

**PERTAINING TO THE AMENDMENT OF CHAPTER 86
OF THE CODE OF CALVERT COUNTY**

WHEREAS, *Local Government Article*, Section 12-103 of the Maryland Annotated Code, as amended, authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter, the "Board of County Commissioners") to establish a merit system in connection with the appointment of all county officials and employees not elected or appointed under the Constitution or public general laws of the State;

WHEREAS, by Ordinance 42-09, the Board of County Commissioners did adopt such a merit system, which is codified at Title 86 of the Code of Public Local Laws of Calvert County, Maryland, being Title 86 of *Article 5* of the Code of Public Laws of Maryland (hereinafter, the "Code"), the Annual Budget and Appropriation Act each year;

WHEREAS, the Office of Personnel has recommended that the Board of County Commissioners adopt certain amendments to Chapter 86 of the Code, more specifically set forth below;

WHEREAS, a public hearing regarding the certain amendment of Chapter 86 of the Code was duly advertised for two consecutive weeks before the public hearing held on March 21, 2017, at which time the Board of County Commissioners received public comment;

WHEREAS, upon due consideration of the comments of the public and staff and in furtherance of the public health, safety and welfare, the Board of County Commissioners finds it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland to adopt certain amendments to Chapter 86 of the Code set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Calvert County, Maryland hereby approves and enacts the following amendments to Chapter 86 of the Code:

1. Section 86-2-403 of the Code shall be amended, effective upon the date of adoption of this Ordinance, by repealing section 86-2-403 of the Code in its entirety and adopting in its place the following:

§ 86-2-403. Probationary period upon status change.

Each applicant appointed to fill a merit position is automatically placed in a probationary status for six months, unless a longer probationary period in that class of work, not to exceed one year, has been established, except that the County Sheriff may establish a longer probationary period for deputy sheriffs. Probationary employees shall be assessed on or before the expiration date of the probationary period. The employee's performance during the probationary period shall be considered in determining whether the employee shall be retained, given an extension of probation or dismissed. An employee who has received a satisfactory performance evaluation and a favorable recommendation from the Department

Head, shall be given merit status, and shall be eligible to request the use of annual leave if they have successfully completed an initial probationary period. Employees may request the use of accrued sick leave while in a probationary status.

- A. Under the following conditions, employees shall be required to serve a probationary period in accordance with § 86-2-402, Probationary period upon initial employment:
- (1) Competitive promotion;
 - (2) Noncompetitive promotion from a classification designated as probationary or trainee to the next higher level in the classification series, unless waived by the Department Head and Director of Personnel based on insubstantial changes in duties and responsibility;
 - (3) Voluntary demotion, unless waived by the receiving Department Head and Director of Personnel based upon either the circumstances surrounding the action or an insubstantial change in duties and responsibility level;
 - (4) Involuntary demotion; or
 - (5) Voluntary transfer to a different class specification, unless waived by the receiving Department Head and Director of Personnel based upon an insubstantial change in duties and responsibility level.
- B. Under the following conditions, employees shall not be required to serve an additional probationary period:
- (1) Reclassification;
 - (2) Involuntary transfer; or
 - (3) Transfer to the same class specification in the same department.
- C. Part-time County employees selected for full-time positions shall generally be required to serve a probationary period. This may be waived by the receiving Department Head and Director of Personnel when the employee is selected for a position of the same title or when the hours of the position are expanded to full-time. Employees shall not be granted a step increase until successful completion of the probationary period. A step increase shall then be granted in accordance with § 86-3-103. The employee may request the use of accrued leave during the probationary period once the employee

completes six months of service with the County as an employee eligible to receive leave.

D. An employee serving a new probationary period upon status change shall be assigned a new evaluation date for pay and evaluation purposes and shall not be granted a step increase until successful completion of the probationary period. A step increase shall then be granted in accordance with § 86-3-103.

2. Section 86-3-103 of the Code shall be amended, effective upon the date of adoption of this Ordinance, by repealing section 86-3-103 of the Code in its entirety and adopting in its place the following:

§ 86-3-103. Step increases.

Subject to the availability of funds and the terms of the pay scale, the Board of County Commissioners grants step increases once per fiscal year as described below

A. The following employees shall be eligible for step increases:

- (1) Merit employees that have received a satisfactory or better performance evaluation shall be granted a step increase at the beginning of the fiscal year.
- (2) Merit employees serving a new probationary period upon status change.
- (3) Full-time grant funded employees that have received a satisfactory or better performance evaluation shall be granted a step increase at the beginning of the fiscal year.
- (4) Full-time grant funded employees serving a new probationary upon status change.
- (5) Part-time and part-time grant funded employees that have: (a) received a satisfactory recommendation from the Department Head; and (b) completed six months of service shall be granted a step increase at the beginning of the fiscal year.
- (6) Hourly employees that have received a satisfactory recommendation from the Department Head, shall be granted a step increase at the beginning of the fiscal year provided they have completed one year of continuous service as an hourly employee.

- (7) Returning seasonal employees shall be granted a step increase at the beginning of the fiscal year provided they are returning to the same position held previously as a seasonal employee.
- B. If a part-time or part-time grant funded employee moves to a job with a different title, they must complete six months of service in the new title prior to receiving the increase.
- C. Employees serving their initial probationary period are not eligible to receive step increases. If an employee is on initial probation and ineligible for the step increase at the time it is granted, that employee shall be eligible for a step increase upon completion of the initial probationary period if they have received a satisfactory performance evaluation and a favorable recommendation from the Department Head and if they began their probation prior to the first day of the pay period that the increase was granted.
- D. If the County Sheriff has established a probationary period in excess of one year, deputy sheriffs shall be eligible for a step increase upon completion of one year of service, and each July thereafter if they have received a satisfactory performance evaluation and a favorable recommendation from the Sheriff and if their probationary period began prior to the first day of the pay period that the increase was granted. The granting of such a step increase shall not be construed as successful completion of the probation.
- E. All step increases shall be effective at the beginning of the pay period that is closest to July 1. If July 1 falls exactly in the middle of a pay period, the step increase shall be effective at the beginning of that pay period.
3. Section 86-4-103 of the Code shall be amended, effective upon the date of adoption of this Ordinance, by repealing section 86-4-103 of the Code in its entirety and adopting in its place the following:

§ 86-4-103. Carryover, payout and use to purchase service credits.

- A. Employees who became eligible for annual leave prior to September 7, 2015 may carry over into a new year, a maximum of thirty (30) Leave Days, defined below, of annual leave during the first five years of employment. Starting with the sixth year of employment, an additional five (5) Leave Days per year may be carried over, not to exceed one hundred (100) Leave Days. This carryover shall be accomplished effective the beginning of the first full pay period in January. Any excess annual leave over these amounts is automatically converted to sick leave. Employees may elect to accept compensation for up to ten (10) Leave Days of annual leave each calendar year with no restrictions. Employees may elect to accept compensation for an additional five (5) Leave Days of annual leave each calendar year with the following restriction: at the time of any request that includes days eleven (11) through fifteen (15) of that calendar year, the employee's balance

of accrued annual leave minus the amount of annual leave sold must be equal to or greater than five (5) Leave Days of annual leave. Under this provision, an employee may not elect to accept compensation for more than fifteen (15) Leave Days of annual leave each calendar year. Employees are not eligible to sell annual leave which would be paid during a period of suspension.

- B. Employees who became eligible for annual leave on or after September 7, 2015 may carry over into a new year, a maximum of fifty (50) Leave Days, defined below, of annual leave. This carryover shall be accomplished effective the beginning of the first full pay period in January. Any excess annual leave over this amount is automatically converted to sick leave. Employees may elect to accept compensation for up to ten (10) Leave Days of annual leave each calendar year with no restrictions. Employees may elect to accept compensation for an additional five (5) Leave Days of annual leave each calendar year with the following restriction: at the time of any request that includes days eleven (11) through fifteen (15) of that calendar year, the employee's balance of accrued annual leave minus the amount of annual leave sold must be equal to or greater than five (5) Leave Days of annual leave. Under this provision, an employee may not elect to accept compensation for more than fifteen (15) Leave Days of annual leave each calendar year. Employees are not eligible to sell annual leave which would be paid during a period of suspension.
- C. For the purposes of this Article, the number of hours in a "Leave Day" for full-time employees shall be determined by dividing the number of hours in the standard equivalent full-time pay period by ten (10). For the purposes of this Article, the number of hours in a "Leave Day" for eligible part-time employees shall be determined by dividing the number of regularly scheduled hours in a pay period by ten (10).
- D. Upon separation from County service for disability or nondisciplinary reasons employees who are eligible to request the use of accrued annual leave or their beneficiaries shall be paid for all of their unused accrued annual leave. If the County Sheriff establishes a probationary period in excess of one year, upon separation deputy sheriffs shall be paid for all of their unused accrued annual leave upon completion of one year of service if they have received a satisfactory performance evaluation and a favorable recommendation from the Sheriff. In lieu of payment, employees may elect to donate all or part of their annual leave to an employee with a known sick leave need, in accordance with Article X, Sick Leave, § 86-4-1008, Sick leave donations. Any unused accrued annual leave hours not donated shall be paid. Employees who donate annual leave hours forfeit any leave payout of those donated hours. This payment may be withheld at the request of the Department Head for employees who do not give proper notice in accordance with § 86-2-601.
- E. Notwithstanding any provision to the contrary, members of the Calvert County Sheriff's Department Pension Plan (the "Plan") subject to this Part

4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused, accrued annual leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service is the result of multiplying the number of hours of unused, accrued annual leave surrendered times the member's straight time hourly rate of pay at the time of surrender. Nothing in this Subpart E authorizes more hours of annual leave be carried forward from one pay year to the next than prescribed in Subparts A or B, above, whichever applies to the member.

4. Section 86-4-202 of the Code shall be amended, effective upon the date of adoption of this Ordinance, by repealing section 86-4-202 of the Code in its entirety and adopting in its place the following:

§ 86-4-202. Conditions.

- A. Full-time and part-time employees that have received personal leave from the County the prior year shall be granted personal leave hours equivalent to five (5) "Personal Leave Days," as defined below, the first full pay period of the pay year.
- B. For the purposes of this Article, the number of hours in a "Personal Leave Day" granted to full-time employees shall be determined by dividing the number of hours in the standard equivalent full-time pay period by ten (10).
- C. For the purposes of this Article, the number of hours in a "Personal Leave Day" granted to eligible part-time employees shall be determined by dividing the number of regularly scheduled hours in a pay period by ten (10).
- D. An employee eligible for and receiving personal leave for the first time shall receive five (5) Personal Leave Days the first full pay period following:
- (1) Successful completion of a prescribed six (6) month probationary period;
 - (2) Six (6) months of service if the probationary period established for the employee's position is longer than six (6) months; or
 - (3) Six (6) months of service for part-time employees.
5. Section 86-4-1003 of the Code shall be amended, effective upon the date of adoption of this Ordinance, by repealing section 86-4-1003 of the Code in its entirety and adopting in its place the following:

§ 86-4-1003. Authorized uses. [Amended 1-10-2017 by Ord. No. 01-17]

- A. Sick leave may be used for:
- (1) Incapacitating sickness or disability including maternity when medically necessary on the part of the mother or the infant;
 - (2) Quarantine confinement;
 - (3) Child care responsibilities associated with adoption or placement of the child with the employee is not to exceed five days. This may be used only once per child for either the adoption or the placement;
 - (4) Parental responsibilities associated with birth, not to exceed ten (10) days per birth;
 - (5) Illness of an employee's Family Member as defined in subpart C;
 - (6) Necessary medical or dental appointments of the employee or family member as defined in subpart C when unable to attend the appointment alone and when no other responsible adult is available; or
 - (7) Death of an employee's family member as defined in subpart C, not to exceed five days per death.
 - (8) Members of the Calvert County Sheriff's Department Pension Plan (the "Plan") subject to this Part 4, Article I, and eligible to purchase service credit(s) in accordance with Section 1.30(e) of the Plan, as amended from time to time, may surrender any number of hours of unused, accrued sick leave, not to exceed the number of hours available to the member at time of surrender, as a means of payment, in whole or in part, of the purchase price for Years of Service. In so doing, the value of the credit against the purchase price for Years of Service shall be calculated in accordance with the payout provisions in § 86-4-1006(A) or (B), below, whichever would apply to the member if the member were separating from County service.
 - (9) Individualized Education Program (IEP) or 504 Plan meetings for an employee that is the parent of a child requiring special education services.
- B. If an employee becomes ill or injured while on annual, personal, compensatory, or other paid leave, the period of such incapacity may be

changed to sick leave if the employee so requests. A supervisor may request medical documentation from a physician.

C. For the purposes of this article, "Family Member" is defined as an individual with any one or more of the following relationships to the employee:

- (1) Spouse or domestic partner, and parents, children, or siblings thereof;
- (2) Sons and daughters, and spouses thereof;
- (3) Parents, and spouses thereof;
- (4) Brothers and sisters, and spouses thereof;
- (5) Grandparents and grandchildren, and spouses thereof;
- (6) Aunts and uncles, and spouses thereof;
- (7) Any individual related by blood or affinity whose close relationship with the employee is the equivalent of a parent/child relationship; or
- (8) Any individual living in the home of the employee.

6. Section 86-8-101 of the Code shall be amended, effective upon the date of adoption of this Ordinance, by repealing section 86-8-101 of the Code in its entirety and adopting in its place the following:

§ 86-8-101. Statement of policy.

- A. All full-time employees shall receive performance evaluations. The primary purpose of the employee performance evaluation is to inform employees of their performance and offer constructive criticism for improving that performance. The three types of performance evaluations are probationary, annual, and follow-up.
- (1) Probationary performance evaluations are based on service within the probationary period. Upon receipt of a satisfactory performance evaluation and a favorable recommendation from the Department Head, a probationary employee shall be retained. An employee serving a new probationary period upon status change shall be assigned a new evaluation date for pay and evaluation purposes.
 - (2) Annual performance evaluations are based on service within the past year and shall also be considered for purposes of establishing eligibility for step increases, determining the need for performance

related disciplinary actions, selection decisions, and order of layoff. Upon receipt of a satisfactory or better rating, the employee shall be granted a step increase in accordance with § 86-3-103.

(3) Follow-up performance evaluations are conducted, after six months, in the case of an unsatisfactory or needs improvement performance rating in an annual evaluation and shall not be considered for purposes of establishing eligibility for step increases.

B. If a nonprobationary employee is absent from work for more than 1/2 of the evaluation period, the Department Head shall extend the evaluation period equivalent to the length of time absent from work. Upon successful completion of the extended evaluation period, the employee shall be granted a step increase effective the beginning of the next pay period, if they missed a step increase due to the extension, if applicable.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that Chapter 86 of the Code, as amended hereby, shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

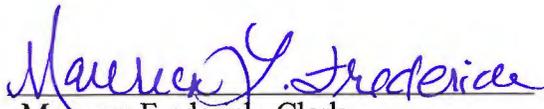
BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be adopted and effective upon recordation and publication of a fair summary.

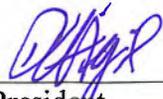
DONE, this 4th day of April, 2017, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

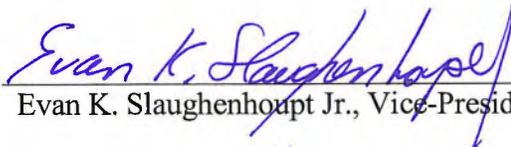
Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND


Maureen Frederick, Clerk


Tom Hejl, President


Evan K. Slaughenhaupt Jr., Vice-President

Approved for legal sufficiency by:


Mike Hart


John B. Norris, III, County Attorney


Pat Nutter


Steven R. Weems

received for Record... April 5 2017
at 1:57 o'clock P M. Same day
recorded in Liber KPS No. 51
Folio..... 341 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

