

## **COUNTY ORDINANCE 22-08**

### **A BILL ENTITLED**

**AN ACT CONCERNING** Revision of the Human Resources Ordinance, Chapter 27 of the Code of Public Local Laws of Queen Anne's County.

**FOR THE PURPOSE** of simplifying, clarifying and restating the provisions, rules and procedures affecting the personnel of Queen Anne's County through amendment and revision of Chapter 27 of the Code of Public Local Laws of Queen Anne's County and providing for the adoption of a Personnel Manual.

**BY REPEALING, REVISING AND READOPTING** Chapter 27 of the Code of Public Local Laws.

### **SECTION I**

**BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND** that Chapter 27 of the Code of Public Laws is hereby repealed, revised and readopted to read as follows: <sup>1</sup>

Chapter 27

HUMAN RESOURCES

GENERAL REFERENCES

Definitions — See Ch. 2.

Rules of interpretation — See Ch. 3.

Ethics — See Ch. 8.

### **ARTICLE I**

#### **Definitions; Word Usage**

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§ 27-1. Terms defined.

In this chapter and in the Queen Anne's County Personnel Manual, the following words have the meanings indicated:

**APPOINTING AUTHORITY** — The designated position responsible for making the decision to appoint and terminate persons occupying nonelected classes of work positions within the County government.

**BUDGETED POSITION** — One that is expressly approved by the County Commissioners as part of the annual budget process. It is specifically shown in the position schedule that is completed as part of the budget process. Individuals paid from line items covering a number of contractual employees are not considered to be regular employees of the County and do not occupy budgeted positions.

**CLASSIFICATION** — The process of systematically examining and evaluating the duties, responsibilities and overall value of positions and classes of work to the County and, thereafter, assigning positions to an appropriate class of work and all classes of work to an appropriate grade on a County pay scale.

**CLASSIFIED SERVICE** — Consists of those full- and part-time positions which are designated as such by resolution of the County Commissioners.

**CLASS OF WORK** — A grouping of positions bearing the same title which are assigned to the same pay grade on a County salary scale.

**ELIGIBILITY LIST** — A list of persons who have successfully completed all phases of the selection process for a position or position series and are eligible for appointment to the position or positions.

EXEMPT SERVICE — Consists of State officials who by State law are funded by the County and subject to the County budget procedures, agents, and employees of the County specified herein who are exempt from certain provisions of this chapter as hereafter specified. Such State officials are not made County employees by inclusion in the Exempt Service, however the County has included such personnel for the purpose of assisting the State officers who manage such personnel by providing them with the Department of Human Resources functions and services specified in Article III of this chapter.

PERSONNEL ACTION —

A. Includes, with respect to any member of the classified service:

- (1) Any evaluation of job performance which reports unsatisfactory performance;
- (2) Written reprimand;
- (3) Suspension without pay;
- (4) Reclassification with a reduction or loss of associated compensation;
- (5) Demotion; and
- (6) Termination from employment.

B. A “personnel action” shall not include:

- (1) Any evaluation of job performance which reports performance which is better than unsatisfactory;
- (2) Oral reprimand;
- (3) Suspension with pay;
- (4) Reclassification without a reduction or loss of associated compensation; or
- (5) Other personnel status change.

POSITION — A budgeted and authorized grouping of tasks, duties and functions. A position may be either occupied by an employee or vacant.

PROFESSIONAL AND EXECUTIVE SERVICE — Consists of those professional County staff members designated as such by resolution of the County Commissioners and all department directors and persons who serve at the pleasure of the County Commissioners.

§ 27-2. Word usage.

In this chapter, the provisions and rules of this section shall be observed and applied, except where the context clearly requires otherwise.

A. Verb tense. Words used or defined in one tense or form shall include other tenses and derivative forms.

B. Masculine and feminine gender. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

C. “Shall.” The word “shall” is mandatory.

D. “May.” The word “may” is permissive.

E. Text controls. In case of any difference in the meaning or implication between the text of this chapter and any caption, illustration or table, the text shall control.

## **ARTICLE II**

### **Organization of Human Resources System**

§ 27-3. Responsibilities of County Commissioners.

The County Commissioners shall:

A. Appoint a qualified person to the position of County Administrator;

B. Appoint a qualified person to the position of Executive Assistant to the County Commissioners;

- C. Define and list the essential functions and other duties and responsibilities of the County Administrator;
- D. Appoint members of the Personnel Board; and
- E. Establish personnel policy through the periodic amendment of this chapter and by the adoption of and revisions to a Queen Anne's County Personnel Manual.

§ 27-4. Responsibilities of County Administrator.

The County Administrator shall:

- A. Perform those essential functions, duties and responsibilities which are assigned by the County Commissioners in a written job description and all reasonably related activities;
- B. Faithfully adhere to all provisions of this chapter and the Personnel Manual;
- C. Administer this chapter and the Personnel Manual in order to ensure the faithful adherence to its provisions by all County employees;
- D. Monitor the personnel functions within all County departments to ensure conformance with the requirements of this chapter and the Personnel Manual;
- E. Appoint all department directors to the professional and executive service with the advice and consent of the Board of County Commissioners and ensure that appropriate and comprehensive job descriptions are developed and distributed for all department directors;
- F. Appoint members of his or her staff; and
- G. Supervise the Director of the Department of Human Resources to ensure that he or she manages that Department in an efficient and effective manner.

§ 27-5. Responsibilities of Director of Department of Human Resources.

Under the supervision of the County Administrator, the Director of Human Resources shall:

- A. Perform those essential functions, duties and responsibilities which are assigned by the County Administrator in a written job description and all reasonably related activities;
- B. Faithfully adhere to all provisions of this chapter and the Personnel Manual;
- C. Interpret, apply and enforce the provisions of this chapter and the Personnel Manual and the policies and procedures adopted thereunder;
- D. Appoint departmental staff members;
- E. Provide technical assistance to County managers and supervisors, as necessary, to ensure conformance to the highest standards of human resource practice;
- F. Manage the Department of Human Resources efficiently and effectively;
- G. Supervise and coordinate the appeal process to ensure that employees receive a fair and timely resolution of all appeals;
  - (a) Conduct hearings and adjudicate Step 3 appeals in a fair, impartial and timely manner; and
  - (b) Present Step 4 appeals to and represent the County before the Personnel Board.
- H. Periodically audit the personnel practices and records of all County departments and units of government to which County employees are assigned in order to ensure conformance to this chapter and the highest standards of human resource practice;
- I. Foster and develop programs for the improvement of employee effectiveness; and
- J. Perform other duties as assigned by the County Administrator.

§ 27-6. Responsibility of departmental directors.

Under the supervision of the County Administrator, departmental directors shall:

- A. Perform those essential functions, duties and responsibilities which are assigned by the County Administrator in a written job description and all reasonably related activities;

- B. Adhere to the provisions of this chapter and the policies and procedures adopted thereunder;
- C. Appoint qualified persons to positions of employment within the classified and professional and executive service within their respective departments;
- D. Negotiate and recommend for approval by the County Administrator employment contracts with persons to perform work within those departments and who are not in approved, classified positions;
- E. Seek technical assistance from the Department of Human Resources to ensure conformance to the highest standards of human resource practice;
- F. Manage the human resources assigned to their departments efficiently and effectively; and
- G. Initiate requisitions for persons to fill authorized, budgeted positions within their departments and cooperate with the Department of Human Resources in recruiting, selection and employment activities.

### **ARTICLE III**

#### **Exempt Service and State Employees**

§ 27-7. Establishment.

The exempt service of Queen Anne's County is hereby created.

§ 27-8. Composition.

- A. The exempt service shall comprise the following offices and positions, which shall not be included within the merit system:

- (1) Elected officials occupying the following provisions:

- a. County Commissioner;

- b. Judge of the Orphan's Court;
  - c. State's attorney; and
  - d. Sheriff
- (2) Employees of the Circuit Court for Queen Anne's County;
  - (3) Employees of the State's Attorney for Queen Anne's County;
  - (4) Deputy Sheriffs of the Sheriff's Department for Queen Anne's County;
  - (5) Any attorney employed under a legal service agreement;
  - (6) Members of boards, commissions and committees appointed by the County Commissioners;
  - (7) All independent contractors performing work for the County;
  - (8) All contractual workers employed by the County under employment agreements; and
  - (9) All other individuals on Queen Anne's County's payroll who are not otherwise supervised by Queen Anne's County Government.

## **ARTICLE IV**

### **Classified Service**

#### **§ 27-9. Establishment.**

- A. The classified service of Queen Anne's County is hereby established.
- B. All appointments, promotions and personnel transactions within the County's classified service shall be based solely upon merit and fitness ascertained by means of job-related selection practices and techniques and without regard to race, color, religion, political affiliation, marital status, sex, age, physical or mental disability or any other basis prohibited by state or federal law.

## **ARTICLE V**

### **Professional and Executive Service**



§ 27-10. Establishment; basis for transactions.

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.

## **ARTICLE VI**

### **Conditions of Employment**

§ 27-11. 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.

## **Article VII**

### **Personnel Board**

#### **§ 27-12. Establishment**

A. Establishment of Personnel Board. The Queen Anne's County Personnel Board is hereby established.

B. Definitions. As used in this article, the following terms shall have the meanings indicated:

#### **PARTY**

Includes both the employee prosecuting an appeal and the County.

#### **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 residents of Queen Anne's County.

D. Appointment. Personnel Board members shall be appointed by the County Commissioners and designated as Board Member Nos. 1 through 5 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:

(a) Board Member No. 1: This member's term of office shall expire on June 30, 2001.

(b) Board Member No. 2: This member's term of office shall expire on December 31, 2001.

(c) Board Member No. 3: This member's term of office shall expire on June 30, 2002.

(d) Board Member No. 4: This member's term of office shall expire on December 31, 2002.

(e) Board Member No. 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 terms of four years.

(3) Personnel Board members may be reappointed.

(4) No member of the Personnel Board shall hold any other 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 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.

§ 27-13 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 as defined in in the personnel manual.
- (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 its 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 resource conference or pretermination hearing.

C. Authorized action.

- (1) Based upon the decision of a majority of the Board, the personnel action appealed from shall be either:
  - (a) Sustained; or
  - (b) Overruled. The Personnel Board shall not be empowered to modify any disciplinary sanction imposed by an appointing authority.
- (2) 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 chapter.

§ 27-14 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[1]

[1] Editor's Note: Former Subsection E, which immediately followed this subsection and provided for determination of consistency of an imposed penalty with the offense, principles of progressive discipline, the employee's job record, law and County policy, was repealed 5-14-2013 by Ord. No. 13-14.

§ 27-15. Frequency of meetings.

[Amended 5-14-2013 by Ord. No. 13-14]

The Personnel Board shall schedule a hearing as soon as practical given the availability of the Board members and other involved parties after receipt of an employee appeal and as frequently otherwise as is required to discharge its responsibilities effectively.

§ 27-16. Rules of procedure.

A. Quorum. Three Personnel Board members shall constitute a quorum.

B. Chairperson.

(1) 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.

[Amended 5-14-2013 by Ord. No. 13-14]

(2) The Chairperson shall:

(a) Schedule all Personnel Board hearings and meetings.

- (b) Conduct and preside at all meetings of the Personnel Board.
  - (c) 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 question and abide by such consensus.
  - (d) 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 guidelines as set forth in the personnel manual.

## SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on July 1, 2022

INTRODUCED BY: Commissioner Steve Wilson

DATE: March 8, 2022

PUBLIC HEARING HELD: April 26, 2022 at 5:50 p.m.

VOTE:   5   Yea       Nay

DATE OF ADOPTION: May 10, 2022

EFFECTIVE DATE: July 1, 2022