

**PUBLIC HEARING - Workers' Compensation
Amendment to Chapter 86, Personnel, of the Calvert
County Code**

NOTICE

This Public Hearing has been cancelled.

Please contact the Calvert County Government
Department of Human Resources for more information.

410-535-1600 ext. 2382.

LEGAL NOTICE - PUBLIC HEARING
CALVERT COUNTY BOARD OF COUNTY COMMISSIONERS
Regarding Amendments to Chapter 86, Personnel, of the Calvert County Code

The Calvert County Board of County Commissioners will hold a Public Hearing on Tuesday, February 13th at 10:15 a.m. in the Commissioners Hearing Room, 175 Main Street, Second Floor, Prince Frederick, Maryland, 20678, to consider and receive comments Chapter 86, Personnel, of the Calvert County Code.

The proposed amendment of Code Part 3, Worker's Compensation and Occupational Leave, provides employees placed under the County's workers' compensation insurance policy with compensation equal to their average weekly wage, as defined by the Workers' Compensation Commission, and the employee shall continue to accrue normal employment benefits for a period of Thirty (30) calendar days from the date of the incident. The Board of County Commissioners may grant an extension to the Thirty (30) calendar day period upon application by the employee to the Human Resources Director prior to the expiration of the period and for good cause shown.

Interested persons are urged to view the proposal in its entirety by either contacting the Department of Human Resources at 410-535-1600 ext. 2359, humanresources@calvertcountymd.gov or by viewing the amendments online at: <https://md-calvertcounty.civicplus.com/DocumentCenter/View/17843>. The proposed provisions may be substantively modified, revised, amended or otherwise changed based upon comments received at the public hearing.

The Board of County Commissioners does not discriminate on the basis of 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. Any reasonable accommodation for persons with disabilities or linguistic barriers should be requested by contacting the Board of County Commissioners office at (410) 535-1600 ext. 2202 or TTY: 1-800-735-2258.

Public Hearing CANCELLED

**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 _____, 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:

Section 86-3-302 of the Code shall be amended, effective upon the date of adoption of this Ordinance, by repealing section 86-3-302 of the Code in its entirety and adopting in its place the following:

§ 86-3-302 Workers' compensation and occupational leave.

All employees absent from duty because of a job-related illness or accident incurred on the job that qualifies for workers' compensation shall be covered by the County's workers' compensation insurance policy.

- A. Workers' compensation payments shall accrue to the employee after the employee has been out of work for more than 72 hours. Those employees who require less than 72 hours absence from work may be placed under occupational leave, and normal employment benefits shall continue to accrue.
- B. Pending a decision on whether the illness or accident qualifies under the County's workers' compensation insurance policy, the employee must request to use leave.

If the illness or accident qualifies under the County's workers' compensation insurance policy, leave used during the review period shall be reimbursed.

- C. Those employees who require more than 72 hours absence from work and are placed under the County's workers' compensation insurance policy shall receive compensation equal to their average weekly wage, as defined by the Workers' Compensation Commission, and shall continue to accrue normal employment benefits for a period of Thirty (30) calendar days from the date of the incident. The Board of County Commissioners may grant an extension to the Thirty (30) calendar day period upon timely application by the employee to the Human Resources Director prior to the expiration of the period and for good cause shown.
- D. Upon expiration of the Thirty (30) calendar day period set forth above and any extension granted thereto, employees who require additional absence from work duty because of a job-related illness or accident incurred on the job which qualifies for workers' compensation shall be required to make direct payments to the County to continue their benefits that are normally covered through payroll deduction. The cost for continuation of health insurance benefits shall be the employee's share only.
- E. Upon expiration of the Thirty (30) calendar day period set forth above, and any extension granted thereto, an employee on workers' compensation shall not accrue retirement benefits but shall continue to accrue leave while on workers' compensation, not to exceed the accrual of leave for more than 180 calendar days. The foregoing 180 calendar days commences upon expiration of the Thirty (30) calendar day period set forth above, and any extension granted thereto and its running is not tolled for any period the employee may return to work should the employee thereafter, require workers' compensation leave for the same qualifying illness or accident. If, on the 181st day, the employee is on workers' compensation, leave accrual shall cease. Only in the event of different qualifying illness or accident shall an employee be entitled to an additional 180 calendar day period of leave-earning eligibility upon the same terms above.
- F. Once approved, workers' compensation covers subsequent, qualifying absences and makes payments for qualifying procedures.

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 _____ day of _____, 20____, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: _____

Nay: _____

Absent/Abstain: _____

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Maureen Frederick, Clerk

Evan K. Slaughenhaupt Jr., President

Tom Hejl, Vice-President

Mike Hart

Pat Nutter

Steven R. Weems

Approved for legal sufficiency by:

John E. Norris, III, County Attorney

Public Hearing CANCELLED
Approved for legal sufficiency by _____ on December 22, 2017 by _____ County Attorney