

Sub Title V. PROFESSIONAL AND EXECUTIVE SERVICE.

26-501. Establishment.

- (a) The Professional and Executive Service of Queen Anne's County is hereby established.
- (b) All appointments, promotions, and personnel transactions within the Professional and Executive Service shall be;
  - (1) Based solely upon merit and fitness ascertained by means of job related selection practices and techniques;
  - (2) Made without discrimination due to race, color, religion, political affiliation, marital status, sex, age, or any other basis prohibited by State or Federal law.

26-502. Tenure. Members of the Professional and Executive Service shall retain their positions of employment provided;

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

26-503. Appointing Authorities and Qualifications.

- (a) Clerk to County Commissioners.
  - (1) Appointment. The Clerk to the County Commissioners shall be appointed by the County Commissioners.

- (2) Minimum Qualifications. The Clerk to the county Commissioners shall possess and high school diploma and be able to accurately record and transcribe minutes of the Board of County Commissioners.
  - (3) No Right of Appeal. A person appointed to this position by the County Commissioners shall have no right of appeal of an adverse personnel action to the Personnel Board;
- (b) County Administrator.
- (1) Appointment. The County Administrator shall be appointed by the County Commissioners.
  - (2) Minimum Qualifications. This section sets forth the minimum qualifications for any person appointed to the position of County Administrator. These qualifications may be supplemented with other, job-related qualifications by the Board of County Commissioners of Queen Anne's County.
    - (i) Education- An undergraduate degree in public or business administration, engineering, or planning; and a masters degree in public or business administration, engineering, or planning or a law degree;
    - (ii) Experience- Five (5) or more years experience in public sector agency management; or
    - (iii) Experience of no less than four (4) years as a chief executive of a county or municipality may be substituted for a graduate degree.
- (2) Employment Agreement.
- (i) Upon appointment, the County Commissioners shall execute an employment agreement with the County Administrator the duration of which shall not exceed four (4) years and which shall expire no later than December 31<sup>st</sup> of the year of a general election.

- (ii) The employment agreement shall contain all of the compensation, rights, privileges and benefits to which the County Administrator shall be entitled during his or her period of service.
  - (3) No Right of Appeal. A person appointed to this position by the County Commissioners shall have no right of appeal of an adverse personnel action to the Personnel Board
- (c) Department Directors.
- (1) Appointment. Department directors shall be appointed by the County Administrator upon the advice and consent of the Board of County Commissioners.
  - (2) Minimum Qualifications. This section sets forth the minimum qualifications for any person appointed to the position of department director. These qualifications may be supplemented with other, job-related qualifications by the Board of County Commissioners of Queen Anne's County.
    - (i) Education- An undergraduate degree in public or business administration, engineering, or planning;
    - (ii) Experience- Three (3) or more years experience in public sector agency management; or
    - (iii) An equivalent combination of education and experience.
  - (3) No Right of Appeal. A person appointed to the position of department director shall have no right of administrative appeal of an adverse personnel action.
- (d) Remaining Members of the Professional and Executive Service.
- (1) Appointment. All members of the Professional and Executive Service, other than those enumerated in paragraphs C1 through C3 of this sub section, shall be appointed by the department directors of the departments to which the positions are assigned.

- (2) Right of Appeal. Persons appointed to positions in the Professional and Executive Service, other than those enumerated in paragraphs C1 through C3 of this sub section, shall have a right of administrative appeal of an adverse personnel action.

26-504. Allocation of Positions; Professional and Executive Service. The County's Professional and Executive Service shall consist of the following positions, allocated to the following pay grades:

<u>Position Title</u>	<u>Grade</u>	<u>Pay</u>
Captain, Sheriff's Office		PE1
Chief, Advanced Life Support Services		PE1
Clerk to County Commissioners		PE1
Director, Animal Control		PE1
Accounting Manager		PE2
Civil Engineer III		PE2
Director, Housing and Community Services		PE2
Director, Public Safety Communications		PE2
Director, Economic Development		PE2
Director, Tourism		PE2
Economic Development Specialist		PE2
Principal Land Use Planner		PE2
Chief of Engineering		PE3
Chief Roads Engineer		PE3
Chief Sanitary Engineer		PE3
Director, Human Resources		PE3
Utility Manager		PE3
Director, Aging		PE4
Director, Correctional Services		PE4
Director, Parks and Recreation		PE4
Director, Finance		PE5
Director, Planning and Zoning		PE5
Director, Public Works		PE5

26-505. Compensation.

- (a) Salary Schedule. The Professional and Executive Salary Schedule is hereby established. This salary schedule shall constitute the pay grades and equivalent rates of pay for all positions within the Professional and Executive Service as follows:

<u>Pay Grade</u>	<u>Entry-Level</u>	<u>Maximum</u>
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PE-1	\$33,409	TO	\$50,746
PE-2	\$38,608	TO	\$58,643
PE-3	\$42,469	TO	\$64,507
PE-4	\$46,717	TO	\$70,958
PE-5	\$51,388	TO	\$78,054

(b) Cost of Living Adjustments.

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

26-506. Labor Market Comparability of Professional and Executive Service.

- (a) Pay Survey. To establish and maintain a compensation program which is competitive with other employers in the labor market, at least once every three years, the Director of Human Resources shall conduct a pay survey in the labor market of prevailing wage rates for the benchmark positions.

- (b) Benchmark Positions. The benchmark positions for the Professional and Executive Service shall consist of the following:
- (1) Director, Human Resources
  - (2) Chief Roads Engineer
  - (3) Director of Finance
  - (4) Director of Planning and Zoning
  - (5) Director of Recreation and Parks
  - (6) Director of Public Works
- (c) Survey Outcome. If warranted by the survey results, the Director of Human Resources shall recommend a percentage adjustment to the County salary schedules in an amount equivalent to the average difference between the salary of the County benchmark positions and those of the labor market. When the minimum and maximum steps of the pay grades of the Professional and Executive Salary Schedule are adjusted, the salaries of all persons assigned to that Schedule shall be adjusted by a percentage amount equivalent to the percentage adjustment applied to the Schedule as a whole.

26-507. Salary Upon Initial Appointment. Upon appointment to the Professional and Executive Service, a person shall be assigned that salary amount denoted as "Entry Level". Based upon unique experience, knowledge, skill and/or ability, however, the County Administrator may assign a starting salary to a new member of the Professional and Executive Service an amount ranging from the entry level to the maximum for any pay grade.

26-508. 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 .

26-509. Performance Salary Advance Within the Grades.

- (a) Annual Salary Increase. Employees may receive an annual salary increase on their anniversary date provided their performance is evaluated as satisfactory or better.

- (b) Purpose of Annual Pay Increase. These increases are intended to recognize increases in productivity and effectiveness as employees gain experience in their positions.
- (c) Determination of Amount of Annual Pay Increase.
  - (1) Any increase in annual salary which may occur shall result in a rate of pay which falls within the range of pay set forth in the Professional/Executive Service Salary Schedule and shall be determined in accordance with the provisions of this section.
  - (2) Employees shall receive an annual performance evaluation conducted by their appointing authority on or within one month prior to their anniversary date.
    - (i) If an employee's performance is rated satisfactory, a salary increase of 3% of the employee's rate of pay to take effect in the pay period immediately following the date of the evaluation shall be granted;
    - (ii) If an employee's performance is rated above satisfactory, a salary increase of 6% of the employee's rate of pay to take effect in the pay period immediately following the date of the evaluation shall be granted; and
    - (iii) If an employee's performance is rated as outstanding, a salary increase of 9% of the employee's rate of pay to take effect in the pay period immediately following the date of the evaluation shall be granted.
    - (iv) In the event an employee's performance is evaluated as unsatisfactory, no salary increase shall be provided.
      - a) The appointing authority shall reevaluate the employee's performance within three months of the initial evaluation or the date of the final decision to award no salary increase, whichever is later.

- b) If the second performance evaluation is also unsatisfactory, the appointing authority may, upon the approval of the County Administrator, reduce the employee's salary by no more than 10%, or terminate the employee.

26-510. Salary Rate Upon Promotion From a Class Within the Classified Service. Upon promotion from a class in the Classified Service to a class within Professional and Executive Service, the employee's new rate of pay shall be the greater of;

- (a) The entry level in the Professional and Executive Service Salary Schedule, or
- (b) A salary rate within the new pay grade which equals 110% of the base salary the employee is being paid at the time of promotion.

26-511. Salary Rate Upon Promotion From Another Class Within the Professional and Executive Service. Upon promotion from one class within the Professional and Executive Service to another class allocated to a higher pay grade within the Professional and Executive Service, the employee's new rate of pay shall be the greater of;

- (a) The entry level in the Professional and Executive Service Salary Schedule, or
- (b) A salary rate within the new pay grade which equals 110% of the base salary the employee is being paid at the time of promotion.

26-512. Salary Rate Upon Re-Classification.

- (a) Reclassification to Position with a Higher Pay Grade. In the event an employee is re-classified to an existing position which is assigned to a higher pay grade than that occupied by an employee, such employee shall, on the effective date of the re-classification, be entitled to receive an increase in his or her rate of pay which shall be computed as the greater of:
  - (1) The entry level in the Professional and Executive Service Salary Schedule, or

(2) A salary rate within the new pay grade which equals 110% of the base salary the employee is being paid at the time of promotion.

(b) Reclassification to Position with a Lower Pay Grade. In the event an employee is re-classified to a position which is assigned to a lower pay grade than that occupied by an employee, the salary of such employee shall, on the effective date of the re-classification, be reduced by no more than an amount which equals a seven and one-half percent (7½%) reduction in the salary which the employee was receiving on the date of the reclassification.

26-513. Salary Rate Upon Re-Allocation of Class of Work.

(a) Reallocation of Class of Work With Higher Pay Grade. In the event a class of work occupied by an employee is re-allocated to a higher pay grade than that currently assigned, any employee occupying that class of work shall, on the effective date of the re-allocation, be entitled to receive an increase in his or her rate of pay which shall be computed as the greater of:

(1) The entry level of the new grade in the Professional and Executive Service Salary Schedule, or

(2) A salary rate within the new pay grade which equals 110% of the base salary the employee is being paid at the time of promotion.

(b) Reallocation of Class of Work With Higher Pay Grade. In the event a class of work occupied by an employee is re-allocated to a higher pay grade than that currently assigned, any employee occupying that class of work shall experience no decrease in pay.

26-514. Salary Rate Upon Lateral Transfer. In the event an employee is transferred to another position within the Professional and Executive Service which is allocated to the same pay grade, the employee shall receive no increase in salary.

26-515. Effective Date of Salary Adjustments. Salary adjustments approved after the first working day of the pay period shall become effective at the beginning of the next pay period, or at specific dates as may be provided. Job performance salary adjustments shall normally be effective

the first pay period following the employee's anniversary date.

26-516. Limitation of Effect. No salary increase as a result of a promotion, re-classification or annual performance shall result in a salary rate above the maximum rate of the grade for the position held.

26-517. Temporary Transfer Pay.

- (a) Entitlement. An employee shall be entitled to receive temporary transfer (increased) pay in the event a supervisory authority requires an employee, for a period of fifteen (15) days or more:
  - (1) To perform the work of a person occupying a funded position within the Professional and Executive Service who, for any reason, is absent from work; and
  - (2) To assume all of the duties of an established class of work which is assigned to a higher pay grade than that occupied by an employee.
- (b) Amount. Temporary transfer pay shall be computed as the greater of;
  - (1) Step 1 of the pay grade of the position, the duties of which the employee is temporarily performing, is assigned; or
  - (2) One hundred and five percent (105%) of the base salary to which the employee is normally entitled.

26-518. Hours of Work. Members of the County's Professional and Executive Service:

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

Subtitle VI. RECRUITMENT AND SELECTION.

26-601. Position Vacancy Announcements.

- (a) The Department of Human Resources shall prepare and distribute position vacancy announcements for every vacant position within the Classified Service.
- (b) Position vacancy announcements shall be posted:
  - (1) On the County bulletin board in the lobby of the Liberty Building; and
  - (2) By each department directors on at least one bulletin board within their department.
- (c) All position vacancy announcements shall be posted for the period specified within the announcement but in no event for less than a period of seven (7) calendar days.
- (d) Position vacancy announcements shall contain, at a minimum,
  - (1) The announcement number;
  - (2) The period during which the announcement shall be posted;
  - (3) The title, rate of pay and location of the position;
  - (4) The closing date of the announcement;
  - (5) A summary of the duties of the position;
  - (6) A summary of the basic qualifications requirements;
  - (7) The procedures for making application; and
  - (8) A statement of equal employment opportunity.

26-602. Position Advertisements.

- (a) The initial vacancy for a class of work during any one (1) year period shall be advertised in a newspaper of general circulation within Queen Anne's County. Vacancies within the same class of work during any year in which a vacancy advertisement has been published need not, but may

be, at the discretion of the Director of Human Resources, publicly advertised.

- (b) Optional advertising in state-wide, national or specific publications may be carried out as requested by the department director in the discretion of the Director of the Department of Human Resources and as funds are available.

26-603. Application for Employment. An official County application form shall be made available to all applicants for all position listings and shall be the only method by which applicants for vacancies in the Classified Service shall be considered for employment. No applications may be accepted by a department; all applications must be made through and filed with the Human Resources Department.

26-604. Applicant Tracking.

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

26-605. Qualification Standards. All applicants considered for employment or promotion shall meet the essential qualification standards established by the class specifications for the position to which the appointment is being made.

26-606. Disqualification for False Statements. Applicants who knowingly make any material false statement concerning their application for appointment or promotion to a position in County employment shall forfeit their right to be considered for or occupy the position.

26-607. Selection. The Department of Human Resources shall develop, use, and document, on a consistent, routine basis, a selection process that best suits the County's needs in filling position vacancies. All selection methods developed and utilized shall be valid measures of job performance.

26-608. Establishment of Eligibility Lists.

- (a) The Director of Human Resources shall be responsible for assisting the departments in recruiting and selecting such employees as are authorized by the classification plan and by the budget.
- (b) The Human Resources Department shall conduct all employment screening processes and shall refer those applicants most qualified for the position to the appointing department.
- (c) Depending upon the nature of the duties assigned to the position to be filled, the County screening process shall include;
  - (1) Assembled and unassembled testing including written and non-written testing (job task simulation exercises);
  - (2) Structured oral interviews;
  - (3) Previous employment history verification;
  - (4) Review and analysis of character references; and
  - (5) Review of motor vehicle traffic records and criminal conviction history records.
- (d) No commitment shall be made by the Human Resources Department or appointing department to an applicant or employee until such time all available interested individuals have had a reasonable opportunity to be considered for the position.
- (e) The Director of the Department of Human Resources shall establish a list of eligibles for all classes of work;
  - (1) Regardless of the existence of a vacancy for such class of work; and
  - (2) For a series of classes of work such as Clerk I, Clerk II and Clerk III.
- (f) Upon completion of all employment screening for any class of work, the Department of Human Resources shall;

- (1) Establish criteria by which applicants for the vacancy shall be evaluated;
  - (2) Evaluate all persons who have completed the screening process;
  - (3) Determine which candidates meet the required qualifications and which do not;
  - (4) Notify all unqualified candidates that they have not been selected for employment;
  - (5) Analyze the qualifications of those persons deemed qualified and rank order them in a sequence from the most highly qualified to the least qualified;
  - (6) Place the names in the order of appearance on an eligibility list for that class of work.
- (g) Eligibility lists shall be maintained by the Department of Human Resources and shall remain valid for a period of twelve (12) months, however, may be extended in duration by the Director of the Department of Human Resources.

26-609. Appointments.

- (a) Appointment to the Classified Service shall only be made from the names of persons appearing on a valid Eligibility List.
- (b) Upon receipt of a requisition from an appointing authority to fill a vacant position, the Director of the Department of Human Resources shall certify the names of the three (3) persons standing highest on an appropriate list of eligibles to the appointing authority.
- (c) An appointing authority shall select the name of the person to be appointed from among the three (3) names certified. In making the selection, the appointing authority may review the candidates' credentials and interview the three candidates, however, shall administer no additional tests of any type prior to identifying the person to be hired.
- (d) Appointments to County employment shall be made on the basis of merit and fitness demonstrated by examination and/or other evidence of competence without regard to race, sex, color, national

origin, religion, age, political affiliation, or physical or mental disability.

- (e) Qualified persons with a disability, or persons who have a known association with a disabled person, shall be given equal consideration with other applicants for positions in which their known physical and mental limitations shall be reasonably accommodated.
- (f) After a conditional job offer is made, all applicants are subject to a medical exam. The County can not refuse to hire disabled individuals based on the results of a medical exam, unless the reason for rejection is job related, and their known physical and mental limitations can not be reasonably accommodated or in circumstances in which the only possible accommodations would impose an undue hardship on County operations.

26-610. Promotions.

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

Subtitle VII. CONDITIONS OF EMPLOYMENT.

26-701. Alcohol Testing. Employees who occupy safety sensitive positions shall be subject to testing for blood alcohol levels in accordance with a policy promulgated by the County Administrator.

26-702. Communicable Disease. Queen Anne's County has a legitimate interest in maintaining a safe and healthy work environment for employees. Employees with serious communicable diseases will be subject to the provisions of the County's Communicable Disease Program. The Queen Anne's County's communicable disease program shall be administered in accordance with State law governing communicable diseases and the Americans with Disabilities Act, and shall be governed by the most current communicable disease policy adopted by the County Commissioners.

26-703. Controlled Substance Testing.

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

(7) Propoxyphene; and

(8) Benzodiazepines.

26-704. Driver Safety Standards. Queen Anne's County has established the following Driver Safety Standards in order to ensure that all persons who operate motor vehicles are suitably qualified to do so. For the purpose of these Standards, a motor vehicle is defined as any automobile, truck or other motorized conveyance which is intended to transport one or more persons, or which requires one or more persons to operate, and which is operated in connection with County activities or business.

- (a) All persons who are required to operate a motor vehicle shall possess a valid license issued by the state of his or her residence during the course of the period of his or her employment. The license shall be of the class and with appropriate endorsements to authorize operation of the type of motor vehicle required in order to perform assigned essential functions;
- (b) Persons who operate motor vehicles shall report to their immediate supervisor all motor vehicle collisions or violations involving any property damage immediately;
- (c) Employees operating a motor vehicle at the time of an accident are required to:
  - (1) Remain at the accident scene until directed to do otherwise by their supervisor;
  - (2) Request the appropriate law enforcement agency to come to the scene and make a report; and
  - (3) Ask for his or her supervisor to come to the scene. If the employee's supervisor cannot be reached, the Controlled Substance Testing Program Coordinator shall be asked to come to the scene.
- (d) The driving records of employees who operate motor vehicles shall be reviewed periodically by the County;
- (e) Any person who accumulates five (5) or more current points on his or her Maryland motor vehicle license, or a warning letter from any state motor vehicle administration as a result of

the accumulation of points from traffic offense convictions, shall be prohibited from operating a motor vehicle until he or she completes a Report of Point Assessment, and receives, and successfully completes, an appropriate course of retraining administered by or at the direction of the County;

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

26-705. Employee-Employer Relations Policy.

- (a) Productive and harmonious relationships between County employees and management can best be achieved with respect to working conditions if relationships and policies are clearly set forth. The following shall be considered the official policy of the County relating to employee-employer relations:
- (1) The County, in accordance with Maryland State Law, does not accept any employee organization as the sole spokesman for any category of employees;
  - (2) Employees or employee representatives of employee groups will be afforded the right to present suggestions and make statements on any issue relating to conditions of work;
  - (3) Strikes and work stoppages by County employees will not be permitted. Instigation of, participation in, or giving leadership to a strike, slowdown or work stoppage shall constitute grounds for disciplinary action up to and including dismissal; and
  - (4) Infractions of work rules including unauthorized absences from work shall be grounds for disciplinary action up to and including dismissal.
- (b) The County Administrator is hereby designated as the spokesman for the County in matters concerning employee-employer relations under ordinary conditions. The County Administrator, or a designee, is hereby empowered to meet and confer with employees. The final determination of employee-employer relations policy rests with the County Commissioners.

26-706. Employment/Supervision of Relatives. The employment of relatives in the same department and the supervision of an immediate family member by a relative shall require the authorization of the County Administrator.

26-707. Fitness for Duty Physical Examination.

- (a) The County Director of Human Resources may require an employee to submit to a physical and/or mental examination to evaluate the employee's fitness for continued duty;

- (1) After an employee uses twenty (20) consecutive, or a total of twenty (20) sick leave days in any one hundred and eight (180) day period; or
  - (2) Upon learning of facts and circumstances which lead to the reasonable conclusion that an employee is suffering from a medical condition which impedes his or her ability to perform assigned essential functions.
- (b) The results of the examination shall be reviewed by the appointing authority, the employee, and the Director of Human Resources.
- (1) If it is determined that the employee is a qualified individual with a disability, the County shall provide reasonable accommodation so that the employee will be able to return to work.
  - (2) In, after a thorough examination of all relevant facts and circumstances, no reasonable accommodation is possible;
    - (i) The County shall require the employee to file and the employee shall file an application for disability retirement with the State Retirement and Pension System of Maryland, if eligible.
    - (ii) In such instance, the employee shall be terminated from employment by the County on the basis of the inability to perform assigned essential functions.
  - (3) If it is determined that the employee is not a qualified individual with a disability and there is no reasonable likelihood that the employee will be able to return to work within a reasonable period of time;
    - (i) The County shall require the employee to file and the employee shall file an application for disability retirement with the State Retirement and Pension System of Maryland, if eligible.
    - (ii) In such instance, the employee shall be terminated from employment by the County on the basis of the inability to perform assigned essential functions.

26-708. Occupational Safety. Queen Anne's County has a legitimate interest in the welfare and safety of its employees and the public it serves. The County desires to provide the safest possible working conditions for its employees and to provide a safe environment for the public that uses our services. Queen Anne's County occupational safety program shall be governed by the most current safety policies adopted by the County Commissioners

26-709. Outside Employment.

- (a) The work of the County shall have priority over the other occupational interests of employees;
- (b) In order to protect the interest of the employee and the County, all outside employment for salary, wages or commissions and all self-employment must be reported in writing by the employee and approved in writing by an employee's department director before such work is to begin;
- (c) The department director shall not approve, and an employee shall not undertake, any outside work which would create a conflict of interest or otherwise be incompatible with County service; and
- (d) The assumption of outside employment without prior approval by the County may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal.

26-710. Political Activity.

- (a) Every employee has a civic responsibility to support good government by every available means and in every appropriate manner;
- (b) Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles available means and in every appropriate manner;
- (c) Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic organizations of a partisan or political nature but may not;

- (1) Engage in any political activity, including the performance of any duties of elective office, while on duty;
  - (2) Be required as a duty of office or employment, or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
  - (3) Coerce or compel contributions for political or partisan purposes by any other employee of the governmental unit; or
  - (4) Use any supplies or equipment of the governmental unit for political purposes.
- (d) Any County employee who shall register to become a candidate for nomination or election to the office of County Commissioner shall immediately forfeit the employment held with the County;
- (e) Campaign speeches or other political activities by individuals seeking a County elective office shall not be conducted on the premises of any County property nor shall candidates for a County elective office seek to contact and talk to employees for the purpose of promoting their candidacy while the employees are on duty for the County. This shall not prohibit candidates from speaking with County employees in a legitimate effort to obtain information concerning County operations. The use of facilities designed for public meetings shall be exempted from this subsection; and
- (f) Any violation of this section shall be deemed improper conduct and shall subject such employee to dismissal or other disciplinary action by the appointing authority.

26-711. Probationary Period.

- (a) Original Probationary Period.
- (1) Prior to attaining permanent status, every person appointed to a position in County employment is required to successfully complete a probationary period of one (1) year. Where appropriate, and with the approval of the Director of Human Resources, a probationary period may be extended an additional six (6) months upon the written

request of a department director which is initiated prior to the expiration of the original probationary period.

- (2) The probationary period shall be considered to be part of the selection process.
  - (3) A probationary employee may be the subject of a personnel action, without right of appeal, at any time during the probationary period if the appointing department director, with the approval of the Director of Human Resources, determines that the employee is not performing assigned duties in a satisfactory manner.
  - (4) Job performance evaluations shall be completed on all probationary employees at the end of three (3) months, six (6) months, and eleven (11) months of service. The appointing department director shall indicate to the Human Resources Department, in writing, on each job performance appraisal:
    - (i) That the employee's accomplishments, failures, strengths and weaknesses have been discussed with the employee;
    - (ii) Whether or not the employee is performing satisfactory work; and
    - (iii) Whether or not the employee should be retained in the position.
- (b) Promotional Probationary Period. Any employee appointed to a promotional position shall serve a probationary period of six (6) months. Before the end of the probationary period the appointing department director shall determine:
- (1) Whether or not the employee is performing satisfactory work;
  - (2) Whether or not the employee should be retained in the position or be reinstated in a former class. Reinstatement to a former class during a promotional probationary period shall not be considered a demotion, unless the reinstatement is done for disciplinary reasons.

- (c) Extension of Probationary Period. The appointing department director may, with the approval of the Director of Human Resources, extend an employee's original probationary period or promotional probationary period for a period of time not to exceed 90 days.

26-712. Reduction in Force.

- (a) Selection Criteria. In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance as documented by current performance appraisals, organizational needs, and seniority in determining those employees to be retained.
- (b) Notice of Reduction in Force. Employees who are laid off because of a reduction in force shall be given at least two (2) weeks' notice.
- (c) Protection of Full Time Employees. No full-time employee shall be separated while there are contractual, part-time or temporary employees serving in the same class in the same department, unless the full-time employee is not willing to transfer to the position held by the part-time or temporary employee.
- (d) Severance Pay. In any circumstance in which employment is terminated because of lack of work or abolition of a position from the annual budget, an affected employee may apply for and receive severance benefits which shall include the following:

- (1) Severance Benefits. Salary equivalent to that depicted in the following schedule:

(i) Less than one year of County service-	No benefit
(ii) One year but less than five years of County service-	One month of salary
(iii) Five years but less than ten years of County service-	Two months of salary
(iv) Ten years but less than fifteen years of County service-	Three months of salary

(v) Fifteen or more years of County service- Four months of salary

(2) Payment of Severance Benefits. Such payment may be made in a lump sum or bi-weekly at the request of the employee. For purpose of this section of this Ordinance, no pay received prior to the receipt of written notice of the termination by the employee shall be included in the amount to which the employee is entitled under this section. During the period an employee receives a salary under this section, normal withholding of taxes and other sums shall continue. Employees shall not accrue any leave during this period;

(3) Payment for Accrued Leave.

(i) An affected employee shall receive payment for all accrued but unused annual and compensatory leave to which he or she is entitled. This payment shall be made at the rate of pay earned by the employee as of the date of receipt of a termination notice.

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

(4) Health Insurance.

(i) The County shall continue to pay that portion of the affected employee's health insurance premium that it paid immediately prior to the notice of termination. Such payment shall continue for a period of three (3) months from the date of receipt of written notification of termination by the employee.

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

(iii) This benefit is intended to be in addition to and not a limitation of any rights to which an employee may be entitled under COBRA.

- (5) County Equipment and Facilities. To the extent reasonably possible, and consistent with the County's financial, operational and administrative needs, an employee who receives notice of severance under a reduction in force, may be allowed to use County office equipment, including a telephone for local calls only, in pursuit of another job. This benefit shall be provided, limited, conditioned and supervised within the sole discretion of the County Administrator.
- (e) Work Reference. An affected employee shall receive a suitable work reference to inquiring potential employers. This reference may be in the form of either a written or verbal response to an inquiry and will be consistent with the last performance evaluation received by the employee.
- (f) Termination for Other Reasons. The foregoing provisions are not intended to nor do they provide any benefits for persons whose employment is terminated by the County because of retirement, voluntary resignation, failure to successfully complete probation, poor job performance or commission of a disciplinary infraction.
- (g) Reinstatement. In the event an employee is reinstated to full-time County employment within 365 days from the date of termination, the employee shall be entitled to credit for sick leave, any unused vacation leave and the period of prior service in computing longevity credit for any purpose whatsoever.

26-713. Sexual Harassment.

- (a) Definition of Sexual Harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
  - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) Policy.

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

(c) Complaint Procedure.

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

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

allegation of sexual harassment. At a minimum, the investigation shall include;

- (1) A thorough review and analysis of the complaint;
  - (2) Development of a list of persons to be interviewed;
  - (3) Acquisition of any physical evidence;
  - (4) Personal interview(s) with the complainant;
  - (5) Personal interview(s) with the employee who is accused of sexual harassment;
  - (6) Personal interview(s) with any persons identified as witnesses by the complainant; and
  - (7) A visit to the scene of the alleged incident for the purpose of locating additional evidence and witnesses.
- (f) Preparation of Report. The person conducting the investigation shall prepare and submit a report documenting the investigative findings only to the director of the department in which the accused employee is assigned, or the county Administrator in the event the director is the person accused. No conclusions or assumptions shall be included in the report.
- (g) Determination of Culpability. The department director receiving the report or County Administrator;
- (1) Shall objectively review all available statements and evidence;
  - (2) May draw reasonable inferences from the evidence and statements;
  - (3) Shall compare the elements of the alleged infraction with the facts and reasonable inferences therefrom; and
  - (4) Shall make a determination based upon a preponderance of all available evidence that the accused committed/did not commit an act of sexual harassment" and form a conclusion regarding whether the charges against the

accused employee are true, false or unsubstantiated.

- (h) Administration of Discipline. The department director or County Administrator acting in his or her stead, shall administer appropriate disciplinary sanctions for any act of sexual harassment.
- (i) False Accusations. Any person who make an accusation of sexual harassment which is proven to be false and made on the basis of improper motive shall be subject to disciplinary action up to and including termination.
- (j) Notification to Complainant. The department director or County Administrator acting in his or her stead, shall notify the complainant of the outcome of the complaint. Because the specific nature of disciplinary action is not public information under State law, the nature of the disciplinary sanction administered in sustained cases shall not be disclosed.

26-714. Solicitation Prohibited. No officer or employee of the County or any other person, directly or indirectly, shall solicit or receive, or in any manner be directly or indirectly involved in soliciting or receiving, from anyone on an eligible lists or employed in the Classified Service of the County any assessment, subscription, contribution, or political service for aiding or assisting in the campaign for election or appointment to any political or official position in the County service or to any position in the Classified Service of the County.

26-715. Tardiness.

- (a) Employees who report late for work may be docked for such time as they are late with a minimum of one-quarter (1/4) hour's pay being deducted for any one incident.
- (b) Employees who are habitually late may be subject to disciplinary action up to and including dismissal.

26-716. Unexplained Absences.

- (a) Employees who are absent without approved leave and who do not notify their supervisor within a period of two (2) consecutive work days shall be

considered as having voluntarily terminated their employment with the County.

- (b) Any exceptions shall be made at the request of the department director with the approval of the Director of Human Resources and the County Administrator.

26-717. "Whistle Blower" Protection. No employee shall be the subject of retaliation by the County, its managers or supervisors for filing a complaint with the County Administrator, County Commissioners or any other governmental agency or official in connection with an allegation of fraud, abuse or waste on the part of any County employee or official.

26-718. Weapons Policy.

- (a) No person employed by the County, either paid or volunteer, other than law enforcement and corrections personnel, 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 on any County property, in any County-owned vehicle, or in any personal vehicle while the employee or volunteer is performing his or her duties.
- (c) No employee or volunteer may transport a firearm or other dangerous weapon in any personal vehicle parked on County property while the employee or volunteer is performing his or her duty.
- (d) Violation of this policy will result in mandatory disciplinary action, up to and including dismissal for the first offense.

26-719. Work Week.

- (a) The standard work week for all full-time employees of the various departments of the County shall be forty (40) hours per week; and
- (b) Work schedules within the work week 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.

26-720. 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.

Subtitle VIII. HOLIDAYS AND LEAVE.

26-801. Paid Holidays Observed.

(a) General Conditions.

- (1) Leave shall not be taken until it has been accrued.
- (2) 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.
- (3) Leave may not be converted from one form to another to avoid loss of leave due to restrictions on year to year carry over.

(b) List of Holidays. 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) President's 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 one and one-half (1½ ) 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.

26-802. Adverse Weather Conditions. County offices and departments shall remain open for the full scheduled work day 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.

26-803. Forms of Leave.

- (a) Vacation Leave. In recognition of the fact that periods of time away from the work place enhances long term job performance, the County shall provide a paid vacation leave benefit to employees. Vacation leave may also be used for certain qualifying events or absences, but is primarily intended to provide employees with paid, non-duty time within which to pursue employee-selected recreational activities.
  - (1) Full-time employees serving a probationary period following initial appointment shall not be permitted to take vacation leave during the first six (6) months of the

probationary period unless the denial of such leave will create an undue hardship.

- (2) Each full-time employee shall earn vacation leave on a monthly basis in accordance with the following schedule of total service:
  - (i) Less than five (5) years: ninety six (96) hours per year. While employees shall accrue leave in accordance with this schedule from date of hire, they shall not be entitled to take any vacation leave during the first six (6) months of employment;
  - (ii) Five years but less than ten years: one hundred and twenty (120) hours per year;
  - (iii) Ten years but less than twenty years: one hundred and sixty (160) hours per year; and
  - (iv) Twenty of more years: two hundred (200) hours per year.
- (3) No more than four hundred (400) hours of vacation leave may be carried forward from calendar year to calendar year by any member of the Classified or Professional and Executive services. At the end each calendar year, employees shall forfeit all vacation leave in excess of four hundred (400) hours of such leave.
- (4) Vacation leave shall only be taken with the prior, written approval of the employee's appointing authority.
- (5) An employee who is separated shall be paid for vacation leave accumulated to the date of separation, not to exceed a maximum of four hundred (400) hours. Any advanced vacation leave owed the County shall be deducted from the employee's final compensation.
- (6) The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account, not to exceed a maximum of four hundred (400) hours.

- (7) No employee shall take more than two (2) consecutive weeks of his or her vacation at any one time except by approval of the County Administrator.
- (b) Sick Leave. The County shall provide employees with a paid leave benefit to be used when sickness, other disabling conditions or medical treatment preclude an employee from reporting to work.
- (1) Rate of Accrual of Sick Leave. Sick leave shall be provided to all full-time employees of the County at the rate of ten (10) hours of leave for each full calendar month of service. Part-time employees scheduled to work and actually working a minimum of 1,000 hours per year shall earn sick leave at a rate of five (5) hours per month.
  - (2) Sick Leave Year. For the purpose of earning and accruing sick leave, the twelve (12) calendar month period between January 1 and December 31 is established as the leave year.
  - (3) Qualifying Condition for Use of Sick Leave. Employees may be granted sick leave for absence due to the following:
    - (i) Sickness or bodily injury that prevents the employee from performing regular duties;
    - (ii) Employee's medical or dental appointments;
    - (iii) The actual period of temporary disability caused by or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom. A physician's certificate is required to verify the employee's period of temporary disability for these reasons;
    - (iv) Exposure to a contagious disease when continuing work might jeopardize the health of others; and
    - (v) Care of spouse, dependent child, or parent, not to exceed eighty (80) hours in a leave year.

- (4) Physician's certificate.
- (i) Sick leave may be granted full-time and eligible part-time employees of the County for three (3) consecutive days without a physician's certificate.
  - (ii) Sick leave in excess of three (3) consecutive days shall require a physician's certificate. Refusal or failure to supply an adequate certificate shall result in the period of absence being charged against other available leave available to such employee or leave without pay in the discretion of the employee's appointing authority.
  - (iii) Upon return to work an employee who has been absent from work to care for a spouse, dependent child, or parent shall provide a physician's certificate. The certificate shall verify the actual period that the spouse, dependent child, or parent was under a physician's care. An employee who fails to provide a certificate from a physician shall not be granted sick leave. The employee may be allowed to use accrued vacation or leave without pay.
  - (iv) The department director shall have the right to request a physician's certificate after one (1) day of sick leave if this action shall serve the best interest of the County.
- (5) Payment for Unused Sick Leave at Separation from Service. An employee shall not be paid for unused sick leave in the event of termination of employment.
- (6) Notification of Supervisor. Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or not later than two (2) hours after the beginning of a scheduled work day. The department director may require notification earlier than two (2) hours after the beginning of a scheduled work day. Sick leave may only be taken with the approval of the immediate supervisor.

- (7) Worker's Compensation Disqualification. A sick leave benefit shall not be received by an employee who is receiving Workers' Compensation disability payments.
- (8) Advanced Sick Leave.
  - (i) Any full-time member of the Classified Service may, upon written request, be advanced sick leave within the discretion and upon the approval of the County Administrator;
  - (ii) The written request shall be supported by a physician's certificate indicating that the advanced sick leave is medically necessary for the employee or a member of his or her immediate family and that the employee shall be able to return to work at a reasonable future date;
  - (iii) If the County Administrator approves the request, the employee and the County shall enter into a legally binding Leave Repayment Agreement which shall provide;
  - (iv) The advanced sick leave is medically necessary for the employee or a member of his or her immediate family;
  - (v) That the employee shall be able to return to work at a reasonable future date;
    - a) Sick leave to be advanced may not exceed a period of more than fifteen (15) work days;
    - b) With regard to repayment of advanced sick leave;
      - 1) After the employee returns to work, advanced sick leave previously used shall be repaid by a deduction from earned salary or earned sick leave to the employee to the County at the rate of ten hours (10) hours per month until such time the advanced leave is repaid in full.

- 2) An employee who has received advanced sick leave and subsequently retires or terminates employment shall repay the County for the value of the balance of the advanced sick leave time, at the rate of salary earned by the employee at the date such leave was granted, from any salary the employee has accrued prior to the notice of termination.
- 3) If the employee gives no notice, or the accrued salary due the employee is insufficient to repay the County, and the employee has not paid the County the value of the outstanding advanced sick leave, the County Administrator may direct the Director of Human Resources to file obtain a judgment against the employee and pursue all legal remedies to recoup the balance due.
  - e) In the event of death, liability to the County will cease to exist.
- (iv) After an advancement is granted, the Director of Human Resources shall grant the sick leave in increments of five (5) work days and shall review the circumstances of the individual case prior to granting an additional five (5) days to determine what portion of the advanced sick leave time is actually needed.
- (9) Retirement Credit for Accrued Sick Leave. Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the State Retirement and Pension System of Maryland.
- (10) Transfer of Sick Leave Credit. A full-time employee may transfer unused sick leave earned from another Maryland governmental agency and/or entity as follows:

- (i) The total number of days accepted as transferred will be added to the record after completion of the one-year probationary period;
  - (ii) Verification of accumulated sick leave must be received in writing from the previous employer; and
  - (iii) The transfer must be completed within three (3) years from the employee's last work day with the previous employer.
- (11) Loss of Sick Leave Credit. Employees who retire or resign and are not reinstated with the County within a three (3) year period shall lose all sick leave credits.
- (c) Bereavement Leave.
  - (1) Bereavement leave shall be granted for the death in an employee's immediate family not to exceed four (4) consecutive days; and.
  - (2) Additional leave time, under exceptional circumstances, may be authorized by the County Administrator.
- (d) Military Leave.
  - (1) Application. An employee who is a member of the National Guard or Armed Forces Reserve will be allowed military training leave. The employee shall be eligible to take accumulated vacation leave or be placed on leave without pay status.
  - (2) Retention of Employment Status. Employees who are guardsmen and reservists have all applicable job rights specified in the Veterans Readjustment Assistance Act.
- (e) Civil Leave.
  - (1) Receipt of Subpoena or Summons to Testify. Any employee who receives a summons to jury duty or a subpoena from a state or federal court to appear as a witness shall be entitled to leave with pay for such duty in addition to any fees received for such jury duty.

- (2) Employee-Initiated Litigation. Any employee who initiates court action, volunteers to appear as a witness, or is a defendant in a non-County-related case will be excused from work for necessary court appearances. The employee shall not be entitled to civil leave for such time, however, leave without pay or vacation leave may be granted for this purpose.
- (f) Educational and Community Service Leave. A leave of absence at full pay, partial pay, or without pay for a period not to exceed nine (9) months may be granted upon the recommendation of the appointing authority with the approval of the County Administrator. Such leave may only be used to take courses of study that will better equip the employee to perform duties for the County, or for special work which will permit the County to profit by the experience gained or the work performed. An employee on educational or community service leave with full pay shall continue to earn leave credits and any other benefits to which County employees are entitled.
- (g) Maternity/Paternity Leave.
- (1) Upon the recommendation of the appointing authority and with the approval of the County Administrator, an employee may be granted a leave of absence without pay for a period not to exceed six (6) months for reasons of maternity or paternity, and upon returning to duty after being on maternity or paternity leave, the employee shall be guaranteed a position of the same classification, seniority, and pay.
  - (2) Failure to report for duty at the expiration of the maternity or paternity leave, unless an extension has been granted, shall be considered a resignation.
  - (3) Leave without pay may be granted during the time before and after childbirth or adoption when no actual disability is present. When an actual disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery exists, employees will use accumulated sick leave.

- (h) Family and Medical Leave. Family and medical leave is unpaid leave during which all employee benefits continue to be awarded and accrue.
- (1) Eligibility for Leave. Employees must be employed at least one year and have worked at least 1,250 hours during the past twelve (12) months to be eligible for family and medical leave;
  - (2) Period of Leave. Family and medical leave shall be granted without pay for a period not to exceed twelve (12) work weeks during any twelve (12) month period:
    - (i) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
    - (ii) Because of the placement of a son or daughter with the employee for adoption or foster care;
    - (iii) In order to care for the spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition; and
    - (iv) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
  - (3) Expiration of Entitlement. The entitlement to leave for birth or child placement expires one (1) year after the date of childbirth or placement;
  - (4) Duration of Leave. Childbirth or placement leave is to be taken in one block of time up to twelve (12) weeks. Intermittent leave or a reduced leave (part-time) schedule is available if the department director and employee agree to such arrangement.
  - (5) Notice of Leave. The employee shall give at least thirty (30) days notice of planned leave to the department director, whenever practical.
  - (6) Physician's certificate. A physician's certification is required prior to the

approval of family and medical leave due to a serious health condition of the employee, or his or her child, spouse, or parent. The County shall reserve the right to require a second opinion from an independent health care provider at County expense. If the second opinion differs from the first, the County can obtain a third opinion at its' expense. The third opinion will be binding.

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

(i) Leave Without Pay.

(1) Authorization. Leave without 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 with the exception of military leave.

(4) Payment of Medical Insurance Premiums. Payment for the employee's portion of individual medical and dental/vision coverage and the full cost of dependent coverage shall be the responsibility of the employee while on leave without pay status.

(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.

(j) Personal Leave.

- (1) Employees shall be accrue forty (40) hours of Personal Leave annually at the rate of twenty (20) hours for each six (6) months worked.
  - (2) Personal leave usage shall be coordinated with an employee's supervisor. Use of four hours or less shall not require pre-approval. In exigent circumstances, a supervisor may seek authority from the County Administrator to deny an employee use of personal leave when such leave would expose another person to an unreasonable risk of harm, impose serious or costly hardships on the performance of a County activity or is being abused by such employee.
  - (3) Personal Leave shall not be carried over from one calendar year to the next.
- (k) Compensatory Leave.
- (1) Compensatory leave shall be available as a form of overtime compensation for those employees assigned to departments of County government which have developed and maintain a written policy authorizing the accumulation and use of such leave.
  - (2) Accrued compensatory leave may be used by employees within the quarter in which it is earned or shall be converted to overtime pay and paid to employees at the end of such quarter.
- (l) Group Health, Vacation, and Sick Leave Benefits While on Leave.
- (1) Payment of an employee's group health benefits shall continue while an employee is on a paid leave status or as directed by the County Commissioners.
  - (2) Retention of Leave Credit. An employee on educational and community service leave, military leave, maternity or leave without pay status shall retain all unused vacation and sick leave.
  - (3) Accrual of Leave While On Leave Status. Vacation and sick leave credits will accrue during paid leave status only.

Subtitle IX. EMPLOYEE RECOGNITION.

26-901. 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 (2) residents of the County shall be appointed by the County Commissioners;
  - (4) Two (2) employees shall be selected and appointed from the Classified Service by the County Administrator; and
  - (5) One (1) employee 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 a term of two (2) 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;
  - (i) May be implemented by using technology or equipment in the County's inventory, or technology or equipment which is readily available on the market;
  - (ii) 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
  - (iii) 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.
  - (iv) 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-\$1,000	Plaque
\$1,001-\$5,000	\$50.00
\$5,001-\$10,000	\$100.00
\$10,001-\$50,000	\$500.00
\$50,001-\$100,000	\$1,000.00
\$100,001-\$500,000	\$5,000.00
\$500,001 and more	\$10,000.00

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

26-902. 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 (\$50.00) face value U.S. 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<sup>st</sup> shall receive the following recognition from the County at an awards ceremony held during the month of January every year;
  - (1) Five (5) years continuous service- A framed certificate signed by the County Commissioners and County Administrator;
  - (2) Ten (10) years continuous service- A plaque signed attesting to the service by the County Commissioners and County Administrator;

- (3) Fifteen (15) years continuous service- A plaque signed attesting to the service by the County Commissioners and County Administrator;
- (4) Twenty (20) years continuous service- A plaque signed attesting to the service by the County Commissioners and County Administrator;
- (5) Twenty five (25) years continuous service- A wristwatch; and
- (6) Thirty (30) 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<sup>th</sup> at an awards ceremony held during the month of January every year. To be identified as a "qualifying suggestion", a suggestions 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;
    - a) 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;

- b) Determine whether the suggestion replicates a document able action which the county was planning to take before the suggestion was submitted; and
- c) 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 thirty (30) days after receipt by a department or external technical consultant.

Subtitle X. BENEFITS.

26-1001. 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 be pay ten percent (10%) of the cost of such coverage, and the County shall pay ninety percent (90%) of the cost of such 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:
  - (a) Disability retirees must not be eligible for group insurance in any other plan or for Medicare;
  - (b) 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.

26-1002. Worker's Compensation Insurance. Worker's 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.

26-1003. 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.

26-1004. Old Age and Survivor's Insurance (Social