

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 sixty-five (65) and reduced benefits available as early as age sixty-two (62).

26-1005. 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.

26-1006. Death Benefit. If an employee dies while still in active service, the employee's designated beneficiary(ies) will receive a lump sum payment of life insurance equal to the following schedule, rounded to the next highest thousand dollars, at the time of death:

(a) Less than five years of County service-	Amount of annual salary
(b) Five years but less than ten years of County service-	125% of annual salary
(c) Ten years but less than twenty years of County service-	150% of annual salary
(d) Twenty of more years of County service-	200% of annual salary

26-1007. 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.

26-1008. 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 one hundred thousand dollars (\$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 chose.
  - (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.

Subtitle XI. DISCIPLINE.

26-1101. Suspension, Demotion, and Dismissal.

- (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 or without pay for a period of time not to exceed two (2) 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.

26-1102. 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 (3) 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 Ordinance.

(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 Ordinance;
  - (ii) Employment fraud, that is, making a false representation of a material fact on a job application or during the selection process;
  - (iii) Insubordination, that is, refusing or failing to obey a lawful order or instruction of a superior, or through verbal or non-verbal 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 thirty (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;
  - (viii) Acts during or outside of duty hours which are incompatible with the public

service or which tend to bring the County into disrepute;

(ix) The use of alcohol or controlled substances while on duty, or the presence of alcohol or controlled substances in the body system, subject to conditions outlined in the County's Alcohol and Substance Testing Policy substance abuse policy; and

(x) Sexual harassment.

(c) Notification to Employee. When an appointing authority determines that a member of the Classified Service should be suspended, demoted, or dismissed, the employee shall immediately be provided with written notice of the recommended action which shall include;

(1) The effective date of the personnel action;

(2) The reasons for the action including the specific work rule(s) alleged to have been violated;

(3) The date of the pre-termination hearing (in the event of a pending termination); and

(4) The recourse available to the employee.

(d) Departmental Pre-Termination Hearing.

(1) A departmental pre-termination hearing shall:

(i) Be afforded any member of the Classified Service:

a) Who has completed the original probationary period;

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

c) Before the decision to terminate is effectuated.

(ii) Be conducted by an appointing authority;

- a) Before the termination of a member of the Classified Service; and
  - b) No later than five (5) days after receipt of concurrence from the County Administrator that an employee should be terminated from the Classified Service.
- (2) At the pre-termination hearing, the accused employee shall:
- (i) Be informed of the specific nature of the allegations against him or her;
  - (ii) Be given full opportunity to respond to the alleged rule infractions; and
  - (iii) Be asked to give specific reasons why the employee's termination should not proceed.
- (3) A member of the Classified Service shall not be entitled to any representation at a pre-termination hearing.
- (4) In the event the employee is duly notified and fails to appear for the pre-termination hearing, all rights to such a hearing shall be forfeited.
- (e) Procedure for Hearing.
- (1) Attendees. The pre-termination hearing shall be attended by and limited to;
- (i) The accused employee;
  - (ii) The supervisor(s) of the accused employee;
  - (iii) The appointing authority; and
  - (iv) The Director of Human Resources or a designee.
- (2) At the conclusion of the hearing, the appointing authority shall verbally inform the accused employee of the action to be taken, if any.

26-1103. Dismissal. An employee who is dismissed for disciplinary reasons shall be relieved immediately of all duties and responsibilities and discharged from the employment of the County.

26-1104. Demotion.

- (a) An employee whose performance is unsatisfactory may be demoted for disciplinary reasons.
- (b) The appointing authority may, with the approval of the County Administrator, reassign the employee to another position.
- (c) An employee who is demoted shall be relieved of present duties and responsibilities immediately.

26-1105. Disciplinary Suspension. A member of the Classified Service who is suspended with or without pay for disciplinary reasons shall be relieved temporarily of all duties and responsibilities for the period of suspension.

26-1106. Exit Procedure.

- (a) An exit interview shall be conducted by the Department of Human Resources with every member of the Classified Service who leaves County employment voluntarily or involuntarily.
- (b) The purpose of the exit interview shall be to:
  - (1) Advise the employee of his or her legal rights and benefits;
  - (2) Insure that all compensation due a terminating employee is paid that employee, less any legally collectible debts owed to the County.

Subtitle XII. APPEALS.

26-1201. Policy. The prompt settlement of misunderstandings or problems on an informal basis at the work level is desirable in the interest of sound employee-employer relations. Accordingly, it is the policy of the County;

- (a) To provide an effective procedure for the presentation and mutual adjustment of points of disagreement which arise between employees and their supervisors;
- (b) That employees receive a prompt, fair and impartial review of their problems, concerns and complaints;
- (c) To the extent reasonably possible, employees are encouraged to discuss and attempt to resolve their concerns regarding employment with their immediate supervisors;
- (d) Supervisors and department directors should have an opportunity to rethink and adjust initial decisions regarding employees through the vehicle of the appeal procedure;
- (e) No person who initiates, attends, testifies before or is otherwise involved in any appeal proceeding, either for or against an employee, shall suffer retribution from any person or organization; and
- (f) The attendance of County employees at appeals proceedings is to be facilitated whenever and wherever possible.

26-1202. Matter Which May be Appealed. An appeal may be filed by an employee in connection with;

- (a) A personnel action;
- (b) Conduct of a supervisor;
- (c) Conduct of a peer employee; or
- (d) Working conditions.

26-1203. Eligibility to Appeal.

- (a) Any employee who is not on probationary status may file an appeal in response to a personnel action;

- (b) Any employee may file an appeal for any other reason enumerated in this Ordinance.

26-1204. Guidelines Regarding Appeals.

- (a) Termination of employment. An employee wishing to file an appeal of a decision to terminate his or her employment, shall do so by filing a Notice of Appeal with the Director of Human Resources bypassing all other intervening appeal steps.

- (b) Other Appeals.

- (1) An employee wishing to appeal a covered matter shall proceed by filing a Step 1 appeal; and

- (2) The County, through the Director of Human Resources, may agree, in writing, to waive any steps of the appeal process.

26-1205. Appeal Steps.

- (a) Termination Cases. All cases involving termination of employment shall heard by the Director of Human Resources and the Personnel Board in accordance with the provisions for such proceedings established by this Sub-title.

- (a) Non Termination Cases.

- (1) Step 1. Supervisor's Meeting.

- (i) Any employee desiring to initiate an appeal shall notify his or her immediate supervisor of that fact, either orally or in writing, within ten (10) calendar days after an event or personnel action which gives rise to the appeal.

- (ii) The Supervisor shall receive and review the appeal and shall meet personally with the employee and any other person the employee wishes to attend such meeting within five (5) calendar days after receipt of the notice of appeal. The purposes of the meeting shall be to:

- a) Obtain all of the facts which form the basis for the appeal;

- b) Hear the employee's version of the appeal in full;
- c) Make a determination of any possible ways by which the matter can be resolved at the supervisor's level;
- d) Discuss the available alternatives for resolution of the dispute, if any, with the employee; and
- e) Attempt to conclude an informal resolution of the matter with the employee.

(iii) At the conclusion of the meeting, the supervisor may elect to render a decision or consult with his or her superiors. In the latter instance, the supervisor's decision shall be provided within five (5) calendar days of the meeting. If no response is received by the employee within the specified time period, the employee may proceed to Step 2 of the Appeal Process.

(2) Step 2. Director's Conference.

- (i) Any employee desiring to initiate an appeal from the decision of a supervisor at a supervisor's meeting, shall do so within five (5) calendar days after the date of the supervisor's meeting or the date of receipt of the supervisor's decision, whichever is later, by preparing a written notice of appeal and providing a copy to both the director of the department in which the employee works and to the Director of the Department of Human Resources.
- (ii) Within five (5) calendar days after receipt of the notice of appeal, the director shall schedule and conduct a Director's Conference.
- (iii) The Director's Conference shall be held in an informal manner but shall conform with the following guidelines;

- a) The employee shall bear the burden of establishing the propriety of his or her case by a preponderance of relevant facts and testimony;
  - b) The department director shall hear and decide the case on the basis of only credible information and facts which are presented at the conference and without regard to the identity of the employee or the nature of the appeal;
  - c) A representative of the Department of Human Resources shall attend the hearing for the purpose of monitoring the proceedings and shall take no active part in the presentation or adjudication of the case;
  - d) The employee may bring a representative to the Conference, however, such representative shall be limited to persons who are employed by the County. Inasmuch as the hearing is administrative in nature, legal counsel will not be permitted for the County or the employee during the course of the hearing; and
  - e) The employee and the County may call other employees as witnesses and the director shall facilitate their attendance at the Conference.
- (iv) The purpose of the Director's Conference shall be for the director:
- a) Obtain all of the facts which form the basis for the appeal;
  - b) Hear the employee's version of the appeal in full;
  - c) Receive and review testimonial and other evidence;
  - d) Determine whether the action or condition which forms the basis for

the employee's appeal amounts to a violation of law or policy; and

- e) Determine whether the penalty imposed, if any, is consistent with the offense, principles of progressive discipline, the employee's job record, law and County policy.
- (v) The Director's Conference shall proceed in accordance with the following sequence:
- a) The employee shall present his or her case;
  - b) The supervisor or other person who is the subject of the appeal shall present the County's case;
  - c) The employee shall present a closing statement; and
  - d) The supervisor or other person who is the subject of the appeal shall make a closing statement.
- (vi) The director may render a decision at the conclusion of the closing statements, or may reserve the decision. In the latter instance, the director's decision shall be provided within five (5) calendar days after the Conference. If no response is received by the employee within the specified time period, the employee may proceed to Step 3 of the Appeal Process.
- (vii) The director may;
- a) Affirm or reduce any penalty from which an appeal flows;
  - b) Require another employee to take or refrain from taking any action or engaging in any conduct; or
  - c) Take any action within his or her authority which the nature of the appeal may require.

(3) Step 3. Human Resource Conference.

- (i) Any employee desiring to initiate an appeal from the decision of a departmental director at a Director's Conference, shall do so within five (5) calendar days after the date of the Director's Conference, or within five (5) calendar days after the date of receipt of the director's decision, whichever is later, by preparing a written notice of appeal and providing a copy to both the director of the department who held the conference and to the Director of the Department of Human Resources.
- (ii) Within five (5) calendar days after receipt of the notice of appeal, the Director of Human Resources shall schedule and conduct a Human Resource Conference.
- (iii) The Human Resource Conference shall be held in an informal manner but shall conform with the following guidelines;
  - a) The employee shall bear the burden of establishing the propriety of his or her case by a preponderance of relevant facts and testimony;
  - b) The scope of the appeal shall conform to the matters which were raised by the employee at the Director's Conference;
  - c) The Director of Human Resources shall hear and decide the case on the basis of only credible information and facts which are presented at the conference and without regard to the identity of the employee or the nature of the appeal;
  - d) The employee may bring a representative to the Conference, however, such representative shall be limited to persons who are employed by the County. Inasmuch as the hearing is administrative in

nature, legal counsel will not be permitted for the County or the employee during the course of the hearing; and

- e) The employee and the County may call other employees as witnesses and the director of the department to which the employee is assigned shall facilitate their attendance at the Conference.
- (iv) The purpose of the Human Resource Conference shall be for the Director of Human Resources to:
- a) Obtain all of the facts which form the basis for the appeal;
  - b) Hear the employee's version of the appeal in full;
  - c) Receive and review testimonial and other evidence;
  - d) Determine whether the action or condition which forms the basis for the employee's appeal amounts to a violation of law or policy; and
  - e) Determine whether the penalty imposed, if any, is consistent with the offense, principles of progressive discipline, the employee's job record, law and County policy.
- (v) The Human Resource Conference shall proceed in accordance with the followings sequence:
- a) The employee shall present his or her case;
  - b) The supervisor or department director shall present the County's case;
  - c) The employee shall present a closing statement; and

- d) The supervisor or department director shall make a closing statement.
- (vi) Within five (5) calendar days after the Conference, the Director of Human Resources shall notify the employee in writing of the findings and conclusions of the Director of Human Resources.
- (vii) The Director of Human Resources may;
  - a) Affirm or reduce any penalty from which an appeal flows;
  - b) Require another employee to take or refrain from taking any action or engaging in any conduct; or
  - c) Take any action within his or her authority which the nature of the appeal may require.
- (4) Step 4. Personnel Board Hearing.
  - (i) Any employee desiring to initiate an appeal from the decision of the Director of Human Resources at a Human Resources Conference, shall do so within ten (10) calendar days after the date of the Human Resource Conference, or within ten (10) calendar days after the date of receipt of the Human Resource Director's decision, whichever is later, by preparing a written notice of appeal and delivering it to the Personnel Board via the Director of the Department of Human Resources.
  - (ii) Within five (5) calendar days after receipt of the notice of appeal, the Director of Human Resources shall confirm receipt of the Notice of Appeal to the employee and schedule a Personnel Board Hearing.

Subtitle XIII. PERSONNEL BOARD.

26-1301. Establishment of Personnel Board.

- (a) Establishment of Personnel Board. The Queen Anne's County Personnel Board is hereby established.
- (b) Definitions.
  - (1) Party. Includes both the employee prosecuting an appeal and the County.
  - (2) Relevant. Refers to information which relates to an issue before the Personnel Board and tends to establish the truth or falsity of such issue.
- (c) Composition of Board. The Personnel Board shall consist of five (5) residents of Queen Anne's County.
- (d) Appointment. Personnel Board members shall be appointed by the County Commissioners and designated by Board Member number one through five for purpose of establishing an initial term of office.
- (e) Term of Office.
  - (1) In order to establish a system by which the terms of Board members are staggered so that once established, continuity of operation may be maintained, the initial terms of Personnel Board members shall be as follows:
    - (i) Board Member 1. This member's term of office shall expire on June 30, 2001;
    - (ii) Board Member 2. This member's term of office shall expire on December 31, 2001;
    - (iii) Board Member 3. This member's term of office shall expire on June 30, 2002;
    - (iv) Board Member 4. This member's term of office shall expire on December 31, 2002;
    - (v) Board Member 5. This member's term of office shall expire on June 30, 2003;

- (2) After the initial terms of office have expired for each Board member, Personnel Board members shall be appointed for a term of four (4) years.
  - (3) Personnel Board members may be re-appointed, but may serve no more than three (3) terms in office.
  - (4) No member of the Personnel Board shall hold any other County office or County employment.
- (f) Removal of Board Member. A member of the Personnel Board may be removed by a majority vote of the County Commissioners before the expiration of his or her term of office, for cause, for any of the following:
- (1) Failure to attend three (3) or more meetings in any calendar year;
  - (2) Failure to deliberate, receive or consider evidence or render a decision on any case in good faith; or
  - (3) Conduct which is clearly intimidating, oppressive or abusive to any person.

26-1302. Jurisdiction.

- (a) Scope of Authority. The Personnel Board shall be empowered to:
- (1) Hear and decide all appeals by members of the Classified Service from personnel actions taken by the County.
  - (2) Advise the County Commissioners regarding modifications to the Classification and Salary Plan; and
  - (3) Annually, receive a report from the Director of Human Resources regarding the state of the Human Resources Department and the County Merit System, and present their findings regarding the Department specifically, and County personnel practices generally, to the County Commissioners.
- (b) Scope of Appeal. An appeal to the Personnel Board shall be limited to the issues;

- (1) Agreed upon by the County and the employee;  
or
  - (2) Those which were presented at the Human Resources Conference or Pre-termination Hearing.
- (c) Authorized Action. Based upon the decision of a majority of the Board, the personnel action appealed from shall be either;
- (1) Sustained; or
  - (2) Overruled. The Personnel Board shall not be empowered to modify any disciplinary sanction applied by an appointing.
  - (3) As a result of a Personnel Board Hearing, the Board may require another employee to take or refrain from taking any action or engaging in any conduct;
- (d) Additional Powers. The County Commissioners may, by ordinance, confer upon the Personnel Board such further rights and duties as may be deemed necessary to enforce and carry out the principles and intent of this Ordinance.

26-1303. Purpose of Personnel Board Hearing. The purpose of a Personnel Board Hearing shall be for the Personnel Board to:

- (a) Obtain all of the facts which form the basis for the appeal;
- (b) Hear the employee's version of the appeal in full;
- (c) Receive and review testimonial and other evidence;
- (d) Determine whether the action or condition which forms the basis for the employee's appeal amounts to a violation of law or policy; and
- (e) Determine whether the penalty imposed, if any, is consistent with the offense, principles of progressive discipline, the employee's job record, law and County policy.

26-1304. Frequency of Meetings. The Personnel Board shall meet within ten (10) calendar days after receipt of an employee appeal, and as frequently otherwise as is required to discharge its responsibilities effectively.

26-1305. Rules of Procedure.

- (a) Quorum. Three (3) Personnel Board members shall constitute a quorum.
- (b) Chairperson.
  - (1) During the month of January of each year, or at the first meeting of the Personnel Board in any year at which a quorum is present, the Personnel Board shall elect one of its members as Chairperson.
  - (2) The Chairperson shall;
    - (i) Schedule all Personnel Board Hearings and meetings;
    - (ii) Conduct and preside at all meetings of the Personnel Board;
    - (iii) Make evidentiary rulings at all hearings. In the event of any disagreements among members of the Personnel Board regarding evidentiary or procedural matters, obtain the consensus of the Board regarding the issue in questions and abide by such consensus;
    - (iv) Poll members of the Personnel Board telephonically to make preliminary rulings regarding preliminary objections raised by any party prior to a Personnel Board Hearing.
- (c) Guidelines for Hearings. The Personnel Board Hearing shall be held in an informal manner but shall conform with the following guidelines;
  - (1) The employee shall bear the burden of establishing the propriety of his or her case by a preponderance of relevant facts and testimony;
  - (2) The scope of the appeal shall conform to the matters which were raised by the employee at the Human Resource Conference; and
  - (3) The Personnel Board shall hear and decide the case in accordance with the Queen Anne's County Personnel Board Rules of Procedure;

- (4) The employee and/or the County may be represented by an attorney at a Personnel Board Hearing; and
  - (5) The employee and the County may call other employees as witnesses and the director of the department to which the employee is assigned shall facilitate their attendance at the Conference.
- (d) Time limits.
- (1) All appeals shall proceed in accordance with time limits established by this Ordinance.
  - (2) If any action required by this Ordinance is not taken within an established time limit, it shall be time barred and any appeal dependent upon such action shall be dismissed.
- (e) Preliminary Objections.
- (1) A party may note an objection to any step 4 appeal by filing a preliminary objection no later than ten (10) days prior to the date of any scheduled Personnel Board Hearing.
  - (2) A preliminary objection may be filed to challenge:
    - (i) The impartiality of any member of the Personnel Board;
    - (ii) The jurisdiction of the Personnel Board; or
    - (iii) Non conformance by a party with any mandatory time limit or other procedural requirement.
- (f) Evidence.
- (1) Formal rules of evidence shall not apply to a Personnel Board Hearing.
  - (2) The Personnel Board may take administrative cognizance of;
    - (i) The existence and content of Federal, State and County laws;

- (ii) The identity of the County Commissioners, County Administrator and all department directors;
    - (iii) Facts which are common knowledge; and
    - (iv) Normal physical properties of items
  - (3) All remaining facts must be established through the introduction of admissible evidence at a Personnel Board Hearing;
  - (4) Evidence shall be received which, in the judgment of the Personnel Board;
    - (i) Is credible;
    - (ii) Tends to establish or refute the existence of a relevant fact; and
    - (iii) Is not, by its nature, unreasonably prejudicial or repetitious.
  - (5) Evidentiary rulings shall be made by the Chairman of the Personnel Board upon objection by a party to a Personnel Board Hearing to any testimony or item of evidence.
  - (6) Evidence which is not admitted shall not be considered by the Personnel Board for any reason.
- (g) Burden of Proof.
- (1) The employee prosecuting the appeal shall have the burden of establishing the propriety of his or her position by a preponderance of evidence.
  - (2) If the Personnel Board is unable to decide whether the employee has successfully met his or her burden of proof, the Board shall find for the County.
- (h) Order of Presentation. The following order of presentation shall apply to all Personnel Board hearings:
- (1) The employee who is prosecuting the appeal may make an opening statement or may elect to waive such statement;

- (2) The County may make an opening statement;
  - (3) The employee who is prosecuting the appeal shall present his or her case through his or her testimony, the testimony of witnesses and the introduction of physical evidence;
  - (4) The County shall present its case through the testimony of witnesses and the introduction of physical evidence;
  - (5) The employee who is prosecuting the appeal may make a closing statement summarizing the case; and
  - (6) The County may make a closing statement summarizing the case.
- (i) Examination of Witnesses.
- (1) A party shall examine his or its witnesses through use of non-leading, direct questions which are designed to elicit information which is relevant;
  - (2) Each party may cross-examine the other party's witnesses, upon completion of such witness's direct testimony, through use of leading or other questions;
    - (i) No party may verbally abuse or otherwise impose upon a witness in terms of the manner in which questions are asked; and
    - (ii) In the event a witness refuses to answer questions on cross-examination, the witness shall be warned that continued refusal shall result in the exclusion from evidence of his or her direct testimony and, upon continued refusal of such witness to answer questions on cross-examination, the Personnel Board may exclude all or part of such person's testimony.
  - (3) Upon completion of cross-examination, the party calling a witness shall have the opportunity to ask additional questions on re-direct examination. The right of re-cross examination shall be granted or withheld in the discretion of the Personnel Board.

(j) Decision of Personnel Board.

- (1) The decision of the Personnel Board shall be derived from a majority vote of a quorum of Board members who attended the entire step 4 appeals hearing;
- (2) Within thirty (30) calendar days after the Conference, the Personnel Board shall notify the employee in writing of the findings and conclusions of the Personnel Board.

(k) Continuances.

- (1) The Personnel Board shall, as a matter of right, grant one (1) continuance to a party provided the request is made no later than seven (7) calendar days before any scheduled Personnel board Hearing;
- (2) Upon good cause shown, the Personnel Board may grant such other continuances as it deems essential to the search for truth or the proper resolution of an employee's appeal.

Subtitle XIV. PERSONNEL RECORDS.

26-1401. Personnel Records Maintenance. Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Director of Human Resources. The County shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs. All medical information shall be kept confidential and separate from personnel files.

26-1402. Information Open to the Public. With respect to a County employee, the following is public information:

- (a) Name;
- (b) Date of original employment or appointment to County service;
- (c) Current position title;
- (d) Current salary; and
- (e) Office to which the employee is currently assigned.

26-1403. Access to Personnel Records. As required by Maryland Public Information Law, the information listed in Section B. is available for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the County Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

26-1404. Confidential Information. All information contained in a County employee's personnel file, other than the information listed in sub section B. of this Section will be maintained as confidential in accordance with the requirements of the Maryland Public Information Law and shall be open to inspection only in the following instances:

- (a) The employee or his or her duly authorized agent may examine all portions of the employee's personnel file, except letters of reference solicited prior to employment;
- (b) A licensed physician designated in writing by the employee may examine the employee's medical record;

- (c) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file;
- (d) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court; and
- (e) An official of any agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability without an order of court.

26-1405. Remedies of Employees Objecting to Material in a Personnel File. An employee who objects to material in his or her personnel file may place in the file a statement relating to the material the employee considers to be inaccurate or misleading. The employee may seek the removal of such material by sending a written request to delete such material to the Director of Human Resources.

26-1406. Penalty for Permitting Access to Confidential File by Unauthorized Person. Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian or person in interest, shall be subject to discipline including termination from employment.

26-1407. Destruction of Records. No public official may destroy or otherwise dispose of any public record, except in accordance with the provisions of the Maryland Public Information Law.

Subtitle XV. CONTRACTUAL EMPLOYEES.

26-1501. Contractual Workers.

- (a) Purpose of Contractual Work. A contractual worker is an individual, not a corporation, limited liability company or organization of any type, who is selected to perform a defined range of specific activities for the County under an employment agreement by an appointing authority. The provisions herein shall not apply to professional services provided to the County on a contractual basis such as legal, accounting, architectural and engineering services. The County may elect to enter into employment agreements to employ persons for the purpose of;
- (1) Performing work which members of the Classified Service are not able to perform;
  - (2) Performing work for a duration not to exceed one (1) year from that date of execution of such an agreement, unless such contract is funded by a grant from a source external to the County in which the duration of the employment agreement shall extend for the entire period of the grant. Upon certification by an appointing authority that sufficient funds exist, an employment agreement may be extended for additional increments not exceeding one (1) year.
- (b) Standards for Employment Contracts.
- (1) Standard Form Employment Agreement. The Director of Human Resources shall, in conjunction with the County Attorney, develop and maintain a standard form employment agreement which shall be the exclusive vehicle by which contractual workers shall be employed .
  - (2) Non-Discrimination. All employment agreements shall be;
    - (i) Initiated and executed on the basis of legitimate County need;
    - (ii) Based upon merit and fitness ascertained by means of job related selection practices and techniques, and without discrimination due to race, color,

religion, political affiliation, marital status, sex, age, or any other basis prohibited by State or Federal law.

- (3) Contract Salary. The amount to be paid any contractual worker shall be approved by the Director of Human Resources and shall generally be equivalent to that paid members of the Classified Service for work of comparable value.
- (c) Recruitment and Selection. Except as otherwise directed by the Director of Human upon a finding that to do so would amount to an inappropriate and unnecessary expenditure of County funds, the following procedure shall be employed for the acquisition of contractual workers services;
- (1) Requisition. An appointing authority wishing to employ a contractual worker shall initiate a staff requisition and forward it to the Director of Human Resources.
  - (2) Announcement. The Department of Human Resources shall prepare and distribute a job announcement for the position which is clearly denoted as a "contractual position".
  - (3) Advertising. The Department of Human Resources may advertise the vacant contractual position in a newspaper of general circulation in the County and elsewhere.
  - (4) Selection. The Department of Human Resources shall, in conjunction with the requisitioning department, construct and administer a job-related selection process to identify the most highly-qualified candidate for employment. The candidate who is identified as most qualified in the selection process shall be the person with whom the employment agreement is executed.
- (d) Execution of Employment Agreement. Employment agreements shall be;
- (1) Prepared by the Human Resource Department; and
  - (2) Executed by;

- (i) The appointing authority seeking to employ a contractual worker;
  - (ii) The Director of Human Resources and
  - (iii) The County Administrator.
- (e) Contractual Worker Benefits.
- (1) The following benefits are mandatory and shall be included in all employment agreements;
    - (i) Worker's compensation coverage; and
    - (ii) FICA.
  - (2) The following benefits may, at the option of the appointing authority wishing to employ a contractual worker, and upon a certification by such appointing authority that sufficient funds are available to pay for them, and approval of the Director of Human Resources, be included in an employment agreement;
    - (i) Individual coverage health insurance. The premiums for health insurance coverage to be paid in the ratio of ninety percent (90%) by the County and ten percent (10%) by the contractual worker for individual, husband and wife or family coverage;
    - (ii) Holidays. Contractual workers may receive no more than six (6) major paid holidays including;
      - a) New Year's Day;
      - b) Memorial Day;
      - c) Fourth of July;
      - d) Labor Day;
      - e) Thanksgiving; and
      - f) Christmas Day
    - (iii) Leave. A contractual worker may accrue eight (8) hours of leave per month which may be used for vacation, illness or

injury or personal purposes. Any accrued but unused leave will be forfeited upon termination of an employment agreement.

- (f) Conditions Applicable to Contractual Workers. Persons employed under an employment agreement shall:
- (1) Produce required documents to substantiate their eligibility for employment under federal laws and must complete the I-9 Immigration Form;
  - (2) In the case of work which is safety sensitive, conform to the requirements of the County's Alcohol and Controlled Substance Testing Policy;
  - (3) Receive consideration for their contract services in the form of periodic contractual salary which shall be paid at the same time as that paid to members of the Classified Service. Contractual workers shall not be eligible for nor receive cost of living adjustments accorded members of the Classified and Professional and Executive services. In making contractual salary payments, the County will deduct FICA as well as federal and state income tax withholding; and
  - (4) Conform to all County ordinances and policies which impose a duty upon County employees.
- (g) Termination of Employment Agreement.
- (1) At such time as work which formed the basis for an employment agreement is no longer necessary, or at such time as a grant which is the source of funding for an employment agreement terminates, the employment agreement shall also be terminated by the County.
  - (2) Termination of an employment agreement shall be in writing and;
    - (i) Normally be prefaced by a two week notice period; or

(ii) In the case of termination for cause, require no period of notice prior to extinction.

(h) Preferential Status. A contractual worker shall have preference over County employees and external candidates with respect to any position in the Classified Service which is an outgrowth of an employment agreement to which such contractual worker is a party.

26-1502. Independent Contractors. Persons and/or firms may be retained to perform work for the County under a general contract. In this instance, no employer-employee relationship between the county and individuals actually performing the work shall be created.

Sub-Title XVI. CODE OF ETHICS.

26-1601. Standards of Conduct for Public Officials and Employees.

- a. It is the obligation of every public official and employee to support the Constitution of the United States and the Constitution of the State of Maryland.
- b. The laws of the Nation, State and Municipality shall be impartially administered. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen except by due process of law.
- c. Every citizen shall receive a fair and impartial hearing on any matter coming before County officials. No public official or employee shall make any promise or pledge to any person concerning any matter to be heard before a public official or employee except upon fair, impartial and final hearing thereof.
- d. The conduct of public business shall be free of any hidden personal or financial interest of any public official or employee. No public officials or employees shall advocate in any public meeting or private discussion any matter in which they have a personal or financial interest except upon full and timely disclosure of the interest.
- e. It is the obligation of every public official and employee to faithfully discharge the duties of office. Public officials shall make full and timely disclosure of any personal or financial interest which they have in any matter of public business to be transacted before them.
- f. The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the obligation of every public official and employee to refuse personal gifts, favors or special privileges in every instance where such public official or employee reasonably believes such gift, favor or special privilege would not have been extended but for the position of such public official or employee, or where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the public official or employee, or

where the gift is or may reasonably be considered to be designed to influence the actions of the public official or employee.

- g. No public officials or employees shall seek personal or financial advantage by means of their public office, appointment or employment.
- h. The use of public trust for private gain is inimical to good government. No public official or employee shall use confidential or advance information obtained by virtue of public office, appointment or employment for personal or financial advantage.
- i. It is the obligation of every public official and employee to carry out the lawful orders and policies of the County Commissioners. No public official or employee shall knowingly take any action inconsistent with the lawful orders or policies established by the County Commissioners. No public official or employee shall knowingly take any action which would be detrimental to the best interests of the County.

26-1602. Supplemental to Ethics Ordinance. These provisions are supplemental to the Queen Anne's County Ethics Ordinance and are not intended to substitute and/or abrogate any requirements of such Ordinance.