Allegany County, Maryland

Rules and Regulations Governing Employees of Allegany County

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RULES & REGULATIONS GOVERNING EMPLOYEES OF ALLEGANY COUNTY, MARYLAND

CHAPTER 1. APPLICATION AND DEFINITION

ARTICLE 1.1 APPLICATION

These Rules & Regulations shall apply to all individuals in classified positions and to individuals in specified unclassified positions. Employees whose actions are subject to any provision of state or federal law shall be governed by the provisions of the applicable state or federal laws to the extent the provisions described in these Rules & Regulations conflict with the applicable laws.

Agreements negotiated by contract or recognized bargaining units will supersede, if so specifically written, specified portions of these Rules & Regulations.

ARTICLE 1.2 DEFINITIONS

Section 1.201, Anniversary date means the date an Employee first begins work as a full-time employee of Allegany County government.

Section 1.202, Appointing Authority in most cases (See Article 4.5) is the County Administrator of Allegany County. **Appointing Authority** means the person or persons authorized by law to select, remove and otherwise discipline and direct Employees.

Section 1.203, Appointment means the personnel action by which an Appointing Authority offers employment and hires a person to work for Allegany County government.

Section 1.204, Break in service means that an Employee leaves County service but is rehired. If rehired within one year, thereby incurring a break in service of less than one year, the Employee shall be restored to his original anniversary date, and shall be eligible for all benefits to which he was entitled by virtue of that anniversary date. An Employee who incurs a break in service of one year or longer and is rehired, shall have the rehire date as his anniversary date.

Section 1.205, Civil Service rights and privileges are not extended to the following: elected officials of the County; persons appointed to the various Allegany County boards, commissions and committees; consulting, part-time or temporary employees, emergency employees, and contract

employees; consultants; County Attorney and attorneys for the various boards, commissions and committees; Assistant State's Attorneys; persons appointed by the Governor of Maryland with the advice and consent of the Maryland State Senate; persons appointed by the Judges of the Circuit Court of Allegany County; persons appointed by the Sheriff of Allegany County; and the County Administrator.

Section 1.206, Classified positions are those non-elected positions, the salaries for which are paid for by authority of the Board of County Commissioners.

Section 1.207, Department Head refers to a person responsible for a distinct operating unit of Allegany County government who reports directly to the County Administrator or County Commissioners.

Section 1.208, Employer is the Allegany County Commissioners.

Section 1.209, Immediate family refers to the Employee's father, step-father, mother, step-mother, wife, husband, child, step-child, adopted child, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, brother, step-brother, sister, step-sister, son-in-law, daughter-in-law, grandmother, step-grandmother, grandfather, and step-grandfather.

Section 1.210, Management Positions are typically those positions responsible for the operation of a department of division, or other distinct operating unit of the County. Although no inclusive, management includes directing the work of other Employees, interviewing, selecting, training and evaluating Employees; handling grievances and complaints and imposing discipline; planning the work and determining the techniques used; and assigning and apportioning work.

Section 1.211, Probation means the duration of time specified under the Rules & Regulations during which new appointees are evaluated, in terms of attitude and ability, for their suitability to serve in the positions to which they have been appointed.

Section 1.212, Retirement means a qualified separation from service subject to the State laws providing for the MSRPS, which may change from time to time. Thse provisions shall apply to all County Employees eligible for retirement benefits, including Civil Service, elected, appointed, and contractual, irrespective of participation in the MSRPS.

ARTICLE 1.3 VALIDITY & SEVERABILITY

Section 1.301, Validity. Any part of these Rules & Regulations shall be considered valid unless declared otherwise by the courts.

Section 1.302, Severability. If any part of these Rules and Regulations is held by the courts to be invalid, all other parts not held invalid shall continue in full force and effect.

Section 1.303, Gender references to the male gender in these Rules & Regulations should be construed to include both male and female persons.

ARTICLE 1.4 DISTRIBUTION

Each Department Head shall be furnished with a copy of these regulations together with any revisions thereof for his own use and at least one other copy for the use of the Employees in his department.

CHAPTER 2. STATEMENT OF POLICY

It is the policy of Allegany County government to ensure equal employment opportunity for all Employees and appointed representatives. This commitment includes a mandate to promote and afford fair and equal treatment and services to all County residents, County representatives, and Employees, and to assure to all persons equal employment opportunity based on ability and fitness regardless of race, religion, color, creed, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of the essential duties required of a position and which are bonafide occupational qualifications which cannot be accommodated without undue hardship. The goals and objectives of this policy are to:

- Ensure fair treatment and non-discrimination in County hiring and promotional opportunities, Employee benefits, and in appointments to and service on County boards and commissions; and
- Provide compliance with local, state and federal Equal Employment Opportunity requirements and regulations; and
- Provide a basis for encouraging those who do business with the County to practice Equal Employment Opportunity.

ARTICLE 2.1 AFFIRMATIVE ACTION

Allegany County's Affirmative Action efforts will be focused on assuring the full utilization of qualified minorities, females, and other protected groups in direct relation to their availability in the local work force. Affirmative Action will not include such unlawful practices as the lowering of job qualifications or standards for minorities and females, or the hiring of unqualified minorities and females.

Management personnel are strongly encouraged to promote equal employment opportunities in all phases of their daily operations at all levels of employment. Disciplinary actions may be taken against those persons willfully violating these provisions.

ARTICLE 2.2 AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Allegany County Commissioners will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Allegany County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U. S. Equal Employment Opportunity Commission under Title I of the ADA.

[The complete Notice Under the Americans with Disabilities Act may be obtained from the Director of Human Resources.]

ARTICLE 2.3 NEPOTISM

a. It is the Employer's policy that immediate family will not be employed in positions where:

1. One relative would have the authority or practical power to supervise, appoint, remove, discipline or evaluate the performance of the other.

2. One relative would be responsible for auditing the work of the other.

3. One relative would handle confidential material which might create the appearance of improper or inappropriate access to that material by the other.

4. Two relatives from different departments could influence the final outcome of County projects and/or policy decisions.

5. Other circumstances exist which would place the relative in a situation of actual or reasonably foreseeable conflict between the Employer's interest and their own.

b. For purposes of this Article, an Employee's "immediate family" shall be limited to the Employee's: parent; spouse (or spousal equivalent in a cohabitational relationship); child, including step-child and adopted child; sibling; step-sibling; mother-in-law; father-in-law; grandparent; and grandchild. This policy shall also apply to persons related by blood or marriage, and/or cohabitational relationship, residing in an Employee's home.

c. When a relationship as described in Article 2.2, paragraph 2, occurs during employment, one of the Employees must be transferred to another department where the reporting, auditing, or supervisory relationship does not exist. If a transfer cannot be accomplished due to the unavailability of an open position, one of the Employees must resign. The decision as to which Employee will transfer or resign will be made in the first instance by the Employees involved. If the Employees do not decide which Employee will transfer or resign within 30 days after becoming related to one another, the County Administrator, upon consultation with the Director of Human Resources, shall determine which employee will transfer or resign based upon the best interest of the County.

d. The County Administrator shall make the final determination as to whether a situation of conflict exists.

CHAPTER 3. CLASSIFICATION PLAN

ARTICLE 3.1 CLASS DESCRIPTIONS

Section 3.101. Written specifications which define a Class shall be prepared for each Class of the Employer.

Section 3.102. The written specifications of a Class shall include the following elements:

a. Job title;
b. Type of work, such as manual, trade, clerical, administrative, professional, or managerial;
c. Level of work, such as entry, experienced, supervisory, or master;
d. Type of supervision received, such as direct or general supervision;
e. Type of supervision exercised; and
f. Manner in which the position is evaluated.

ARTICLE 3.2 POSITION DESCRIPTIONS

Section 3.201. Job title, preferably one found in Dictionary of Occupational Titles.

Section 3.202. Class identity.

Section 3.203. Essential duties and responsibilities.

Section 3.204. Fair Labor Standards Act 1937 Status - Exempt/non-exempt.
(See Section 6.402)

Section 3.205. Qualifications:

a. Education and/or experience;
b. Skill - language, mathematical, technical;
c. Ability - performing essential functions of the position with reasonable accommodation if necessary.

Section 3.206. Physical Demands: The physical demands described here shall be representative of those that must be met by an Employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Section 3.207. Required licenses and certificates: Any type of driver's license, vocational or professional certificate to fulfill the duties of the position.

Section 3.208. Work Environment: The work environment characteristics described are representative of those an Employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

ARTICLE 3.3 MAINTENANCE OF PLAN

Section 3.301. In the event a new position is proposed and funded, a Position Description shall be completed by the Department Head and submitted to the County Human Resources Director. The Human Resources Director shall submit to the County Administrator his or her recommendations with respect to the Position Description and its classification. The County Administrator shall forward the material along with his or her own recommendations to the Board of County Commissioners for review.

Section 3.302. In the event a unit of the Employer is reorganized, Position Descriptions for all affected Employees shall be submitted to the County Human Resources Director by the affected Department Head. The Human Resources Director shall then submit revised Position Descriptions to the County Administrator, who shall forward for review the revised Position Descriptions to the Board of County Commissioners with his or her recommendations.

ARTICLE 3.4 POSITION CREATION AND ABOLISHMENT

Section 3.401. Whenever it is determined that the duties and responsibilities of one or more positions are not appropriately described by any authorized Class in the Classification Plan, the County Human Resources Director, under the direction of the County Administrator, and upon review by the Board of County Commissioners, shall create a new Class.

Section 3.402. Under the direction of the County Administrator and upon review by the Board of County Commissioners, the County Human Resources Director may abolish a Class when it is determined that the Class is no longer needed.

ARTICLE 3.5 RECLASSIFICATION

Section 3.501. The Board of County Commissioners may reclassify a position when a review of the position indicates a significant change in any of the following:

a. Type of work performed;
b. Difficulty and complexity of duties;
c. Level of responsibility; or
d. Required knowledge, skills and abilities.

Section 3.502. The Department Head may submit to the County Human Resources Director a written recommendation to reclassify a position. The Human Resources Director shall evaluate the

recommendation and submit the file and recommendation on the matter, together with a projection of the impact on the County's budget, to the County Administrator. After reviewing the file, the County Administrator shall, based upon funding availability, recommend the reclassification as part of the fiscal year budget process, to the Board of County Commissioners for its review.

Section 3.503. The same procedure as described in Section 3.502 shall be followed in the event an Employee, who has reason to believe a change has occurred in the duties and responsibilities of his or her position, submits a request to reclassify the position. Such a request must be directed to the Employee's Department Head who shall forward the request to the County Human Resources Director, along with the Department Head's recommendation concerning the reclassification request.

Section 3.504. On a periodic basis, or in the event the Human Resources Director has reason to believe a change has occurred in the duties and responsibilities of one or more positions, the Human Resources Director may initiate a reclassification review by requesting the Department Head to submit revised position descriptions to the Human Resources Director. The Human Resources Director may then, at his or her discretion, submit the file to the County Administrator for his recommendation and subsequent forwarding to the Board of County Commissioners for its review.

Section 3.505. In order for any Employee to continue serving in a position that has been reclassified, the Employee must meet the minimum qualifications and requirements of the reclassified position. Training will be provided if necessary. Reclassification shall not be used as a tool to eliminate undesirable employees.

ARTICLE 3.6 COMPENSATION OF INDIVIDUALS IN RECLASSIFIED POSITIONS

Section 3.601. Reclassification to a higher pay grade shall entitle an employee to a five percent (5%) increase in salary/wage above their current compensation or the minimum of the higher grade if less than five percent (5%). Furthermore, the new grade/step shall not exceed the maximum limit of the new pay grade.

Section 3.602. Reclassification to a lower grade level is to be made in such a way as not to decrease the current pay of the incumbent. Should the maximum rate in the lower grade be smaller than the rate currently paid to the incumbent, the current rate will remain unchanged for a period of up to twenty-four (24) months. At the end of that period, the pay shall be automatically adjusted within the appropriate pay grade.

ARTICLE 3.7 UPDATING SALARY RANGES

At the discretion of the County Commissioners and County Administrator, salary ranges may be reviewed to determine the amount of adjustment, if any, needed to keep them current. Adjustments should be based on the results of a comprehensive study conducted by the Human Resources Department.

CHAPTER 4. METHOD OF SELECTING NEW EMPLOYEES

ARTICLE 4.1 VACANCIES

When management determines that a vacancy exists in any position, the Department Head shall submit an Employee Requisition, with all the pertinent and specific information, to the Director of Human Resources. Upon approval of the Appointing Authority, and should an eligibility list not be available, the Director of Human Resources shall post the vacancy in-house for a period of five (5) working days and at the discretion of the Department Head and the Director of Human Resources, shall concurrently advertise the position publicly.

ARTICLE 4.2 ADVERTISEMENT OF POSITION

Section 4.201, Publication. Allegany County shall publish in a newspaper of County-wide circulation and when advertising for a professional position, in a media addressing itself to that profession, that applications are being accepted for a specific classification. The closing date for receiving applications may not be sooner than five (5) days after publication. Such notification and advertisement shall be placed as promptly as may be reasonably possible after the occurrence of a vacancy for which no eligibility list exists.

Section 4.202, Content of Advertisement. Each public notice of a position opening shall state, among other things, the following:

a. Title of the position.

b. Qualifications as to education, experience, and physical requirements.

Section 4.203, Notification to Applicants. All accepted applicants shall be notified of the date, time and place of the examination or interview (if applicable).

Section 4.204, Conducting Examination/Interview. Interviews and/or examinations shall be conducted no earlier than five (5) working days after the closing date for application.

ARTICLE 4.3 EMPLOYMENT APPLICATION

Section 4.301, Ineligible. No person shall be considered for a position, nor shall any person be appointed to a position unless such person shall have:

a. Filed application over his/her own signature on an Allegany County job application form, or submitted a detailed resume stating his/her qualifications and interest in a particular position, and with appropriate cover letter over his/her signature.

b. Been determined eligible in accordance with Article 4.4, Hiring Process.

Section 4.302, Application Rejection. The application may be rejected for any of the following causes:

a. That the applicant is found to lack one or more of the minimum requirements for appointment to a position in the classification in which the vacancy exists.

b. That the applicant has intentionally made an erroneous, false or misleading statement in his/her application with regard to material fact.

c. That the application was not filed within the period specified in the official notice of the vacancy.

d. That the applicant has been refused a place on the eligibility list because of irregular conduct or of erroneous, false or misleading statements on an application or in an examination.

e. Any other reasonable and legal grounds relating to job requirements.

ARTICLE 4.4 HIRING PROCESS

Section 4.401, Components. May include any combination of the following:

a. Review of application by Human Resources and the affected Department Head to determine if applicant meets stated qualifications. Those individuals who present the highest qualifications, in accordance with the job description, shall be selected for further review; i.e. testing and/or interview. Effort will be made to refer as many candidates as practical.

b. Written examination, and/or oral examination, to test appropriate level of ability and knowledge, which is reasonably expected in subject matter area.

c. Written and/or oral examination to be given by the Director of Human Resources or by a Board of Special Examiners who are subject matter specialists in the field in which examination is being given.

d. Physical test if applicable, with reasonable accommodations, if necessary.

e. Reference check.

f. Skills test to determine proficiency of the potential Employee in the area and with the equipment required to be used.

g. Examination of credentials. Certain positions requiring State Certification or licensing may be exempted from examinations other than review of application and possibly the physical examination provided the credential covers the minimum requirements established and that the issuing authority confirms presenting the certificate or license to the applicant.

h. Records Check. Positions of trust and of financial responsibility shall require a records check by an appropriate law enforcement organization.

i. Medical and laboratory examination. Certain classifications require medical or laboratory examinations.

j. Employees who are subject to driving a County-owned vehicle during the performance of their job shall be subject to a drivers license record check through the MVA.

k. Any other action deemed suitable for evaluation of applicant.

i. All new hires shall be subject to a criminal background check as well as driver's license check.

Section 4.402, Conducting Examinations.

a. All examinations shall be conducted upon the approval of the Appointing Authority and under the direction of the Human Resources Department, which may, from time to time, designate Special Examiners to conduct or assist in conducting any examination. All written examinations must be approved by the Director of Human Resources, the Department Head, and the County Attorney.

b. Proof of identification shall be required of all applicants.

c. Any applicant who, during an examination, attempts to aid himself or another applicant in any manner whatsoever, shall be dismissed from such examination and shall receive no grade. This paragraph shall be read at the beginning of such examination.

Section 4.403, Parts and Weights.

a. Examinations for any classification shall consist of one or several parts. The Director of Human Resources, with input from the Department Head, shall determine parts and weights appropriate for each job vacancy. Each part shall be assigned weight prior to holding the examination. Weight shall be assigned according to the relative importance of the part in determining the qualifications and fitness of the applicants for employment in the classification for which examined.

A universal Interview Form Worksheet will be used for all positions. The total score shall consist of twenty-three percent (23%) for test score(s), two percent (2%) for education requirements, and seventy-five percent (75%) for interview score. If no test is administered, the applicant will receive the twenty-three percent (23%) in whole as part of his final score.

b. Pursuant to Md. Code Ann., Local Government §1-204 (2013) Allegany County will grant credit to qualified Veterans of the United States Armed Forces.

(1) Veterans who have served a minimum of one hundred eighty-one (181) active duty days, unless they have a service-connected disability, are in possession of an honorable discharge from the United States Armed Forces, and have been residents of the State for at least five (5) years immediately preceding the date of the examination, will, after achieving the minimum composite interview score, have five (5) points added.

(2) Definition of eligibility:
The term "Veteran" under the provision of this rule is an honorably discharged member of any of the component parts of the Armed Forces of the United States, who served on active duty in time of war, campaign, or expedition.

(3) Evidence of Veteran eligibility must be submitted with application.

c. A County employee being considered for a position will be given an additional five (5) points added to his final interview score.

d. Pursuant to Md. Code Ann., Local Government §1-201 (2013) Allegany County will grant a resident of Allegany County an additional five (5) points added to his final interview score.

e. An applicant may qualify for an additional five (5) points added to his final interview score through the Veteran's credit, the County employee credit, or the County resident credit. However, only one of those credits may be utilized as the maximum possible score cannot exceed one hundred (105) points for the final interview score.

ARTICLE 4.5 ELIGIBILITY

Section 4.501, Appointing Authority. The County Administrator shall be the Appointing Authority for all positions, except as follows:

a. The Board of County Commissioners shall be the Appointing Authority for the County Administrator and the Clerk to the County Commissioners.

b. The County Administrator shall be the Appointing Authority for the following senior management positions, subject to ratification of the appointment by a majority vote of the County Commissioners:

Director of Finance
Director of Community Services
Director of Public Works
Director of Human Resources & Personnel Services
Director of Economic and Community Development
Director of Emergency Services
Director of Planning and Growth

c. Pursuant to Md. Code Ann., Cts. & Jud. Proc. §2-501(a) (2006), the Judges of the Circuit Court of Allegany County shall be the Appointing Authority for those positions which are ancillary to the Court;

d. The Sheriff shall be the Appointing Authority for the Employees of the Sheriff's Department described in Md. Code Ann., Cts. & Jud. Proc. §2-309(b) (2006); provided however, that the County Administrator shall be the Appointing Authority for the Jail Administrator, with said appointment subject to ratification by a majority of the Board of County Commissioners.

e. The State's Attorney shall be the Appointing Authority for the Deputy State's Attorney and any Assistant State's Attorneys and office staff functioning within the office.

f. The Board of License Commissioners shall be the Appointing Authority for the office staff functioning within the office as described in Md. Ann. Code Article 2B, §15-112(a) (2010).

g. The Administrator of Elections shall be the Appointing Authority for the office staff functioning within the office as described in Md. Code Ann., Elec. Law §2-207 (2006).

Section 4.502, Certification of Appointing Authority.

The Director of Human Resources shall, as soon as possible after completion of the hiring process, certify to the County Administrator an eligibility list containing only the names of the persons eligible for the position to be filled as a result of the process outlined in Article 4.4. The eligibility list thus established shall remain in force and effect for one (1) year or until exhausted.

Section 4.503, Appointments from Eligibility List.

a. Vacancies in classified positions which shall occur within one year from the date of the establishment of an eligibility list shall be filled from said eligibility list, unless exhausted.

b. An individual whose name appears on an eligibility list shall be eligible for appointment in that classification only.

c. The Department Head shall submit the names of the applicants eligible for selection along with his/her recommendation(s) to the Director of Human Resources, who in turn will make a recommendation to the Appointing Authority for selection. The successful applicant shall be notified in writing by the County Administrator or the Director of Human Resources.

ARTICLE 5.1 REGULAR APPOINTMENT

A regular appointment is an appointment made by the Appointing Authority from an Eligibility List and whose appointment is not defined in Article 5.2 of this Chapter.

ARTICLE 5.2 CONTRACT AND TEMPORARY APPOINTMENTS

Section 5.201, Contract. A contractual appointment is an appointment in which the Employee works under a contractual agreement made by and with the Appointing Authority. Where possible, candidates shall be taken from an eligibility list. Such Employees may be entitled to holiday pay, vacation accrual, pension, and other County benefits, but shall have no status as a Classified Employee. Contractual appointments may be full-time or part-time.

Section 5.202 Temporary. A temporary full-time Employee is one who is hired to work on a job established for a specific period of time or for the duration of a specific project. Candidates shall be taken from the eligibility list, if such a list exists. Temporary Employees are not entitled to holiday pay, vacation accrual, or other County benefits, except those established by law. This applies to appointments in which the appointee's salary is funded by a State or Federal grant. Temporary appointments may be full-time or part-time.

Section 5.203, Emergency. An appointment made when circumstances do not permit compliance with the appointing procedure and for a period not exceeding thirty (30) work days.

Section 5.204, Part-time. An appointment in which the appointee normally works fewer hours per week than Employees typically work in the office, department, or agency to which the Employee is assigned. Maximum hours per week: 20-30 hours.

Section 5.205, Summer Internships. College Students are hired as temporary employees to work full-time or part-time. for a period not to exceed four (4) months. Students may work full-time for a maximum of 120 days per year; and may not work more than 30 hours per week during any other period. Temporary positions are not normally renewable; however, based upon funding and need, preference will be given to returning interns upon the recommendation of the Department Head, the Director of Human Resources, and the County Administrator. Temporary employees are covered by Workers' Compensation Insurance and FICA, but are not eligible for other approved County benefits. Eligibility requirements include The applicant must be: 1) the applicant must be a minimum of 18 years old when he/she applies at the time of application; 2) be legally eligible to work in the United States; and 3) 2) be enrolled in a college or university with no less than 12 credit hours. Wage rates will be determined each year by the Director of Finance, and the Director of Human Resources and the participating Department Head(s). **General labor positions are exempt from educational requirements; however, employee must meet all other eligibility requirements. Such Employees may work a maximum of 120 days per year**.

Section 5.206, Poll Workers. Individuals are needed to work at polling places during the Primary and General Elections. Qualifications

1. Registered Voter; and
2. Ability to speak, read, and write the English language.

In order to provide for a greater awareness of the election process, the rights and responsibilities of voters and the importance of participating in the electoral process, as well as to provide an additional workforce for our elections, any county employee who volunteers to work will receive the following in compensation:

Primary Election:	Eight (8) hours of pay at the employee's regular rate Salary received by poll workers* No loss to vacation or personal time
General Election:	Eight (8) hours of pay at the employee's regular rate Salary received by poll workers* Eight (8) hours time off to be used within 180 days.

Any County employee who is willing to become part of the election process should contact the Board of Elections, and they will be responsible for notifying the employee's department head of their intent to work.

*Salary will be received after the completion of both elections.

ARTICLE 5.3 PHYSICAL EXAMINATION AND DRUG SCREENING

Section 5.301, Physical Examination. Appointments to fill vacant positions may be made under the condition that the appointee take and pass a physical examination conducted by a physician of the Employer's choice. In the event this examination is required, this examination shall be at the expense of the County.

Section 5.302, Drug Screening. Appointments to fill vacant positions may be made under the condition that the appointee take and pass a drug screening conducted by a laboratory of the Employer's choice. In the event this drug screening is required, this drug screening shall be at the expense of the County. In all cases, when appointments to fill vacant positions subject to random drug screening are made, a drug screening will be required.

ARTICLE 5.4 SENIORITY

No contractual Employee shall be guaranteed any seniority rights nor shall such employment be construed in any manner to be a probationary period. However, if a contractual Employee is placed under the Classified Service, he/she shall carry his/her first hire date as his/her anniversary date. If he/she enters the Classified Service in a like position, his/her probationary period may be waived by the County Administrator upon recommendation by the Department Head and the Director of Human Resources.

ARTICLE 5.5 INTEGRATION

The Appointing Authority may integrate any position, or position and incumbent, into the Classified Service. Any position to be considered must be evaluated by the Human Resources Director, a job description written, and a grade assigned. Except under extreme circumstances, where a position and incumbent are to be considered for integration, said incumbent must have been previously appointed and funded by the Board of County Commissioners. After evaluation by the Human Resources Director and the appropriate Department Head, said position, or position and incumbent, shall be recommended for integration with due consideration granted for time worked.

ARTICLE 5.6 EMPLOYMENT ORIENTATION

All new appointees, regardless of status, shall be counseled by the Office of Human Resources on or about their first day of work as to terms of employment and employment benefits.

ARTICLE 5.7 PROBATIONARY STATUS

The probationary period and/or trial period shall be utilized for closely observing the Employee's work, for obtaining the most effective adjustment of a new or newly promoted Employee, and for separating any new Employee from the Classified Service or reassigning any newly promoted regular appointment Employee, whose performance does not meet the required performance standards of the position.

Section 5.701, Employee Probation

Employees appointed to a regular County classified position shall serve a six (6) month probationary period. Any period in which the incumbent has been employed by the County on a full-time basis under a Federal or State program in the same or a substantially similar position may be applied against the probationary period if the Employee is subsequently given classified status.

Section 5.702, Evaluation.

a. Probationary Employees shall be evaluated at least twice prior to the expiration of the probationary period: i) after 50% of Employee's probationary period; and ii) at least fifteen (15) days prior to the expiration of probation.

b. In the event the work performance of a probationary Employee is not satisfactory at the time of the first evaluation, the supervisor shall counsel the Employee and attempt to improve the Employee's work performance.

Section 5.703, End of Probationary Period.

At least fifteen (15) days prior to the expiration of the probationary period, the immediate supervisor shall submit a written recommendation to the Appointing Authority stating that:

a. The employee's work has been satisfactory.

b. The probationary period should be extended up to a maximum of 50% of the original length of the probation to allow additional time to evaluate the Employee's performance.

c. The Employee's work has been unsatisfactory. Probationary Employees may be terminated for any reason at any time during probation, provided the Employee is notified in writing at least ten (10) days prior to the effective date of the termination. The Appointing Authority may, at his/her discretion, authorize the payment of ten (10) days pay in lieu of notice.

Section 5.704, Classified Status.

An Employee upon completing probation shall be entitled to status in the Classified Service, provided the Department Head certifies that the Employee's service has been satisfactory and the Appointing Authority takes no action against the awarding of such status to the Employee. Union Employees shall be covered by the terms of their respective contracts.

ARTICLE 5.8 PROMOTIONS

Section 5.801, Policy.

a. Promotions shall be made on a competitive basis. In addition to offering career advancement for qualified Employees, the Employer's promotional program shall offer Employees:

(1) The opportunity to receive fair and appropriate consideration for higher-level positions;
(2) The assurance that their knowledge, skills and abilities will be fully utilized; and

(3) The incentive to improve performance and to develop skills, knowledge and abilities.

b. In the event an Employee seeking promotion is the most qualified as regards to another job applicant who is not a County Employee, the Employee shall be selected to fill a vacant position.

Section 5.802, Promotion Criteria.

Merit shall be the sole basis for promotion. When a promotion is the result of a vacancy, merit shall be ascertained as described in Article 4.4. When the promotion is the result of an increase in individual responsibility or scope of the position, merit shall be ascertained by a review of the duties of the position, a written recommendation of the immediate supervisor (approved by the Department Head), a review of the Employee's file, including educational background, achievements, qualifications as pertaining to the job description, and previous evaluations. Promotions shall be awarded on the basis of the aforementioned criteria and with the concurrence of the Director of Human Resources and the approval of the County Administrator.

Section 5.803, Probationary Period.

Employees who are promoted shall serve a six month probation pursuant to Chapter 5, Article 5.7, of the Rules and Regulations, provided the Employee retains a regular appointment. In the event a promoted Employee fails to pass probation, the Employee shall be offered a vacant position in the Class to which the Employee was assigned prior to promotion if such a vacancy exists or, alternatively, the Employee shall be given first preference in any forthcoming position vacancy for which the Employee qualifies.

Section 5.804, Salary of a Promoted Employee.

Promotion to a higher pay grade is to be made at the particular step within that higher grade which is at least five percent (5%) greater than their current salary/wage. If a 5% increase in the employee's wage/salary does not bring the Employee within the pay range of the higher grade to which he/she has been promoted, then said employee will receive the minimum salary/wage of the higher pay grade. Furthermore, the new grade/step shall not exceed the maximum of the limit of the new pay grade. The promotional increase shall be effective on the date promoted. If the Employee is eligible for an incremental increase, it shall be granted on the first anniversary of the promotion. Subsequent increments, for those eligible Employees, will be granted at the beginning of the fiscal year next succeeding.

ARTICLE 5.9 TRANSFERS

Section 5.901, Voluntary Transfers.

a. An Employee may request a transfer to any open position in any department for which he or she qualifies. Upon determination by the County Human Resources Director that the Employee is qualified, the Employee shall be placed on the Eligibility Register for the vacant position and ranked according to his or her qualifications as determined by the Hiring Process as described in Article 4.4.

b. An employee shall normally have a minimum of one year of service in their current classification/title, and have successfully completed the probationary period for that classification/title to be eligible for a voluntary transfer.

c. A transfer may be one of three types:

1. Promotion - when a vacant position is filled by a current employee who moves from one position to another position assigned to a higher classification level and/or to a position of greater responsibility requiring substantially higher qualifications, skills, and abilities.

2. Lateral - when a vacant position is filled by a current employee who moves from one position to another position assigned to the same classification level and/or to a position of similar responsibility and requiring similar qualifications, skills, and abilities.

3. Voluntary transfer to position with a lower classification or pay level- when a vacant position is filled by a current employee who moves from one position to another position assigned to a lower classification level and/or to a position of lesser responsibility requiring substantially lesser qualifications, skills, and abilities.

d. Employees promoted to a higher classification shall receive a salary increase as described in Article 5.8.

e. Employees receiving a lateral transfer shall generally not receive an adjustment to their current rate of pay, provided that their qualifications, skill, and experience are commensurate with the requirements of the new position.

f. Employees who are voluntarily moved to a position with a lower classification or pay level shall receive a reduced rate within the range of the lower level classification commensurate with their qualifications, skill, and experience as they relate to the new position. The new rate should neither be below the minimum salary/wage nor above the maximum salary/wage for the new position.

g. An Employee who transfers and is appointed to another position shall serve probation pursuant to Article 5.7, provided the Employee retains a Regular Appointment.

Section 5.902, Involuntary Transfers.

a. Any Employee who is involuntarily transferred to another position shall be transferred to a position with a salary as close as possible to the salary previously received. Involuntary transfers may occur for the following reasons:

(1) Change in technology;
(2) Lack of funds;
(3) Lack of work; and
(4) Unsuitability for position.

b. Reclassification to a lower grade level is to be made in such a way as not to decrease the current pay of the incumbent. Should the maximum rate in the lower grade be smaller than the rate currently paid to the incumbent, the current rate will remain unchanged for a period of up to twenty-four (24) months. At the end of that period, the pay shall be automatically adjusted within the appropriate pay grade.

ARTICLE 6.1 ADHERENCE TO PAY SCALE

All Employees shall be paid in accordance with the Employer's pay scale, which is based upon a 40-hour work week. (Which shall include a paid 60-minute lunch break each day.)

ARTICLE 6.2 SALARY OF NEW EMPLOYEES

Section 6.201, Starting Salary. Generally, new Employees shall be paid the starting salary of the Class to which the Employee's position is assigned; however, in those cases where no qualified job applicant is available for appointment at the starting salary, a job applicant who exceeds the minimum qualifications for the position may be appointed at a salary that exceeds the starting salary for the Class, provided that no person shall be paid a salary higher than that authorized for the Class.

Section 6.202, Increments.

a. All regular Employees shall receive an annual step (as approved in the budget and authorized by the Commissioners) until they reach the mid-point of their respective salary range. After mid-point, Employees must have a satisfactory evaluation (to be conducted annually) in order to receive an increment.

b. Employees hired between July 1 and December 31 will be eligible for an increment the following July 1. Employees hired between January 1 and June 30 will be eligible for an increment at the beginning of the second fiscal year following their hire date.

ARTICLE 6.3 TEMPORARY RECLASSIFICATION

An Employee assigned to work in a classification higher than his own for a period greater than ten (10) working days (80 hours), excluding Vacation, Sick Leave, Personal Leave, FMLA, Workers' Compensation, Holiday Hours, Overtime Hours, and Bereavement Leave, annually, each Fiscal Year, shall be paid an additional amount equal to five per cent (5%) of his current salary/wage beginning on the eleventh (11th) day. There shall be no retroactivity for the first ten days. After working ten (10) days (80 hours) annually, individuals who subsequently serve intermittently for a period in excess of eight (8) hours in the higher-rated classification shall be paid the rate of five per cent (5%) on a daily basis. At the discretion of the Department Head and the Director of Human Resources, an individual who is routinely assigned to work in a classification higher than his own may be exempted from repeating the annual ten (10) day (80 hour) waiting period. Prior written authorization from the Department Head or Division Chief must be obtained that an employee has been assigned the duties of the higher classification. Any temporary assignment that may invoke the provisions of this paragraph shall be approved by: 1) the Department Head, or in his absence, 2) the County Administrator. A copy of the approved authorization shall be submitted by the Department Head to the Finance Department.

Any temporary reassignment that may invoke the provisions of this paragraph shall be approved: 1) by the Department Head, or in his absence, 2) by the County Administrator.

ARTICLE 6.4 OVERTIME COMPENSATION

Section 6.401, Policy.

a. The Employer's overtime compensation policy may not contravene the provisions of the Federal Fair Labor Standards Act (FLSA) pertaining to overtime compensation.

b. Unless an Employee is considered an Exempt Employee under the FLSA, the Employer cannot require an Employee to accept compensatory leave in lieu of overtime pay. Compensatory leave may be provided to a non-exempt Employee in lieu of overtime only in the event that both the Employer and an individual Employee agree to the provision of compensatory leave.

c. Compensatory leave may be used at a time established by mutual agreement of the Employer and Employee. Compensatory leave may be granted to an Employee because of illness of the Employee's immediate family (for the purpose of this policy defined as a child, spouse, or parent), and for the placement of a child with the Employee for adoption.

Section 6.402, Exemptions. The Fair Labor Standards Act (FLSA) exempts Employees who meet the following designated management, administrative, and professional criteria from the overtime provisions of the Act:

Executive: Primary duty must be management of the enterprise or a department; Employee must customarily and regularly direct the work of at least two other Employees and have the authority to hire and fire or recommend hiring or firing.

Administrative: Primary duty must be responsible office work directly related to management policies or general business operations; Employee must customarily and regularly exercise discretion and independent judgment.

Professional: Primary duty must be work that requires advanced knowledge in a field of science and/or learning or work that is original and creative in character; Employee must consistently exercise discretion and judgment.

The following non-union positions are exempt from FLSA overtime requirements and shall not receive overtime compensation in the form of wages. The County, as a benefit to exempt employees, shall offer these positions compensatory leave on an hour-for-hour basis, for hours worked in excess of 40 per week. Compensatory leave must be pre-approved, to the extent possible, by the

Department Head or the County Administrator. Compensatory leave may be accumulated to a maximum of 40 hours and must be used within 180 days.

County Administrator
Clerk to the County Commissioners
Assistant Director of Tourism
Director of Public Works
Deputy Director of Public Works
County Engineer
Building Maintenance Superintendent
Engineer I
Engineer II
Engineer III
Engineer IV
Chief Engineering Technician
Roads Division Chief
Roads Superintendent
Road District Supervisor
Roads Administrative Technician
Bridge & Traffic Control Maintenance Supervisor
Equipment & Maintenance Foreman
Transit Division Chief
Transit Supervisor
Utilities Division Chief
Utilities Superintendent
Utilities Area Supervisor
Director of Finance
Assistant Director of Finance
Chief Accountant
Senior Accountant
Accountant
Supervisor, Tax & Utility Office
Information Technology Coordinator
Director of Economic Development
Deputy Director, Economic Development
Economic Development Representative
Senior Project Manager – Economic Development
Director of Community Services
Director of Planning
Chief, Land Development Services
Land Use & Planning Engineer
Senior Inspector, Code Enforcement
Senior Inspector, Permits
GIS Coordinator

Planner I
Planner II
Planner III
Chief, Housing Division
Housing Officer
Community Development Coordinator
Development Project Officer
Cartographer
Director of Human Resources
Benefits Specialist
Risk Manager
Public Information Officer
Assistant Administrator, Detention Center
Alternative Sentencing Director
Labor Unit Manager
Corrections Lieutenant
Director, Public Safety and Homeland Security
Chief, 911 Joint Communications
Chief, Emergency Medical Services
Chief, Emergency Management
Assistant Director, Emergency Management
Animal Control Shelter Manager
Emergency Services Planner
Administrator of Elections
Senior Registrar
Director of Nursing Services
Registered Nurse Assessment Coordinator
Assistant Director of Nursing
Nursing Coordinator
Activity Director
Social Worker
Food Service Manager
Court Administrator

In a case where compensatory leave is earned at a rate exceeding 24 hours per calendar month due to emergency-related work, the maximum amount of compensatory leave accumulation and the period in which it must be used may be extended upon recommendation of the Department Head and approval of the Director of Human Resources and the County Administrator.

Section 6.403, Overtime Program (Non-Exempt Employees).

a. The Employer shall compensate overtime at the rate of one and one-half the rate of hourly pay for hours worked in excess of forty (40) hours per week, as required under the FLSA.

b. Pursuant to Section 6.401, of these Rules and Regulations, upon request of the Employee, the Employer may, at its discretion, grant compensatory time-off in lieu of overtime pay.

c. Compensatory leave may be accumulated to a maximum of forty (40) hours and must be used within 180 days.

d. A non-exempt employee in a non-union position, who is required to work two (2) or more hours beyond his regular shift, shall be entitled to a paid thirty (30) minute meal period. The employee shall be reimbursed at the rate of ten dollars ($10.00) per meal unless a meal is provided by the employer. If a non-exempt employee in a non-union position is called back to work within four (4) hours of his normal shift end, the employee shall be entitled to a paid thirty (30) minute meal period after four (4) hours of work and shall be reimbursed at ten dollars ($10.00) per meal unless a meal is provided by the employer.

Section 6.404, Responsibilities.

a. It is the responsibility of the individual Employee to request compensatory time-off in lieu of overtime pay if so desired. Additionally, it is the responsibility of the Employee to ensure that accrued compensatory time is used within the time limitation set forth by this policy.

b. It shall be the responsibility of each Department Head to administer the provisions of this policy within their respective departments and to determine whether overtime or compensatory time-off is to be granted to the Employee when compensatory time-off is requested in lieu of overtime pay. Department Heads shall exercise extreme discretion in the utilization of overtime within their departments. Temporary adjustments in working hours or realignment of duties within the department should be considered as alternatives to the use of overtime. Overtime shall be considered necessary only in emergency situations, where additional effort is needed to complete a critical task. Department Heads shall ensure that all overtime pay and compensatory time-off earned and used is recorded on the Employee's time record as it occurs.

c. The Finance Department shall ensure that a permanent record of overtime pay/compensatory time-off accrued and used is kept on all Employees, based on information provided by Department Heads, and that the proper financial transactions are completed at the end of each pay period. Upon an Employee's termination, the Finance Department shall ensure that eligible Employees are given credit for all hours worked and all unused compensatory time-off within the limitations established by this policy.

Section 6.405, Flex Time. Department Heads are encouraged to institute flex time and to discuss with their Employees the starting time they desire to have within the prescribed work week. Department Heads shall subsequently give a written memorandum to each Employee stating the schedule of working hours for that Employee. A copy of this memorandum shall be maintained in the personnel file. This will enable offices to stay open longer and cover lunch periods while granting flexibility to individuals.

ARTICLE 7.0 LEAVE EARNINGS

Earned leave is credited when an Employee is in an approved paid status. Leave cannot be earned when an Employee is absent without authorization or in an unpaid status.

ARTICLE 7.1 SICK LEAVE

Section 7.101, Use.

a. Sick leave, which is earned, paid leave, shall be granted to an Employee because of personal illness, injury, medical quarantine, medical, dental, or optical examinations and treatments, or any temporary disability caused or contributed by pregnancy, miscarriage, or childbirth. Sick leave may also be granted to an Employee because of illness of the Employee's immediate family (for the purpose of this policy defined as a child, spouse, or parent), and for the placement of a child with the Employee for adoption. The definition of the terms "parent" and "child" in this chapter are found in Section 3-802 of the Labor and Employment Article of the Annotated Code of Maryland.

b. Sick leave shall not be granted in excess of the amounts accrued under the provisions of Section 7.102.

c. Sick hours are accrued beginning on the Employee hire date. Accrued sick hours may be used by the Employee during his/her probationary period.

Section 7.102, Accumulation.

a. Employees may begin accumulating sick leave upon employment, including probationary employment, and shall accumulate sick leave at a rate of 4.62 hours per pay (15 days per year, or a maximum of 120 hours per fiscal year). Unused sick leave may be carried over from one year to the next.

b. In the event of retirement or death, an Employee or an Employee's estate shall be entitled to a maximum of one hundred twenty (120) days compensation for earned and accumulated sick leave payable in one lump sum.

Section 7.103, Notification of Illness & Verification.

a. Employees unable to report for work due to illness or accident shall, as soon as possible, within one hour of the assigned starting time of the work period, personally inform their supervisor or other responsible person in their assigned area as to their status. Except under emergency situations, the Employee must personally contact his supervisor.

b. Employees who fail to provide the appropriate notice may not receive paid sick leave unless proof is subsequently furnished that the reporting delay was unavoidable.

c. For absences from work in excess of three consecutive working days, an Employee shall provide a physician's certificate indicating the type of illness and the length of the absence required by the illness. For absences of three days duration or less, a Department

Head may require, at his or her discretion, an Employee to provide a physician's certificate indicating the type of illness and the length of the absence required by the illness. This request must be made by the Employer when the Employee requests a sick day.

d. Excessive use and/or abuse of sick leave can be defined as a consistent pattern of unscheduled absences which have a negative impact on the employee's ability to accomplish the duties and requirements of their position. There is a pattern of the employee's absences when there are consistent absences on a particular day of the week, the day before or after a scheduled holiday, or based upon observation or other relevant evidence that there is reason to believe that the employee is not sick. An employee who exhibits excessive use or abuse of sick leave will be required to provide an original physician's certificate, signed by the physician, for all absences. Documentation shall be required as outlined in subsection "c" of this Section. The employee will be notified in writing by the Department Director of such requirement.

e. The requirements in Section 7.103.c., and 7.103.d., above, shall be equally applicable when any form of paid leave is granted to an Employee because of illness of the Employee's immediate family.

Section 7.104, Physical Examination. Before resuming work, Employees who have been absent due to illness or accident may be required, at the Employer's expense, to undergo a physical examination by a physician of the Employer's choice.

Section 7.105, Expiration of Paid Sick Leave.

a. In the event an Employee is unable to resume work due to illness or injuries and has used and totally depleted all accrued sick leave and annual leave, the Employee's employment benefits shall cease, except as may otherwise be provided in Article 7.1 or under the Family and Medical Leave Act, discussed in Article 7.3.

b. Employees who are unable to resume work due to illness or injury may be eligible to receive benefits under Maryland State Retirement, Disability Retirement, and/or under a short-term disability plan, if Employees have purchased such a plan.

Section 7.106, Incentive Bonus. Beginning July 1, 2000, employees who complete six months of service without any use of sick leave, shall receive a minimum $75 bonus, or equal to one (1) day's wages at his/her regular rate, whichever is higher. Time shall be tracked within individual departments and requests for bonuses shall be submitted to the Finance Department. Awards shall be paid on a rolling basis.

Section 7.107, Voluntary Sick Leave Donation. The Sick Leave Donation Program is intended to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to an extended medical necessity of the employee only, not family members. Employees may donate accrued sick leave to employees who are otherwise eligible to accrue and use sick leave, but have exhausted all accrued leave (including vacation, personal days and compensatory time).

This policy is intended to cover all non-union, union and other non-union, contractual employees who are eligible to accrue and use sick leave.

Employees using donated sick leave shall be considered on leave without pay (inactive) status and shall not accrue leave, but shall be entitled to any benefits to which they would otherwise be entitled, i.e. FMLA. All donated leave shall be considered sick leave, and shall never be converted into a cash benefit. Employees who voluntarily choose to donate sick leave shall be permitted to donate a maximum number of five (5) days or forty (40) hours per Fiscal Year.

Definitions:

a. .Accrued leave shall mean sick leave, vacation leave, personal leave or compensatory leave which has been earned, but not used, by the applicant.

b. Medical necessity shall mean a medical condition that will require an employee's absence from work for a period of time exceeding 80 continuous scheduled work hours and will result in a loss of income due to unavailable paid leave. (Must be off w/o pay for a period of 10 days or 80 hours).

Applicant Qualifications:

a. Applicant must have exhausted all accrued leave (sick, vacation, personal and compensatory) before receiving donations from the Sick Leave Donation Program.

b. Applicant must apply for donated leave through the Office of Human Resources. The application (see attached) must be accompanied by physician's statement of illness and presumed length of leave. All information regarding the physician's statement shall be held in strict confidence to the extent allowed by law. The Office of Human Resources will process and approve the appropriate paperwork and verify the necessary information provided by the applicant.

c. If an employee is eligible but unable to apply due to a physical or mental condition, any immediate family member, or legal agent may apply on behalf of that employee.

d. Payroll will ensure that an employee receives appropriate donated sick leave credit not to exceed the number of hours the employee is scheduled to work each pay period. (Excludes overtime, holiday pay, etc.) The payroll clerk shall not discuss this information with anyone other than the Director of Human Resources.

e. Donated leave will be held in strict confidence. The applicant will not have access or other information regarding which employee(s) donated the sick leave.

f. The employee who voluntarily donates sick leave shall not suffer a loss of his/her own non-absence incentive benefit for donating sick leave.

g. The applicant will be paid at his/her current rate of pay for any donated sick leave pay.

h. Employee will be allowed to receive donated sick time for a period not to exceed six (6) months.

Section 7.108, Maryland Sick and Safe Leave Policy. Sick and Safe Leave (SSL), as defined in the Maryland Healthy Working Families Act, is provided for employees who are not eligible for other leave earnings due to employment status. SSL is provided so that a qualifying Employee may obtain necessary medical care and treatment and/or assist in providing medical care and treatment to the Employee's family and for the purposes defined herein. Unless otherwise provided in this policy, Employees who are eligible for SSL shall be subject to the requirements in this manual regarding accrual and use of leave.

A. Eligibility

Employees who are regularly scheduled to work 12 or more hours per week are eligible to earn SSL on a pro rata basis. One hour of leave shall be accrued for every thirty (30) hours worked. Accrued leave may not be carried over from year to year.

Employees who can accept or decline shifts and who are not required to work a regular schedule are not eligible for SSL.

B. Use of Leave

Leave may not be utilized for the first 106 days of employment.

Accrued SSL must be used to:

a. care for or treat an Employee's mental or physical illness, injury, or condition including leave that qualifies under the Family and Medical Leave Act;

b. To obtain preventive medical care for the Employee or the Employee's family member;

c. To care for a family member with a mental or physical illness, injury, or condition;

d. For maternity or paternity leave;

e. To care for an Employee or family member where a work absence is necessary due to domestic violence, sexual assault, or stalking committed against the Employee or his family member, to include the following purposes related to the aforementioned domestic violence, sexual assault, or stalking:

1 These terms are defined in Title 3 of the Criminal Law Article of the Maryland Annotated Code.

1. medical or mental health attention;
2. services from a victim services organization;
3. legal services;
4. attendance at legal proceedings;
5. relocation for the period an Employee has changed residence due to domestic violence, sexual assault, or stalking.

f. An Employee must provide verification that the leave was used appropriately if the leave was utilized for more than two consecutive shifts.

g. Leave will not be paid out upon separation from service and shall not be credited under the Maryland State Retirement and Pension System.

C. Notice Requirements

a. If the need to use SSL is foreseeable, the Employee must provide advance notice seven (7) days before the date the leave would begin.

b. If the need to use SSL is not foreseeable, the Employee shall provide notice as soon as practicable and comply with the Employer's requirements for requesting leave.

c. The Employer may deny the request if:

1. the Employee fails to comply with notice requirements.
2. the Employee's absence will cause an undue disruption to County operations.

d. If an Employee fails or refuses to provide verification as required, a subsequent request to use SSL for the same reason may be denied.

ARTICLE 7.2 LIGHT DUTY

Generally, Employees must be able to perform all of the activities and responsibilities of their job. Injury or illness result in lost production and income, diminish Employee self- esteem and affect the Employee/Employer relationship. Injuries and illnesses, also, may temporarily render an individual unable to perform his or her duties. When this occurs, the Employer, at his discretion, may temporarily assign an Employee who suffers a health condition to either a modified or limited-duty status. An Employee's early return to work in a limited non-permanent capacity serves to lessen the financial impact to the residents of the County, preserves a balance of respect between Employees and the Employer, and presents a positive message to the remaining work force.

It is the intent of Allegany County government to strive to return all injured or ill Employees to productive work in a timely fashion, compatible with the medical condition of the Employee and workplace safety. Modified or limited-duty status will be generally considered for all Employees, unless an Employee is totally disabled or medically determined unable to work.

Section 7.201, Scope.

a. These guidelines set forth herein apply only to an Employee who is expected to return to full duty in their previously-held position within a prescribed time period.

b. The limited duty assignment will not become a permanent assignment. The total number of days that an Employee may be given limited duties may not exceed thirty (30) consecutive calendar days in any consecutive 12-month period for the same injury.

c. The modified duty assignment will not become a permanent assignment. The total number of days that an Employee may be assigned modified duties may not exceed 90 consecutive calendar days in any consecutive 12-month period for the same injury.

d. The maximum number of calendar days that an Employee may be on limited and modified duty for a year is 120 calendar days.

Section 7.202, Definitions. The following terms pertinent to these guidelines have the meaning indicated:

a. **"Appointing Authority"** means the person or persons who have the power to make appointments and to terminate employment. (See Section 1.202)

b. **"Appropriate assignments"** are duties at the same pay grade consistent with the recovering Employee's physical condition.

c. **"Limited Duty"** means the assignment of reduced working hours during which the Employee carries out all of his or her job activities for a specified number of hours daily (less than the normal duration of shift) and supports an early return to work.

d. **"Modified Duty"** means a temporary assignment of job tasks (not necessarily within his or her normal job classification nor within his or her normal department) which is compatible with an Employee's medical restriction(s) and supports an early return to full duty.

e. **"Medical Restriction"** means limitations on the types and duration of physical effort the Employee can tolerate, e.g. physical tolerances (sitting, standing, pushing/pulling, carrying, lifting, kneeling/squatting, walking, etc.); duration tolerances (hours at a time or hours per day); environmental tolerances (noise, heat/cold, dust, dampness, heights, chemicals, fumes, gases, vibration, etc.); and treatment needs (therapy appointments, hot/cold treatments, medication needs and side effects, etc.).

f. **"Temporary Physical Disability"** is any medical condition which is not permanent but which restricts an employee from performing the normal duties of their classification.

Section 7.203, Procedures for Granting Temporary Physical Disability.

a. After an absence of three (3) or more consecutive days due to a job-related illness only or job-related injury only, an Employee shall submit an original physician's certificate to the Employer's Human Resources Director or designated department representative.

b. The physician's certificate shall include:

(1) Statement that the physician has reviewed job description;
(2) Statement that the Employee may return to work;
(3) A diagnosis of an Employee's illness or impairment within the confines of HIPPA (Health Insurance Portability and Accountability Act of 1996);
(4) A prognosis for recovery;
(5) The estimated date when the Employee will be fully recovered; and
(6) Any medical restrictions to be considered when identifying a limited-duty or modified-duty status.

c. If the documentation provided by the Employee as noted above is incomplete or unclear, the Human Resources Director or Appointing Authority may request that the Employee secure more detailed medical information.

d. The Human Resources Director, at the direction of the Appointing Authority, may arrange for a subsequent medical opinion for the purpose of determining whether the Employee has a medical restriction which would prevent the Employee from performing limited or modified-duty assignments, or to verify the findings and the opinion of the Employee's physician.

e. Regardless of a limited-duty or modified-duty assignment, the physician's certificate shall be updated and submitted by the Employee to the Human Resources Director or designated department representative at least every thirty (30) calendar days during a medically restricted status.

Section 7.204, Appropriate Assignment.

a. If, based on the Human Resources Director's recommendation, after concurrence by the Appointing Authority and Department Head that adjustment of duties (limited or modified) will not be harmful to the Employee, will not create an undue hardship on other Employees and will not adversely affect the work of the assignment location, the Employee's supervisor and the Human Resources Director shall determine an appropriate assignment considering the Employee's medical restrictions and the County's needs.

b. The assignment shall be reevaluated and updated, as applicable, by the Human Resources Director and Employee's supervisor upon submission and review of the Employee's physician's 30-day certificate on the Employee's medical progress.

c. When an appropriate assignment is not available in the Employee's job classification within his or her assigned department, the Employee will be given other job tasks to perform that accommodate his or her pay restrictions at the same pay grade outside his or her department.

d. A recovering worker may not be assigned work tasks under limited-duty or modified-duty status inconsistent with the physician's medical restrictions or as determined by the Employer's physician.

e. If the Employer is unable to accommodate the recovering Employee's restrictions, the Employee will remain on accident or other leave as appropriate until such time as an appropriate assignment or location is identified, or the Employee's condition improves sufficiently to allow him or her to be assigned.

f. The Human Resources Director, or the Employee's supervisor, with concurrence from the Human Resources Director, will notify the recovering Employee of his or her limited-duty or modified-duty responsibilities. Said notice may be in writing when necessary. The Human Resources Director, Employee and the Employee's supervisor shall review the Employee's work assignment, duties to be performed, and work restrictions as applicable.

Section 7.205, Refusal of Limited-Duty or Modified Duty.

a. An Employee who refuses to cooperate in medical evaluations shall be disciplined accordingly.

b. An Employee who refuses a limited-duty or modified-duty assignment shall be on a leave of absence without pay for medical reasons; and

c. Any Employee who refuses limited-duty or modified-duty assignment shall be reported to the Worker's Compensation Carrier, and a request shall be made by the Appointing Authority for a suspension of temporary total benefits.

Section 7.206, Implementation of Guidelines. The implementation of these guidelines shall not contravene or conflict with any duty or act required by the Employer under the Family and Medical Leave Act; and/or the Americans with Disabilities Act.

ARTICLE 7.3 FAMILY AND MEDICAL LEAVE ACT

Section 7.301, Policy. The Family and Medical Leave Act (FMLA) provides eligible Employees with up to twelve (12) workweeks, a maximum of four hundred eighty (480) hours, of unpaid, job protected leave for certain family and medical reasons, and for qualifying exigencies for Employees who are family members of members of the National Guard, ~~and~~ Reserves***, and/or Regular Armed Forces of the United States of America (hereafter Armed Forces)***. It also provides up to twenty-six (26) weeks of Military Caregiver Leave to eligible Employees who are family members of covered service members ***or veterans***.

Section 7.302, Eligible Employees. Employees who have at least 1,250 hours of service and who have been employed by the Employer for at least twelve (12) months are eligible to receive leave under the FMLA. ***All periods of absence from work due to or necessitated by USERRA[1]-covered service is counted in determining an Employee's eligibility for FMLA leave.***

Section 7.303, Eligible Events. An eligible Employee is entitled to FMLA leave under the following conditions:

a. the birth of a child, in order to care for the child;

b. the placement of a child for adoption or foster care;

[1]Uniformed Services Employment and Reemployment Rights Act

c. a serious health condition of the Employee's son, daughter, parent, or spouse, in order to care for that individual;

d. an Employee's serious health condition that prohibits the employee from doing his or her job;

e. for an Employee spouse, child, parent, or next of kin to provide care for a covered service member ***or veteran*** with serious injury or illness incurred ***or aggravated by service*** in the line of active duty ***in the Armed Forces*** (entitled to leave for up to twenty-six (26) workweeks); ~~or~~

f. for qualifying exigency when the Employee's spouse, daughter, son, or parent is on or called to active duty in the ~~National Guard, and/or Reserves~~ ***Armed Forces***; ***or***

g. care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty.

Section 7.304, Serious Health Condition. A serious health condition for purposes of the FMLA is a physical or mental condition that involves:

a. an overnight stay in a hospital, hospice, or residential medical care facility; or

b. an absence from work, school, or other regular daily activities for more than three calendar days that also involved continuing treatment by, or under the supervision of, a health care provider; or

c. a continuing treatment of, or under the supervision of, a health care provider for a chronic or long-term illness that is incurable or so serious that, if not treated, would likely result in incapacity for more than three days; or

d. prenatal care.

Section 7.305, General Entitlement.

a. An eligible Employee is entitled to a total of twelve (12) workweeks of FMLA leave during the twelve (12)-month period that begins on the date when leave is first taken. For the birth or placement of a child, that twelve (12)-month period expires on the first anniversary of the date of the child's birth or placement.

b. An eligible Employee is entitled to a total of twenty-six (26) workweeks of Military Caregiver Leave during the twelve (12)-month period that begins on the date when leave is first taken.

c. If both spouses are employed by the Employer, the aggregate amount of FMLA leave to which both are entitled may be limited to a combined twelve (12) workweeks for the birth or placement of a child or for the care of a sick parent; or a combined twenty-six (26) workweeks if the leave is to care for a covered service member.

d. An eligible Employee is limited to a combined total of twenty-six (26) workweeks of leave for any FMLA-qualifying reason during the single twelve (12)-month period. (Only twelve (12) of the twenty-six (26) workweeks total may be for an FMLA-qualifying reason other than to care for a covered service member.)

e. An Employee has the option of taking all or only part of the entitled leave.

Section 7.306, Compensation.

a. Employees are entitled to unpaid leave, but an Employee has the option of substituting any accrued vacation leave, personal leave, or sick leave for any part of the twelve (12)-week period covered under Section 7.303(a), (b), (c), or (d) of this policy.

b. If an Employee elects to substitute any accrued vacation leave, personal leave, or sick leave for part or all of the twelve (12)-week period as noted in paragraph (a) above, the Employee will be paid his or her regular salary during the part of the FMLA leave for which the accrued leave is substituted. Any remaining time taken under FMLA will be unpaid leave.

c. If an Employee chooses not to substitute any accrued leave for any part of the leave granted under the FMLA as noted in paragraph (a) above, the Employee may use all of his or her accrued leave, however earned, and then use up to twelve (12)-weeks of unpaid leave available under the FMLA.

Section 7.307, Benefits.

a. Leave under the FMLA does not result in the loss of any employment benefits during the period of leave taken. Group health plan benefits will continue on the same basis as coverage would have been provided if the Employee had been continuously employed during the leave period, except as provided in paragraph (c) of this section.

b. If leave taken under the FMLA is paid leave, the Employer and Employee shares of health plan premiums shall be paid in the method normally used. (For example, if an amount is usually deducted from an Employee's pay check for health insurance, these deductions will continue for the duration of the leave; the Employer will continue paying its usual share.)

c. If leave under the FMLA is unpaid leave, the Employer shall continue to make its usual share of a health insurance premium, and the Employee shall meet with the Director of Human Resources to determine how the Employee will pay the Employee's share of any health insurance premium during the period of unpaid leave. If, after reaching an arrangement concerning the Employee's contribution, an Employee's premium payments are more than thirty (30) days late, the Employer will be under no obligation to maintain the Employee's health insurance coverage.

d. An Employee is not entitled to the accrual of any additional seniority or employment benefits during the FMLA leave.

Section 7.308, Work Schedules.

a. FMLA leave can be taken all at one time or, for a serious health condition, intermittently or on a reduced leave schedule. An intermittent work schedule is one in which leave is taken periodically for a few hours or several days to accommodate visits to doctors, for example. A

reduced leave schedule is a schedule in which the Employee works a reduced number of hours per day or per week.

b. Intermittent or Reduced Leave Schedules are permitted for the birth or placement of a child only if both the Employer and the Employee agree to the arrangement. It is otherwise available only when medically necessary to care for a serious health condition.

c. For a serious health condition, the Employer may require the Employee to transfer temporarily to an alternative position which has equivalent pay and benefits and that better accommodates a recurring period of leave.

d. If leave is taken under an Intermittent or Reduced Leave Schedule, only the amount of leave actually taken may be counted towards the twelve (12)-week limit. For example, if an Employee takes one day of leave over a five-day work week, then the Employee uses one-fifth of a week of the FMLA leave. If an Employee works half days for one week (20 hours out of 40), the Employee uses one-half week of leave under the FMLA.

e. Employees shall be permitted to take leave in the shortest increment that the Employer's payroll system uses to account for absences.

Section 7.309, Notice.

a. When leave is foreseeable, the Employee shall provide a thirty (30) day notice. When foreseeable leave will be used on planned medical treatment, the Employee must make a reasonable effort to schedule the treatment so as not to disrupt operations unduly.

b. When it is not possible under the circumstances to provide advance notice of leave, notice must be given as soon as practical.

Section 7.310, Certification.

The Employer may require that a health care provider certify a request for leave for a serious health condition. At the Employer's expense, the Employer may require that a second opinion be obtained from a health care provider designated or approved by the Employer. In cases where two opinions differ, a third and binding opinion by a health care provider, approved by both parties, at the Employer's expense, may be required.

Section 7.311, Reemployment.

a. Upon return to employment, the Employer shall restore the Employee to the position held when the FMLA commenced or to an equivalent position, as measured in terms of Employee benefits, pay, and other conditions of employment.

b. If an Employee fails to return to work for reasons within his or her control, the Employer may recover from the Employee the Employer's cost for maintaining the Employee's group health plan coverage during a period of unpaid leave.

c. The Employer may require that a health care provider certify an employee is fit for work after the Employee returns to work from a serious health condition.

ARTICLE 7.4 DISABILITY LEAVE

Section 7.401, Definition. Disability Leave is paid leave granted to an Employee who is temporarily disabled as a result of an accidental injury or illness sustained directly in the performance of the Employee's work, as provided for in the Workers' Compensation Law of the State of Maryland.

Section 7.402, Benefits and Requirements.

a. An Employee who is deemed temporarily disabled under the Workers' Compensation Law of the State of Maryland and who is unable to work due to the disability shall be granted an excused absence with full pay by the Employer for the first three (3) days following the onset of the disability. Following the three (3) day period, the Employee shall be entitled to receive his or her regular rate of pay to the extent the Employee has accrued leave and elects to use such
leave. In the event an Employee is without accrued leave or does not elect to use his or her accrued leave, the Employee shall receive the amount provided under the Workers' Compensation Laws of the State of Maryland.

b. Any Workers' Compensation wage payments due an Employee during the period when full wages are being paid by the Employer shall be endorsed or otherwise remitted to the Employer for payment to the Employer.

c. Disability Leave shall not be charged against any accrued sick leave or other type of leave unless requested by the employee.
d. An Employee using Disability Leave shall continue to accrue all benefits and seniority, excluding holiday pay, during the period of leave, including the Employee's health and life insurance coverage, and retirement benefits, under the conditions applicable to all Employees.

ARTICLE 7.5 ANNUAL/VACATION LEAVE

Employees are granted paid vacation based upon years of service with the County. Vacations should be taken annually for the benefit of the physical well-being of the Employees, as well as for operating effectiveness. Vacation is provided to ensure that the Employee takes time for relaxation and recreation from work assignments and responsibilities and, therefore, it is recommended that the Employee use his/her vacation time.

Section 7.501, Annual Accrual. Full-time County Employees shall accrue annual vacation time as follows:

	Hours Per Pay	Number of Pays	Total Accrual	Maximum Accrual
1st Year	1.85	26	48	48
2 – 5 Years	3.08	26	80	160
6 – 9 Years	4.62	26	120	240
10-19 Years	6.15	26	160	320
20+ Years	7.69	26	200	400

Maximum Accrual refers to the total vacation hours which can be carried at any point in time. Accrual begins at the beginning of the "anniversary date", not when the year is completed.

Section 7.502, Probational Accrual. Although an employee shall accrue vacation leave on a per pay basis from his date of hire, a new employee shall not be authorized use of such leave until the employee has received a satisfactory mid-point probationary evaluation.

Section 7.503, Carryover. Each Employee is encouraged to take the vacation accrued annually. The maximum amount of vacation that an Employee may carry at any one time is equal to twice the annual accrual. For example, if an Employee accrues ten (10) vacation days per year (80 hours), the most said Employee may carry at any point in time is twenty (20) days (160 hours).

Section 7.504, Maximum Accrual Hours. Accrued hours will be displayed on the Employee's pay stub so the Employee will always be aware of how much vacation is available and if vacation hours are approaching the maximum limit. In those cases where, for one reason or another, the Employee has been unable to schedule vacation prior to reaching the maximum allocation, additional accruals will be converted to sick days. Once vacation hours come into compliance, vacation hours will once again begin to accrue, per pay, according to the schedule. Sick hours cannot be transferred to vacation hours.

Section 7.505, Annual Leave Exchange. Subject to availability of funding, an employee may receive one annual payment for accrued annual leave/vacation (hereafter annual leave), in eight (8) hour increments, up to a maximum determined by the Board of County Commissioners.

a. It is the objective of Allegany County to provide eligible employees with the opportunity to take time to recreate each year while at the same time reducing the total outstanding hours of annual leave it is obligated to pay.

b. The Annual Leave Exchange shall be funded on a fiscal year basis, contingent upon approval of and on a schedule as determined by the Board of County Commissioners.

c. Employee participation in the program is strictly voluntary. It is a violation of Allegany County policy and public policy for any County employee to coerce, threaten, intimidate, or financially induce or reward another employee to participate in the Annual Leave Exchange.

d. The annual leave exchange payment does not constitute salary and will not be reported to the Retirement System as wages. Therefore, the value of the payment will not be included in the calculation of an employee's Final Average Salary.

e. Federal and state taxes will be withheld from the payment at the rate indicated on the employee's W-2 on file.

f. To be eligible to participate in the program, an employee must:

1. Have a satisfactory record of leave management.

2. Use, or be scheduled to use, at least 40 hours of annual leave by December 31st of the year in which annual leave exchange is requested, and

3. Retain an annual leave balance, after the exchange and annual leave used during the year are applied, of at least 40 hours of annual leave.

g. An employee wishing to sell back annual leave must do the following:

1. Complete an Annual Leave Exchange Request Form, that must be approved by Employee's Department Head and the Director of Human Resources.

2. Specify when, during the course of the calendar year, the one week (40 hours) minimum annual leave will be taken or has been taken. The Department of Human Resources will process the request, reviewing it for eligibility.

3. Payment will be made at the employee's current rate, as calculated by Payroll, on the first pay date in November.

Section 7.506, Separation Entitlement. There shall be no monetary allowance in lieu of vacation. In the event of death, resignation, retirement, or discharge of an eligible Employee, said Employee or his/her estate shall be entitled to receive compensation for any accrued vacation payable in a lump sum.

Section 7.507, Granting of Vacation Time. Vacations are generally given at the convenience of the Employee, however, the needs of the Employer must be considered as paramount. Department Heads shall grant vacations with consideration of the seniority of the Employee. Vacation may also be granted to an Employee because of illness of the Employee's immediate family (for the purpose of this policy defined as a child, spouse, or parent), and for the placement of a child with the Employee for adoption.

Section 7.508, Accurate Accounts of Time Earned/Taken. Each Department Head shall be responsible for establishing and maintaining accurate accounts of vacation time earned and taken by each Employee in the department.

Section 7.509, Part-Time Employees. Part-time Employees shall not be entitled to vacation with pay.

Section 7.510, Contractual/Temporary Employees. Contractual and temporary Employees will be awarded vacation based upon the terms of their employment agreements.

Section 7.511, Department Heads. Employees serving positions classified as Department Heads may accrue Annual Leave at a rate established as a condition of employment during negotiations between them and the County Administrator, provided the conditions are in writing and signed by the County Administrator. Total days shall not exceed the maximum as described in County leave policy.

ARTICLE 7.6 PERSONAL LEAVE

Section 7.601. Personal Leave is leave that can be used for any purpose with prior notification to the employee'ssupervisor. Except as provided in Sections 7.602 and 7.603, each Employee shall be entitled to forty (40) hours of personal leave at the Employee's regular rate of pay per Fiscal Year. Personal leave shall be earned as stated in Section 7.603 of this Article. Any unused Personal Leave may not be carried over to the next Fiscal Year.

Section 7.602. Probationary Employees accrue no personal leave.

Section 7.603. Each Classified Employee shall be credited with forty (40) hours of personal leave on July 1 of each year. Employees who attain classified employment status during the Fiscal Year shall be credited with personal leave on a pro rata basis for the remainder of the Fiscal Year after attaining Classified status, not to exceed forty (40) hours per Fiscal Year.

ARTICLE 7.7 MATERNITY LEAVE

An Employee who is pregnant shall be expected to work for as long as the Employee can perform her normal duties or until a physician advises otherwise. Employees may use sick leave, annual leave, personal leave, leave under the Family and Medical Leave Act, compensatory leave, donated leave, or any combination thereof, during the period of maternity leave. **Maryland law provides for an Employee's right to reasonable accommodations and leave for a disability caused or contributed to by pregnancy.**

ARTICLE 7.8 FUNERAL LEAVE

Section 7.801. An Employee, except a temporary, emergency, or part-time Employee, who has a death in his or her immediate family shall, upon request, be granted an excused absence for a length of time necessary to attend the funeral and to handle personal issues. The Employee shall be paid at his or her regular rate of the pay for any of the first five (5) regularly scheduled work days, a maximum of forty (40) hours, immediately following the death .

In circumstances where the funeral/burial may be delayed for reasons outside of the employee's control, the department head at his/her discretion may grant Funeral Leave for non-consecutive work days not immediately following the death.

An employee who is on an extended leave and who is not able and available to work generally will not be eligible to receive funeral leave. See Article 1.2 Definitions, Section 1.209, Immediate family for eligibility.

Reasonable evidence of the death shall be furnished to the County upon request.

Section 7.802. Funeral leave will not be charged against annual leave, sick leave, or personal leave.

ARTICLE 7.9 JURY DUTY

Section 7.901. In the event employees are required to perform jury duty or serve as witnesses under court subpoena in a case to which they are not a party, they will receive their regular rate of pay for such time as they are required to be away from their job during their regularly scheduled hours of work. It is to be understood that this allowance covers only time lost while

actually engaged in such court service, and no provision is made or intended to cover payment for time lost outside of regular work hours. Employees rendering such service will be required to secure a statement from the Clerk of the Court officially verifying the service rendered.

Employees who serve on jury duty less than two (2) hours on any day must return to work for the balance of their scheduled turn in order to be compensated for their absence. This would exclude jury duty that would require travel out of town.

Section 7.902. Jury Duty may not be charged against annual leave, sick leave, or personal leave.

ARTICLE 7.10 MILITARY LEAVE

Section 7.1001 As provided in this section, Employees who are members of the organized militia or the Army Reserve, Army National Guard, Naval Reserve, Air Force Reserve, Air National Guard, the US Marine Corps Reserve, or the Coast Guard Reserve, shall be eligible for military leave for training purposes annually, when the training is required by law.

Section 7.1002. Before an Employee shall be entitled to payment for military leave for training purposes, application for military leave shall be made to his or her Department Head immediately upon receipt of official notification from the appropriate military authorities that the training is required.

Section 7.1003. The Employer shall pay the gross amount normally paid the Employee by the Employer for a period not to exceed fifteen (15) calendar days annually. All military leave documentation and military payroll statements shall be made available to the Finance Office upon request. When the Employee has exhausted his right to paid military leave, he has the right to use accrued annual leave (vacation) or unpaid leave.

Section 7.1004. The first fifteen (15) days of military leave may not be charged against sick leave, annual leave, or personal leave.

ARTICLE 7.11 LEAVE WITHOUT PAY

Section 7.1101. With the consent of the Board of County Commissioners, the County Administrator, and an Employee's Department Head, an Employee may be granted leave without pay for a definite or indefinite period, not to exceed one (1) year.

Section 7.1102. Leave without pay may be granted for personal reasons or for study or training of value to the Employer.

Section 7.1103. Refer to Article 10.6, Political Activity, Section 10.605, Candidate for Political Office.

Section 7.1104. An Employee taking a leave of absence may maintain health insurance and life insurance at the Employee's expense at the group rate cost, if the Employee requests that his or her insurance be maintained. The Employee shall not accrue any other employment benefit or rights of seniority during the period of leave.

Section 7.1105. An Employee returning from leave as provided in this section shall be reinstated to a position of similar status, seniority, and pay as that previously held, provided the Employee

complies with all the provisions relating to a leave of absence. The Employer may fill a position that becomes vacant due to leave granted pursuant to this section.

Section 7.1106. An Employee in violation of any of the provisions of this section or any condition under which the leave is granted may be terminated within fifteen (15) working days after receiving notice to report to work. In the event the Employee refuses to return to work within 15 days of receiving notification, the Employee shall be treated as having resigned from his or her position.

ARTICLE 7.12 HOLIDAY LEAVE

Section 7.1201. Except part-time Employees, and except as provided in Sections 7.1202 and 7.1203, Employees shall be granted the holidays approved by the Board of County Commissioners with no loss in regular pay for the day on which they occur. They are:

New Year's Day	Veterans Day
Martin Luther King Day	Thanksgiving Day
Good Friday	Friday after Thanksgiving
Memorial Day	Christmas Day
Independence Day	General Election Day in Presidential
Labor Day	and County Election Years

Section 7.1202. In the event an Employee is required to work Thanksgiving Day, Christmas Day, or New Year's Day, the Employee shall be entitled to an additional day's wages computed at time and one half the Employee's regular rate of pay. In the event an Employee is required to work on another holiday, the Employee shall be entitled to an additional day's wages computed at the Employee's regular rate of pay.

ARTICLE 7.13 INCLEMENT WEATHER LEAVE

Section 7.1301. The Board of County Commissioners recognizes that on certain days it may be difficult for an Employee to come to work due to excessive snow, ice, or inclement weather. The Board designates the County Administrator the authority to declare a weather emergency in the event of such weather.

Section 7.1302. If there is a weather emergency declared, Employees who are able to report to work, or leave early on such days, shall be paid their regular wages **for actual time worked.** Departments who are not required to maintain 24-hour emergency service, shall allow Employees who are unable to report to work, or who arrive late or leave early (due to a weather emergency) the option of using vacation hours or compensatory time (which has been authorized and documented by the Department Head or designee) for hours not worked, or allow an Employee to alter his/her work schedule to make up the time.

Section 7.1303. For guidance in the policy, missed time in excess of four (4) hours, should normally take vacation or earned compensatory time. Time less than four (4) hours may alter work schedules in blocks of at least two (2) hours to make up the time. Lunch hours will not be used to make up time. Department Heads shall determine the schedule with the Employee considering the interest of both the County and the Employee. All time must be productive.

Section 7.1304. During weather emergencies, Employees of those departments required to maintain essential (key personnel in Emergency Services, Public Works, Sheriff's Office, and Nursing Center) or twenty-four (24) hour emergency service are required to report to work. The Department Head or designee may continue to use available personnel beyond regularly scheduled hours.

Section 7.1305. If an Employee does not have any accrued time, the time shall be deducted once earned.

ARTICLE 7.14 BIRTHDAY LEAVE

Employees shall be entitled to eight (8) hours of birthday leave at their regular rate of pay per calendar year. Birthday leave may not be carried from one calendar year to the next and no wages shall be paid in lieu of leave.

ARTICLE 8.1 RETIREMENT

The Employer is a participating agency of the Maryland State Retirement and Pension System (MSRPS) which provides retirement income and income for certain surviving dependents as well as disability or death benefits, should either occur prior to retirement. As a participating agency of the MSRPS, the County is subject to State laws and regulations providing for MSRPS, which may change from time to time. All Employees should schedule an appointment with the Department of Human Resources at least six (6) months prior to a planned retirement in order to determine that all aspects of the retirement process are in order. The following highlights some basic provisions:

Section 8.101. Enrollment in the MSRPS is mandatory upon becoming a Classified Employee. An Employee will be enrolled in the appropriate plan in effect at the Employee's date of enrollment eligibility.

Section 8.102. Mandatory employee contributions to the various plans are required as established by the MSRPS from time to time and adopted by the Board of County Commissioners.

Section 8.103. Vesting and Retirement Eligiblity

MSRPS establishes the requirements for enrollment, vesting, and retirement eligibility for the various plans. Please refer to the MSRPS handbook and/or website for details. A Benefits Specialist is available in the Department of Human Resources to provide information, answer any questions, and assist with applications, beneficiary changes, etc.

Section 8.104. Any Employee applying for disability retirement shall be required to submit to a medical examination by a physician of the Employer's choice and at the Employer's expense.

Section 8.105. Upon becoming a member of the MSRPS, the Employee shall be given full information on benefits and options. For additional information, an Employee may write to: Maryland State Retirement and Pension System, 120 East Baltimore Street, Baltimore, MD 21202.

Section 8.106. Members within 8 years of retirement and their spouses are eligible to attend one-day pre-retirement planning seminars sponsored by the MSRPS. An eligible Employee may receive wages for one day to attend a pre-retirement seminar if the seminar falls on the Employee's regularly scheduled workday. An Employee may receive wages for attending the seminar only one time. Proof of attendance at the seminar will be required to receive payment.

Section 8.107. Unless their contract does not specifically provide for them, Employees who meet qualification requirements and who retire directly from County service shall be eligible for the following benefits: retirement/pension from MSRPS, health insurance, and life insurance.

ARTICLE 8.2 DEFERRED COMPENSATION

The Employer offers a Deferred Compensation Plan to its Employees. Employees desiring additional information about the Deferred Compensation Plan should contact the County Human Resources Director.

ARTICLE 8.3 HEALTH INSURANCE

Section 8.301. The Employer maintains a health insurance plan for Employees. New Employees are eligible to enroll in the health insurance program on the first day of the month following employment. Employees who fail to enroll at that time but who subsequently desire to enroll may contact the County Director of Human Resources to determine their eligibility.

Section 8.302. In the event an Employee elects not to enroll in the health insurance program, the Employer shall reimburse the Employee $50.00 per month in order to pay for coverage under a spouse's policy, unless the spouse is also covered by the County Health Insurance Plan. Proof of other coverage is required.

Section 8.303. Administration of programs is handled through the Department of Human Resources. A booklet explaining the various features and details of these benefits is available online.

Section 8.304. The Non-Medicare Eligible Retiree Health Insurance benefits plan will be provided to full-time Employees who retire directly from County service and who are at least 62 years of age and have completed ten (10) years of continuous service or who have twenty-five (25) years of service regardless of age. Individuals employed after July 1, 1997, will be responsible for 25-per cent of health insurance premiums upon retirement. The County will not allow for additional dependents to be added to any retiree's current policy after retirement, regardless of the date of retirement.

Retirees will be billed for insurance on either a quarterly or semi-annual basis, which the retiree will select at the time of enrollment. All insurance bills will include information on the consequences of late or non-payment, which can include late fees or policy cancellation. Bills will be mailed to retirees approximately 30-days before the payment due date, and payment is due on the first day of the billing period. If payment has not been received by the due date, a second notice will be sent, and a $50 late fee will be assessed on all payments. Any retiree insurance bills that remain unpaid 15-days after the due date will result in automatic cancellation of the retiree's policy.

An employee retiring on or after January 1, 2011, shall be required to register for retiree health insurance premium deductions from his/her monthly retirement payments.

If the retiree wishes to carry family coverage, the retiree will be required to pay 100% of the cost of the difference between Employee and spouse premium and the Family premium. All retirees hired prior to July 1, 1997, will be required to make a premium payment equivalent to active employees.

Section 8.305. Retirees are automatically transferred to a private Medicare exchange plan, and receive benefits under the plan, as of the first day of the month in which Medicare eligibility is attained. An HRA account will be established on behalf of each retiree into which a predetermined dollar amount is placed monthly by the Employer. Retirees will select a Medicare Supplemental Plan from health participating insurers and plan options and/or use the dollars to pay for uncovered medical expenses at the retiree's option.

ARTICLE 8.4 LIFE INSURANCE

Allegany County provides term life insurance, in an amount authorized by the County Commissioners, for each full-time Employee. This insurance becomes effective upon fulfillment of the 30-day waiting period imposed by the insurer. Any Employee who voluntarily chooses to return to part-time employment and subsequently changes their status back to full-time status, shall be required to serve a six (6) month waiting period before life insurance benefits are reinstated.

Certain part-time employees may be eligible for life insurance as authorized by the County Commissioners.

Retired Employees with at least five (5) years of service as a full-time employee will receive a "reduced" life insurance policy as authorized by the County Commissioners.

ARTICLE 8.5 WORKERS' COMPENSATION

Section 8.501. Employees are protected under the State's Workers' Compensation Laws in the event of an injury arising out of and in the course of employment. Compensation shall be paid based on the nature of the injury and the salary received at the time of injury.

Section 8.502. Employees who suffer a work-incurred injury shall receive full pay for the first three (3) days, as necessary, of their temporary absence. Thereafter, compensation shall be paid, if approved, by the insurance carrier. If the Employee should receive additional compensation from the insurance carrier for the first three (3) days of temporary absence, the Employee shall reimburse such monies to the County.

ARTICLE 8.6 EMPLOYEE ASSISTANCE PROGRAM

The contributions of every Employee are important to the success of the County, and an Employee Assistance Program (EAP) is provided to support the health and well-being of Employees and their families.

This valuable service can help Employees and their families cope with issues such as: stress, anxiety and depression; marital, family or parenting problems; alcohol, drug and other dependencies; budget and debt problems; and bereavement and other losses. The program is strictly confidential, and free to Employees.

Information regarding the EAP may be obtained from your supervisor, the Department of Human Resources, or the County's intranet page.

ARTICLE 8.7 FLEXIBLE SPENDING ACCOUNT PROGRAM

This program allows Employees to establish Flexible Spending Accounts that can be used for the tax-free reimbursement of eligible out-of-pocket healthcare and/or dependent/childcare expenses. These accounts are funded by the Employee using pre-tax dollars, thereby lowering taxes and increasing spendable income. The program is conducted on a calendar-year basis, with a new enrollment window each Autumn.

Information regarding the Flexible Spending Account Program may be obtained from the Department of Human Resources.

ARTICLE 8.8 DEATH BENEFITS

In the event of an Employee's death prior to separation from service, the Employee's estate or beneficiaries shall be entitled to any unpaid salary, compensation for accrued and unused annual leave, unused sick leave to a maximum of one hundred twenty (120) days, life insurance, and any other entitlement that may be due from the Maryland State Retirement and Pension System or other Employee benefit plan. The Employee's beneficiary or Estate shall receive a lump sum payment for any monies due to a deceased employee.

ARTICLE 8.9 UNEMPLOYMENT

Terminated Employees should contact the Maryland Job Service in regard to available benefits. Employees terminated as a result of a reduction in force are eligible for benefits. Allegany County will contest unemployment claims made by Employees who leave employment voluntarily or are terminated for just cause.

CHAPTER 9. PERFORMANCE EVALUATIONS

ARTICLE 9.1 PURPOSE

The Employee performance evaluation system is the total process of observing and reviewing work performance, recognizing its quality, identifying needs for improvement, and working with Employees to improve their effectiveness and efficiency in order to maximize the use of their knowledge, skills and abilities. It is a continuous process and an on-going exchange of expectations between the Employee and supervisor about work requirements and that which is needed to assure that certain standards are met. The evaluation may also serve to determine Employee promotions and merit increases in salaries.

ARTICLE 9.2 CRITERIA

Section 9.201. Employees shall be evaluated and rated by their designated supervisor who, prior to evaluating the Employee, shall, in conjunction with the Employee, compile the criteria by which the Employee is to be evaluated. Department Heads shall be evaluated by the County Administrator. Performance goals should be meaningful, relative, and measurable or observable. The designated supervisor shall meet and discuss the evaluation criteria prior to the actual evaluation with any other supervisor in a position to evaluate the work of the Employee. The consensus as to the appropriate criteria for evaluating the Employee shall help determine the actual criteria used in the evaluation.

Section 9.202. Higher level supervisors should participate in the goal and standard setting process to ensure consistency throughout each department and the County. Department Heads should review the performance factors, criteria, and goals established for their Employees noting that all are meaningful, realistic, and measurable. The County Administrator, with the assistance of the Human Resources Director should review the performance factors and goals to ensure consistency across departments. Goals that appear to be too high or too low should be discussed with the Department Head and agreed upon.

Section 9.203. Supervisory personnel shall be provided with evaluation documents and trained in specific evaluation procedures.

ARTICLE 9.3 FREQUENCY

Section 9.301. Probationary Employees shall be evaluated at least twice prior to the expiration of the probationary period: i) after 50% of Employee's probationary period; and ii) at least 15 days prior to the expiration of probation.

Section 9.302. Employees who have successfully completed probation shall be evaluated verbally and informally three months prior to their first Anniversary Date; however, in the event

the Employee's overall evaluation is less than satisfactory -- that is, the Employee fails to meet the agreed upon standards for the position -- a written evaluation and rating shall be prepared pursuant to Article 9.4.

Section 9.303. Except as provided in Sections 9.301 and 9.302, Employees shall be evaluated and rated annually. Evaluations and ratings, however, also may be rendered whenever an Employee is considered to be performing in a superior or unsatisfactory manner.

ARTICLE 9.4 UNSATISFACTORY EVALUATIONS

Employees receiving an evaluation with an average rating of "unsatisfactory" shall be counseled and re-evaluated after three months. The Employee shall be placed on a 90-day probationary period and after that period shall be re-evaluated. If the Employee is again rated "unsatisfactory", the Employee shall be dismissed.

ARTICLE 9.5 POST EVALUATION PROCEDURES

Section 9.501. After a performance evaluation has been completed and the results have been discussed with the Employee, the Employee shall sign the evaluation form. The evaluation form thereafter shall be forwarded for the signature and comment of the Department Head or other person or persons who play the chief supervisory role in regard to the Employee's performance. The signed evaluation form shall be forwarded to the Human Resources Department where it shall be placed in the Employee's permanent file.

Section 9.502. In the event the Employee objects to the results reached in a performance evaluation, the Employee may file a grievance in accordance with the provisions of Chapter 12.

CHAPTER 10. WORK RULES

ARTICLE 10.1 POLICY

The orderly and efficient operation of County government requires that certain work rules be established and followed. The rules exist in order to protect and preserve County property and good will, Employees' health and safety, and to maintain uninterrupted County services. The following rules, applicable to all Employees, are not inclusive and the Employer may establish additional rules to insure the effective operation of the County government.

ARTICLE 10.2 WORKSITE ACTIVITIES

Section 10.201. Employees shall deal with the public and co-workers in a courteous, tactful, and professional manner.

Section 10.202. Employees shall report to their designated work sites on time and be in fit condition, ready for work. Employees shall work and remain at their designated work sites until the scheduled quitting time unless permission to leave the work site is granted by their supervisors.

Section 10.203. Where operations are continuous, Employees shall not leave their posts until replaced by the Employees of the next shift, or until relieved by their supervisors.

Section 10.204. An individual reporting off shall, within one hour of the assigned starting time of the work period, report to his supervisor personally his inability to report to work and the reason therefore.

Section 10.205. Employees may not neglect their duties and responsibilities or refuse to perform assigned work.

Section 10.206. Employees shall not restrict or interrupt work or interfere with the work of others.

Section 10.207. Employees shall be attired in a manner appropriate to the duties they are required to perform.

Section 10.208. Employees shall not falsify records, reports, or claims of illness or injury.

Section 10.209. Employees shall avoid littering work areas.

Section 10.210. Employees may not punch-in or sign another Employee's time card or time-attendance record.

Section 10.211. Employees shall not engage in immoral conduct, fighting, unauthorized behavior, gambling or use abusive language while on duty or on County premises.

Section 10.212. Employees shall not smoke in County buildings, vehicles, or prohibited areas for health and safety reasons.

ARTICLE 10.3 ACCIDENTS AND SAFETY REGULATIONS

Section 10.301. Employees shall follow all safety regulations, including, in appropriate settings, the wearing of safety articles and the use of protective equipment. Employees shall abide by the terms of any and all accident prevention policies or other safety initiatives adopted by Allegany County government.

a. The Commissioners of Allegany County are very conscious of the need for the Safety of its employees and the welfare of the general public, and recognize their obligations to provide the safest possible workplace for its employees and in having a safe environment for the general public.

b. It is our belief that most accidents are preventable. Furthermore, many accidents may be associated with a wasteful and inefficient operation. Therefore, in accordance with these beliefs, we have initiated various Safety and Training Programs.

c. Each department and/or division will work closely with the County Administrator, County's Risk Manager, and the Director of Human Resources, to develop specific directives and guidelines for a safety program pertinent to their department and/or division. Employees are encouraged to contact their supervisor and/or internal safety committee to obtain a copy of the County's comprehensive "*Safety Statement - Allegany County*" and associated directives and guidelines.

Section 10.302. Employees shall report accidents or injuries immediately to their supervisors, each of whom shall furnish a written report to the County Human Resources Director within twenty-four (24) hours following an accident or injury.

Section 10.303. Employees may not conduct themselves in any manner which would be detrimental to the safety and efficient operation of County government.

Section 10.304. Employees may not possess unauthorized firearms, weapons, drugs, or alcoholic beverages on the premises or in vehicles of the Employer, nor have such items in their possession while on duty. Employees who are found to be in violation of this section may be subject to disciplinary action up to and including termination.

ARTICLE 10.4 EMPLOYER PROPERTY

Section 10.401. Employees shall be responsible for, and may not misuse Employer property, records, or other materials in their care, custody and control. Employer's property, records and other materials may not be removed from the Employer's premises without permission. Employees who are found to be negligent in the use of the Employer's property, including, but not limited to, damage to any vehicle, equipment, etc., shall be responsible for the cost of any damage to said vehicle, equipment, etc., that is not covered by insurance. The employee shall be subject to disciplinary action and may result in termination of employment.

Section 10.402. Employees shall be judicious in the use of the Employer's telephones for incoming or outgoing personal calls and in conducting personal business during work hours.

Section 10.403. Employees may not post notices on the Employer's premises without prior written approval from the appropriate authority.

Section 10.404. Employees may not park in prohibited areas.

ARTICLE 10.5 PERSONAL BUSINESS

Section 10.501. Employees shall notify their supervisors whenever there is a change in their personal data relative to employment.

Section 10.502. Employees shall not gather on County premises to conduct any personal business without authorization.

Section 10.503. Employees may not use Employer's property for personal business.

ARTICLE 10.6 POLITICAL ACTIVITY

Section 10.601. Each Employee is encouraged to participate in the political process by registering and casting his or her vote. Employees may express their views on matters of public policy to the extent the expression of views does not adversely impact the workplace environment.

Section 10.602. Employees may not actively campaign for a party or candidate while on duty or on the Employer's premises. Prohibited activities while on duty or on the Employer's premises includes directly or indirectly soliciting another Employee to contribute anything of value to a party, candidate, organization, or person for a political purpose.

Section 10.603. Employees may not intentionally use their office or official authority to affect the election of particular candidates for political office.

Section 10.604. Employees whose activity is financed in part or in whole by grants or loans made by the United States or a Federal agency shall be governed by the Hatch Act.

Section 10.605, Employee Holding Political Office.

a. In the event that any Employee should be elected to the office of County Commissioner for Allegany County, said Employee shall immediately resign from County employment upon being sworn to the elected position.

b. Any Employee being elected to any other public office shall not allow said election to create a conflict of interest with his or her employment with Allegany County or interfere with his or her performance of responsibilities as an Employee of Allegany County.

c. The terms of this section shall apply to all Employees whether members of Classified Service or contractual, as well as all appointed positions in County boards, committees, and authorities.

ARTICLE 10.7 DRESS CODE

Allegany County's primary objective is to have employees project a professional image while taking advantage of more casual and relaxed clothing. Casual dress offers an alternative to the business attire of dresses, suits, ties, and dress shoes. Conversely, not all casual clothing is appropriate for the office. There are times when traditional business attire is to be worn on casual days. Take your day's schedule into account when you are dressing. If you have a meeting scheduled with visitors, or if you are advised that others in the department will have visitors with whom you will come in contact, you will want to dress in business attire. Listed below is a general overview of acceptable business casual wear as well as a listing of some of the more common items that are not appropriate for the office. Neither group is intended to be all-inclusive. (Field-based employees should contact their Department Head to determine what level of dress is appropriate for their position.)

Slacks: Cotton slacks are acceptable provided they are clean and wrinkle free. Inappropriate items include, sweat pants, wind suits, shorts, skorts, bib overalls, leggings, spandex or other form fitting pants.

Shirts: Casual shirt, golf shirt, sweaters and turtlenecks are acceptable. Inappropriate items include tank tops, sweatshirts, shirts with large lettering, logos or slogans (except those shirts with the County emblem), halter tops, midriff tops, and t-shirts, unless worn under another blouse, shirt or jacket.

Dresses and Skirts: Casual dresses and skirts, and split skirts at or below the knee are acceptable. Dress and skirt length should be mid-length or at least to the knee. Mini-skirts and spaghetti-strap dresses should not be worn to the office.

Footwear: Loafers, boots, flats, dress sandals, open-toed shoes, clogs and leather deck shoes are acceptable. Not wearing stockings is acceptable if it's appropriate for the rest of the outfit. Athletic shoes, sneakers, thongs, flip-flops, and slippers are not acceptable.

Jewelry: Should be conservative with no visible body piercing other than pierced ears. Depending on the position and/or the job duties, the Department Head may require that earrings, etc., be removed while an employee is performing their regular job duties.

Tattoos: Shall not be exposed, unless approved by the Department Head.

Uniforms: If County uniforms and clothing are provided to the employee, that clothing must be worn at work. Altering of County provided uniforms will not be permitted.

Safety considerations, etiquette, or certain job duties, may require the Department Director to establish a dress code that is stricter.

With the prior approval of the Department Director, jeans and athletic shoes are acceptable on certain days, such as clean-up days. In work areas that have approval for specified "dress down" or "casual" days, management shall determine appropriate attire standards for those days.

If an item of clothing is deemed to be inappropriate for the office by the employee's supervisor, the employee may be sent home to change clothes and will be given a verbal warning for the first offense, and progressive disciplinary action will be taken for further dress code violations.

These are to be considered the "minimum" guidelines to this policy. The Department Director shall have final say regarding their own department.

ARTICLE 10.8 HARASSMENT POLICY

Types of behavior which may be considered harassing or discriminatory include, but are not limited to: verbal abuse; exclusion, condescension; employment decisions based on age, race, religion, or sex; repeated verbalisms of a racist or sexual nature; employment decisions based upon submission to sexual demands; and any other unwelcome behavior which an Employee finds disturbing or offensive.

Sexual Harassment normally falls into two categories: (1) Quid Pro Quo harassment is when sexual demands are made specifically in exchange for employment benefits; and (2) Hostile work-environment harassment is when there is a work environment which is so hostile, offensive, or abusive that it interferes with an Employee's ability to do a job.

It is the purpose of this policy to ensure that all Employees of Allegany County enjoy a safe work environment free from any form of harassment as defined above. Harassment of any nature, sexual or otherwise, is against the law and will not be tolerated by Allegany County.
Allegany County will provide a workplace free of harassment of any kind, from any source.
Allegany County will address all complaints promptly, handling them in a fair, unbiased, and confidential manner.

Any policy which seeks to guarantee Employee rights requires Employees to meet certain responsibilities. Although this policy applies to all Employees equally, by the very nature of their positions, some Employees are more apt to be targets of harassment complaints than others. Supervisory personnel, by definition, bear additional responsibility for enforcement of this policy. Responsibilities for successful implementation of Allegany County's Harassment Policy are as follows for all Employees:

- Prior to reporting any incident, determine beyond a reasonable doubt, that the conduct you find offensive is indeed discriminatory or harassing. If possible, have witnesses substantiate your accusation.

- Prior to filing a complaint, make the offending person(s) aware that you find the conduct offensive. If, after making your feelings known, the conduct continues, proceed with your complaint by contacting your Department Head. Your Department Head shall report the incident to Human Resources. If the offending person is your Department Head, report the incident to the Director of Human Resources or any other Department Head with whom you feel comfortable. All complaints will be handled in strict confidence.

After a reported incident, Human Resources will make a complete investigation of all complaints and report the findings, in writing, to all parties involved, within ten (10) working days. The aim of the investigation will be to determine the facts and resolve the situation. Copies of all investigations will be forwarded to the County Administrator for review prior to corrective action.
Allegany County has the right to apply any sanctions or combination of sanctions deemed necessary to deal with discriminatory or harassing behavior, including:

- Counseling
- Probation, with warning of suspension or discharge for repeated offenses
- Suspension with or without pay
- Discharge

ARTICLE 10.9 SUBSTANCE ABUSE

The County recognizes alcohol and drug abuse as potential health, safety, and security problems. The County expects all Employees to assist in maintaining a work environment free from the effects of alcohol, drugs, or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment.

Section 10.901. County prohibits Employees from the manufacture, possession, use, distribution, or purchase of non-prescribed drugs and intoxicants on County premises and from working under the influence of alcohol, illegal drugs or intoxicants during working hours.

Section 10.902. All Employees are required to report to their jobs in appropriate mental and physical condition, ready to work. If an Employee may be impaired because of taking medication according to a doctor's prescription, he is expected to discuss it with his supervisor before commencing work that day.

Section 10.903. Any Employee who is convicted of any violation of any criminal drug statute (including misdemeanors for a violation occurring on County property or during working time) shall notify the Human Resources Department within five (5) days of the date of conviction. A conviction includes any finding of guilt (including one agreed to by the employee) or plea of no contest and/or any imposition of a fine, jail sentence or other penalty.

Section 10.904. Any violation of this substance abuse policy shall result in discipline up to and including discharge, under the County's progressive discipline policy.

Section 10.905. Employees who have an alcohol or drug abuse problem are strongly encouraged to seek assistance through a local community based program or their private physician. When work performance is impaired, however, use of this or other programs does not preclude appropriate action by the County. The County retains full and final discretion on whether, when, and under what conditions, an Employee may be re-employed after an instance of substance abuse.

Section 10.906 Any Employee who drives a commercial vehicle as defined in the Commercial Motor Vehicle Safety Act and Maryland's Commercial Driver's License Program, shall be subject to the requirements set forth in these regulations pertinent to alcohol, drugs and other intoxicating substances.

ARTICLE 10.10 CONFLICTS OF INTEREST

Section 10.1001. Ethics Handbook for Allegany County.
The County adopted on June 25, 1982, and later amended on March 4, 1983 and August 16, 1985, an **"Ethics Handbook for Allegany County".** The handbook applies to certain elected officials, employees and other officials holding certain positions in Allegany County. Although the handbook

is not included in this document, it is expected and understood that the affected officials know and follow the provisions thereof.

Section 10.1002. Participation of County Officer, Employee or Agent in Matters in Which He or His Family Has Financial Interest.

Except as permitted by Section 10.1004, hereof, it shall be unlawful for any officer, employee, or agent of any department, board, commission, authority, or other public agency of the government of Allegany County to participate personally and substantially, to deal or have any transaction with any firm or organization in which he has a financial interest or with whom he is negotiating or has any arrangement concerning prospective employment or part ownership.

To deal or have any transaction shall include decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, parent, minor child, brother or sister has a financial interest.

Section 10.1003. Financial Interest Defined. As used in this section, the term "financial interest" shall mean (a) ownership of any interest or involvement in any relationship from or as a result of which the owner has, within the past three years, received or is presently or in the future entitled to receive more than $1,000 per year, or (b) ownership of more than 3% of the invested capital or capital stock of any firm, corporation, association, or other organization, or (c) ownership of securities or obligations of any type which are or may become equivalent to or convertible into ownership of more than 3% of the invested capital or capital stock or any firm, corporation, association, or organization.

Section 10.1004. Exemptions from Section 10.1002. Section 10.1002 hereof shall not apply if the officer, employee, or agent first makes written disclosure to the immediate supervisor, or, if said officer or employee is an agency head, then to the Board of County Commissioners, of the financial interest and the nature and circumstances of the agency transaction involved and is either officially relieved from responsibility in the particular matter or received in advance a written determination by the immediate supervisor, that under the circumstances the public welfare and interest in the officer's, employee's or agent's participation exceeds the public interest in his disqualification.

Section 10.1005. Penalties for Violation. Any person who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both; and in addition, it shall be obligatory upon the Board of County Commissioners, or the employing agency, as the case may be, following such conviction, forthwith to dismiss such convicted person from his office or position.

Section 10.1006. Avoidance of Transactions. Any transaction entered into by any agency of this County in violation of this Section may be set aside in a suit brought on behalf of Allegany County by the State's Attorney, unless the court finds that such transaction is in the public interest, and the burden of proof shall be upon the party seeking to uphold such transaction to show that avoidance of such transaction would not be in the public interest. Except as herein provided, no transaction of such agency shall be set aside because of violation of this Section or on the ground of conflict of interest.

ARTICLE 10.11 IDENTIFICATION BADGE POLICY

Section 10.1101. Policy. It is the policy of Allegany County Government to issue an identification (ID) badge to each employee for the purpose of constant and immediate identification of staff to visitors and to other employees. Volunteers and members of County boards and commissions may also be issued ID badges if their work regularly requires them to enter County facilities. This policy applies to all employees regardless of status or classification, and includes volunteers, interns, temporary/agency workers, contractor personnel, guests, vendors, and visitors.

Section 10.1102. ID Badge Procedures.

a. Personalized ID badge are issued to employees based upon the authorization of the Department of Human Resources for classified and administrative staff, temporary employees, members of County boards and committees, interns, volunteers, and others whose work regularly requires them to enter County facilities.

b. ID badges are required for access to the County Office Complex must be worn in a highly visible manner while on the property. Employee ID badges must be carried and produced upon request while on other property owned or under the control of the County.

c. Vendors, contractor personnel, guests, and other temporary visitors shall obtain a temporary ID badge after signing in at the main entrance to the County office complex. A photo ID may be required. Temporary ID badges shall be valid for one day only, and must be returned at the end of the visit.

d. ID badges remain the property of Allegany County Government and are the responsibility of individual employees to safeguard. Badges may not be defaced, pierced, or visually obstructed in any manner. Lost or stolen badges must immediately be reported to Human Resources.

e. The ID badge will be maintained until the relationship with the County has been terminated, or upon demand of the employee's supervisor or other responsible County official. If employment is terminated, the ID badge shall be returned to Human Resources and the badge destroyed. If an employee transfers from one department to another, the ID badge shall be returned to Human Resources, the badge destroyed, and a new ID badge shall be issued.

f. Employees who misplace or forget to take their badge to work must check out a temporary badge out at the main lobby reception desk. Loaner badges are to be returned on a daily basis, unless prior approval from Human Resources is obtained. Failure to wear the ID badge or excessive loss or damage to badges may lead to progressive disciplinary action in accordance with Chapter 11 of this manual.

g. ID badges shall not be loaned or otherwise transferred to another individual. Intentional misuse and/or fraudulent use of ID badges may lead to progressive disciplinary action in accordance with Chapter 11 of this manual.

h. An initial personalized ID badge will be issued with clip holder or lanyard at no cost to the employee. ID badges requiring replacement due to normal wear and tear or periodic updating by the County shall be replaced for free at the discretion of Human Resources. Replacement fee shall be $10.00 for a lost badge.

i. Nothing in this policy shall prohibit individual County departments to issue specialized ID badges as required by law, policy, or regulation. Official badges issued by these departments shall be deemed compliant with this policy.

j. Any employee encountering an unknown person without proper identification in a nonpublic area should offer assistance. If the employee has any doubt as to the person's response or demeanor, Security should be notified immediately.

k. Failure to comply with this policy may subject the violator to progressive disciplinary action, in accordance with Chapter 11 of this manual.

CHAPTER 11. DISCIPLINARY ACTIONS

ARTICLE 11.1 PHILOSOPHY

A disciplinary action against an Employee must be initiated promptly when such action is necessary in order to maintain an orderly and productive work environment. Except in cases of theft, criminal conduct, or serious violations of policy or procedures, disciplinary actions shall be progressive in severity. The severity of the action shall be determined after consideration of the nature and gravity of the offense, its relationship to the Employee's assigned duties and responsibilities, the Employee's work record, the harm or risk to other employees or the public, and other relevant factors.

ARTICLE 11.2 CAUSES FOR DISCIPLINARY ACTION

The following, while not inclusive, may be cause for disciplinary action:

Section 11.201. Failure to perform duties in a competent or acceptable manner, including the negligent performance of duties and insubordinate behavior;

Section 11.202. Violation of any County, State, or Federal laws, ordinances, regulations, policies or procedures;

Section 11.203. Theft or misappropriation of Employer's funds or property;

Section 11.204. Unauthorized absence or chronic tardiness;

Section 11.205. Working or reporting to work while under the influence of alcohol or any unprescribed controlled, dangerous substance;

Section 11.206. Material falsification of information provided on an application for employment, promotion, or leave of absence;

Section 11.207. Knowingly making false statements or reports in the course of employment;

Section 11.208. Engaging in a private business or in a trade or occupation during official working hours in violation of County laws, regulations or administrative procedures;

Section 11.209. Accepting, offering, giving or promising to give money or valuable item;

Section 11.210. Making a threat of force or disclosure of personal affairs, blackmail or extortion to exert pressure on any person in the performance of official duties or directing an Employee to perform any service or work outside of official duties;

Section 11.211.. Soliciting endorsements for employment or promotion from individuals who are or who may be engaged in doing business for the Employer;

Section 11.212.. Refusal to take a medical examination or to provide medical records; or

Section 11.213. Absence from work without permission or proper excuse for three (3) consecutive work days.

ARTICLE 11.3 DISCIPLINARY MEASURES

Section 11.301, Counseling. Counseling is a personal meeting between supervisor and Employee to alleviate minor problems or errors of judgment.

Section 11.302, Oral Reprimand. An oral reprimand is not a matter of record but may be used by a supervisor to indicate disapproval concerning a specific act, infraction or violation of a policy or procedure. Supervisor may provide notation of oral reprimand(s) for future reference and place same in an Employee's personnel file.

Section 11.303, Written Reprimand. A written reprimand is a matter of record for use by Department Heads, Division Chief(s) or their designee, and Appointing Authorities. This form of disciplinary action is used for a series of minor infractions or a serious infraction, which, in the opinion of the Department Head, Division Chief(s) or their designee, or Appointing Authority, does not warrant a more serious disciplinary action.

Section 11.304, Loss of Increment. Loss of increment may arise when an Employee receives two written reprimands during a twelve (12) month period resulting in the denial of an incremental pay increase to which the Employee may have otherwise been entitled.

Section 11.305, Suspension. An Employee may be suspended from work and the Employee's wages may be withheld for the period of suspension. The Department Head or Division Chief(s), or their designee, may issue a one (1) day suspension without pay. The Appointing Authority may take additional disciplinary action for the same offense.

Section 11.306, Suspension - Pending Trial. An Employee who is charged with committing a criminal offense while in the execution of his or her office may be suspended without pay at the discretion of the Appointing Authority until such time as the case has been disposed of by the appropriate court. Benefits shall continue to accrue and the salary due the Employee shall be held in trust pending the Court's decision. Employees who are acquitted shall have any amounts of salary which had been held in trust returned to them along with the accrued interest at the prevailing savings account rate. In the event the Employee is found guilty of the offense, the Appointing Authority shall seek a legal opinion as to the appropriate disposition of any salary which has been withheld.

Section 11.307, Dismissal. Dismissal is the removal of an Employee from County government employment for cause.

ARTICLE 11.4 AUTHORITY

Section 11.401, Department Heads shall have the authority to recommend to the Appointing Authority that the following disciplinary actions be taken: Loss of Increment; Suspension Greater than One Day; Suspension-Pending Trial; and Dismissal. Final action must be authorized by the Appointing Authority. Supervisors and Department Heads may take any lesser action considered appropriate.

Section 11.402, Appointing Authority shall have the full range of authority to discipline an Employee.

ARTICLE 11.5 SUSPENSION

Section 11.501. Any Employee may be suspended without pay for reasons of misconduct, negligence, inefficiency, insubordination, repeated unauthorized absence or other offenses when, given the nature of the offense, other personnel actions would be inappropriate.

Section 11.502. Suspensions shall be made in writing and hand delivered by the Department Head, Division Chief's, or their designee, or forwarded to the Employee by certified mail with a return receipt.

Section 11.503. An Employee who has been suspended and who incurs another offense during the ensuing twelve (12) month period may be required by the County Administrator to show cause as to why the Employee should not be dismissed.

Section 11.504. A copy of the written statement provided under Section 11.502 shall be filed with the Human Resources Director.

Section 11.505. An Employee may appeal a suspension in accordance with the provisions of Article 12 of these Rules and Regulations.

ARTICLE 11.6 DISMISSAL

Section 11.601, Written Charges.

a. In the event a recommendation is received to dismiss an Employee, the Appointing Authority shall require written charges to be presented indicating the nature of the Employee's offense or offenses and why other personnel actions are inappropriate. Upon receipt of the written charges, the Appointing Authority may dismiss an Employee.

b. The Affected Employee shall be given a written statement setting forth the reasons for the Employee's dismissal and his or her rights to appeal the decision. A copy shall be furnished to the County Human Resources Director.

Section 11.602, Causes for Dismissal. In general, any Employee may be dismissed for some substantial shortcoming which renders the Employee's continuance in office detrimental to the discipline and efficiency of the Employer and which sound public opinion recognizes as good cause for an Employee's dismissal. This would include the inability to perform required work, misconduct, negligence, inefficiency, insubordination, repeated unauthorized absence, or the commission of other offenses, when, given the nature of the offense, other personnel actions would be inappropriate. The following list contains causes for dismissal from employment. This list is not, however, meant to be exhaustive.

a. Conviction of a felony or any criminal offense involving moral turpitude.

b. Intoxication while on duty, impaired by drug use while on duty, or employees found to be in possession of alcohol or prohibited drugs while on duty or on County property.

c. Wanton carelessness or gross negligence in the performance of duties.

d. Wanton offensive behavior or the brutal treatment of fellow Employees or other persons.

e. Violation of a law, ordinance or regulation while in the course of employment.

f. Failure to obey any order or direction made or given by a supervisor when such failure to obey amounts to an act of insubordination.

g. Engaging in a private business or in a trade or occupation, the nature of which interferes with the proficient performance of duties for the Employer or which could be a conflict of interest pursuant to Article 10.10 of these Rules and Regulations.

h. Receipt of unsatisfactory performance evaluations pursuant to Article 9.4 of these Rules and Regulations.

i. Absence from work without permission or good cause for three consecutive days and/or without notifying the Employee's supervisor or Department Head of the Employee's intention to return to work.

j. Theft of County or any Employee's property.

k. Medical condition preventing an Employee from performing the required work (the Employer having duly complied with the provisions of the Americans with Disabilities Act).

Section 11.603, Appeal. An Employee may appeal a dismissal in accordance with the provisions of Chapter 12 of these Rules and Regulations.

CHAPTER 12. EMPLOYEE GRIEVANCE

ARTICLE 12.1 FILING A GRIEVANCE

Section 12.101, Policy. Legitimate problems and differences of opinion may arise between the Employer and its Employees. It shall be the responsibility of all Department Heads, supervisors and other administrators to establish and maintain a work climate within which an Employee's grievance may be identified, presented, discussed and given fair, prompt consideration. In presenting a grievance, an Employee must be assured freedom from restraint, interference, coercion, discrimination and reprisal. Employees have the right to representation, of their own choosing and expense, at any level of review.

Section 12.102, Definition of Grievance. A grievance is a formal written complaint by an Employee arising out of a misunderstanding or disagreement between an Employee and supervisor, which expresses dissatisfaction concerning a condition of employment or treatment by management, supervisors or other Employees.

Section 12.103, Filing a Grievance. In the event a problem cannot be settled informally through oral discussions with an Employee's supervisor, a grievance may be filed if an Employee or Employees is/are adversely affected by an alleged:

a. Violation, misinterpretation or improper application of established laws, regulations, procedures or policies;

b. Improper or unfair act by a supervisor or other Employee, which may include coercion, restraint, reprisal, harassment or intimidation;

c. Improper, inequitable or unfair act in the administration of the classified service, which may include promotional opportunities, selection for training, duty assignments, work schedules, transfers and reductions in force;

d. Improper, inequitable or unfair application of compensation policies and employee benefits, which may include salary, pay differentials, awards, overtime pay, leave, insurance, retirement and holidays; or

e. Disciplinary actions, described in Chapter 11.

Section 12.104, Grievance Procedure.

a. An Employee who has completed Probation may, within ten (10) working days of the cause of a grievance, present the grievance in writing to his or her immediate supervisor. The supervisor shall, within three (3) working days of receiving an Employee's written

grievance, meet and discuss the grievance with the Employee and then reply to the Employee in writing within three (3) working days of their meeting.

b. In the event the immediate supervisor's decision is not satisfactory to the Employee, the Employee may, within five (5) working days of receiving the supervisor's written reply, present the grievance in writing to the Division Chief or Department Head. The Division Chief or Department Head shall receive the grievance and, within five (5) working days of receiving the written grievance, meet and discuss the grievance with the Employee. The Division Chief or Department Head shall then reply to the Employee in writing within five (5) working days of their meeting.

In those cases where the Department Head serves as the Employee's first line supervisor, the County Human Resources Director shall be considered the second line supervisor for the purposes of this Section 12.104b. If the Human Resources Director is the Employee's first line supervisor, the County Administrator shall be considered the second line supervisor. In the event the Human Resources Director and County Administrator are the same person, the Employee's second line supervisor shall be any Department Head which the Employer selects for purposes of this Section 12.104b.

c. In the event the second line supervisor's decision is not satisfactory to the Employee, the Employee may, within five (5) working days of receiving the supervisor's written reply, present the grievance in writing to the Human Resources Director or any other County official as designated by the Human Resources Director. The Human Resources Director or designee shall receive the grievance and, within five (5) working days of receiving the written grievance, meet and discuss the grievance with the Employee. The Human Resources Director or designee shall then reply to the Employee in writing within five (5) working days of their meeting.

d. In the event the decision of the Human Resources Director or designee does not satisfy the Employee's grievance, the Employee may, within five (5) working days of receiving the Human Resources Director's written reply, file a written request with the Human Resources Director for a hearing before an Appeals Panel. Said matter shall then be reviewed in accordance with Article 12.2.

e. The Human Resources Director shall collect all pertinent data concerning the matter and promptly present the Employee's written request and all other pertinent written material to the Director of the County Board of Appeals.

f. An appeal from the decision of an Appeals Panel shall be filed with the Circuit Court of Allegany County in accordance with the rules and procedures of the Court governing appeals from administrative agencies (MD Rule of Procedures 7-201 et sec). The decision of an Appeals Panel is presumed to be correct.

g. Nothing contained herein shall prohibit a member of a bargaining unit covered by collective bargaining agreement from electing to file a grievance under this section. Provided, however, that if such an Employee has pursued a grievance as provided for in the collective bargaining agreement, then the Employee shall not be entitled to pursue an additional grievance of the same matter under this Section.

Section 12.105, Stay of Action. All actions, other than those of the first line supervisor, shall not be effective until all requested reviews have been exhausted.

Section 12.106, Conditions of All Appeals.

a. Failure of the Employee to appeal a decision to the next higher stage of appeal within the time designated in Section 12.104b shall bar any future action by the Employee.

b. Failure of Management to reply to a grievance, in writing, within the time designated in Section 12.104b, shall result in disposition of the grievance in favor of the Employee.

c. Failure of the Employer to cooperate with any proceeding of an Appeals Panel or to implement any final decision of an Appeals Panel, shall result in disposition of the grievance in favor of the Employee.

d. Failure of an Appeals Panel to schedule a hearing or to render a decision in accordance with Section 12.201, may result in a disposition in favor of the Employee if the Employer is materially responsible for the failure of an Appeals Panel to act, or if the Employer fails to take all reasonable efforts to cause an Appeals Panel to act.

e. The Employee may withdraw a grievance at any time by written notice.

ARTICLE 12.2 HEARINGS

Section 12.201, Application.

a. Upon receipt of a request from the Human Resources Director for a hearing, the Director of the Board of Appeals shall assign the matter to an Appeals Panel. Within ten (10) working days of the assignment, the Director shall cause a notice of hearing to be issued to all parties. The hearing date shall be within thirty (30) calendar days of the assignment to an Appeals Panel. The hearing may be rescheduled upon consent of the parties or upon good cause at the request of the parties or the Appeals Panel. The Appeals Panel shall submit its written decision to the Director of the Board of Appeals within fifteen (15) working days of the hearing.

b. The Notice of Hearing provided for in Subsection a, shall include the identity of the three (3) Panel members assigned to the Appeal. Any party seeking to have a Panel member excluded for cause, shall make a request in writing to the Director within ten (10) calendar days of the date of the hearing notice. The Director shall consult the member who is the subject of the request, and after such consultation, the Director shall either deny the request or assign a substitute member to the Panel. The decision to remove a member or to reassign a member is in the sole Discretion of the Director. Nothing contained herein shall preclude a Panel from going forward with less than three (3) members by agreement of the parties and the consent of the Director.

c. For reasons other than loss of increment, suspension, or dismissal, the Employee may elect, in lieu of a hearing, to submit the matter in writing to the Director of the Board of Appeals for a decision. In that event, the matter shall be assigned to an Appeals Panel which shall meet to consider the matter within thirty days (30) days of receiving the assignment. The Appeals Panel shall render its decision within fifteen (15) working days of its meeting.

d. Notwithstanding any other provisions contained herein, the Employer and the Employee may mutually agree to pursue any other Alternative Dispute Resolution method.

Section 12.202, Hearing Procedure.

a. The hearing shall be held during regular working hours to the extent possible.

b. The hearing shall not be public unless mutually agreed to by both the Employer and Employee.

c. All hearings shall be recorded and all testimony shall be given under oath.

d. The attorney member of the Appeals Panel shall serve as Chairman in accordance with Section 12.303.

e. The hearing shall be quasi-judicial in nature and conducted in accordance with recognized principles of administrative due process, but shall not be governed by strict rules of evidence applicable to judicial proceedings.

f. The Appeals Panel shall issue its decision in writing to the Director of the Board of Appeals in accordance with Section 12.201a. The Director of the Board of Appeals shall provide all parties with a copy of the written decision within five (5) working days upon receipt of decision from the Appeals Panel.

g. Either party may appeal the decision of the Appeals Panel to the Circuit Court for Allegany County in accordance with the Maryland Rules of Procedure governing appeals from administrative agencies. The decision of an Appeals Panel is presumed to be correct.

Section 12.203, Representation Permitted.

a. An Employee may be accompanied and represented by legal counsel or a duly authorized representative of the recognized bargaining unit to which the employee may belong. The Employee may not prepare his or her case for hearing or meet with his or her representative during work hours.

b. The County Attorney, or his designated representative, shall represent the Employer at any hearing involving the appeal of an Employee's grievance. In addition, the Director of Human Resources and the County Administrator shall be permitted to attend any grievance hearing.

Section 12.204, Notification. All notices to the Employer shall be sent to the Director of Human Resources, the Office of the County Attorney, and the Appointing Authority for said Employee.

ARTICLE 12.3 BOARD OF APPEALS

Section 12.301, Creation.

a. County Commissioners shall appoint nine (9) members to the County Board of Appeals who shall serve a three (3) year term. Members may be appointed for successive terms.

b. Three (3) positions on the Board of Appeals shall be reserved for Attorneys at Law admitted to the practice of law in the State of Maryland (attorney members).

c. Six (6) positions on the Board of Appeals shall be reserved for additional adult residents of Allegany County (lay members).

Section 12.302, Director.

a. One of the Attorney members of the Board of Appeals shall be appointed by the Board of County Commissioners as Director of the Board of Appeals.

b. Duties of the Director:

1. Upon receipt of an appeal, the Director shall designate an Appeals Panel to hear and decide the appeal. Each panel shall consist of one (1) attorney member and two (2) additional members.

2. The Director shall provide for the safe-keeping of all records of the Board of Appeals.

3. The Director shall insure the timely decision of all appeals and the timely filing and notice of all decisions and reports.

Section 12.303, Appeals Panel.

a. The attorney member of an Appeals Panel shall serve as Chairman and shall make all rulings concerning procedures, due process, and admission of evidence.

b. All grievances shall be decided by a majority vote of the Appeals Panel. The Chairman shall cause a written Decision to be prepared stating the Finding of Facts and Conclusions of Law agreed upon by the Appeals Panel.

c. The Chairman, with the assistance of the Director of the Board of Appeals, shall make all arrangements for the conduct of the hearing.

Section 12.304, Compensation.

a. The Director of the Board of Appeals shall receive an annual salary in an amount to be determined from time to time by the Board of County Commissioners.

b. All members of the Board of Appeals, including the Director, shall be compensated on a per diem basis for all hearings in which they participate in an amount to be determined from time to time by the Board of County Commissioners. The per diem amount for an attorney serving as Chairman of an Appeals Panel may exceed the per diem amount for the other members of an Appeals Panel.

c. Nothing contained herein shall prevent compensation of any member of the Board of Appeals for expenses directly related to service on the Board of Appeals, or attendance at any Appeals Panel hearing.

ARTICLE 12.4 EFFECT OF OTHER LAWS

Law Enforcement Officers' Bill of Rights. In the event the Law Enforcement Officers' Bill of Rights or other laws establish the grievance procedures of certain Employees, the provisions of this Section shall not apply to such Employee.

CHAPTER 13. SEPARATION FROM SERVICE

ARTICLE 13.1 VOLUNTARY SEPARATIONS

Section 13.101, Retirement. Any Employee who is eligible may retire from service with the Employer in accordance with the procedure established under the Maryland State Retirement System. (See the description of retirement benefits in Article 8.1 of these Rules and Regulations.)

Section 13.102, Resignation.

a. In order to resign in good standing, an Employee shall give at least two weeks notice, in writing, of his or her intention to terminate employment. In the event an Employee resigns in good standing and is rehired by the Employer, the Employee may receive credit for prior service for certain employment benefits. (See Section 1.204, Break In Service Definition)

b. Employees are encouraged to inform their supervisor as far in advance of separation as possible to enable the Appointing Authority to prepare for the position vacancy.

c. Once a resignation has been accepted, department heads are not required to allow an employee to rescind a resignation, whether it was given verbally or in writing.

d. With approval of their Department Head and the Director of Human Resources, supervisors may choose to have the employee leave immediately rather than continue working through the notice period. In such cases, the employee will receive full pay and benefits through the notice period.

Section 13.103, Quitting. Employees who separate from service without at least two (2) weeks notice may not be considered to have separated in good standing. Such former Employees who are rehired may not receive credit for prior service for certain employment benefits.

ARTICLE 13.2 REDUCTIONS IN FORCE

Section 13.201, Lay-Offs. Any involuntary separation from service for reasons other than disciplinary reasons shall be considered a lay-off.

Section 13.202, Separation Priorities. In the event it becomes necessary to reduce the Employer's workforce and Employees are laid-off, expertise, experience, seniority and performance evaluations shall be considered in determining which Employees shall be retained. There shall be no provision for "bumping".

Section 13.203, Notice of Lay-Off. In the event of a reduction in force, Employees serving probation may be terminated by the Appointing Authority without notice and Employees shall receive at least two (2) weeks notice of termination.

Section 13.204, Recall. Employees who are subject to a reduction in force and who are laid off shall be recalled in the inverse order of their separation from service when appropriate position vacancies become available, provided such Employees are qualified to fill such vacancies. This recall privilege shall exist for a two (2)-year period commencing at the date of separation.

ARTICLE 13.3 OTHER INVOLUNTARY SEPARATIONS

Section 13.301, Disability. Any Employee who becomes disabled and separates from service may be eligible to receive retirement disability in accordance with the rules and procedures established under the Maryland State Retirement System.

Section 13.302, Dismissal. Separation from service due to dismissal is described in Section 11.307 of these Rules and Regulations.

Section 13.303, Death. Death benefits are described in Article 8.6 of these Rules and Regulations.

ARTICLE 14.1 TIME SHEETS

Section 14.101. Accurately recording time worked is the responsibility of every Employee. Federal and state laws require Allegany County government to keep an accurate record of time worked in order to calculate Employee pay and benefits. (Time worked is all the time actually spent on the job performing assigned duties.) This record must be kept and submitted to Payroll on standardized time sheets provided by the Finance Department. Departments are to follow payroll guidelines established by the Finance Office. Records are to be maintained by the Departments for five (5) years.

Section 14.102. Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Section 14.103. Altering, falsifying, tampering with time records, or recording time on another Employee's time record may result in disciplinary action, up to and including termination.

Section 14.104. It is the Employee's responsibility to record and certify the accuracy of his or her time records, and to submit time records in accordance with established deadlines. The supervisor will review and approve the time record before submitting it for payroll processing. If corrections or modifications are made to the time record, both the Employee and the supervisor must verify the accuracy of the change.

ARTICLE 14.2 EXPENSE REPORTS

From time to time, various positions within Allegany County require Employees to travel. Because such travel is at the County's expense, the County does not pay for travel time outside of normal business hours.

Those Employees who have received County credit cards agree to use the cards for County-related business. Cash advances on credit cards are prohibited and will result in cancellation of the credit card. If requested, the County may provide a cash advance. An expense report is required for any County travel reimbursement. Forms are available from respective Department Heads.

Reimbursement of travel and entertainment expenses is subject to the provision that no expenses will be allowed unless they are official County business, budgeted and accompanied by detailed receipts, in accordance with Section 14.201a.

Section 14.201, Credit Card Expenses.

a. Credit Card expenses must have a County purpose in order to be paid. County policy requires that charges be detailed. Details required include:

- Date of charge
- Place where expenses were incurred
- County purpose
- Amount
- Name and County connection of persons attending

b. County requires detailed receipts for **all** credit card charges.

c. County credit cards may only be used for meals while performing County business. Employees must provide a detailed receipt of the meal, the reason for the meeting, and the names of the persons present. If employee does not provide a receipt, they will receive one warning. With the second offense, employee will be liable for the cost of the meal and lose their credit card privilege.

Section 14.202, Travel Expenses.

a. The County will reimburse expenses incurred by Employees on Official County Business. Mileage reimbursement will be based on the IRS standard mileage rate for use of a personal vehicle, effective January 1, 2001; meals at $10.00 for breakfast, $15.00 for lunch, and $20.00 for dinner, with documentation to be submitted with the Expense Report. Department Head may waive meal allowance policies when an Employee is required to travel in a high-cost area.

b. Department Heads are authorized to approve travel for their Department which involves a cost not to exceed $500. If the request exceeds $500, approval shall be obtained from the Finance Director, who will confirm that funds are budgeted. If the request exceeds $1,000, approval shall be obtained from the County Administrator. However, there may be special situations and times where the County Commissioners may temporarily have additional revised travel policies in effect.

c. An employee shall seek permission of at least two County Commissioners in advance of a meeting or function where the expenditure for alcoholic beverages may be purchased. Reimbursement for an expenditure for alcoholic beverages purchased at a luncheon meeting will only be extended to guests for whom the County is purchasing lunch. The County will pay for no more than two alcoholic beverages for any guest. County employees will not be reimbursed for any alcohol and, in fact, should not consume alcohol during the normal work day.

Reimbursement for an expenditure for alcoholic beverages purchased at a dinner function where County employees are entertaining potentially business development contacts will be permitted. Reimbursement for alcoholic beverages purchased shall be limited to clients and business prospects of the County's Office of Economic Development and on a case-by-case basis to employees of other departments where the meeting has impact on economic development.

d. All expenses for travel and related expenses must be approved by the Department Head. In the case of a County Commissioner, the expense must be approved by at least two County Commissioners.

ARTICLE 14.3 SMOKING

In keeping with Allegany County government's intent to provide a safe and healthful work environment, smoking - including the use of "e-cigarettes" and similar products - is prohibited throughout the workplace, including County vehicles. This policy applies equally to all Employees, customers and visitors.

ARTICLE 14.4 PUBLIC INFORMATION REQUESTS

Section 14.401. Policy Statement: In accordance with Section 10-611 through 10-628 of the State Government Article of the Annotated Code of Maryland, the Allegany County Commissioners have

authorized the establishment of a written procedure to be followed by each department under the jurisdiction of Allegany County Government to facilitate public access to the records of Allegany County when such access is allowed by law. The County will facilitate public access by minimizing the costs and time delays for those individuals requesting information.

Section 14.402. Definitions:

"*Applicant*" – means a person requesting disclosure of public records.

"*Department or Office*" – A unit of county government under the jurisdiction of the Allegany County Commissioners.

"*Custodian*" – means the person employed by the Office/Department having personal custody and maintenance of the public records of that office. Unless otherwise provided by law, the secretary/office associate is the custodian of the records.

"*Official Custodian of Public Records*" – The Clerk to the County Commissioners has been designated by the Board to oversee the public information process.

"*Personal Record*" – A public record that names or, with reasonable certainty, otherwise identifies an individual by an identifying factor (such as an address, description, finger or voice print, a number or a picture).

"*Person In Interest*" – A person or governmental unit that is the subject of a public record (includes a designee, parent, guardian, legal representative, employees)

"*Public Record*" – Any documentary material in any form including paper, correspondence, maps, drawings, microform, electronic record, regardless of physical form either created by or received by the department or office. This does not require department to create documents to respond to a request nor does it create access to information per se, unless there is a public record containing that information.

"*Written documents*" – All books, papers, maps, photographs, cards, tapes, recordings, computerized records, and other documentary materials, regardless of physical form or characteristics.

Section 14.403. Application for Obtaining Records – Any person may request to inspect or receive copies of public records of Allegany County.

Section 14.404. <u>County Public Information Request (PIR) Form:</u>
All requests shall be submitted to the Clerk on the prescribed form during normal business hours. This form includes the name, address and telephone number of the applicant, the date and space to detail the information being sought. At the bottom of the form a section is listed for the custodian and the department to respond to the request indicating the time and expense necessary to comply. In the event a written request is received which contains substantially the same information and representations, the requirement for submission on the prescribed form may be waived.

Section 14.405. <u>Availability of Documents:</u>

- *Immediate Access*: The County shall make documents available immediately if they are part of the current, routine information readily accessible in any of its departments. These documents shall include: minutes of public meetings, agendas, resolutions, orders, etc. adopted by the county in the current calendar year. Each department shall notify the custodian of all documents easily accessible in that department that can be provided upon request.

- *Reasonable Access:* The County shall make documents available within a reasonable period, not to exceed 30 days from the date of the request where such period of time is needed to retrieve the information.

Section 14.406. <u>Departmental Procedure:</u>

- **Submission of PIR form**
  The request form shall be submitted by the Clerk to the Department Head of the office/department possessing the records and a copy forwarded to the County Attorney as soon as possible but no later than three (3) business days following the Clerk's receipt of the request. Notification shall be made by the Clerk to any "Person in Interest" acknowledging that a request seeking information about the government unit or individual has been filed and providing a copy of the PIR form.

- **Departmental Review**

  The Department Head shall notify the Clerk within three (3) business days following receipt of the request, if the Department has the record requested by completing the lower portion of the PIR form as to the availability of the record, the time needed to gather the information and the estimated cost. If the request is too vague or too voluminous to allow the Department Head to make such determination, the Department Head shall so notify the Clerk within said period. If the Department Head is uncertain as to whether the records are confidential or privileged he/she shall obtain the opinion of the County Attorney.

3. **Applicant Review**

   The Clerk shall arrange a time convenient to applicant and county department for the review of the records. Such review shall occur within the Department. All

inspections of records by public on County premises shall be supervised and observed by personnel from the affected department where the records are located. The Clerk shall notify the applicant of the time and cost indicated by the Department Head for completing the request. If the applicant waives prior review of documents and wants all documents copied, said documents will be made available upon payment by the applicant. If the applicant requests the documents to be mailed, the custodian shall include in the charge all postage fees to be received prior to mailing.

Section 14.407 Cost and Fees:

- **Copies**

  The fee for each copy is $0.25 per page if reproduction is made by a photocopying machine within the Department. Copies of larger size maps and drawings shall be provided at the current rate charged by County departments for such documentation. If records are not susceptible to photocopying (for example: punch cards, CD, magnetic tapes, blueprints, and microfilm), the fee for copies will be based on the actual cost of reproduction.

- **Certifications**

  If a person requests that a copy of a record be certified as a true copy, an additional fee of $1.00 per page, or if appropriate, per item shall be charged.

- **Minimum Fee**

  A charge will not be made if the total amount of the fee for standard 8 ½ x 11 correspondence would be $5.00 or less (equivalent to 20 pages).

- **Search/Preparation Fee**

  A charge of Twenty Dollars ($20.00) per hour shall be imposed for each hour in excess of two (2) hours expended by County personnel in reviewing, researching, compiling and preparing the records for inspection and time devoted to supervising/observing the applicant's record inspection.

- **Mailing Fee**

  If the applicant requests that copies be mailed or delivered, the custodian shall charge the applicant for the cost of postage or delivery. Said charge to be included in the total charge to be prepaid by applicant.

- **Payment Agreement**

  Before copying a record, the custodian shall estimate the cost of reproduction and either obtain the agreement of the applicant to pay the cost or demand prepaying of any estimated fee before reproducing the record. If no prior agreement has been made, payment of all fees must be made at the time the services are provided.

Section 14.408 <u>Waivers:</u>

- **Form** – The custodian has the ability to waive use of the PIR Form as detailed in Section 14.404 when a written request is received with substantially the same information.

- **Formalities** – Departments are permitted to immediately disclose those documents classified as current, routine information with or without the form.
- **Fees** – County may not charge for copying standard size documents that do not total at least five dollars ($5.00). The county will not charge when an applicant requests a waiver and it is determined that a waiver would be in the public interest.

- **Voluminous documents** – If the applicant seeks copies of a large number of files involving documents from two or more departments or archived records not easily accessible, the county and applicant shall mutually agree on a schedule to provide copies on a rolling basis.

Section 14.409 <u>Problems With The Request</u>

- **Records Not Available** – If it is determined that no such records exist there is no obligation on the part of the county to create any record. Custodian will promptly notify applicant, within ten days at most, that there are no records.

- **Request unclear or vague** – If the Custodian is unable to determine specific records being requested or if the request is unreasonably broad, the county will promptly ask the applicant to clarify or narrow the request. (Within ten days).

- **Search/review to take an unusual amount of time** – If it is determined that the request will involve voluminous records, archived records not easily accessible, many documents that must be reviewed for possible confidential or privileged information, then the Custodian shall explain the situation as soon as possible to the applicant and indicate its cost implications.

Section 14.410 Denial of Request

There are various reasons that a record may or must be withheld. Inspection of records described in Section 10-615, 10-616 and 10-617 of State Government Article, Annotated Code of Maryland shall be denied.

- **Law that May Prohibit Disclosure** – The MPIA 10-618 provides discretion of the Custodian of Record to determine disclosure and MPIA 10-619 prohibits disclosure under special court orders.

- **Review by County Attorney** – The Custodian of Records and/or the department head shall bring any question of availability of records to the County Attorney for thorough review before releasing or denying documents. Custodian shall meet with the Attorney as soon as records are questioned by either the department or Custodian as to the appropriateness of disclosure.

- **Ruling** – The County Attorney, following a complete review of documents, shall determine whether specific records are available and if they are not what section of law prohibits release.

- **Notification** – Based on the opinion of the County Attorney, the Custodian shall provide a written denial to applicant as soon as possible.

Section 14.411 Authority and Resource

- **Authority** – State Statute: Annotated Code of Maryland, State Government Article, Sections 10-611 through 10-628. Should any section of this policy conflict in form, interpretation or through omission from state law, the Annotated Code shall take precedence over said policy which shall be amended to comply.

- **Secondary Resource** – Public Information Act Manual dated January 1997 published by the Office of the Attorney General.

ARTICLE 14.5 PRESS RELEASES

Section 14.501, Departmental Operations. Press releases, statements, media appearances, and other public relations activities shall be made by Department Head or designated representative, and only in areas regarding their respective departments. A copy of printed material, or summary notes, shall be provided to the County Administrator, so as to ensure well coordinated and cohesive county-wide public relations.

Section 14.502, County-Wide Operations/Policy. Any statements, announcements, speeches, remarks or appearances affecting the areas of County-wide operations, affairs, or policy shall be first reviewed and cleared by the County Administrator, who will coordinate the matter with the Board of Commissioners.

ARTICLE 14.6 EARLY PAYROLL CHECKS

Section 14.601. County employees will be paid bi-weekly.

Section 14.602. Employees hired after October 17, 2001, are required to use direct deposit of payroll checks.

Section 14.603. Each department shall designate an employee to pick up and distribute all the payroll checks for that department. Checks will only be given to the designated employee.

ARTICLE 14.7 COUNTY-OWNED VEHICLES

Section 14.701. No County Employee shall operate or use any County-owned vehicle for any purpose or use except as required in the performance of official or assigned duties. The use of any vehicle owned by Allegany County for pleasure or for business or personal purposes other than County business shall be grounds for progressive disciplinary action. Commuting is permitted where specifically designated and assigned by the County Commissioners, however, no county owned vehicle may be taken outside of the geographic boundary of Allegany County for commuting purposes. Employees assigned to a county take-home vehicle are subject to reimbursement guidelines as may be established and modified from time to time by the Board of Commissioners.

Section 14.702. Any vehicle violations (moving or non-moving), other than equipment failure, received in connection with the operation of a County vehicle, or a personal vehicle, are the sole responsibility of the driver.

Section 14.703. Employees shall report any damage to County-owned vehicles, equipment, or property (or to non-County vehicles, equipment, or property as a result of normal job function), no matter how slight, to the Supervisor or Department Head as soon as possible.

Section 14.704. Use of County Pool Vehicles.

a. All County vehicles, except those especially assigned to approved Department Heads, will be part of the motor pool.

b. Any person wishing to use a motor pool will be responsible for personally signing out the vehicle and responsible for the vehicle being used in accordance with County policy.

c. Vehicle Logs: A log will be maintained in each County vehicle. The person responsible for the use of the vehicle shall be responsible for personally completing the log. The log shall include beginning and ending miles, the purpose of the trip, and any persons accompanying the

driver on the trip. Logs will be removed from the vehicle at least monthly and filed so that a file will be maintained for each vehicle, and will be available for public inspection.

d. Vehicles that are needed before business hours may be taken out the business day prior to the trip as long as they are not used for other than governmental purposes. Vehicles returned after business hours may be taken home, but must be returned the next business day and may not be used for any non-governmental purpose.

Section 14.705. Use of Personal Vehicles in Lieu of County-Owned Vehicles.
Any person using a personal vehicle for County business in lieu of using a car pool vehicle will be reimbursed in accordance with Section 14-202, Travel Expenses, upon submission of an appropriate voucher. In the event of a work related accident with a personal vehicle, the County will reimburse for any deductible expenses, however, if the deductible is reimbursed by a third party, the County will immediately be reimbursed by the Employee for this expense.

Section 14.706, Seat Belt Use Policy. Employees (and their non-employee passengers) who operate vehicles, or who operate or ride in personal vehicles on County business, shall wear properly fastened and adjusted seat belts, shoulder harnesses, and other such similar equipment as provided in vehicles in which they are operating or riding.

Employees shall report any malfunction of seat/shoulder belts to have this equipment repaired or replaced as soon as possible after discovery.

Fines assessed for violations of applicable seat belt laws are the responsibility of the employee and are not reimbursable.

An employee found operating or riding in a vehicle on County business without seat belts/shoulder harnesses fastened will be subject to progressive disciplinary action in accordance with chapter 11 of this manual.

ARTICLE 14.8 BUDGET PROCEDURES

Section 14.801, Annual Budget Procedures. Successful departmental operation can often be directly attributed to the ability of the Department Head to prepare an annual proposed budget within established guidelines which will provide for efficient and effective operation.

The County Administrator will distribute guidelines and a budget calendar to Department Heads, after which Department Heads will submit budget proposals to the County Administrator. Following receipt of constant yield tax rate data from the state, usually by the middle of February, the County Administrator will conduct preliminary budget review meetings with the various departments and agencies.

The County Administrator and the Director of Finance will combine all detail data, with necessary computer input, for review by the Commissioners. Following a public hearing, the Commissioners may review appeals and make adjustments, resulting from requests from the public.

The final adoption of the budget and the tax levies (including tax differentials) shall be accomplished by June 30.

Section 14.802, Budget Performance and Transfers. Monthly departmental budget performance will be monitored by the Director of Finance. Department Heads are expected to maintain revenues and expenditures within the budgeted accounts. However, unusual circumstances may dictate a need to revise existing budget line items. There is a form to be used to shift funds from one account to another, within the same department, if the net bottom line for the total department is not changed. A reason shall be given for the requested transfer. Forms are available from the Finance Department.

Budget transfers requiring additional funding beyond the total departmental budgeted amount shall require approval of the Board of Commissioners.

ARTICLE 14.9 PURCHASING PROCEDURES

Section 14.901, Purchasing. The purchase of materials, supplies, or equipment, for which funds have been provided within appropriate departmental budget accounts, shall be accomplished by Purchase Order, submitted to the office of the Director of Finance, for all purchases of $500 or more.

The Department Head is responsible for selection of the vendor who can deliver within specifications required at the lowest cost. If the purchase amount will exceed $25,000, the Department Head shall coordinate the bidding process with the Clerk to the Commissioners in accordance with the provisions of §23-12 of the Code of Allegany County. Bids and the acceptance thereof require approval of the Board of County Commissioners.

The following items do not require a Purchase Order: emergency minor repairs, postage, expense accounts, utilities, and insurance.

Proof of delivery and signed original invoices shall be submitted to the Finance Department for payment.

In the case of leases, a copy of the lease with covering Purchase Order, shall be submitted through the County Administrator and Finance Office for advance approval. The County Attorney will also review all property leases.

Section 14.902, Payment of Invoice. Original invoices to be processed for payment shall be signed by the Department Head and shall show the appropriate budget account code. They shall be submitted to the Finance Department with one (1) copy by the monthly cut off dates of the 9th or 24th.

It is the responsibility of the Department Head to ascertain that adequate budgeted funding exists, and an approved Purchase Order has been submitted (if the expenditure exceeds $500), prior to submittal of invoices to the Finance Office.

ARTICLE 14.10 SURPLUS PROPERTY DISPOSAL

Section 14.1001, Value of Property. The Department Head must present County Commissioners with a quote or justified estimate establishing value of any equipment to be disposed.

Section 14.1002, Declare Surplus. County Commissioners must take public action to declare the equipment surplus to the County's needs.

Section 14.1003, Resale of Property.

Equipment is deemed **appropriate** for public resale when:

a. Declared surplus, the Commissioners will instruct the Clerk to publicly advertise the property for public sale.

b. All property will be sold in "as is" condition with no warranty, etc.
c. Bid opening will be set and sealed bids received and publicly opened.

d. Results of the bid will be announced in the usual manner at a public meeting.

e. Review and recommendation of the department head will be obtained.

f. Bid will be awarded by the Commissioners at a public meeting.

Equipment is deemed **inappropriate** for resale or determined of little or no value (under $200 per unit) to the general public:

a. Department Head may solicit quotes from three purchasers (if possible).

b. Conduct internal solicitation. Department Head coordinates with Attorney and clerk to post and give notice to all county departments of surplus property.

(1) Sealed Bid Procedure: Any Employee may submit a sealed bid for purchase at a time and place included in solicitation notice on a standard bid form provided by the County.

(2) Drawing Procedure: Any Employee may submit a sealed offer to purchase said surplus property at the established value.

c. All bids will be opened at the posted time by an authorized, designated County representative.

d. Solicitations will be awarded to the highest, responsible bid received. Or in the case of a drawing, to the first sealed offer selected at random.

e. Department Head will notify County Attorney and County Administrator of bid results and disposition of property.

f. No equipment or property deemed unsafe for use will be offered for sale.

Section 14.1004, Sale or Donation to Other Governmental Unit or County-Funded Agency or Non-Profit Organization.

a. When declared surplus, the Commissioners may sell at the established value or donate property for use by another governmental body or for use by an agency funded by Allegany County or local non-profit organization. The County will follow the procedure established for setting the value and declaring property surplus.

b. Results of any sale or donation as explained above will be made public at a regular meeting of the County Commissioners.

Section 14.1005, Consignment or Public Auction. In the event a large volume of surplus items is declared by the Commissioners, the County has the option of consigning property to a qualified person or persons to conduct a sale, or holding a public auction.

ARTICLE 14.11 MOONLIGHTING

It is not the policy of the County to interfere with or have concern about activities of Employees off the job, unless such activity or conduct off the job impairs the County job performance of the Employee, or causes a conflict of interest as set forth in this Document.

The Employee has the obligation to inform the Department Head before taking an additional outside job, to insure that no conflict of interest occurs. The Department Head shall advise all Employees that Allegany County employment is their primary occupation, and that any supplementary outside work (moonlighting) is never a valid reason for inadequate job performance.

ARTICLE 14.12 TECHNOLOGY USAGE POLICY

Section 14.1201. All technology provided by Allegany County Government, including computer systems, communications networks, company-related work records and other information stored electronically, is the property of Allegany County Government and not the employee. In general, use of Allegany County Government's technology systems and electronic communications should be job-related and not for personal convenience. Acquisition of information must exhibit clear business justification that does not infringe upon existing laws or ethical standards.

Section 14.1202. Employees may not use Allegany County Government's Internet, e-mail or other electronic communications to attain personal monetary gain; to jeopardize legitimate use; to advance personal, political, or religious causes; to provide resources to unauthorized persons or to transmit, retrieve or store any communications or other content of a defamatory, discriminatory, harassing or pornographic nature. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference may be transmitted. Harassment of any kind is prohibited.

Section 14.1203. Disparaging, abusive, profane or offensive language; materials that might adversely or negatively reflect on Allegany County Government or be contrary to its mission and interests; and any illegal activities—including piracy, cracking, hacking, extortion, blackmail, copyright infringement and unauthorized access to any computers on the Internet or e-mail—are forbidden.

Section 14.1204. Copyrighted materials belonging to entities other than Allegany County Government may not be transmitted by employees on Allegany County Government's network without permission of the copyright holder. Employees must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy for reference only. Saving copyright-protected information to a network drive without permission is prohibited. Sharing the URL (uniform resource locator or "address") of an Internet site with other interested persons for business reasons is permitted.

Section 14.1205. Employees may not use the system in a way that disrupts its use by others. This includes sending or receiving excessive numbers of large files and "spamming" (sending e-mail to thousands of users.) Users may not make any attempt to cause degradation of performance through the alteration of or damage to computer equipment, software, and/or configurations.

Section 14.1206. To prevent contamination of Allegany County Government technology and communications equipment and systems by harmful computer viruses, downloaded files and removable media such as flash drives, cd/dvd, external hard drives should be checked for possible infection through the IT department. Also, given that many browser add-on packages (called "plug-ins") may not be compatible with other programs and may cause problems for the systems, downloading plug-ins is prohibited without prior permission from IT.

Section 14.1207. Every employee of Allegany County Government is responsible for the content of all text, audio or image files that he or she places or sends over Allegany County Government's Internet and communication systems. No e-mail or other electronic communications may be sent that hide the identity of the sender or represent the sender as someone else. Allegany County Government's identity is attached to all outgoing e-mail communications, which should reflect our values and appropriate workplace language and conduct.

Section 14.1208. E-mail and other electronic communications transmitted by Allegany County Government equipment, systems and networks are not private or confidential, and they are the property of Allegany County Government. Therefore, Allegany County Government reserves the right to examine, monitor and regulate e-mail and other electronic communications, directories, files and all other content, including Internet use, transmitted by or stored in its technology systems, whether onsite or offsite.

Section 14.1209. Internal and external e-mail, voice mail, and text messages are considered business records and may be subject to discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the company.

Section 14.1210. Employees are not permitted to transmit personal identifying information such as social security numbers without proper encryption software. Any storage of personal identifying information must be disclosed to the Human Resources Division and the Information Technology Division.

Section 14.1211. Employees will not be requested to provide or enter a password via email or text message. Employees should report any attempts by others to obtain their password or personal identifying information.

Section 14.1212. Employees are responsible for securing technology from unauthorized access and theft.

ARTICLE 14.13 TELEPHONE USE

Section 14.1301. Employees, as part of their normal duties, may have telephone contact with other County departments and the general public. Answer promptly and courteously, providing the caller with as much information as possible.

Telephones, desk unit and cellular are paid for by the County and are provided for business

purposes. Personal calls should be made and received only when necessary and kept to an absolute minimum. Personal long distance calls and/or calls involving "roaming charges" are prohibited.

Employees found to be in violation of this policy shall be subject to disciplinary action. Employees found to be making "900" number calls from County-owned telephones shall be subject to the harshest of disciplinary action, up to and including termination.

Section 14.1302. An Employee who uses a County-supplied device or a County-supplied vehicle is prohibited from using a cell phone or similar device, hands-on, while driving, whether the business conducted is personal or County-related. This prohibition includes receiving or placing calls; text messaging; surfing the Internet; receiving or responding to e-mail; checking for phone messages; or any other purpose related to employment, the County, our customers, clients or vendors, volunteer activities, meetings or civic responsibilities performed for or attended in the name of the County, or any other County- or personally-related activities not named here while driving. Use of County-owned devices for personal business is discouraged.

Section 14.1303. Employees are expected to follow applicable state or federal laws and regulations regarding the use of cell phones. Special care should be taken in situations when the Employee is operating a vehicle in traffic, inclement weather, or driving in an unfamiliar area. Employees who are charged with a traffic violation resulting from the use of County-issued cell phone while driving any vehicle and/or from the use of a personal cell phone while operating a County-supplied vehicle will be solely responsible for all liabilities that result from such action.

Section 14.1304. The use of cell phones (whether County-issued or personal) or other devices while at any work site at which the operator may subject himself, other Employees, or the public, to risk of potential injury is prohibited. Examples include construction sites; in, on, or near heavy machinery or equipment; handling hazardous materials, etc.

Section 14.1305. The use of camera phones within County-owned facilities may constitute not only an invasion of employees'/customers'/clients' personal privacy, but may breach confidentiality of protected information. Therefore, the use of camera phones or other video-capable recording devices is prohibited without the express prior permission of the responsible manager and/or supervisor. Use of camera phones is specifically banned in restrooms, locker rooms and changing facilities, etc.

Section 14.1306. The County reserves the right to monitor usage of County-issued devices, and to determine the consequences of excessive or irregular use. Employees will reimburse the County as required for any personal use of County-issued devices.

Section 14.1307. Employees are responsible for reasonable care and safeguarding of the equipment provided. Loss or theft of the device must be reported immediately to Information Technology and to law enforcement authorities as appropriate. Unauthorized or improper use of the device and/or cellular service may result in confiscation of the equipment, and depending on

the severity of the outcome of unauthorized or improper use, may result in disciplinary action up to and including termination. Employees are required to return a County-issued cell phone upon termination and/or resignation.

Section 14.1308. With the approval of the County Administrator and the Director of Human Resources, a County department or division may implement additional requirements based upon operational needs.

Section 14.1309. Maryland law provides for the use of a handheld telephone for law enforcement and emergency personnel while acting in the scope of official duty. Nothing in this policy shall be construed to invalidate that provision, nor shall it be construed to prevent the lawful use of cell phones, cameras, or other recording devices in the course or conduct of a law enforcement or other official investigation.

ARTICLE 14.14 CHARITABLE CONTRIBUTIONS

In order to make payroll deductions available for charitable causes, total employee participation must be at least 30 employees with a combined total contribution of no less than $100 per pay.

ARTICLE 14.15 VIOLENCE POLICY

Section 14.1501. Allegany County provides a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all aspects of this workplace violence policy.

Section 14.1502. We do not tolerate any type of workplace violence, physical or verbal, committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. The following list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on company property or while on company business;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Section 14.1503. Any potentially dangerous situation must be reported immediately to a supervisor or the Human Resource Department. Reports can be made anonymously and all reported incidents may be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be

discussed with them. The County will actively intervene at any indication of a potentially hostile or violent situation.

Section 14.1504. The Human Resources Department will take reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

Section 14.1505. The County will conduct inspections of the premises to evaluate and determine any vulnerabilities to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

Section 14.1506. While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the Human Resources Department if any employee exhibits behavior which could be a sign of potentially dangerous situations. Such behavior includes:

- Discussing weapons or bringing them to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior.

Section 14.1507. The Human Resources Department will identify and maintain a list of employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are subject to harassment, violence, or threats from a non-employee. Human Resources, in conjunction with law enforcement officials, will design a plan with at-risk employees to prepare for any possible emergency situation

Section 14.1508. Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safety notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

Section 14.1509. Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts shall be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on County property or toward County employees in the performance of their duties, shall be reported to the proper authorities and fully prosecuted.

ARTICLE 14.16 DRUG AND ALCOHOL POLICY/SAFETY-SENSITIVE POSITIONS

The following policy will cover all employees other than employees of the Allegany County Transit (ACT). ACT employees shall be covered by the Allegany County Transit Alcohol Misuse and Prohibitive Drug Policy adopted January 17, 2013, and as amended in the future.

Section 14.1601, Policy Objective and Intent

Allegany County is committed to providing a safe, productive and substance-free work environment for all its employees. Therefore, Allegany County has established this Substance Abuse Policy in order to meet the following goals:

1. To insure that each employee has a work environment that is free from the adverse effects of drug use and alcohol misuse; and

2. To assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; and

3. To prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances.

It is the intent of this policy to send a clear message to all employees and to the general public that the use of prohibited substances is incompatible with employment with Allegany County.

Since some prescribed medications, in particular narcotics, may interfere with an employees ability to safely perform their duties, any employee taking a prescribed medication shall have their physician complete a physical capabilities form.

Section 14.1602, Purpose and Applicability of Employee Drug and Alcohol Testing

This policy provides a uniform procedure regarding the testing of applicants for employment and/or employees to detect individuals having drugs and/or alcohol in their system in accordance with 49 CFR Parts 40 and 382. The purpose of such testing is to provide, in the interest of safety of employees and the general public, work and service environments that are free from the effects of drug and alcohol abuse. The use of any drug, including alcohol, can interfere with the safe and efficient functioning of County Personnel. Therefore, drug and/or alcohol abuse is a matter of great concern and will be dealt with in an appropriate manner.

Allegany County expects its employees to report to work in a condition to perform their duties. On-the-job involvement with drugs and/or alcohol is a violation of County policy and Federal law. The County also recognizes that employee off-the-job involvement with drugs and/or alcohol can have an impact on the workplace and the County's ability to accomplish their goal of a safe, effective, drug and alcohol-free work environment.

This policy applies to all applicants for employment and employees, including part-time employees, temporary employees, volunteers, contract employees and contractors when on County property or when performing any County associated and/or safety-sensitive function. Adherence to the terms and conditions of this Substance Abuse Policy is a condition of employment with Allegany County. Each employee is bound by the terms of this policy and a condition of employment with the County.

Section 14.1603, Definitions

"Accident" – An occurrence associated with the operation of a motor vehicle and/or equipment if, as a result:

- An individual dies;
- And individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident;
- One or more of the vehicles and/or mobile equipment involved incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or another vehicle and/or mobile equipment.

"Alcohol" - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol. References to use or possession of any beverage, mixture or preparation containing ethyl alcohol includes any medication containing alcohol.

"Alcohol Concentration" – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

"Alcohol Use" – The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

"Aliquot" – A portion of a specimen used for testing.

"Breath Alcohol Technician (BAT)" – An individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing (EBT) device.

"Canceled or Invalid Test" –

- In drug Testing, a drug test that has been declared invalid by a Medical Review Officer. A cancelled test is neither a positive nor a negative test. For the purpose of this policy, a sample that has been rejected for testing by a laboratory is treated the same as a cancelled test.
- In alcohol testing, a test that is deemed to be invalid under 49 CFR, Part 40.79. IT is neither a negative nor a positive test.

"CDL" – Commercial Driver's License.

"Chain of Custody" – Procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

"Collection Container" – A container into which the employee urinates to provide the urine sample used for a drug test.

"Collection Site" – A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

"Confirmation or Confirmatory Test" –

- In alcohol testing, a second test, following a screening test with a result of 0.02 or greater, that provides a quantitative data of alcohol concentration.

- In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

"Controlled Substances/Drugs" – For the purpose of this policy, cocaine, marijuana, opiates, amphetamines, phencyclidine and any other substance determined by the United States Department of Transportation to be a controlled substance/drug.

"County" – Allegany County Government.

"County Premises" – Any property owned, leased or occupied by Allegany County.

"County Representative" – Allegany County Director of Human Resources. This person shall retain all records in relation to this policy, maintain the County's random name selection process, and insure compliance with and respond to questions regarding this policy and all applicable Federal, State and local laws.

"DHHS" – The United States Department of health and Human Services.

"Disabling Damage" – Damage which precludes departure of a motor vehicle or equipment from the scene of the accident in its usual manner in daylight after simple repairs.

"DOT" – The United States Department of Transportation.

"Employee" – Any person employed by Allegany County.

"Evidential Breath Testing Devise (EBT) – A devise approved by the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL) and is used for the evidential testing of breath.

"Illegal Use" – The use of any illegal drug, the use of illegally obtained prescription drugs, and the misuse of legally prescribed drugs.

"Licensed Medical Practitioner" – A person who is licensed, certified, and/or registered, in accordance applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

"Medical Review Officer" – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

"NHTSA" – The National Highway Traffic Safety Administration.

"On-Duty Time" – All time from the time an employee begins work, or is required to be ready to work, until the time the employee is relieved from work. On-Duty time also includes off-site break and/or lunch periods when an employee is scheduled to return to work.

"Performing a Safety-Sensitive Function" - An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

"Prohibited Substances" – Any illegal drug or substance identified in schedules I through V, Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR, Parts 1300.11 through 1300.15. This includes, but is not limited to marijuana, amphetamines, opiates, phencyclidine, and cocaine, as well as any drug not approved for medical use by the Untied States Drug Enforcement Administration or the United States Food and Drug Administration. Prohibited Substance also includes all controlled substances, look-alike drugs, designer drugs, synthetic drugs, unauthorized prescription drugs, prescription drugs not used for their prescribed purpose and alcohol.

"Refuse to submit to an alcohol or controlled substances test"- If an employee:

- Fails to provide adequate breath for alcohol testing, without a valid medical explanation, after he or she has received notice of the requirement for breath testing;
- Fails to provide an adequate urine sample for controlled substance testing, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing; or
- Engages in conduct that clearly obstructs the testing process.

"Safety-Sensitive Function" – All time form the time an employee begins work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- All time an employee is on the County's property or other public property waiting to be dispatched, unless the employee has been relieved from duty by the County;
- All time spent at the driving controls of a motor vehicle or equipment in operation;

- All time spent loading and unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate a vehicle, or in giving and receiving receipts for shipments loaded or unloaded; and

- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

"Screening or Initial Test" –

- In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

- In drug testing, an immunoassay screen to eliminate "negative" urine specimens form further analysis.

"Shipping Container" – A container capable of being secured with a tamper evident seal that is used for transfer of one or more urine specimen bottle(s) and associated documentation from the collection site to the laboratory.

"Specimen Bottle" – The bottle that, after being labeled and sealed according to the procedures in 49 CFR Part 40, is used to transport a urine sample to the laboratory.

"Split Sample" – An additional sample collected with the original specimen to be tested in the event the original specimen tests positive.

"Substance Abuse Professional" – A licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified psychologist, social worker, or employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

"Verified Negative Drug Test Result" – A drug test result reviewed by a Medical Review Officer (MRO) and determined to have no evidence of prohibited drug use.

"Verified Positive Drug Test Result" – A drug test result reviewed by a Medical Review Officer (MRO) and determined to have evidence of prohibited drug use.

Section 14.1604, Restricted Acts

The use, possession, purchase, concealment, transportation, promotion, or sale of a Prohibited Substance is strictly prohibited by Allegany County on County premises or upon any job sites where the County is working. Any employee whose body system contains a detectable amount of a Prohibited Substance is prohibited from entering upon County premises or any job site where Allegany County is working.

As part of this policy, the following prohibitions shall apply:

1. No employee shall possess, sell, trade, use or offer for sale any prohibited substance while in the employ of the County.

2. No employee shall report for duty, remain on duty or perform a safety-sensitive function while under the influence of any prohibited substance.

3. No employee shall use prescription drugs illegally while in the employ of the County. Nothing contained in this policy is intended to preclude the appropriate use of legally prescribed and medially necessary medications. Employees who are taking prescription or non-prescription lawful drugs that may affect the performance of their job duties, including without limitation, drowsiness, impaired reflexes, or reaction time, or a limitation on judgment, must report such usage to their immediate supervisor before beginning their workday. At the supervisor's discretion, the employee may be temporarily assigned to a non-safety sensitive position or given other duties which better accommodates the employee's health condition. Such drugs used on-the-job may be determined to be allowed drugs if the Medical Review Officer and/or Licensed Medical Practitioner has determined that the use of the drug is consistent with safe performance of the employee's duties and the drug is being used at the prescribed dosage. It is the employee's responsibility to inform their medical practitioner of their job-related duties and to obtain written guidance for the safe use of any prescribed medication(s). A copy of the medical practitioner's instructions shall be provided to the employee's supervisor upon the employee's return to work.

4. No employee shall possess or store any prohibited substance in any locker, desk, vehicle, equipment, or other property owned by the County or upon job or work sites where the County is employed.

5. Any employee who refuses to submit to a drug and/or alcohol test, when required under the terms of this policy, shall be immediately suspended without pay and shall only be allowed to return to duty following completion of return to duty testing as provided under Section 14.605 of this policy.

6. No employee shall remain employed by the County if he or she submits false sample for drug and/or alcohol testing.

7. No employee shall remain on duty, report for duty, or perform safety-sensitive functions after having tested positive for any prohibited substance.

8. Any employee performing safety-sensitive functions shall not consume alcohol within eight (8) hours following an accident, or before undergoing a post-accident test, whichever occurs first.

9. No employee shall consume alcohol within four (4) Hours of going on duty. Therefore, the period of the workday for which the employee must be in compliance would be four (4) Hours prior to actually reporting to work and during all times thereafter while on duty or available to be on duty.

10. The use of beverages containing alcohol or substances including any medication mouthwash, food, candy or any other substance such that alcohol is present in the body while performing County business is strictly prohibited.

11. No employee shall remain employed by the County upon conviction under any State or Federal law for a prohibited substance violation occurring in the workplace. All employees are required to notify the County of any such conviction within five (5) days of the conviction.

12. No employee shall fail to comply with any rules and regulations of any testing programs maintained by the County for drug and/or alcohol testing as part of this policy.

13. No employee or applicant for employment shall be employed by the County if he or she refuses to sign a Consent and Release form for drug and/or alcohol testing as part of this policy.

Section 14.605, Circumstances for Drug and/or Alcohol Testing

Allegany County will utilize the following drug and/or alcohol testing situations:

1. Pre-employment Testing

All applicants for employment with Allegany County shall undergo testing for the presence of prohibited substances as a condition of employment. Any applicant for employment who refuses to be tested or receives a confirmed positive test result will be disqualified for employment for a period of six (6) months. Any applicant for employment who previously denied testing or received a confirmed positive test result may reapply for employment with the County only upon receipt of evidence that the perspective employee has successfully passed a prohibited substance test following the six (6) month disqualification period.

Any employee who has been furloughed for more than one (1) year shall, for the purpose of this policy, be treated as a new applicant for employment with the County and shall undergo prohibited substance testing in accordance with this provision.

2. Post-accident Testing

All employees will be tested following accidents and/or occurrences if:

- There was a loss of life;
- An injury occurred requiring transportation to a medical treatment facility;
- Any vehicle must be towed from the scene and the employee receives a citation under state or local law for a moving traffic violation;
- Or if the employee's performance could have contributed to the accident.

Any employee whose performance could have contributed to the accident as determined by the County using the best information available at the time of the accident, must submit to a drug and alcohol test. Post accident drug tests must be performed within thirty-two (32) hours after the accident. Alcohol tests must be performed within two (2) hours after the accident.

3. Random Testing

Testing will be conducted on employees on a random, unannounced basis. Each year at least 10% of all employees performing safety-sensitive functions will be tested for alcohol, and at least 50% will be tested for drugs. The annual percentage rate for random drug testing may be changed in accordance with the requirements of the United State Department of Transportation. All employees will remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing. Each employee who is selected for random alcohol and/or drug testing must proceed directly to the testing site immediately upon receipt of notification.

4. Reasonable Suspicion

All employees will be subject to drug and/or alcohol testing when a determination that a reasonable suspicion exists. The determination will be based on specific observations consistent with the effects of prohibited substance abuse and/or alcohol misuse. Examples of reasonable suspicion include, but are not limited to:

- Physical signs and symptoms such as appearance, behavior, speech, and/or body odors;
- Evidence of the manufacture, distribution, dispensing, possession, or use of prohibited substances and/or alcohol;
- Indications of the chronic and withdrawal effects of prohibited substances;
- Occurrences of any incident which results in a recordable bodily injury, as defined by OSHA, or any damage to the property of the County or of a third party;
- Physical altercations, assaults, and a flagrant disregard or violation of established safety, security, or other operating procedure.

When a supervisor suspects that an employee may be under the influence of alcohol and/or drugs, the supervisor shall complete a "Supervisor's Reasonable Suspicion Determination" form and inform the employee and the County Representative of the observations noted. The County Representative or a designated alternate along with the Supervisor shall escort the employee immediately to the testing site for testing.

5. Return to Duty Testing

Any employee who previously refused to submit to a drug and/or alcohol test, or failed such a test, shall be tested for prohibited substances and/or alcohol use prior to returning to duty. The employee must obtain a testing result indicating an alcohol concentration of less than 0.02 and a verified negative result for prohibited substance use, and must also be certified by the Substance Abuse Professional (SAP) as capable of resuming duties prior to returning to duty. Any such employee, once returned to duty, may be administered unannounced follow-up drug and/or alcohol tests for up to sixty (60) months after their return to duty.

6. Follow-up Testing

Once an employee is allowed to return to duty, they will be subject to unannounced follow-up prohibited substance and/or alcohol testing for at least twelve (12) but not to exceed sixty (60) months. The frequency and duration of the follow-up testing will be recommended by the Substance Abuse Professional (SAP) as long as a minimum of six (6) tests are performed during the first twelve (12) months after the employee returns to duty. Follow-up testing is separate from an in addition to random testing.

Section 14.1606, Substances to be Included in Testing

Alcohol (Ethanol), amphetamines, cannabinoids (marijuana), cocaine, opiates, phencyclidine (PCP), and their metabolites will be included. Because the County is concerned about the abuse of prescription and over-the-counter medications as well as illegal drugs and alcohol, the above list may be expanded to include yet to be developed substances, changes in this policy, and/or changes to federal and state laws and regulations.

Section 14.1607, Drug Testing Procedures

Allegany County shall use only laboratories certified under the United States Department of Health and Human Services (DHHS) "Mandatory Guidelines for Federal Workplace Drug Testing Programs", April 11, 1988, and subsequent amendments thereto, to perform the urinalysis testing described by these procedures. Specimen collection procedures will be in compliance with 49 CFR, Part 40, regarding designation of the collection site, security, chain of custody, access to authorized personnel only, privacy, integrity and identity of specimen(s), collection control, transportation to the laboratory, failure of an employee to cooperate, an employee requiring medical attention, and use of a Chain of Custody Form.

Initial Test:

The initial test shall use immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these drugs or classes of drugs:

Type of Drug	Initial Test Cutoff Level (ng/ml)
Marijuana Metabolites	50
Cocaine Metabolites	300
Opiate Metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

Confirmatory Test:

All Specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff levels listed below for each drug. All confirmations shall be by quantitative analysis.

Type of Drug	Confirmatory Test Cutoff Levels (ng/ml)
Marijuana Metabolites (1)	15
Cocaine Metabolites (2)	150
Opiates:	
Morphine	2,000
Codeine	2,000
6-Acetylmorphine (3)	10
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine (4)	500

(1) Delta-9-tetrahydrocannibinol-9-carboxylic acid
(2) Benzoylecgonine
(3) Test for 6-AM when morphine concentration exceeds 2000 ng/ml
(4) Specimen must also contain amphetamine at a concentration greater than or equal to 200ng/ml

These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology and other considerations warrant identification of these substances at other considerations.

Section 14.1608, Reporting and Review of Drug Testing Results

Reporting and review of drug testing results will be in accordance with 49 CFR, Part 40.33. The Medical Review Officer (MRO) will review and interpret confirmed positive test results obtained through the County's testing program, and shall examine alternate medical explanations for positive test results. This action may include conducting a medical interview and review of the employee's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the employee when a confirmed positive test could have resulted form legally prescribed medication. The MRO shall not, however, consider the results or urine samples that are not obtained or processed in accordance with this policy.

Prior to making a final decision to verify a positive test result for an employee, the MRO shall give the individual an opportunity to discuss the test result with him or her. The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test result.

If, after making all reasonable efforts and documenting them, the MRO is unable to reach the employee directly, the MRO shall contact the County's representative who shall direct the employee to contact the MRO as soon as possible. If it becomes necessary to reach the employee through the County's representative, the representative shall employ procedures that ensure, to the maximum extent practicable, the requirement that the employee contact the MRO is held in confidence.

The following circumstances may allow the MRO to verify a test as positive without having communicated directly with the employee about the test:

1. The employee expressly declined the opportunity to discuss the test;

2. Neither the MRO nor the County's representative, after making reasonable efforts, has been able to contact the employee within fourteen (14) days of the date on which the MRO receives the confirmed positive test result from the laboratory;

3. The County's representative has successfully made and documented a contact with the employee and instructed the employee to contact the MRO, and more than five (5) days

have passed since the date the employee was successfully contacted by the County's representative.

If a test is verified positive under the preceding paragraph, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee form being contacted by the MRO or County representative, or from contacting the MRO within the times provided. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.

Before the MRO verifies a confirmed positive test result for opiates, the MRO shall determine that there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate, or opium derivative. This requirement does not apply if the GC/MS confirmation testing for opiates confirms the presence of 6-monoacetylmorphine.
The MRO shall notify the employee who has a confirmed positive test that the employee has 72 hours in which to request a reanalysis of the split specimen. If the employee requests an analysis of the split specimen within 72 hours of having been informed of a verified positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another DHHS certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the presence of drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or not testable, the MRO shall cancel the test and report the cancellation and the reasons for it to the County's representative and the employee.

If the analysis of the split specimen is reconfirmed by the second laboratory for the presence of the drug(s) or drug metabolite(s), the MRO shall notify the County's representative and the employee of the results of the test.

If the employee has not contacted the MRO within 72 hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee form timely contacting the MRO. If the MRO concludes that there is a legitimate

explanation for the employee's failure to contact the MRO within 72 hours, the MRO shall direct that the reanalysis of the split specimen be performed.

Following verification of a positive test result, the MRO shall contact the County's representative and the employee and provide the test results.

Section 14-1609, Alcohol Testing Procedures

The County shall conduct alcohol testing in a location that optimizes confidentiality to the employee being tested. Alcohol testing and all record keeping procedures will be conducted in accordance with 49 CFR, Part 40. Alcohol testing will be conducted using Evidential Breath Testing (EBT) devises under the direction of a Breath Alcohol Technician (BAT).

Screening Test:

The screening shall be performed using an EBT in accordance with 49 CFR, Part 40.63. If the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT shall transmit the results of less than 0.02 to the County's representative in a confidential manner. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed.

Confirmation Test:

The confirmation test shall be performed in accordance with 49 CFR, Part 40.65. The BAT shall instruct the employee not to eat, drink, put any substance in his or her mouth, and, to the extent possible, not to belch during the waiting period before the confirmation test. This is to prevent any accumulation of mouth alcohol leading to an artificially high reading. This time period begins with the completion of the screening test, and shall not be less than fifteen (15) minutes. The confirmation test shall be conducted within thirty (30) minutes of the completion of the screening test. The test will be conducted at the end of the waiting period even if the employee has disregarded the BAT's instructions.

If the result of the confirmatory test is less that 0.02 alcohol concentration, a negative test result shall be reported by the BAT.

In the event that a screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result. The BAT shall transmit all results to the County's representative in a confidential manner.

Section 14.1610, Confidentiality

The County shall maintain records in a secure manner so that disclosure of information to unauthorized persons does not occur. The County, as part of the testing for prohibited

substances, will not disclose the results of those tests to third parties, except under the following circumstances:

1. When such disclosure is required by law;

2. When such disclosure is authorized by the employee, in writing, who was the subject of such testing. Release of the information will only be in accordance with the terms of the employee's consent.

Section 14.1611, Disciplinary Actions

Controlled Substances / Drugs:

Immediately following receipt of a verified positive test result from the MRO, and the employee does not, in the discretion of the MRO, provide an adequate explanation for the positive test result, the employee will be afforded the opportunity to seek counseling and rehabilitation at a licensed-recognized facility. Any cost for the treatment that is not covered by available health insurance benefits will be the sole responsibility of the employee. Disciplinary actions will be in accordance with County policy.

Prior to the employee being reinstated, he or she must undergo Return to Duty Testing in accordance with this policy. Once reinstated, the employee will be subject to Follow-up Testing in accordance with this policy.

After an employee who previously received a verified positive test result has been reinstated, any subsequent verified positive test result may subject the employee to dismissal in accordance with County policy.

Alcohol:

Immediately following receipt of a confirmatory test result of 0.02 or grater but less than 0.04 alcohol concentration, the employee will be removed from their position without pay for a period of not less than 24 hours. And will be subject to further disciplinary action in accordance with County policy. Prior to being reinstated the employee must under go a breath alcohol test and have a result less than 0.02.

If the results of the confirmatory test is 0.04 alcohol concentration or greater, the employee will be afforded the opportunity to seek counseling and rehabilitation at a licensed-recognized facility. Any cost for the treatment that is not covered by available health insurance benefits will be the sole responsibility of the employee. Employee leave time for counseling and/or rehabilitation shall be in accordance with County policy. Disciplinary action will proceed in accordance with County policy.

Prior to the employee being reinstated, he or she must undergo Return to Duty Testing in accordance with this policy. Once reinstated, the employee will be subject to Follow-up Testing in accordance with this policy.

After an employee who previously received a confirmatory test result of 0.02 alcohol concentration or greater has been reinstated, any subsequent confirmatory test result of 0.02 alcohol concentration or greater may subject the employee to dismissal in accordance with County policy.

APPENDIX
DEPARTMENT OF PUBLIC WORKS
SAFETY SENSITIVE POSITIONS

A. TRANSIT DIVISION

Bus Driver
Van Driver
Mechanic I
Mechanic II
Dispatcher
Office Associate IV
Transit Division Chief
Operations Manager
Transit supervisor

B. ROADS DIVISION

Roads Worker III (Equipment Operator II)
Roads Worker II (Equipment Operator I)
Roads Worker I (Utility - Utility Trainee)
Equipment Service Technician (Automotive Mechanic)
Equipment Service Technician Helper (Auto Serviceman)
Bridge and Traffic Control Maintenance Supervisor
District Supervisors
Road Superintendent
Division Chief
Roads Foreman
Equipment Maintenance Shop Foreman
Assistant Equipment Maintenance Shop Foreman

C. MAINTENANCE DIVISION

Building Maintenance Superintendent

D. UTILITIES DIVISION

Utilities Superintendent
Utilities Area supervisor

E. ALL OTHER EMPLOYEES WHO ARE REQUIRED TO HOLD A CDL LICENSE OR PERFORM A SAFETY SENSITIVE FUNCTION

ALLEGANY COUNTY DRUG & ALCOHOL POLICY
FOR ALLEGANY COUNTY EMPLOYEES
IN SAFETY-SENSITIVE

CONTACT PERSONS

Transit Division Chief
1000 Lafayette Ave.
Cumberland, MD 21502
301/722-6360

Transit Supervisor
1000 LaFayette Ave.
Cumberland, MD 21502
301/722-6360

Roads Division Chief
701 Kelly Road
Cumberland, MD 21502
301/777-5955 x220

Roads Superintendent
701 Kelly Road
Cumberland, MD 21502
301/777-5955 x226

Human Resources Director
702 Kelly Road
Cumberland, MD 21502
301/777-5979 x 325

Director of Public Works
701 Kelly Road
Cumberland, MD 21502
301/777-5933 x200

ARTICLE 14.17 GROUP HEALTH PLAN PRIVACY NOTICE (HIPAA OF 1996)

This notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) imposes numerous requirements on employer health plans concerning the use and disclosure of individual health information. This information, known as protected health information, includes virtually all individually identifiable health information held by the Plan — whether received in writing, in an electronic medium, or as an oral communication. This notice describes the privacy practices of the following plans:

Medical PPO Plan
Dental Plan
Vision Plan
Prescription Plan
EAP Plan
AFLAC Plan
Cancer Plan

The plans covered by this notice may share health information with each other to carry out Treatment, Payment, or Health Care Operations. These plans are collectively referred to as the Plan in this notice, unless specified otherwise.

The Plan's duties with respect to health information about you

The Plan is required by law to maintain the privacy of your health information and to provide you with this notice of the Plan's legal duties and privacy practices with respect to your health information. If you participate in an insured plan option, you will receive a notice directly from the Insurer. It's important to note that these rules apply to the Plan, not Allegany County as an employer — that's the way the HIPAA rules work. Different policies may apply to other Allegany County programs or to data unrelated to the health plan.

How the Plan may use or disclose your health information

The privacy rules generally allow the use and disclosure of your health information without your permission (known as an authorization) for purposes of Health Care Treatment, Payment activities, and Health Care Operations. Here are some examples of what that might entail:

- **Treatment includes providing, coordinating, or managing health care by one (1) or more health care providers or doctors. Treatment can also include coordination or management of care between a provider and a third party, and consultation and referrals between providers.**

For example, the Plan may share health information about you with physicians who are treating you.

- **Payment** includes activities by this Plan, other plans, or providers to obtain premiums, make coverage determinations and provide reimbursement for health care. This can include eligibility determinations, reviewing services for medical necessity or appropriateness, utilization management activities, claims management, and billing; as well as "behind the scenes" plan functions such as risk adjustment, collection, or reinsurance. *For example, the Plan may share information about your coverage or the expenses you have incurred with another health plan in order to coordinate payment of benefits.*

- **Health Care Operations** include activities by this Plan (and in limited circumstances other plans or providers) such as wellness and risk assessment programs, quality assessment and improvement activities, customer service, and internal grievance resolution. Health care operations also include vendor evaluations, credentialing, training, accreditation activities, underwriting, premium rating, arranging for medical review and audit activities, and business planning and development. *For example, the Plan may use information about your claims to review the effectiveness of wellness programs.*

The amount of health information used or disclosed will be limited to the "Minimum Necessary" for these purposes, as defined under the HIPAA rules. The Plan may also contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.

How the Plan may share your health information with Allegany County

The Plan, or its health insurer, may disclose your health information without your written authorization to Allegany County for plan administration purposes. Allegany County may need your health information to administer benefits under the Plan. Allegany County agrees not to use or disclose your health information other than as permitted or required by the Plan documents and by law. Allegany County Office of Human Resources and County Attorney's Office staff are the only Allegany County employees who will have access to your health information for plan administration functions.

Here's how additional information may be shared between the Plan and Allegany County, as allowed under the HIPAA rules:

- The Plan, or its Insurer, may disclose "summary health information" to Allegany County if requested, for purposes of obtaining premium bids to provide coverage under the Plan, or for modifying, amending, or terminating the Plan. Summary health information is information that summarizes participants' claims information, but from which names and other identifying information have been removed.

- The Plan, or its Insurer, may disclose to Allegany County information on whether an individual is participating in the Plan, or has enrolled or disenrolled in an insurance option offered by the Plan.

In addition, you should know that Allegany County cannot and will not use health information obtained from the Plan for any employment-related actions. However, health information collected by Allegany County from other sources, for example under the Family and Medical Leave Act, Americans with Disabilities Act, or workers' compensation is *not* protected under HIPAA (although this type of information may be protected under other federal or state laws).

Other allowable uses or disclosures of your health information

In certain cases, your health information can be disclosed without authorization to a family member, close friend, or other person you identify who is involved in your care or payment for your care. Information describing your location, general condition, or death may be provided to a similar person (or to a public or private entity authorized to assist in disaster relief efforts). You'll generally be given the chance to agree or object to these disclosures (although exceptions may be made, for example if you're not present or if you're incapacitated). In addition, your health information may be disclosed without authorization to your legal representative.

The Plan is also allowed to use or disclose your health information without your written authorization for the following activities:

Workers' compensation	Disclosures to workers' compensation or similar legal programs that provide benefits for work-related injuries or illness without regard to fault, as authorized by and necessary to comply with such laws
Necessary to prevent serious threat to health or safety	Disclosures made in the good-faith belief that releasing your health information is necessary to prevent or lessen a serious and imminent threat to public or personal health or safety, if made to someone reasonably able to prevent or lessen the threat (including disclosures to the target of the threat); includes disclosures to assist law enforcement officials in identifying or apprehending an individual because the individual has made a statement admitting participation in a violent crime that the Plan reasonably believes may have caused serious physical harm to a victim, or where it appears the individual has escaped from prison or from lawful custody
Public health activities	Disclosures authorized by law to persons who may be at risk of contracting or spreading a disease or condition; disclosures to public health authorities to prevent or control disease or report child abuse or neglect; and disclosures to the Food and Drug Administration to collect or report adverse events or product defects
Victims of abuse, neglect, or domestic violence	Disclosures to government authorities, including social services or protected services agencies authorized by law to receive reports of abuse, neglect, or domestic violence, as required by law or if you agree or the Plan believes that disclosure is necessary to prevent serious harm to you or potential victims (you'll be notified of the Plan's disclosure if informing you won't put you at further risk)
Judicial and administrative proceedings	Disclosures in response to a court or administrative order, subpoena, discovery request, or other lawful process (the Plan may be required to notify you of the request, or receive satisfactory assurance from the party seeking your health information that efforts were made to notify you or to obtain a qualified protective order concerning the information)

Law enforcement purposes	Disclosures to law enforcement officials required by law or pursuant to legal process, or to identify a suspect, fugitive, witness, or missing person; disclosures about a crime victim if you agree or if disclosure is necessary for immediate law enforcement activity; disclosure about a death that may have resulted from criminal conduct; and disclosure to provide evidence of criminal conduct on the Plan's premises
Decedents	Disclosures to a coroner or medical examiner to identify the deceased or determine cause of death; and to funeral directors to carry out their duties
Organ, eye, or tissue donation	Disclosures to organ procurement organizations or other entities to facilitate organ, eye, or tissue donation and transplantation after death
Research purposes	Disclosures subject to approval by institutional or private privacy review boards, and subject to certain assurances and representations by researchers regarding necessity of using your health information and treatment of the information during a research project
Health oversight activities	Disclosures to health agencies for activities authorized by law (audits, inspections, investigations, or licensing actions) for oversight of the health care system, government benefits programs for which health information is relevant to beneficiary eligibility, and compliance with regulatory programs or civil rights laws
Specialized government functions	Disclosures about individuals who are Armed Forces personnel or foreign military personnel under appropriate military command; disclosures to authorized federal officials for national security or intelligence activities; and disclosures to correctional facilities or custodial law enforcement officials about inmates
HHS investigations	Disclosures of your health information to the Department of Health and Human Services (HHS) to investigate or determine the Plan's compliance with the HIPAA privacy rule

Except as described in this notice, other uses and disclosures will be made only with your written authorization. You may revoke your authorization as allowed under the HIPAA rules. However, you can't revoke your authorization if the Plan has taken action relying on it. In other words, you can't revoke your authorization with respect to disclosures the Plan has already made.

Your individual rights

You have the following rights with respect to your health information the Plan maintains. These rights are subject to certain limitations, as discussed below. This section of the notice describes how you may exercise each individual right. See the **Contact** section at the end of this notice for information on where to submit requests.

Right to request restrictions on certain uses and disclosures of your health information and the Plan's right to refuse

You have the right to ask the Plan to restrict the use and disclosure of your health information for Treatment, Payment, or Health Care Operations, except for uses or disclosures required by law. You have the right to ask the Plan to restrict the use and disclosure of your health information to family members, close friends, or other persons you identify as being involved in your care or payment for your care. You also have the right to ask the Plan to restrict use and disclosure of health information to notify those persons of your location, general condition, or death — or to coordinate those efforts with entities assisting in disaster relief efforts. If you want to exercise this right, your request to the Plan must be in writing.

The Plan is not required to agree to a requested restriction. And if the Plan does agree, a restriction may later be terminated by your written request, by agreement between you and the Plan (including an oral agreement), or unilaterally by the Plan for health information created or received after you're notified that the Plan has removed the restrictions. The Plan may also disclose health information about you if you need emergency treatment, even if the Plan has agreed to a restriction.

Right to receive confidential communications of your health information

If you think that disclosure of your health information by the usual means could endanger you in some way, the Plan will accommodate reasonable requests to receive communications of health information from the Plan by alternative means or at alternative locations.

If you want to exercise this right, your request to the Plan must be in writing, and you must include a statement that disclosure of all or part of the information could endanger you.

Right to inspect and copy your health information

With certain exceptions, you have the right to inspect or obtain a copy of your health information in a "Designated Record Set." This may include medical and billing records maintained for a health care provider; enrollment, payment, claims adjudication, and case or medical management record systems maintained by a plan; or a group of records the Plan uses to make decisions about individuals. However, you do not have a right to inspect or obtain copies of psychotherapy notes or information compiled for civil, criminal, or administrative proceedings. In addition, the Plan may deny your right to access, although in certain circumstances you may request a review of the denial.

If you want to exercise this right, your request to the Plan must be in writing. . Within 30 days of receipt of your request (60 days if the health information is not accessible onsite), the Plan will provide you with:

- The access or copies you requested;
- A written denial that explains why your request was denied and any rights you may have to have the denial reviewed or file a complaint; or
- A written statement that the time period for reviewing your request will be extended for no more than 30 more days, along with the reasons for the delay and the date by which the Plan expects to address your request.

The Plan may provide you with a summary or explanation of the information instead of access to or copies of your health information, if you agree in advance and pay any applicable fees. The Plan may also charge reasonable fees for copies or postage.

If the Plan doesn't maintain the health information but knows where it is maintained, you will be informed of where to direct your request.

Right to amend your health information that is inaccurate or incomplete

With certain exceptions, you have a right to request that the Plan amend your health information in a Designated Record Set. The Plan may deny your request for a number of reasons. For example, your request may be denied if the health information is accurate and complete, was not created by the Plan (unless the person or entity that created the information is no longer available), is not part of the Designated Record Set, or is not available for inspection (e.g., psychotherapy notes or information compiled for civil, criminal, or administrative proceedings).

If you want to exercise this right, your request to the Plan must be in writing, and you must include a statement to support the requested amendment. Within 60 days of receipt of your request, the Plan will:

- Make the amendment as requested;
- Provide a written denial that explains why your request was denied and any rights you may have to disagree or file a complaint; or
- Provide a written statement that the time period for reviewing your request will be extended for no more than 30 more days, along with the reasons for the delay and the date by which the Plan expects to address your request.

Right to receive an accounting of disclosures of your health information

You have the right to a list of certain disclosures the Plan has made of your health information. This is often referred to as an "accounting of disclosures." You generally may receive an accounting of disclosures if the disclosure is required by law, in connection with public health activities, or in similar situations listed in the table earlier in this notice, unless otherwise indicated below.

You may receive information on disclosures of your health information going back for six (6) years from the date of your request, but not earlier than April 14, 2003 (the general date that the HIPAA privacy rules are effective). You do not have a right to receive an accounting of any disclosures made:

- For Treatment, Payment, or Health Care Operations;
- To you about your own health information;
- Incidental to other permitted or required disclosures;
- Where authorization was provided;
- To family members or friends involved in your care (where disclosure is permitted without authorization);

- For national security or intelligence purposes or to correctional institutions or law enforcement officials in certain circumstances; or
- As part of a "limited data set" (health information that excludes certain identifying information).

In addition, your right to an accounting of disclosures to a health oversight agency or law enforcement official may be suspended at the request of the agency or official.

If you want to exercise this right, your request to the Plan must be in writing. Within 60 days of the request, the Plan will provide you with the list of disclosures or a written statement that the time period for providing this list will be extended for no more than 30 more days, along with the reasons for the delay and the date by which the Plan expects to address your request. You may make one (1) request in any 12-month period at no cost to you, but the Plan may charge a fee for subsequent requests. You'll be notified of the fee in advance and have the opportunity to change or revoke your request.

Right to obtain a paper copy of this notice from the Plan upon request

You have the right to obtain a paper copy of this Privacy Notice upon request. Even individuals who agreed to receive this notice electronically may request a paper copy at any time.

Changes to the information in this notice

The Plan must abide by the terms of the Privacy Notice currently in effect. This notice takes effect on April 14, 2003. However, the Plan reserves the right to change the terms of its privacy policies as described in this notice at any time, and to make new provisions effective for all health information that the Plan maintains. This includes health information that was previously created or received, not just health information created or received after the policy is changed. If changes are made to the Plan's privacy policies described in this notice, you will be provided with a revised Privacy Notice.

Complaints

If you believe your privacy rights have been violated, you may complain to the Plan and to the Secretary of the U.S.Department of Health and Human Services. You won't be retaliated against for filing a complaint. To file a complaint to the Plan, write:

Allegany County
Office of Human Resources - Director
701 Kelly Road
Cumberland, Maryland 21502

You may also e-mail the Plan at: bwestfall@alleganygov.org

ARTICLE 14.18 CHILDREN IN THE WORKPLACE

Allegany County values its employees and recognizes the importance that families fulfill in the lives of employees. This policy has been established to avoid disruptions in job duties of the employee and co-workers, reduce property liability, and help maintain the county's professional work environment. These guidelines address and outline the circumstances under which it is appropriate to bring children into the workplace. The guidelines are intended to foster respect for the needs of all parties impacted by the presence of children in the workplace.

Section 14.1801. In general, the workplace is typically not an appropriate place for children to be present on a frequent or continuing basis.

Section 14.1802. Exceptions to this general rule include:

a. Brief visits, e.g., an employee brings his/her child, grandchild or other relative in to introduce that child to co-workers, provided the employee supervises the child(ren) always during the visit.

b. Special occasions that are employer-sanctioned and at which attendance by children is encouraged. Special occasions should be coordinated with and approved by the employee's supervisor.

c. Children may be brought to the workplace by employees for brief visits or other exceptional times when common sense would dictate that it is more efficient for the employee to bring the child into the workplace (e.g., before or following a physician's appointment). The employee must supervise the child on such visits and ensure that the child is not disruptive to the employee or other employees in the workplace. It is not appropriate for children of any age to be in the workplace on a regular basis, including before or after school each school day or on regularly scheduled school holidays.

d. In the event of an emergency, and if there are no other alternatives, employees may have children present in the workplace provided the parent obtains the immediate supervisor's prior approval. Such arrangements are only to be temporary. When authorized, the employee shall supervise the child(ren) always and should not leave such child(ren) in the custody of another employee, even for brief periods of time.

Section 14.1803. The circumstances under which children may be brought into the workplace should be established between the employee and supervisor, respectively, considering the following factors:

a. Whether the parent is willing to accept full responsibility for the child's safety and for any damage to property or injury to persons that is caused by the child's presence.

b. The extent to which the child's presence in the workplace creates a potential danger to the child or exposes the County to liability must be considered. Safety is a primary concern for employees, supervisors and the County.

c. The extent to which the child's presence in the workplace disrupts or has the potential to disrupt the work environment and/or creates an atmosphere that is not aligned with the specific goals and objectives of the workplace.

d. Whether the parent agrees to supervise the child at all times and agrees that he or she will not leave the child with another employee.

e. Such other factors as the supervisor deems appropriate.

CHAPTER 15. EMPLOYEE ORGANIZATIONS

Section 91-1 of the County Code of Allegany County provides for the adoption of Rules and Regulations providing for methods of designating employee organizations as exclusive representatives of the County employees in appropriate units.

ARTICLE 15.1 DEFINITIONS.

Section 15.101, Appropriate Representation Unit. A grouping of classified positions in the county service, which, by the application of the provisions of these regulations, has been deemed appropriate for the purposes of collective bargaining.

Section 15.102, Confidential Employee. An employee who has functional responsibility and assists and acts in a confidential capacity assisting or aiding a management employee; and also includes an employee who has access to confidential information, including budgetary and fiscal data, subject to use by the County administration in collective bargaining or in the adjustment of grievances. Confidential employees shall include any individual, including but not limited to foreman, supervisor, superintendent, chief, director, or deputy director, whose primary or exclusive duty is to exercise the authority, in the interest of the County, to hire, transfer, suspend, lay off, promote, discharge, assign or reward, or discipline other employees, or the responsibility to direct them, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

Section 15.103, Employee Organization. A lawful association, labor organization, federation, council, or brotherhood, the primary purpose of which is to represent employees concerning the terms and conditions of employment. This shall in no way serve to modify any personnel policy of the employer relative to a probationary period or the law enforcement officers' bill of rights.

Section 15.104, Exclusive Representative. An employee organization that has been certified as the collective negotiating agent for an appropriate representation unit for the purpose of representing all employees in the unit, regardless of employee organization membership.

ARTICLE 15.2 RIGHTS OF COUNTY EMPLOYEES.

Section 15.201. County employees shall have the right to form, join, assist and participate in the activities of employee organizations of their own choosing for the purpose of representation of all matters of employee relations, except that confidential employees shall not have the right to join, assist or participate in the activities of any employee organization, or any of its affiliates, representing or seeking to represent employees under their direction.

Section 15.202. Confidential employees shall not have the right to join, assist or participate in the activities of any employee organization representing or seeking to represent non-confidential employees of the county.

Section 15.203. County employees also shall have the right not to join any employee organizations or participate in their activities and shall have the right to represent themselves individually or designate their personal representative in their employment relations with the county.

Section 15.204. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against because of his exercise of such rights.

ARTICLE 15.3 SELECTION, CERTIFICATION AND DECERTIFICATION PROCEDURES

Section 15.301. The certification or decertification of an employee organization as the representative of a representation unit for collective bargaining must comply with the following procedures:

a. Any employee organization seeking certification as representative of a unit shall file a petition with the Director of Human Resources stating its name, address, and its desire to be certified. The petition shall contain the uncoerced signatures of at least thirty (30) percent of the employees with the representation unit signifying their desire to be represented by the employee organization for purposes of collective bargaining.

b. If an employee organization has been certified, an employee within the unit may file a petition with the Director of Human Relations for decertification of this certified representative; the employee shall include with the copy of the petition sent to the Director of Human Relations a certification that a copy of the petition not including the supporting employees was also sent to the certified representative showing the date that said copy was sent and the name and the address of the individual to whom it was sent on behalf of the certified representative. The petition shall contain the uncoerced signatures of at least thirty (30) percent of the employees within the representation unit alleging that the employee organization presently certified is no longer the choice of the majority of the employees in the unit.

c. Petitions may be filed within ninety (90) days after any new bargaining unit is established. Thereafter, if a lawful collective bargaining agreement is not in effect, petitions may be filed between September 1and September 30 of any year, but not sooner than twenty-two (22) months after an election held under this section.

d. If a lawful collective bargaining agreement is in effect, a petition filed under this section shall not be entertained unless it is filed during September of the final year of the agreement.

e. If a different employee organization is certified as the result of an election carried out under Section 15.302 h., that organization must be treated in all respects as a successor in interest and party to any collective bargaining agreement to which the previous employee organization was a party.

Section 15.302. If the Director of Human Resources determines that a petition is properly supported and timely filed, he shall cause an election of all eligible employees to be held within a reasonable time, but no later than October 20th of any year, to determine if and by whom the employees wish to be represented, as follows:

a. All elections shall be conducted under the supervision of the Board of Elections for Allegany County and shall be conducted by secret ballot at the time and place directed by them. The Director of Human Resources shall provide a list of employees eligible to vote in any election to the Board of Elections.

b. The election ballots shall contain, as choices to be made by the voter, the names of the petitioning or certified employee organization, the name or names of any other employee organization showing written proof at least ten (10) days before the election of at least ten (10) percent representation of the employees within the unit in the same manner as described in paragraph (a)(l) of this section, and a choice that the employee does not desire to be represented by any of the named employee organizations.

c. The employer and each party to the election may be represented by observers. The employer and each party may select one observer each.

d. Observers may challenge for good cause the eligibility of any person to vote in the election. A determination of whether to uphold or deny a challenge shall be made by the Director of Human Resources before the ballots are distributed.

e. After the polls have been closed, the valid ballots cast shall be counted by personnel from the Board of Elections in the presence of the observers.

f. The Board of Elections shall immediately prepare and serve upon the employer and each of the parties a report certifying the results of the election. If an employee organization receives the votes of a majority of the employees who voted, the Director of Human Resources shall certify the employee organization so elected as the exclusive agent.

g. If no employee organization receives the votes of a majority of the employees who voted, the Director of Human Resources shall not certify a representative. Unless a majority of the employees who vote choose "no representative," a runoff election shall be conducted. The runoff election shall contain the two (2) choices that received the largest and second largest number of votes in the original election.

h. If a properly supported and timely filed petition to decertify an existing certified employee organization, and a properly supported and timely filed petition to certify

another employee organization, are filed during the same time period under Section 15.301 c. or d., one election must be held to determine which organization, if any, the employees in the unit desire to represent them. Votes on the issue of whether or not to decertify an existing certified employee organization will be counted first, and only if the vote to decertify results in a decertification will the votes regarding other employee organizations seeking certification be tallied. The election ballot must contain, as a choice,that the employee does not desire to be represented by any of the named employee organizations. All other requirements and procedures for the election must be followed.

Section 15.303. Certification of the results by the Board of Elections is final unless, within seven (7) days after service of the report and certification, any party serves on all parties and files with the Board of Elections objections to the election.

Objections shall be verified and shall contain a concise statement of facts constituting the grounds for the objections. The Director of Human Resources, or his designee, shall investigate the objections and, if substantial factual issues exist, shall hold a hearing. Otherwise, the Director of Human Resources may determine the matter without a hearing. The Director of Human Resources may invite written or oral argument to assist him in determining the merits of the objections. If the Director of Human Resources finds that the election was conducted in substantial conformity with these regulations, he shall confirm the certification initially issued. If the Director of Human Resources finds that the election was not held in substantial conformity with these regulations, then he shall order that another election under these regulations shall be conducted.

Section 15.304. The cost of conducting an election shall be paid by the county.

ARTICLE 15.4 DUES DEDUCTION

Section 15.401. An employee organization officially certified as the exclusive representative for a representation unit in accordance with these Regulations is the only employee organization entitled to membership dues deduction privileges after presentation of dues deductions authorization cards signed by individual employees.

Section 15.402. Dues deduction ceases upon decertification in accordance with the provisions of these Regulations. Notwithstanding the above, no employee organization dues shall be deducted on behalf of employees whose position is not included in an appropriate representation unit or on behalf of any employee organization unless such organization is the exclusive representative of the representation unit in which the employee is working.

APPENDIX A

Allegany County Pay Ranges
FY 2018

	F.Y. 2018 Min		F.Y. 2018 Mid-Point		F.Y. 2018 Max	
Grade						
18	75,321	36.21	109,226	52.51	143,132	68.81
17	68,704	33.03	99,631	47.90	130,558	62.77
16	62,666	30.13	90,876	43.69	119,084	57.25
15	57,162	27.48	82,894	39.85	108,624	52.22
14	52,140	25.07	75,611	36.35	99,081	47.63
13	47,561	22.87	68,971	33.16	90,380	43.45
12	43,382	20.86	62,910	30.24	82,438	39.63
11	39,572	19.02	57,386	27.59	75,198	36.15
10	36,095	17.35	52,344	25.17	68,592	32.98
9	32,924	15.83	47,745	22.95	62,565	30.08
8	30,030	14.44	43,548	20.94	57,065	27.44
7	27,394	13.17	39,725	19.10	52,056	25.03
6	24,989	12.01	36,238	17.42	47,486	22.83
5	22,794	10.96	33,054	15.89	43,315	20.82
4*	20,791	10.00	30,149	14.49	39,508	18.99
3*	18,963	9.12	27,500	13.22	36,036	17.32
2*	18,200	8.75	25,535	12.28	32,871	15.80
1*	18,200	8.75	25,405	12.21	32,609	15.68
Maryland minimum wage goes up July 1, 2017						
	19,240	9.25				
Maryland minimum wage goes up July 1, 2018						
	21,008	10.10				

APPENDIX B
GRADE ALLOCATION TABLE
(Effective Res. 97-6, 4/23/97)
(Revised 11/08/18)

Salary Grade	Classification Title
1	Solid Waste Management Worker I
2	Utilities Worker Helper
3	Meter Reader Office Associate I
4	Account Clerk I Engineering Technician I
5	Building Maintenance Worker I Office Associate II
6	Account Clerk II Building Maintenance Worker II Solid Waste Management Worker II Utilities Worker I
7	Accounting Technician I Engineering Technician II Office Associate III
8	Accounting Technician II Building Maintenance Worker III Building Service Worker III Code Enforcement Officer Election Clerk Housing Inspector Inmate Services Technician Legal Secretary Office Associate IV Permit Services Clerk Utilities Mechanic Utilities Worker II Visitor's Center Manager

Salary Grade	Classification Title
9	Building Maintenance Worker IV
	Building Supervisor I
	Cartographer
	Caseworker, Alternative Sentencing
	Election Registrar
	Emergency Medical Technician/BLS
	Firefighter/EMT/BLS
	Intake Specialist, Alternative Sentencing
	Office Associate V
	Plant Operator I
	Roads Foreman
	Roads Office Manager
	Roads Parts Manager
	Senior Accounting Technician
	Utilities Foreman
10	Accountant
	Advanced Life Support Provider I
	Assistant Equipment Maintenance Foreman
	Building Supervisor II
	Court Administrator
	Data Specialist/Systems Programmer
	Drafter/CADD Operator
	Emergency Management Coordinator
	Emergency Management Planner
	Emergency Medical Services (EMS) Scheduler
	Engineering Technician III
	Executive Assistant - Marketing & Prospects
	Information Technology Support
	Quality Assurance Coordinator
	Payroll Supervisor
	Planner I
	Plant Operator II
	Public Works Management Assistant
	Senior Inspector, Code Enforcement
	Senior Inspector, Permits
	Senior Registrar
	Social Worker
	Survey Crew Chief
	Transit Supervisor
	Utility Instrumentation Electrical Technician

Salary Grade	Classification Title
11	Advanced Life Support Provider II Assistant Supervisor, Tax & Utility Office Bridge & Traffic Control Maintenance Supervisor District Supervisor Engineer I Firefighter/Paramedic GIS Coordinator Judicial Unit Manager Labor Unit Manager Planner II Plant Operator II - Celanese Risk Manager/Safety Instructor
12	Advanced Life Support Provider III Chief Engineering Technician Corrections Lieutenant Economic Development Representative Employee Benefits Specialist Engineer II Equipment & Maintenance Foreman GIS Manager Grants Writer Land Use & Planning Engineer Patrol Lieutenant Planning Coordinator Planner III Supervisor, Tax & Utility Office Utilities Area Supervisor Workforce Development Specialist
13	Administrator of Elections Assistant Chief, Emergency Medical Services Building Maintenance Superintendent Chief, 911 Joint Communications Chief, Emergency Management Chief, Emergency Medical Services Chief, Land Development Services Economic/Community Development Representative Engineer III Lead Dispatch Supervisor Lead Paramedic Patrol Captain Public Information Officer Roads Superintendent Senior Accountant Utilities Superintendent

Salary Grade	Classification Title
14	Chief Accountant Chief of the Office of Community Services Chief, Planning Services Division Deputy Director, Emergency Services, Administration Deputy Director, Emergency Services, Operations Director of Planning and Growth Engineer IV Senior Project Manager - Economic Development
15	Assistant Administrator, Detention Center Deputy Director of Economic Development Information Technology Coordinator Transit Division Chief Utilities Division Chief
16	Assistant Director of Finance County Engineer Director of Economic and Community Development Director of Emergency Services Director of Human Resources Director of Information Technology
17	Deputy Director of Public Works
18	Director of Public Works Director of Finance