

**PERTAINING TO THE RETROACTIVE 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**, *Courts and Judicial Proceedings Article*, Section 2-309(f) of the Maryland Annotated Code, as amended, authorizes and empowers the Board of County Commissioners to approve the salary of deputy sheriffs;

**WHEREAS**, the Sheriff has requested additional pay for Field Training Officers that directly supervise probationary deputies;

**WHEREAS**, the Office of Personnel has recommended amendments to Chapter 86 of the Code more specifically set forth below to effect the request of the Sheriff;

**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 January 13, 2015, 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 and that the retroactive application of amendments recommended herein will not interfere with vested rights or contractual obligations.

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

1. Repealing and readopting with amendments Section 86-1-104.B of the Code, which, upon amendment, shall provide as follows
  - B. The following parts of this chapter shall apply to the Deputies of the Calvert County Sheriff: Part 2, Article IV, Probationary Status, §§ 86-2-401, 86-2-402 and 86-2-403 A, C and D; Part 3, Article I, Pay and Adjustments, §§ 86-3-101, 86-3-102, 86-3-103, 86-3-104 A, B, C and F(1), 86-3-106, 86-3-107; Part 3, Article II, Overtime and Compensatory Time Policy, §§ 86-3-201, 86-3-202, 86-3-203, 86-3-204, 86,3-205,

86-3-208; 86-3-209 and § 86-3-210; Part 3, Article III, Compensation; Part 3, Article VI, Holiday Compensation; Part 4, Leave Administration; and Part 8, Performance Evaluation. Should any of these provisions stated be inconsistent with the Law Enforcement Officers Bill of Rights ("LEOBR"), that Bill of Rights shall govern.

2. Appending a new section, Section 86-3-107, to the Code, which shall provide as follows:

**§86-3-107. Field Training Officer pay.**

- A. Qualified Deputy Sheriffs are entitled to receive an additional one dollar (\$1.00) for each hour they directly instruct and supervise a probationary deputy during the initial field training period for a probationary deputy. The \$1.00 per hour shall not be paid for hours when the Field Training Officer ("FTO") or probationary deputy are on leave or not working the same schedule.
- B. In order to qualify, a Deputy Sheriff must be formally trained and designated by the Sheriff as an FTO and assigned a probationary deputy within the guidelines of the Sheriff's Office's FTO program. No FTO shall receive FTO pay after an her/his assigned probationary deputy is released to perform independent duties. Only one FTO shall receive the FTO pay per trainee per hour.

**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 effective upon recordation and publication of a fair summary.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be applied retroactively as if it had become effective 12:00 am, October 1, 2014.

DONE, this 15<sup>th</sup> day of January, 2015, 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 S. Frederick  
Maureen Frederick, Clerk

Steven R. Weems  
Steven R. Weems, President

Evan K. Slaughenbaupt Jr.  
Evan K. Slaughenbaupt Jr., Vice  
President

Approved for legal sufficiency on  
12/16/14 by:

Mike Hart  
Mike Hart

Tom Hejl  
Tom Hejl

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

Pat Nutter  
Pat Nutter

Received for Record 116 2015  
at 10:15 o'clock AM Same day  
recorded in Liber KPS No. 46  
Folio 490 COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.

Geoffrey P. Smith