to or deducted from an employee's normal salary as a result of the assignment of greater or lesser duties and job duties and responsibilities as specified in this policy.

***Workweek***

"Workweek" refers to the official county workweek which commences at 12:01 a.m. on Wednesday and concludes at ~~12:00 a.m.~~ **midnight** the following Tuesday.

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

**27-102. Rules of interpretation.**

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

(a) Verb tense.

Words used or defined in one tense or form shall include other tenses and derivative forms.

(b) Masculine and feminine gender.

The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

(c) "Shall"

The word "shall" is mandatory.

(d) "May"

The word "may" is permissive.

(e) Text controls.

In case of any difference in the meaning or implication between the text of this subtitle and any caption, illustration or table, the text shall control.

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

## **Subtitle 2. Organization of the Human Resource System**

### **27-201. Statement of purpose and policy.**

(a) The purpose of this title (hereafter called "Human Resource Ordinance") is to establish a centralized human resource system according to which all matters relating to personnel shall be administered.

(b) It is the policy of the County Commissioners that such a system feature equitable and uniform personnel administration practices throughout county government and that county employment practices are based solely on job-related considerations and operate so as to ensure that the best qualified persons are employed by the county in every position.

(c) This ~~Personnel~~ **Human Resources** Ordinance is not intended to and does not constitute an expressed or implied contract of employment between the county and any employee.

(d) This ~~Personnel~~ **Human Resources** Ordinance is not intended to preclude the development and implementation of operational policies and procedures by department directors. Such policies and procedures shall be developed and implemented:

(1) When reasonably necessary to effectuate effectiveness and efficiency of county operations;

(2) In a job-related context; and

(3) With the approval of the County Administrator who shall ensure that such policies and procedures are applied to as many departments and units of county government as shall be appropriate and, where necessary, extended to the entire county workforce.

*(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.)*

## **27-202. Human resource practice standards.**

The following standards shall apply to all county personnel practices:

(a) Employment shall be based on the principle that the county seeks to identify, select and employ the highest-qualified candidates for all positions without regard to race, color, religion, political affiliation, marital status, sex, age, physical or mental disability or any other basis prohibited by state or federal law.

(b) Qualified persons with a disability, persons who have a known association with a disabled person or persons who aid or encourage others to exercise any right granted or protected under the Americans with Disabilities Act may not be discriminated against in regard to employment terms, conditions or privileges;

(c) Conditions of employment shall be maintained to promote efficiency and economy in the operation of county government;

(d) Position classification and compensation plans shall be established and revised from time to time to meet changing conditions;

(e) Appointments and promotions shall be made solely on the basis of merit and fitness as demonstrated by examination and/or other evidence of competence; and

(f) Tenure of employment shall be subject to satisfactory performance of work, personal conduct compatible with the trust inherent in public service, necessity for the performance of work and availability of funds.

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

## **27-203. Responsibilities of County Commissioners.**

The County Commissioners shall:

(a) Appoint a qualified person to the position of County Administrator;

(b) Appoint a qualified person to the position of Clerk **Executive Assistant** to the County Commissioners.

(c) Define and list the essential functions and other duties and responsibilities of the County Administrator;

(d) Appoint members of the Personnel Board; and

(e) Establish personnel policy through the periodic amendment of this title.

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

#### **27-204. Responsibilities of County Administrator.**

The County Administrator shall:

(a) Perform those essential functions, duties and responsibilities which are assigned by the County Commissioners in a written job description and all reasonably related activities;

(b) Faithfully adhere to all provisions of this title;

(c) Administer this title in order to ensure the faithful adherence to its provisions by all county employees;

(d) Monitor the personnel functions within all county departments to ensure conformance with the requirements of this title;

(e) Appoint all department directors to the professional and executive service with the advice and consent of the Board of County Commissioners and ensure that appropriate and comprehensive job descriptions are developed and distributed for all department directors;

(f) Appoint members of his or her staff; and

(g) Supervise the Director of the Department of Human Resources to ensure that he or she manages that Department in an efficient and effective manner.

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

#### **27-205. Responsibilities of Director of the Department of Human Resources.**

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

(a) Perform those essential functions, duties and responsibilities which are assigned by the County Administrator in a written job description and all reasonably related activities;

(b) Faithfully adhere to all provisions of this title;

(c) Interpret, apply and enforce the provisions of this title and the policies and procedures adopted there under;

(d) Appoint departmental staff members;

(e) Provide technical assistance to county managers and supervisors, as necessary, to ensure conformance to the highest standards of human resource practice;

(f) Manage the Department of Human Resources efficiently and effectively:

(1) With regard to recruitment and selection of persons to fill positions of employment within the classified service and professional and executive service;

(i) Conduct recruiting for all positions within the classified service and other positions as assigned by preparing job announcements and appropriate advertisements; and

(ii) Develop or cause to be developed appropriate tests or evaluative processes which are designed to evaluate the relative presence or absence of job-related knowledge, skills and ability for all job applicants.

(2) With regard to employment screening:

(i) On the basis of tests and/or other evaluative procedure results, rank applicants for employment in accordance with the level of their respective qualifications; and

(ii) Prepare and maintain eligibility lists for each position within the county classified service as appropriate.

(3) With regard to the process of employing persons to work for the county:

(i) Receive requisitions from departments wishing to fill budgeted vacant positions;

(ii) Certify the names of the three candidates, standing highest sequentially, on an appropriate eligibility list to an appointing authority; and

(iii) Upon a decision of the appointing authority, acquire accurate and complete data regarding a new employee to:

1. Enter them in the county's payroll/personnel system;

2. Enroll them in the benefits programs for which they are eligible and which they select; and

3. Include them in an employee orientation program.

(4) With regard to human resource policy development:

(i) Develop and submit recommendations regarding human resource policy to the County Commissioners;

(ii) Develop and submit personnel rules and procedures necessary to implement the provisions of this title to the County Administrator for his review and implementation; and

(iii) Develop and publish operating procedures for the Department of Human Resources.

(5) With regard to classification:

- (i) Using an objective, job-related system, evaluate the tasks, duties and responsibilities of all positions of employment within both the classified and professional and executive services;
- (ii) Establish appropriate internal relationships between all positions;
- (iii) Rank order and group positions so that those with tasks, duties and responsibilities of an equivalent value are grouped together;
- (iv) Recommend allocation of all new and existing positions to appropriate pay grades;
- (v) Recommend that the County Commissioners amend the position classification plan for classified and professional and executive employees to establish a new class to which the new position may be allocated;
- (vi) Allocate the new position to the appropriate class within the existing classification plan; and
- (vii) Prepare and submit recommended position specifications for all positions of employment within county government to the County Commissioners for adoption, including:
  - 1. All full- and part-time positions within the classified service; and
  - 2. All positions within the professional and executive service.

(6) With regard to compensation:

- (i) Develop and recommend a pay plan to the County Commissioners;
- (ii) Conduct periodic studies regarding cost of living based upon the increase in cost-of-living statistics as maintained and published by the United States Department of Labor; and
- (iii) Conduct periodic studies regarding labor market wage comparisons for the labor market.

(7) With regard to benefits:

- (i) Make recommendations regarding benefit plan contents and structure; and
- (ii) Administer various benefit plans.

(8) With regard to records, manage the preparation and maintenance of all personnel records for all members of the county's classified and exempt services.

(9) With regard to appeals:

- (i) Supervise and coordinate the appeal process to ensure that employees receive a fair and timely resolution of all appeals;
- (ii) Conduct hearings and adjudicate Step III appeals in a fair, impartial and timely manner; and
- (iii) Present Step IV appeals to and represent the county before the Personnel Board.

(g) Periodically audit the personnel practices and records of all county departments and units of government to which county employees are assigned in order to ensure conformance to this title and the highest standards of human resource practice;

(h) Foster and develop programs for the improvement of employee effectiveness; and

(i) Perform other duties as assigned by the County Administrator.

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

#### **27-206. Responsibility of departmental directors.**

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

- (a) Perform those essential functions, duties and responsibilities which are assigned by the County Administrator in a written job description and all reasonably related activities;
- (b) Adhere to the provisions of this title and the policies and procedures adopted thereunder;
- (c) Appoint qualified persons to positions of employment within the classified and professional and executive service within their respective departments;
- (d) Negotiate and recommend for approval by the County Administrator employment contracts with persons to perform work within those departments and who are not in approved, classified positions;
- (e) Seek technical assistance from the Department of Human Resources to ensure conformance to the highest standards of human resource practice;
- (f) Manage the human resources assigned to their departments efficiently and effectively; and
- (g) Initiate requisitions for persons to fill authorized, budgeted positions within their departments and cooperate with the Department of Human Resources in recruiting, selection and employment activities.

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

### **Subtitle 3. Exempt Service**

#### **27-301. Exempt service established.**

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

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

**27-302. Composition.**

The exempt service shall consist of

- (a) Elected officials occupying the following positions:
  - (1) County Commissioner;
  - (2) Judge of the Orphans Court;
  - (3) State's Attorney; and
  - (4) Sheriff.
- (b) Employees of the Circuit Court for Queen Anne's County;
- (c) Employees of the State's Attorney for Queen Anne's County;
- ~~(d) Employees of the Queen Anne's County Board of Education;~~
- ~~(e)~~ **(d)** Any attorney employed under a legal services agreement;
- ~~(f)~~ **(e)** Members of boards, commissions and committees appointed by the County commissioners;
- ~~(g)~~ **(f)** All independent contractors performing work for the county; and
- ~~(h)~~ **(g)** All contractual workers employed by the county under employment agreements.

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

**27-303. Application of Human Resource Ordinance.**

The provisions of this title shall not apply to members of the exempt service except as follows:

- (a) Employees of the Circuit Court for Queen Anne's County shall:
  - (1) Be subject to the provisions of Subtitles 7, 8, 9, 10, 11, 14 and 16 of this title; and
  - (2) Serve under the direct supervision and at the pleasure of the County Administrative Judge.
- (b) Employees of the State's Attorney for Queen Anne's County shall:
  - (1) Be subject to the provisions of Subtitles 7, 8, 9, 10, 11, 14 and 16 of this title; and

(2) Serve under the direct supervision and at the pleasure of the State's Attorney for Queen Anne's County.

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

#### **Subtitle 4. Classified Service**

##### **27-401. Classified service established.**

(a) The classified service of Queen Anne's County is hereby established.

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

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

##### **27-402. Tenure.**

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

(a) Sufficient funds are available to pay their salaries;

(b) They display reasonable competence in their assigned duties and responsibilities;

(c) They are physically and mentally able, with or without reasonable accommodations, to perform assigned essential functions; and

(d) With respect to a disciplinary offense:

(1) It is not established by a preponderance of evidence that they committed such an offense; and

(2) Termination from county service is not a reasonable sanction given the nature of the offense committed, the employee's work history and any relevant, mitigating factors.

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

##### **27-403. Appointing authority.**

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

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

##### **27-404. Position classification plan for classified employees.**

(a) A plan assigning positions within the classified service to pay grades shall be established and may be amended from time to time by resolution of the County Commissioners.

(b) *Full-time and part-time.* Positions within the classified service shall consist of both full- and part-time.

*(County Ord. 98-17 A, 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. No. 99-22, effective 12-21-1999.)*

#### **27-405. Administration.**

(a) The Human Resources Department shall be responsible for administering and maintaining the position classification plan so that it accurately reflects the duties performed by employees in the classes to which their positions are allocated. Department directors shall be responsible for bringing to the attention of the Director of Human Resources:

(1) The need for new positions; and

(2) Any material changes, either increases or decreases, in the nature, complexity, quantity or quality of duties, responsibilities or working conditions affecting the classification of a position.

(b) New positions shall be established upon recommendation of the Human Resources Director with the approval of the County Commissioners.

(c) The Human Resources Department shall audit 1/3 of the position classes in the classification plan each year.

(d) When the Human Resources Department finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the existing class specification shall be revised. The County Administrator shall recommend amendments to the position classification plan that:

(1) Change the salary range of the existing class of positions;

(2) Reallocate the position to the appropriate class within the existing position classification plan; or

(3) Establish a new class to which the position may be allocated.

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

#### **27-406. Amendment of position classification plan.**

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

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

## 27-407. Hours of work.

Members of the classified service:

(a) Shall work a ~~fixed work~~ schedule consisting of 40 hours per workweek as determined by the director of the department to which they are assigned; and

(b) Are covered by the provisions of the Fair Labor Standards Act. Thus, persons occupying positions in this service shall be entitled to earn overtime compensation.

**(c) Shall be entitled to a meal period, a minimum of which shall be one-half hour. Standard workweek hours are exclusive of meal periods. Meal periods during normal work schedule may not be included in any computations used to determine the amount of regular pay, leave or overtime due an employee.**

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

## 27-408. Establishment of pay schedule.

(a) *Classified Service Full-Time Salary Schedule.*

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

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

(b) *Part-Time Pay Schedule.*

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

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

## 27-409. Cost-of-living changes.

(a) *Adjustments to Classified Employees Salary Schedule.*

(1) The Classified Employees Salary Schedule may be adjusted from time to time by resolution of the County Commissioners to account for any increases in the cost of living. Such adjustments, if any, shall be based upon the annual **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 standard metropolitan statistical area).

(2) As part of the annual operating budget process, the County Commissioners shall review the cost-of-living statistics for the preceding fiscal year furnished by the Director of Human Resources and, thereafter, may continue or amend by resolution all county salary schedules for the forthcoming fiscal year.

(b) *Adjustments to salaries of existing employees.*

Whenever the Commissioners adopt by resolution a new salary schedule in response to a change in the cost of living, employees shall continue to be paid within the same grades, but at the new pay rates.

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

## 27-410. Labor market comparability.

(a) *Pay survey.*

To establish and maintain a compensation program which is competitive with other employers in the labor market, at least once every three years the Director of Human Resources shall obtain or conduct a pay survey in the labor market of prevailing wage rates for the following benchmark positions. The benchmark positions for the classified service shall consist of at least the following positions **at least one position within each pay grade** and any other position identified by the County Commissioners **Director of Human Resources and County Administrator.**

- ~~(1) Accountant I (entry level).~~
- ~~(2) Office Assistant I.~~
- ~~(3) Civil Engineer II.~~
- ~~(4) Computer Technician I.~~
- ~~(5) Correctional Officer.~~
- ~~(6) Custodian.~~
- ~~(7) Deputy Sheriff.~~
- ~~(8) Equipment Operator I (Public Works).~~
- ~~(9) Foreman (Public Works).~~
- ~~(10) Land Use Planner III.~~
- ~~(11) Maintenance Worker I.~~
- ~~(12) Office Coordinator I / Administrative Assistant.~~
- ~~(13) Paramedic.~~
- ~~(14) Public Safety Dispatcher I.~~
- ~~(15) Secretary.~~
- ~~(16) Lieutenant (Sheriff).~~
- ~~(17) Water Operator I.~~
- ~~(18) Wastewater Operator I.~~
- ~~(19) Zoning Administrator.~~

(b) *Study outcome.*

At the conclusion of the study, the Director of Human Resources shall make recommendations to the County Commissioners for appropriate percentage adjustments to the Classified Employees Position Classification Plan and salary schedule for classified employees.

(c) *Salary schedule adjustment.*

In order to maintain internal balance within the Queen Anne's County Civil Service, any adjustment to a county salary schedule may be affected by an increase derived from a percentage.

When the General Salary Schedule is adjusted to reflect labor market conditions, employees shall continue to be paid within the same grades, but at the new pay rates.

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

#### **27-411. Salary upon initial appointment.**

(a) *Policy.* Upon initial appointment to the civil service, it is the policy of Queen Anne's County to compensate employees in an amount equal to the minimum salary of the pay grade of the position to which they have been appointed.

(b) *Advanced placement.* Based upon a prospective employee's unique qualifications in terms of previous work experience; relevant knowledge, skills and abilities; level of total compensation received from a previous employer; superior qualifications of the applicant; a shortage of qualified applicants available at the hiring rate; or the refusal of qualified applicants to accept employment at the minimum salary, a new employee may be appointed at an annual salary which is greater than the minimum salary within the applicable pay grade for the position to which the employee is to be appointed.

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

#### **27-412. Performance salary advance/incentive award within the grades.**

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

(b) *Job performance salary increases.* The degree to which an employee shall be entitled to receive an annual salary increase shall be dependent upon the quality of his or her work performance as reflected in the annual performance review.

(1) Intent. These increases are intended to:

- (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 salary increase depending upon their performance.
- (ii) Part-time employees may be eligible for consideration for a job performance salary increase, if approved by the County Administrator.
- (iii) Job performance salary increases shall be granted only to those employees who have demonstrated a proficient level of job performance.

(iv) Job performance salary increases shall not be awarded above the maximum salary for a given grade. In the event a pay for performance evaluation percentage elevates the employee's salary above maximum salary, the employee shall be compensated at maximum salary. The balance of the evaluation award shall be in the form of an incentive award.

(3) Amount of job performance increase.

- (i) A two-percent increase shall be awarded for an acceptable job performance evaluation.
- (ii) A three-percent increase shall be awarded of an above average job performance evaluation.
- (iii) A four-percent increase shall be awarded for a commendable job performance evaluation.
- (iv) A five-percent increase shall be awarded for a superior job performance evaluation.
- (v) A six-percent increase shall be awarded for an outstanding job performance evaluation.

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

(1) Intent. These increases are intended to:

- (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) Part-time employees may be eligible for consideration for a job performance incentive award, if approved by the County Administrator.
- (iii) Incentive awards shall be granted to those employees who have demonstrated a proficient level of job performance.
- (iv) Only those employees who have reached the maximum salary rate or are structured within years 0 to 4; 6 to 9 and 11 to 14 of longevity status of any pay grade are eligible for incentive awards.

(3) Amount of incentive award.

- (i) A two-percent increase shall be awarded for an acceptable job performance evaluation.
- (ii) A three-percent increase shall be awarded of an above average job performance evaluation.
- (iii) A four-percent increase shall be awarded for a commendable job performance evaluation.
- (iv) A five-percent increase shall be awarded for a superior job performance evaluation.
- (v) A six-percent increase shall be awarded for an outstanding job performance evaluation.

(d) *Budget funds for performance pay increases.* The County Administrator shall each year include funds in the budget proposal request to the County Commissioners for providing performance pay increases.

(e) *Unsatisfactory performance evaluation.* An employee whose annual performance evaluation is unsatisfactory shall:

- (1) Receive ~~zero-percent~~ no increase in salary on the date due;
- (2) Be counseled as to the reasons for the unsatisfactory evaluation; and
- (3) Within seven working days after the evaluation, in conjunction with his or her immediate supervisor, develop a three-month performance improvement plan with specific, measurable objectives.
  - (i) The plan will include a date certain upon which a reevaluation of the employee's overall performance and accomplishment of the performance improvement plan will be conducted; and
  - (ii) The employee will be given a copy of the plan and the date upon which the reevaluation will occur. The employee will be specifically informed that he or she may be terminated for incompetence.
- (4) Be reevaluated on the date specified in the performance improvement plan:
  - (i) If the employee achieves the objectives set out on the plan, he or she shall receive the percentage increase in salary to which he or she may be entitled; or
  - (ii) If the employee fails to achieve all of the objectives set out on the plan, he or she may be disciplined for incompetence up to and including termination.
    - 1. If a lesser form of discipline is administered, the employee shall receive a ~~zero-percent~~ no increase in salary for the remainder of the year following the evaluation, and his or her eligibility for a percentage increase

in salary during the next cycle shall depend upon the next performance evaluation.

2. Any employee receiving two consecutive unsatisfactory performance evaluations may be terminated for incompetence without the necessity of the foregoing procedure.

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

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

#### **27-413. Salary rate upon promotion.**

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

(a) The minimum salary of the new pay grade; or

(b) That salary within the new pay grade which is at least 4% above the former salary.

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

#### **27-414. Salary rate upon lateral transfer.**

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

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

#### **27-415. Salary rate upon demotion.**

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

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

#### **27-416. Salary rate upon reclassification.**

(a) *Reclassification to higher pay grade.* In the event that an employee is reclassified to a position which is assigned to a higher pay grade than that occupied by an employee, such employee shall, on the effective date of the reclassification, be entitled to receive an increase in his or her rate pay, without an adjustment to the anniversary date, which shall be computed as the greater of-

(1) The minimum salary of the pay grade of the position to which the employee has been reclassified; or

(2) That place within the new pay grade which equals an increase which is at least 4% above the former salary.

(b) *Reclassification to a lower pay grade.* In the event that an employee is reclassified to a position which is assigned to a lower pay grade than that occupied by an employee for non-disciplinary reasons, the employee shall be placed at a salary within the pay scale which is lower than the amount the employee formerly earned. If, by virtue of the assignment to a lower pay grade, the employee is over maximum salary, the employee shall receive no cost-of living or other pay increase until the pay scale advances to a point which incorporates such salary through periodic cost-of-living pay increases.

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

**27-417. Salary rate upon reallocation of class of work to another pay grade.**

(a) *Reallocation of class of work with higher pay grade.* In the event that the class of work occupied by an employee is reallocated to a higher pay grade than that presently assigned to such class of work, employees occupying such class of work shall receive no pay increase except in the event that any such employee's salary does not equate to at least the minimum salary of the new pay scale, in which case such employee shall receive a salary increase in an amount to place his or her salary at the minimum salary of the new pay grade.

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

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

**27-418. Change in assigned duties.**

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

(1) Is generally equivalent to those routinely performed by the employee or by other employees who occupy positions which are assigned to the same pay grade as the position occupied by the employee;

(2) Does not require additional knowledge, skills or abilities other than those normally required of the employee; and

(3) Has been properly assigned to an employee by a supervisory authority as a result of a change in work volume, character or other conditions.

(b) *Temporary transfer pay.*

(1) An employee shall be entitled to receive temporary transfer (increased) pay in the event that a supervisory authority requires an employee for a continued work period of more than 15 days:

- (i) To perform the work of a person occupying a funded position within the civil service who, for any reason, is absent from work;
- (ii) To assume all of the duties of an established class of work which is assigned to a higher pay grade than that occupied by an employee; and
- (iii) To suspend the performance of other, regularly assigned duties.

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

- (i) The minimum salary of the pay grade of the position, the duties of which the employee is temporarily performing, is assigned; or
- (ii) One hundred and five percent of the salary to which the employee is normally entitled.

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

#### **27-419. Salary for hazardous duty assignment.**

(a) *Eligibility and amount.* An employee shall be entitled to receive a hazardous duty allowance which shall amount to an additional 5% of the employee's regular salary or rate of pay:

- (1) When such employee is assigned to perform tasks and duties which expose him or her to an immediate and substantial risk of harm, as determined by a department director in conjunction with the County Administrator; and
- (2) Such duties are not those which are regularly and routinely performed by the employee.

(b) *Qualifying period of work.* Such allowance shall be paid for any workday or portion of a workday in which the tasks and duties in question are actually performed by the employee.

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

#### **27-420. Overtime.**

(a) *Adherence to Fair Labor Standards Act (FLSA).* The county abides by all applicable sections of the Fair Labor Standards Act and the Fair Labor Standards Amendments of 1986. The county will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to employees of Queen Anne's County who are nonexempt under the Fair Labor Standards Act.

(b) *Work period.* Employees are expected to work during all assigned periods exclusive of breaks or mealtimes.

(1) Employees are not to perform work during breaks or at any time that they are not scheduled to work, unless they receive approval from their immediate supervisor, except in cases of emergency.

(2) An emergency exists if a condition arises that could reasonably result in damage to property or persons or which requires immediate attention of the employee. Employees who work excess hours due to an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.

(c) *Permission to work overtime required.* Except in those circumstances in which it would pose an unreasonable risk of harm to a person, or when it would pose an unreasonable risk of serious damage to property or seriously undermine the achievement of the employee's organization, an employee shall secure permission from his or her supervisory authority before working overtime.

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

(1) Overtime worked includes that which was worked with express permission as well as all work which is "suffered" by the county to be performed (e.g., allowing an employee to eat at his or her desk while answering the business telephone, emergency situations as described above, etc.).

(2) Overtime worked includes all time worked for any single department or combination of county departments or units within those departments. ~~e.g., EOC and ALS~~

(3) Overtime worked shall not include work which is performed on a volunteer basis by an employee for any independent fire company located within or outside Queen Anne's County.

(4) Employees subject to these provisions shall have the right to receive:

(i) Overtime pay computed at the rate of 1 ½ times the regular hourly rate of pay for all hours worked in excess of 40 in any week or, in the case of law enforcement employees, for all hours worked in excess of 171 hours during an established twenty-eight-day work period;

(ii) In the event that the department to which an employee is assigned has established a written policy of awarding compensatory leave, compensatory leave accrued at the rate of 1 ½ times the hour, fraction of an hour or hours actually worked for all hours worked in excess of 40 in any week or, in the case of law enforcement employees, for all hours worked in excess of 171 hours during an established twenty-eight-day work period, provided that:

1. The election of whether to receive overtime pay or compensatory leave is exclusively that of the employees.

2. Public safety, emergency response or seasonal employees may accrue up to a maximum of 480 hours of compensatory time-off. All other classified employees may accrue up to a maximum of 240 hours of compensatory time-off.

3. Earned compensatory time-off will be used by March 31 of each year, as long as the use does not disrupt the operations of the department. After March 31 the employee will be paid as outlined in § 27-803(k)(2), Compensatory leave.

(E) *Eligibility for overtime compensation.* The right to receive overtime compensation only accrues to employees who are not exempt from the FLSA after they have actually worked or have used annual leave, personal leave or official leave within the regular workweek as that has been defined by the county. Accordingly (except in the case of call backs to work or other emergencies as defined by the County Administrator), in computing the amount of an entitlement to overtime compensation, if any, sick leave taken during the period under consideration shall not be counted as hours worked.

*(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.)*

#### **27-421. Shift differential pay.**

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

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

#### **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 hours of overtime pay or the number of hours actually worked rounded to the next highest 15 minutes to be computed between the time the employee leaves his or her home and returns home.

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

#### **27-423. Limitation of effect.**

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

(b) *No increase in annual salary upon reaching the maximum salary per grade in the Classified Salary Schedule.* Upon reaching the maximum salary in the Classified Employees Salary Scale, an employee shall not receive additional yearly increases in salary as a result of annual evaluations until he or she becomes eligible for a longevity increase.

(c) *No pay beyond maximum salary amount.* Excluding overtime and hazardous duty pay, no person occupying a position within any class of work shall be paid more than the maximum amount specified by the salary schedule to which such position is assigned, with the exception of employees who, on the date of adoption of a classification study, were determined to be over maximum salary.

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

agency or official in connection with an allegation of fraud, abuse or waste on the part of any county employee or official.

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

#### **27-718. Weapons policy.**

(a) No person employed by the county, either paid or volunteer, other than law enforcement, corrections personnel and animal control officers, is permitted to possess any firearm or other dangerous weapon while performing his or her duties. Law enforcement and corrections personnel employees must follow the guidelines established by the Queen Anne's County Sheriff and the Director of Correctional Services.

(b) The foregoing policy includes possession of any firearm or other dangerous weapon by employees or volunteers while in any county building or in any county-owned vehicle.

(c) Violation of this policy will result in mandatory disciplinary action, up to and including dismissal for the first offense.

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

#### **27-719. Workweek.**

(a) The standard workweek for all full-time employees of the various departments of the county shall be 40 hours per week; and

(b) Work schedules within the workweek shall be established by department directors depending upon the nature of the work to be performed and the needs of the unit of county government.

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

#### **27-720. Workplace violence.**

(a) Queen Anne's County is committed to doing what it can to prevent violence in the workplace.

(b) Acts of violence directed toward another employee may result in immediate dismissal.

(c) The county may also discharge an employee who takes action which indicates that violence may follow, such as threats of bodily harm or property damage.

(d) Every employee shall report possible workplace violence problems to the department director or the Director of Human Resources.

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

### **Subtitle 8. Holidays and Leave**

#### **27-801. ~~Paid holidays observed.~~ General Conditions.**

(a) ~~General conditions.~~ Except as otherwise provided herein, leave shall not be taken until it has accrued.

(b) Adjustments in the type of leave taken by an employee may only be made within the pay period immediately following that in which the leave was taken for good cause and with the written approvals of the director of the department to which the employee is assigned, Finance and Human Resources.

(c) Leave may not be converted from one form to another to avoid loss of leave due to restrictions on year-to-year carry-over.

27-802. ~~List of holidays~~ **Paid Holidays Observed.** All full-time employees shall receive a regular day's pay and shall not be required to report for duty on those days designated as the following holidays:

- (1) New Year's Day;
- (2) Dr. Martin Luther King, Jr. birthday;
- (3) Presidents' Day;
- (4) Good Friday;
- (5) Memorial Day;
- (6) Independence Day;
- (7) Labor Day;
- (8) Columbus Day;
- (9) Election Day (in years in which a general election is held);
- (10) Veteran's Day;
- (11) Thanksgiving Day;
- (12) Day after Thanksgiving; and
- (13) Christmas Day.

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

(d) *Payment of employees required to work on a holiday.* An employee who works all or any part of the designated holidays shall receive, at his or her option, in addition to one day of holiday pay, either:

(1) At the employee's option, compensatory leave at the rate of 1 ½ hours of such leave for every hour actually worked, or pay at the rate of time and one-half the employee's normal rate of pay for every hour actually worked, if the department to which the employee is assigned has elected to use compensatory leave; or

(2) Pay at the rate of time and one-half the employee's normal rate of pay for every hour actually worked.

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

**~~27-802.~~ 27-803. Adverse weather conditions.**

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

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

**~~27-803~~ 27-804. Forms of leave.**

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

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

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

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

(ii) Five years but less than 10 years: 120 hours per year.

(iii) Ten years but less than 20 years: 160 hours per year.

(iv) Twenty of more years: 200 hours per year.

(3) No more than 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 of each calendar year, employees shall forfeit all vacation leave in excess of 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 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 400 hours.

(7) No employee shall take more than two consecutive weeks of his or her vacation at any one time except by approval of his or her appointing authority.

(b) *Sick leave.* The county shall provide employees with a paid leave benefit to be used when sickness, other disabling conditions or medical treatment preclude an employee from reporting to work.

(1) Rate of accrual of sick leave. Sick leave shall be provided to all full-time employees of the county at the rate of 10 hours of leave for each full calendar month of service. Part-time employees scheduled to work and actually working a minimum of 1,000 hours per year shall earn sick leave at a rate of five hours per month.

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

(3) Qualifying condition for use of sick leave. Employees may be granted sick leave for absence due to the following:

(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..

(v) Care of spouse, dependent child or parent, not to exceed 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 consecutive days without a physician's certificate.

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

(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 day of sick leave if this action shall serve the best interest of the county.

(5) Payment for unused sick leave at separation from service. An employee shall not be paid for unused sick leave in the event of termination of employment.

(6) Notification of supervisor. Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or not later than two hours after the beginning of a scheduled workday. The department director may require notification earlier than two hours after the beginning of a scheduled workday. Sick leave may only be taken with the approval of the immediate supervisor.

(7) Worker's compensation disqualification. A sick leave benefit shall not be received by an employee who is receiving workers' compensation disability payments.

(8) Advanced sick leave.

(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 that:

1. The advanced sick leave is medically necessary for the employee or a member of his or her immediate family.

2. The employee shall be able to return to work at a reasonable future date.

A. Sick leave to be advanced may not exceed a period of more than 15 workdays.

B. With regard to repayment of advanced sick leave:

i. After the employee returns to work, advanced sick leave previously used shall be repaid by a deduction from earned salary or earned sick leave to the employee to the county at the rate of 10 hours per month until such time the advanced leave is repaid in full.

ii. 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.

iii. 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.

C. In the event of death, liability to the county will cease to exist.

(iv) After an advancement is granted, the Director of Human Resources shall grant the sick leave in increments of five workdays and shall review the circumstances of the individual case prior to granting an additional five days to determine what portion of the advanced sick leave time is actually needed.

(9) Retirement credit for accrued sick leave. Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the State Retirement and Pension System of Maryland.

(10) Transfer of sick leave credit. A full-time employee may transfer unused sick leave earned from another Maryland governmental agency and/or entity 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 years from the employee's last workday 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. 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-year period shall lose all sick leave credits.

**(c) Injury Leave. A permanent, probationary or limited term employee who is temporarily disabled in the line of duty shall receive full pay for the period of their disability without charge against their annual or sick leave, subject to the following conditions:**

**(1) Provided that the disability resulted from an injury or illness sustained directly in the performance of the employee's work, as provided in the State Workmen's Compensation Act.**

**(2) If incapacitated from their regular employment, the employee may be given other duties with the County Government for the period of recuperation. Unwillingness to accept such an assignment as directed by the Appointing Authority or the Director of Human Resources will make the employee ineligible for injury leave during the time involved.**

**(3) A physician selected by the Director of Human Resources shall determine the physical ability of the employee to continue working or to return to work.**

**(4) Injury leave shall not exceed ninety (90) work days for any one injury.**

**(5) Payment of injury leave is also contingent upon the assignment of workmen's compensation checks for the first ninety (90) day period to the County.**

**(6) A temporary employee who is disabled in the line of duty shall not receive injury leave but shall be paid in accordance with the provisions of the State Workmen's Compensation Act.**

(d) Bereavement leave.

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

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

(e) Military leave.

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

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

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

(f) *Civil leave.*

(1) Receipt of subpoena or summons to testify. Any employee who receives a summons to jury duty or a subpoena from a state or federal court to appear as a witness shall be entitled to leave with pay for such duty in addition to any fees received for such jury duty.

(2) Employee-initiated litigation. Any employee who initiates court action, volunteers to appear as a witness or is a defendant in a 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.

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

(h) *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 months for reasons of maternity or paternity, and, upon returning to duty after being on maternity or paternity leave, the employee shall be guaranteed a position of the same classification, seniority and pay.

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

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

(i) *Family and medical leave.* Family and medical leave is 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 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 12 workweeks during any twelve-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 year after the date of childbirth or placement.

(4) Duration of leave. Childbirth or placement leave is to be taken in one block of time up to 12 weeks. Intermittent leave or a reduced leave (part time) schedule is available if the department director and employee agree to such arrangement.

(5) Notice of leave. The employee shall give at least 30 days' notice of planned leave to the department director, whenever practical.

(6) Physician's certificate. A physician's certification is required prior to the approval of family and medical leave due to a serious health condition of the employee or his or her child, spouse or parent. The county shall reserve the right to require a second opinion from an independent health care provider at county expense. If the second opinion differs from the first, the county can obtain a third opinion at its expense. The third opinion will be binding.

(7) Restoration of employment. Once an employee's leave ends, the employee is entitled either to be restored to the position held prior to the leave or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Failure to report for duty at the expiration of the family and medical leave without pay period shall be considered a resignation.

(j) *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 and 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.

(k) *Personal leave.*

(1) Employees shall accrue 40 hours of personal leave annually. New employees shall accrue personal leave in an amount which is prorated on the basis of the date of their employment.

(2) Personal leave usage shall be coordinated with an employee's supervisor and shall be used in segments of not less than four hours. In exigent circumstances, a supervisor may seek authority from the County Administrator to deny an employee use of personal leave when such leave would expose another person to an unreasonable risk of harm, would impose serious or costly hardships on the performance of a county activity or is being abused by such employee.

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

(l) *Compensatory leave.*

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

(2) Accrued compensatory leave may be used by employees by March 31 of each year or shall be converted to overtime pay and paid to employees on the next regularly issued pay.

(m) *Group health, vacation and sick leave benefits while on leave.*

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

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

(3) Accrual of leave while on leave status. Vacation and sick leave credits will accrue during paid leave status only.

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

### **Subtitle 9. Employee Recognition**

#### **27-901. Employee Awards Committee.**

(a) *Establishment.* An Employee Awards Committee is hereby established.

(b) *Composition and appointment.* The Employee Awards Committee shall consist of the following members:

- (1) County Administrator;
- (2) Director of the Department of Human Resources, who shall serve as Chairperson;
- (3) Two residents of the county who shall be appointed by the County Commissioners;
- (4) Two employees who shall be selected and appointed from the classified service by the County Administrator; and
- (5) One employee who shall be selected and appointed from the professional and executive service by the County Administrator.

(c) *Term.* Other than the County Administrator and the Director of the Department of Human Resources, Employee Awards Committee members shall serve for terms of two years.

(d) *Responsibilities.* The Employee Awards Committee shall have the following responsibilities:

- (1) Perform oversight for all county employee awards.
- (2) Make recommendations to the County Commissioners to more effectively structure and operate awards programs.
- (3) With respect to employee suggestions:
  - (i) Receive and preliminarily evaluate each suggestion.
  - (ii) Refer suggestions to specific county departments for technical evaluation in order to establish their merit on the basis of practical application and amount of cost-savings, if any, associated with such suggestions.
  - (iii) Receive and review technical evaluations prepared by county departments.
  - (iv) Obtain independent technical evaluations of suggestions where appropriate and with the approval of the County Administrator.

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

1. May be implemented by using technology or equipment in the county's inventory or technology or equipment which is readily available on the market;
2. Will have a direct and ascertainable cost-saving impact upon current county operations. In evaluating cost savings, the Committee shall examine the cost of implementing the suggestion in terms of new equipment, new employees, training and other relevant factors; and
3. Does not replicate current county processes or equipment or those which the county can document have been identified prior to the filing of the suggestion by the employee.

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

Annual Cost Savings to County	Type of Award
\$0 to \$1,000	Plaque
\$1,001 to \$5,000	\$50
\$5,001 to \$10,000	\$100
\$10,001 to \$50,000	\$500
\$50,001 to \$100,000	\$1,000
\$100,001 to \$500,000	\$5,000
\$500,001 and more	\$10,000

(e) *Meetings.*

(1) The Employee Awards Committee shall meet during the first week of November of each year and on as many other occasions as is reasonably necessary to accomplish its assigned responsibilities.

(2) Five Committee members shall constitute a quorum for the transaction of Committee business.

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

**27-902. Types of awards.**

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

(b) *Length of service award.* Employees with - the specified years of continuous service with the county as of December 31 shall receive the following recognition from the county at an awards ceremony held during the month of January every year:

- (1) Five years' continuous service: a framed certificate signed by the County Commissioners and County Administrator;
- (2) Ten years' continuous service: a plaque signed attesting to the service by the County Commissioners and County Administrator;
- (3) Fifteen years' continuous service: a plaque signed attesting to the service by the County Commissioners and County Administrator;
- (4) Twenty years' continuous service: a plaque signed attesting to the service by the County Commissioners and County Administrator;
- (5) Twenty-five years' continuous service: a wristwatch; and
- (6) Thirty years' continuous service: a plaque signed attesting to the service by the County Commissioners and County Administrator and an order granting the employee his or her birthday as a holiday.

(c) *Employee suggestion award.*

- (1) An employee may make a suggestion regarding methods by which county operations may be made more efficient.
- (2) Suggestions shall be made using the forms which are maintained by the Department of Human Resources for that purpose and shall be submitted to that Department.
- (3) Employees shall be recognized and rewarded for qualifying suggestions which are received by September 30 at an awards ceremony held during the month of January every year. To be identified as a "qualifying suggestion," a suggestion must be received and evaluated by the Employee Awards Committee for an award and designated as such.
- (4) Technical evaluation of suggestions.
  - (i) Employee suggestions shall be referred to appropriate departments and/or external technical consultants for review.
  - (ii) In reviewing such suggestions, departments and/or external technical consultants shall:
    1. Consider the practicality of the suggestion in terms of cost of implementation in comparison to direct value to the county of the benefit which will reasonably be derived;
    2. Determine whether the suggestion replicates a documentable action which the county was planning to take before the suggestion was submitted; and
    3. Value the net savings to the county in specific terms if the suggestion were to be implemented.

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

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

### **Subtitle 10. Benefits**

#### **27-1001. Health insurance benefits.**

(a) The county will provide both individual hospitalization insurance, dental reimbursement and life insurance to all full-time employees in accordance with the provisions of the group plan. Health insurance coverage shall, at the employee's option, and in accordance with the group plan's rules, include a spouse or family.

(b) An employee eligible for health insurance plan participation shall pay 10% of the cost of such coverage, and the county shall pay 90% of the cost of such coverage. **However, the County will also provide the employee with individual dental coverage at no cost to the employee. The employee is responsible for paying the difference in cost between any higher dental coverage level (husband/wife, parent/child, or family) and the cost of the individual coverage.**

(c) Deductions shall be allowable, at the option of the employee, to provide hospitalization, dental and life coverage for dependents in accordance with the provisions of the group plan.

(d) Retired county employees may be entitled to continuation of group hospitalization and dental reimbursement coverage under the following conditions:

(1) Disability retirees must not be eligible for group insurance in any other plan or for Medicare.

(2) Retiree health insurance coverage shall conform to the Health Insurance Program for Retired County Employees adopted by resolution of the County Commissioners on September 1, 1998.

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

#### **27-1002. Workers' compensation insurance.**

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

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

#### **27-1003. Unemployment compensation insurance.**

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

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

**27-1004. Old age and survivors' insurance (social security).**

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

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

**27-1005. Retirement benefits.**

(a) *Eligibility for participation.* Each employee in a budgeted position will be enrolled in the State Retirement and Pension System of Maryland.

(b) Eligibility and benefits shall be determined by the rules and regulations of the State Retirement and Pension System of Maryland.

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

**27-1006. Death benefit.**

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

*(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; County Ord. 99-22A, effective 12-21-1999.)*

**27-1007. Reimbursement for career development training expense.**

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

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

**27-1008. Optional benefits.**

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

(a) *Supplemental life insurance.*

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

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

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

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

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

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

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

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

## Subtitle 11. Discipline

### 27-1101. ~~Suspension, demotion and dismissal.~~ General

~~(a) A member of the classified service may be:~~

~~(1) Suspended without pay for safety violations. In order to avoid undue disruption of work, or to protect the safety of persons or property, the department director may immediately suspend a member of the classified service without pay for a period of time not to exceed two working days pending further investigation; or~~

~~(2) Demoted or dismissed by an appointing authority due to failure in performance of duties or failure in personal conduct as set out herein.~~

~~(b) No member of the classified service shall be demoted or dismissed without the concurrence of the County Administrator; and~~

~~(c) A member of the classified service to whom the provisions of the Law Enforcement Officer's Bill of Rights is applicable shall be provided all such protections.~~

**(a) Introduction. All employees are expected to work in a safe and efficient manner. When an employee fails to abide by the County's rules and regulations, it may be necessary to discipline the employee. Disciplinary action is intended to encourage compliance with the County's policies and procedures. Disciplinary action includes, but is not necessarily limited to, oral and written reprimands, demotion, suspension without pay or termination. The County reserves the right to determine the appropriate disciplinary action, up to termination, based upon the frequency and severity of the offense or offenses at issue.**

**(b) Basis for disciplinary action. It is not possible to list every conceivable form of conduct that is unacceptable. However, set forth below is a list of examples of conduct that may result in disciplinary action, up to termination. This list is not intended to be exhaustive and the County reserves the right to discipline employees for other conduct which is not listed but is considered inconsistent with the safe and effective operation of County government.**

**(c) The following conduct may result in disciplinary action up to and including termination:**

**(1) Absence without approved leave;**

**(2) Acceptance of any service, benefit, or item of value, such as a loan or discount not available to the general public, received directly or indirectly from any person, firm, or corporation, for the implied or perceived expectation of favorable influence or preferential treatment from the employee;**

**(3) Acts during or outside of duty hours which are incompatible with the public service or which tend to bring the County into disrepute;**

**(4) Careless, negligent or improper use of County property or equipment;**

**(5) Committing an act which amounts to a violation of the ethics section;**

**(6) Criminal conduct; that is, conviction of a crime, the potential sentence for which includes a period of incarceration for 30 days or more;**

**(7) Disclosure of information which is restricted under the Maryland Public Information Law;**

**(8) Discourteous treatment of the public or other employees;**

**(9) Engagement in any private endeavor in conflict with County business, ethical policy, or operations;**

**(10) Excessive attention to personal business or affairs while on duty as a County employee;**

**(11) Excessive lateness or absenteeism, absence from workplace or duty station without notice, or abuse of leave benefits;**

**(12) Habitual pattern of failure to report for duty at the assigned time and place;**

**(13) Employment fraud; that is, making a false representation of a material fact on a job application or during the selection process;**

**(14) Falsification or unauthorized destruction of County records;**

**(15) General misconduct or boisterous or disruptive activity, such as gambling, fighting, use of abusive or obscene language, threatening**

violence, or creating a nuisance or disturbance, while on duty, at the workplace, or engaged in County business;

(16) Improper political activity as defined in this title;

(17) Inappropriate official or personal conduct degrading to County classified service or general misconduct undermining the trust in public service;

(18) Inappropriate, unlawful, or unauthorized solicitation or influence for political or ideological purposes or personal gain, including ticket sales, posting of advertisements, circulation of petitions, donation requests, while on duty or engaged in County business;

(19) Incompetence, inefficiency or negligence in the performance of duties;

(20) Negligent or willful damage or waste of County or client-owned property, vehicles, equipment, material, or supplies;

(21) Offensive treatment of clients, the public, or co-workers;

(22) Possession of unauthorized or deadly weapons, firearms, or explosives while on duty or engaged in County business;

(23) Racial, sexual, or other unlawful or unwelcome harassment, or failure to act to stop such conduct in the workplace;

(24) Smoking in prohibited areas;

(25) The use of alcohol or controlled substances while on duty or the presence of alcohol or controlled substances in the body system, subject to conditions outlined in the County's Alcohol and Controlled Substances Testing policy;

(26) Theft, or inappropriate use, removal, or possession of County property;

(27) Unauthorized, personal, or illegal use of telephones, the mail system, communications systems and equipment, and computer systems and equipment;

(28) Unauthorized use of County property, equipment, materials, supplies, vehicles, or resources for personal gain;

(29) Unauthorized disclosure of confidential information;

(30) Unauthorized transfer of official identification or other County property;

(31) Untruthful statements, willful or negligent falsification of timesheets, reports, records, or other fraudulent behavior detrimental, or potentially detrimental, to the County, the public or co-workers;

(32) Use, possession, distribution, sale, or transfer of, or impairment by,

alcohol or controlled or illegal substances while on duty, at a County workplace, engaged in County business, or operating County owned vehicles or equipment;

(33) Willful negligent, or criminal violation of County personnel policies or federal, state, or local laws, regulations, ordinances, statutes, or policies in effect;

(34) Willful or negligent violation of safety or health rules; or

(35) Willful slander or malicious mischaracterization of co-workers, superiors, clients, associates, elected County officials, or public citizens.

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

## 27-1102. ~~Basis for disciplinary action.~~

### ~~(a) Failure in performance of duties.~~

~~(1) An employee who has completed the probationary period whose work is unsatisfactory over a period of time shall be notified by the supervisor in what way work is deficient and what the employee must do to perform satisfactory work.~~

~~(2) An employee who is suspended, demoted or dismissed for unsatisfactory performance of duties shall normally receive three warnings before disciplinary action is taken by the department director.~~

~~(i) First, one oral warning from the employee's immediate supervisor;~~

~~(ii) Second, an oral warning with a follow-up letter to the employee from the supervisor which sets forth the points covered in their discussion; and~~

~~(iii) Third, a written warning from the department director serving notice upon the employee that corrected performance must take place immediately in order to avoid disciplinary action up to and including dismissal.~~

~~(3) The supervisor shall record and retain the dates of discussions with the employee, the performance deficiencies discussed and the corrective actions recommended.~~

~~(4) The following causes relating to failure in the performance of duties are representative of, but not limited to, those considered to be adequate grounds for suspension, demotion or dismissal:~~

~~(i) Inefficiency, negligence or incompetency in the performance of duties;~~

~~(ii) Careless, negligent or improper use of county property or equipment;~~

~~(iii) Physical or mental incapacity to perform essential duties;~~

- ~~(iv) Discourteous treatment of the public or other employees;~~
- ~~(v) Absence without approved leave;~~
- ~~(vi) Improper use of leave privileges;~~
- ~~(vii) Habitual pattern of failure to report for duty at the assigned time and place;~~
- ~~(viii) Disclosure of information which is restricted under the Maryland Public information Law; and~~
- ~~(ix) Improper political activity as defined in this title. (b) Failure in personal conduct.~~

~~(b) Failure in Personal Conduct.~~

~~(1) A member of the classified service may be suspended without pay, demoted or dismissed for causes relating to personal conduct detrimental to county service:~~

- ~~(i) In order to avoid undue disruption of work;~~
- ~~(ii) To protect the safety of persons or property; or~~
- ~~(iii) For other serious reasons.~~

~~(2) The following causes relating to failure in personal conduct are representative of, but not limited to, those considered to be adequate grounds for suspension, demotion or dismissal:~~

- ~~(i) Committing an act which amounts to a violation of the ethics section of this title;~~
- ~~(ii) Employment fraud; that is, making a false representation of a material fact on a job application or during the selection process;~~

1 Editors Note: See Subtitle 16, Code of Ethics.

- ~~(iii) Insubordination; that is, refusing or failing to obey a lawful order or instruction of a superior or, through verbal or nonverbal means, communicating with a superior in a disrespectful manner;~~
- ~~(iv) Criminal conduct; that is, conviction of a crime, the potential sentence for which includes a period of incarceration for 30 days or more;~~
- ~~(v) Misuse of county funds for unauthorized purposes;~~
- ~~(vi) Falsification or unauthorized destruction of county records;~~
- ~~(vii) Intimidation or the threat of retribution toward any witness in any appeal, court or administrative proceeding;~~