

**PERTAINING TO THE AMENDMENT OF CHAPTER 86 OF
THE CODE OF PUBLIC LOCAL LAWS 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 December 2, 2014, at which time the Board of County Commissioners received public comment; and

WHEREAS, upon due consideration of the comments of the public and staff, 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 those 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 86-1-201, Equal Employment Opportunity Statement, of Chapter 86 of the Code shall be amended by repealing that Section in its entirety and adopting in its place the following:

§ 86-1-201. Statement of policy.

- A. It is the policy of the Board of County Commissioners to comply fully with Federal Government and State regulations with regard to equal employment opportunity. It is, and shall continue to be, the policy of the Board of County Commissioners to provide employment, training, compensation, promotion, and other conditions of employment in the County service based on merit and without regard to age, sex (including pregnancy) (except where age or sex are essential bona fide occupational requirements), sexual orientation, marital status, ancestry or national origin, religion,

race, color, genetic information, actual or perceived disability, or gender-related identity or expression.

- B. The Board of County Commissioners shall continue to direct its employment and personnel practices toward ensuring equal opportunity for everyone in the County service. Therefore, the Board of County Commissioners intends that all matters related to recruiting, hiring, training, benefits, tuition, grants, compensation, promotion, transfer, layoff, disciplinary action, termination, and all treatment on the job be free from discriminatory practices.
- C. In addition, while it is the policy of the Board of County Commissioners to apply job-related standards appropriate to each position in the County service and to maintain such standards at a level consistent with effectiveness of the County's operations, it is also the policy to take affirmative action to seek out individuals at any level of the organization whose potential has not been fully met, with the objective of assisting them to reach their full potential and meet job standards. Affirmative action shall include finding additional sources of applicants who can meet minimum job standards, utilizing appropriate training, which shall assist these individuals toward full qualification, and developing programs to assure upward mobility for such qualified individuals.
- D. All County personnel who are responsible for recruiting, hiring, training, supervising, promoting, transferring, and assigning employees are governed by this policy.
2. Section 86-1-301 of the Code shall be amended by redacting and substituting in its place the following definition:

§ 86-1-301. Definitions.

PAY SCALE – Tables of Position Grades setting forth Salary Ranges constructed around an established number of hours in a Pay Period.

3. Section 86-2-301, Personnel Selection Procedures, of Chapter 86 of the Code shall be amended by repealing that Section in its entirety and adopting in its place the following:

§ 86-2-301. Nondiscrimination policy.

It is the policy of the Board of County Commissioners that the recruitment and selection of applicants shall provide open competition, equal employment opportunity, and shall prohibit discrimination with regard to age, sex (including pregnancy) (except where age or sex are essential bona fide occupational requirements), sexual orientation, marital status, ancestry or national origin, religion, race, color, genetic information, actual or perceived disability, gender-related identity or expression or other nonmerit factors.

4. Section 86-4-701, Military/Deployment Leave, of Chapter 86 of the Code shall be amended by repealing that Section in its entirety and adopting in its place the following:

§ 86-4-701. Eligibility.

- A. An employee who is a member of the National Guard, the Army, Navy, Air Force, Coast Guard, or Marine Reserve shall be entitled to military leave for military training. Merit employees and part-time and grant-funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for military leave in accordance with the terms of this article. Contractual and appointed employees are eligible for military leave only if such leave is granted by an express term of their employment contract or appointment, respectively. Employees who are called for military training and who are not eligible for paid military leave are entitled to leave without pay as required by federal law and in accordance with § 86-4-1101. Where eligible, but no more than once per calendar year, approved military leave shall be paid at that employee's Salary Rate for the lesser of: (1) the duration of approved military leave; or (2) the number of hours in a single Pay Period for that employee as set forth upon the Pay Scale applicable for that employee. Any employee required to report for military service must give the Supervisor as much advance notice as possible.
- B. An employee who has worked for the last 12 months and at least 1,250 hours in that same period of time is eligible for leave equal to the lesser of: (1) eight hours; or (2) one-tenth the number of hours in a single Pay Period for that employee, as set forth upon the Pay Scale applicable to that employee on the day an immediate family member (parent, step parent, spouse, child or step child) is leaving for or returning from active duty outside of the United States as a member of the Armed Forces of the United States. The employee may not be required to use paid leave; however, unless the employee elects to use paid leave, the one day will be leave without pay. The employer may require documentation verifying that the leave is taken for this qualifying reason.

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, which shall be no sooner than ten (10) days from the date of adoption.

DONE, this 2nd day of December, 2014, 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 P. Frederick
Maureen Frederick, Clerk

Pat Nutter
Pat Nutter, President

Steven R. Weems
Steven R. Weems, Vice-President

Approved for legal sufficiency on
October 23, 2014 by:

Gerald W. Clark
Gerald W. Clark

Susan Shaw
Susan Shaw

John B. Norris, III
John B. Norris, III, County Attorney 2014

Evan K. Slaughenhoupt Jr.
Evan K. Slaughenhoupt Jr.

Recorded for Record 12/12 2014
at 11:20 AM
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for 408 46
COUNTY COMMISSIONERS
OFFICE AND RESOLUTION

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