

**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, 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 July 28, 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.

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 86-3-207 of the Code, which, upon amendment, shall provide as follows

§ 86-3-207. Multiple County jobs.

Full-time County employees shall be ineligible for selection to work a second County job. Part-time, Hourly, and Seasonal County employees may be eligible for selection to work additional County jobs, provided the totals hours worked do not normally exceed 40 per week. They shall be compensated for the additional job in accordance with the applicable wage rates for that job. Hours worked in additional jobs within County employment shall be counted for purposes of calculating overtime payable to the employee in the designated work week. Overtime, if any, shall be paid at 1½ times the regular rate of the job where overtime is worked. Hours from each job shall not be combined to establish eligibility for leave or benefits, except as noted in this Section, or to increase leave and/or benefit accrual rates. Effective January 1, 2015, hours from each job shall be combined as required by the Affordable Care Act (ACA) to establish eligibility for health insurance.

2. Repealing and readopting with amendments Section 86-4-103 of the Code, which, upon amendment, shall provide as follows

§ 86-4-103. Carryover and payout.

- A. Employees who became eligible for annual leave prior to September 7, 2015 may carry over into a new year, a maximum of 30 leave days (total) of annual leave during the first five years of employment. Starting with the sixth year of employment, an additional five leave days per year may be carried over to a maximum of 100 leave days. Full-time employees may reach the maximum carryover the beginning of their 19th year. For part-time employees, their maximum carryover year shall vary and shall depend on their leave earning rate. 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 rather than time off for up to 10 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 50 leave days (total) of annual leave. For part-time employees, their maximum carryover year shall vary and shall depend on their leave earning rate. 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 rather than time off for up to 10 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. 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.

3. Repealing and readopting with amendments Section 86-4-1004 of the Code, which, upon amendment, shall provide as follows

§ 86-4-1004. Incentive.

Any eligible full-time employee who: (1) became eligible for sick leave prior to September 7, 2015; (2) is employed on the first workday in a pay year; and (3) uses two

or fewer sick leave days during a pay year is eligible for the incentive bonus which is equivalent to one day's pay. Eligible part-time employees who became eligible for sick leave prior to September 7, 2015 and use the equivalent of a full-time employee's standard workday or less of sick leave shall be credited with half of the pay granted to the full-time employee. An employee who donates leave shall not be penalized for such donation for the purpose of computing eligibility for the extra pay. For purposes of this section, the number of hours in a day for full-time employees shall equal the number of hours in the standard equivalent full-time pay period divided by 10.

4. Repealing and readopting with amendments Section 86-4-1006 of the Code, which, upon amendment, shall provide as follows

§ 86-4-1006. Separation and Payout.

- A. Upon separation from County service for disability or nondisciplinary reasons after successfully completing the initial probationary period, employees who became eligible for sick leave prior to September 7, 2015, or their beneficiaries, shall be paid for their unused accrued sick leave as follows: $\frac{1}{4}$ of the Employee's current hourly rate multiplied by the number of sick leave days up to and including 100, plus $\frac{1}{2}$ of the Employee's current hourly rate multiplied by the number of sick leave days in excess of 100. 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.
- B. Upon separation from County service for disability or nondisciplinary reasons after successfully completing the initial probationary period, employees who became eligible for sick leave on or after September 7, 2015, or their beneficiaries, shall be paid for their unused accrued sick leave as follows: $\frac{1}{4}$ of the Employee's current hourly rate multiplied by the number of sick leave days. 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.
- C. In lieu of payment:
 - (1) Employees may elect to have their sick leave balance credited toward computation of retirement benefits as may be provided under each plan, if eligible to retire at time of separation; or
 - (2) Eligible employees may elect to donate all or part of their sick 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 sick leave hours not donated shall be paid out in accordance with this section. Employees who donate sick leave hours forfeit any leave payout of those donated hours. For purposes of this section, the number of hours in a workday shall equal the number of hours in the equivalent full-time pay period divided by 10.

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.

DONE, this 25th day of August, 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 L. Frederick, Clerk

Steven R. Weems, President

Evan K. Slaughenhoupt Jr., Vice President

Approved for legal sufficiency by:

Mike Hart

John B. Norris III, County Attorney

Tom Hejl

Received for Record August 26 2015 at 10:05 o'clock A.M. Same day recorded in Liber KPS No. 48 FOLIO 30 COUNTY COMMISSIONERS ORDINANCES AND RESOLUTION.

Fat Nutter

Garry P. Smith