

CHARLES COUNTY, MARYLAND
PERSONNEL POLICY AND PROCEDURES MANUAL
EFFECTIVE December 1, 2018

Administered by: Department of Human Resources

Approved:



Michael D. Mallinoff
County Administrator

Date:

12-4-18

CHARLES COUNTY GOVERNMENT MISSION STATEMENT

The mission of Charles County Government is to provide our citizens the highest quality service possible in a timely, efficient, and courteous manner. To achieve this goal, government must be operated in an open and accessible atmosphere, be based on comprehensive long and short term planning, and have an appropriate managerial organization tempered by fiscal responsibility.

VISION STATEMENT

Charles County is a place where all people thrive and businesses grow and prosper; where the preservation of our heritage and environment is paramount; where government services to its citizens are provided at the highest level of excellence; and where the quality of life is the best in the nation.

LEADERSHIP PHILOSOPHY

We are a diverse, talented, and engaged workforce responsive to our community's needs. We actively share information, knowledge, and ideas to guide our collaborative decision making and perform challenging work. We are careful stewards of our resources. We are empowered to develop and employ our talents and skills to provide high-quality services that strengthen our community. We are creative and innovative and work in a fair and supportive team environment. We are committed to excellence in public service. We lead by serving. We are the employees of Charles County Government.

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Chapter 1: AUTHORITY, PURPOSE AND SCOPE

Authority

Promulgated by the County Commissioners with authority contained in Article 25, Section 3, of the Annotated Code of Maryland, and by various resolutions adopted by the County Commissioners in accordance with this code.

Purpose

The purpose of these policies is to establish and set forth a system of uniform and appropriate personnel administration for Charles County personnel in accordance with the following principles:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including competition of qualified applicants for initial employment and promotional opportunities.
2. Providing equitable and adequate compensation.
3. Retaining employees on the basis of the strength of their performance, correcting inadequate performance, and separating employees whose performance is unsatisfactory and is not corrected.
4. Assuring fair treatment of applicants and employees in selection, promotion, training, and all other aspects of personnel administration without regard to race, color, sex, age, national origin, religious or political affiliation or opinion, disability, marital status, sexual orientation, genetic information, gender identity, or other non-merit factor, and with proper regard for their privacy and constitutional rights as citizens.
5. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

While we anticipate that your relationship with Charles County Government will be a productive and mutually beneficial one, this manual does not constitute a guarantee that your employment will continue for any specified period of time or end only under certain conditions. Employees who are dedicated and committed to their mutual responsibility in carrying out these programs in Charles County are one of the County's most valuable assets. Employment at Charles County Government is a voluntary relationship for no definite period of time, and nothing in this manual constitutes an express or implied contract of employment or warranty of any benefits.

Scope

The provisions of this document will apply to all full-time and full-time reduced hours employees (grandfathered) in all offices, agencies, departments, and divisions of County government as follows: Community Services, County Administrator's Office, County Attorney's Office, County Commissioners' Office, Economic Development, Emergency Services, Fiscal and Administrative Services, Human Resources, Planning and Growth Management, Recreation, Parks and Tourism, and Public Works. The Circuit Court, State's Attorney's Office, Soil Conservation District, Charles County Sheriff's Office and other outside agencies are excluded from the provisions of this document.

There are provisions of this manual that will apply to part-time, temporary, seasonal or other non-full-time employees. These include:

- Chapter 1
- Chapter 2
- Chapter 3
- Chapter 17 (Sick and Safe Leave Only)
- Chapter 18 (if eligible)
- Chapter 20
- Chapter 21 (Deferred Compensation Only)
- Chapter 22
- Chapter 23

Such part-time, temporary, seasonal or other non-full-time employees are employed at-will, are governed by departmental policies and standards, and may be terminated at any time.

Except for separations resulting from the loss of grant funding and any other special provisions set forth in the grant funding agreement, employees in grant funded positions in departments listed above are covered by all the provisions of the manual.

Amendments

Amendments to this manual may be made in accordance with the Authority cited above. In accordance with such Authority by express notice herein, the elected County Commissioners reserves the right to make any revisions and modifications that it deems appropriate and necessary at any time.

Interpretation

The Director of Human Resources is authorized to interpret the Policy and Procedures contained within this manual.

Confidentiality of Personnel Records

A personnel file is maintained in the Department of Human Resources for each full-time employee. This file is an official County record containing documents relative to an individual's employment with the County. It is a confidential file and may be accessed only by the subject employee and individuals to whom the employee may authorize access, supervisory employees in the chain of command, and those employees who are assigned custodial responsibility for the file.

Delivery of Services

County employees who are in direct contact with the public, by the manner in which they serve, play a significant role in influencing the public's attitude towards County government. In all contacts with the public, the business community and with each other, County employees are expected to be courteous, considerate, professional, and behave in a respectful manner.

It is the policy of the Charles County Government to continue to provide services in such a manner as to ensure that no one is denied services based on an individual's race, color, religion, sex, age, disability, national origin, religious or political affiliation, marital status, sexual orientation, genetic info, gender identity, or any other status protected by law.

Definitions

Full-Time Positions: Positions which are regularly scheduled to be staffed 37.5 to 40 hours per week year round. These positions are identified by position control numbers and are specifically provided for by the annual budgeting process. Full-time positions are eligible for cost-of-living and salary increases within grade when budgeted. Full benefits accrue to employees working 37.5 hours per week or more.

Full-Time Reduced Hours Positions (grandfathered): Positions which are regularly scheduled to be staffed between 25 hours and 37.5 hours per week year round. These positions are identified by position control numbers and are specifically provided for by the annual budgeting process. Full-Time Reduced Hours employees are eligible for cost-of-living and salary increases within grade when budgeted and may be eligible for same benefits on a pro-rated basis. Employees in these positions are eligible for most benefits.

Part-Time I Positions: Hourly positions which are regularly scheduled to work on a year round minimal hours per week basis. Employees in these positions will be eligible for cost of living increases. They are not eligible for benefits and are considered at-will employees. No Part-Time I employee may work more than 1,500 hours in a calendar year.

Part-Time II Positions: Hourly positions that are varied in schedule. These positions are filled on a temporary or program position basis. Employees in these positions are not eligible for cost of living increases or benefits and are considered at-will employees. No Part-Time II employee may work more than 1,500 hours in a calendar year.

Grant Funded Positions: Positions which are funded in part or in total by federal/state funds, the continuation of which may be strictly dependent on that funding. These positions may be classified as any of the previously mentioned positions.

Contract Employees: Contract employees are individuals who perform services for the County solely on a contractual basis. Contract employees are not covered by this manual. While funding for contract employees will be subject to County Administrator authority and approval, these temporary employees will not be considered full-time employees and will not be subject to the Position Control Procedures. Contract positions that become full-time positions will be filled through the recruitment process. The County Administrator is authorized to hire short-term contract employees for terms up to and including twelve (12) months. The County Administrator will inform the County Commissioners of short-term contract hires. The County Administrator will seek the prior approval of the County Commissioners when hiring long-term contract employees for terms of more than twelve (12) months.

Appointed Positions: Appointed positions are staffed through an at-will employment relationship established through an employment contract detailing the terms of their appointment. Individuals who are appointed will not be covered by the provisions of this manual unless otherwise noted in the terms of their appointment.

Department Director Positions: For purposes of implementing the policy and procedures of this manual, the following positions are delegated the responsibility and authority as Department Directors:

Director of Fiscal and Administrative Services
Director of Community Services
Director of Economic Development

Director of Emergency Services
Director of Human Resources
Director of Planning & Growth Management
Director of Public Works
Director of Recreation, Parks and Tourism

In order to effect consistent implementation of this manual for day-to-day operations, approved reorganizations, and other changes within Charles County Government, the County Administrator may grant or the Director of Human Resources may recognize Department Director authority.

Hires in Department Director positions subsequent to July 1, 1999, will be appointed positions.

Acting Appointments: The temporary service of an employee in a higher graded position or as defined by the County Administrator (See Chapter 5).

Code of Conduct

To ensure orderly operations and provide the best possible work environment, Charles County Government expects all employees to abide by County rules and regulations and promote professionalism and integrity.

Employees of Charles County Government are expected to be respectful, considerate, and helpful towards each other, colleagues, and citizens at all times. Employees may not restrict or interrupt work or interfere with the work of others. Rudeness or loss of temper with supervisors, subordinates, co-workers, or the public is not acceptable and may be grounds for disciplinary action, up to and including dismissal.

Employees may not disclose, nor use for their economic benefit or that of any other person, confidential information which is not available to the public, acquired by reason of their employment with the County.

However, employees may take advantage of County programs and projects available to members of the general public so long as such employees do not control or affect the decision on the program or project in question, as distinct from performing merely routine or clerical duties.

Employee Responsibilities

Exercise continued diligence in the performance of properly assigned duties, tasks and responsibilities.

Carry out in an efficient, effective and timely manner, any lawful and appropriate assignment issued by an employee's supervisor.

Exercise continued respect towards other employees and to the general public.

Management Responsibilities

Evaluate the performance, conduct and workplace behavior of their employees and take remedial actions, if necessary.

Solicit input and encourage dialog from their employees regarding workplace operations and activities.

Lead their work group and foster a positive, respectful and professional work environment for their employees, other government employees, and the general public.

All Staff Members

All employees and management staff are expected and required to act in a manner consistent with the County's mission, vision, goals and objectives, leadership philosophy, values and behaviors.

HPO Values and Behaviors

<u>Innovation</u>	
Curious, creative and willing to take risks towards continual improvement.	
Positive Behaviors	Negative Behaviors
<ol style="list-style-type: none"> 1. Forward thinker who develops solutions from a new perspective. 2. Displays courage, confidence, and perseverance. 3. Informed and determined decision making. 4. Adding value and relevance to work/tasks you participate in. 	<ol style="list-style-type: none"> 1. Risk averse 2. Not willing to speak up to go in new direction if more work is involved. 3. Settled in "old ways", comfortable. 4. Unwilling or inability to change, even when implemented. 5. Generate ideas without any follow through or the want to.

<u>Communication</u>	
Listening to and sharing clear and accurate information and ideas.	
Positive Behaviors	Negative Behaviors
<ol style="list-style-type: none"> 1. Active participation- listening and responding 2. Two way- Top down and Bottom up 3. Approachable 4. <u>Timely</u> sharing of information 5. Provide and accept constructive criticism (feedback) 6. Full and appropriate disclosure of information. 7. Awareness of body language 8. Tailors message delivery to intended audience. 	<ol style="list-style-type: none"> 1. Use of unnecessary complex jargon 2. Monopolize conversation and thus not listening nor engaged in conversation. 3. Sharing of misinformation (hearsay/gossip) 4. Close minded/non-receptive 5. Condescending and inconsiderate

<u>Respect</u> Treat all people right all the time.	
Positive Behaviors	Negative Behaviors
1. Thoughtful 2. Empathetic/understanding 3. Value Input and inclusion of all 4. Punctual and prepared to work each day 5. Acting with civility	1. Discriminatory 2. Dismissive 3. Undermining 4. Hypocrisy 5. Use of inappropriate language 6. Harassment

<u>Teamwork</u> Working together for a common purpose.	
Positive Behaviors	Negative Behaviors
1. Flexible 2. Supportive 3. Trustworthy 4. Committed to the objective 5. Contributor 6. Consistently reliable and responsible 7. Recognize strengths and weaknesses of each team member and works to find a fair balance.	1. Unconstructive criticism 2. Unprepared 3. Controlling 4. Lack of accountability 5. Selfish

<u>Integrity</u> Exhibiting ethical, honest and trustworthy behaviors to do the right thing all the time even when it's hard.	
Positive Behaviors	Negative Behaviors
1. Conviction 2. Perseverance in the face of adversity 3. Consistent application of policies and procedures 4. Taking ownership of mistakes and using them as an opportunity for improvement.	1. Abusing privileges (long lunches, smoke breaks, leaving early, personal calls, etc.) 2. Encouraging bad behavior by participating in it or avoiding confronting it. 3. Deceiving others for personal gain (deceitful) 4. Cowardice

<u>Initiative</u> Start or take action to get the work done.	
Positive Behaviors	Negative Behaviors
1. Desire to be efficient/productive within the work place 2. Going above and beyond 3. Resourceful 4. Self-motivated 5. Follow-through/up 6. Actively engaged and enthusiastic 7. Seizes the opportunities	1. Dwelling on negative past experiences 2. Doing the bare minimum 3. Poor time management 4. Not knowing limitations 5. Unable to complete tasks due to over analyzing or overthinking.

<u>Well-being</u> Leading with mind, body and spirit to create a work culture that's supportive of career, emotional, financial, physical and social wellness.	
Positive Behaviors	Negative Behaviors
1. Productive 2. Healthy 3. Happy 4. Open Mindedness 5. Active 6. Inspiring 7. Empowered 8. Committed 9. Self-Motivated 10. Balance	1. Absenteeism 2. Disengaged 3. Withdrawn 4. Workaholism 5. Ineffective

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Chapter 2: WORKPLACE STANDARDS OF CONDUCT

Policy

No employee or official of Charles County Government will discriminate in hiring, firing, promotion, training, discipline, terms and conditions of employment, or any personnel transaction for or against any person on the basis of race, color, sex, age, national origin, religious or political affiliation or opinion, disability, marital status, sexual orientation, genetic information, gender identity, any other non-merit factor or any other legally protected status under federal, state or local laws. Discrimination in any form or harassment will not be tolerated in the workplace. Compliance with this policy will be a factor considered in the appraisal of employee performance. This policy applies to all employees of Charles County Government during their scheduled work hours, including during their lunch breaks, and any time employees are off-site when they are representing Charles County Government in an official capacity. Charles County Government is an Equal Opportunity employer and complies with Equal Employment Opportunity and the Americans with Disabilities Act laws, as well as Title VII of the Civil Rights Act of 1964 (as amended) and Article 20-602 of the Annotated Code of Maryland.

Equal Employment Opportunity

The Department of Human Resources will manage equal employment opportunity compliance for the offices, agencies, departments, and divisions covered by this manual. This will include collecting and maintaining required demographic statistics and periodic reporting. Department Heads and other County officials will be responsible for complying with and promoting equal employment opportunities at Charles County Government. County workforce demographic statistics will be evaluated and strategies developed to encourage a diverse workforce.

Diversity Statement

Charles County Government is committed to the principle of equal employment opportunity. It is the County's policy to recruit, train, promote, and make all employment decisions without regard to race, color, sex, age, national origin, religious or political affiliation or opinion, disability, marital status, sexual orientation, genetic information, genetic identity, or other improper considerations in accordance with applicable laws.

The County has expanded, and will continue to expand, its recruitment activities, reaching out to ensure it is inclusive of potential minority and female applicants. Charles County Government will take action to recruit qualified minority and female applicants to ensure our workforce mirrors the constituency it serves.

This Diversity Statement is designed to guide the County's employment decisions.

Respectful Workplace Culture (Preventing and Prohibiting Sexual Harassment, Hostile Work Environment, Bullying, Retaliation and Violence)

Charles County is committed to maintaining a respectful work environment where all employees work free from discrimination and harassment in any form. Intimidating, coercive and disruptive behaviors contribute to an unpleasant, unhealthy work environment, work errors, employee dissatisfaction, increase in the cost of health care and cause good employees to seek new positions in a more professional setting.

Discrimination, harassment and/or violence, in any form in Charles County is unacceptable, potentially illegal and will not be tolerated.

Discrimination and harassment is misconduct which is subject to appropriate corrective action, up to and including termination of employment. False and malicious complaints of discrimination and harassment may also be subject to appropriate corrective action. However, an employee will not be disciplined merely because a complaint is found to be without merit.

This policy applies to the conduct of all employees, including all members of the Executive Leadership Team and any other persons who come in contact with Charles County employees and other covered individuals in the workplace.

Charles County has identified five general categories of conduct that constitute employee harassment:

1. Sexual Harassment

Unwelcome sexual advances, direct or indirect demands for sexual favors, sexual comments, gestures or physical actions of a sexual nature toward another employee of the same or opposite sex will be considered sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission or rejection of such conduct by an employee is used as a basis for an employment decision; or
- Conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating or offensive work environment.

Conduct constituting sexual harassment includes, but is not limited to, unwelcome verbal, physical or visual conduct of a sexual nature; "kidding", "teasing", or "jokes" of a sexual nature; repeated offensive activities; physical conduct such as touching, patting, pinching, sexual gestures, or brushing against another person's body; or the unwelcome display of objects or pictures which are sexual in nature and which create an offensive working environment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature or welcome social relationships. Courteous, respectful, non-coercive interactions between employees that are acceptable to and welcomed by both parties, is not considered to be harassment, including sexual harassment.

Anyone who believes that he/she has been sexually harassed should unequivocally direct the harasser to stop the behavior as well as immediately notify his/her supervisor/Department Director and/or the Human Resources Department. You never, however, have to report the harassment to the person(s) whom you believe is harassing you.

2. Hostile Work Environment Harassment

Unwelcome conduct that has the effect of threatening, intimidating or coercing another person; and/or verbal taunting including, but not limited to, racial or ethnic slurs or comments based on an individual's race, sex, age, religion, color, national origin, marital status, sexual orientation, gender

identity, genetic information, disability including need for reasonable accommodation, or any other legally protected characteristics that is so severe, pervasive or persistent that it interferes with an individual's job performance or creates an intimidating, hostile or offensive working environment. Such harassment may be committed by a person of the same protected group as the individual who is the target of the conduct or comments.

3. Bullying Harassment

Workplace bullying occurs when one or more individuals (supervisors or peers) repeatedly misuse or abuse power or the perception of power over another individual. Such behavior may be verbal, psychological and/or physical and is intended to humiliate, intimidate or degrade another individual.

Bullying in the workplace may take multiple forms, but is not limited to excessive or unfounded criticism, profanity, social isolation of another individual, blame without factual justification, treating another individual differently than other individuals in the work group, reluctance or refusal to answer questions, exhibiting uncooperative attitudes during routine activities, use of condescending language or voice intonation, speaking loudly to or making jokes about another individual.

Remember, we are all on the same team. That means we always support and assist each other every day.

Bullying does not include reasonable and legitimate actions of a supervisor in managing an employee's performance, workload, or other duties. When direction, correction or assistance of a fellow employee is necessary, it must always be done with respect, positive intention and good will. Anything less is unacceptable and will not be tolerated.

4. Retaliation

Charles County prohibits any form of retaliation. Charles County does not condone retaliation against any individual for making a report of discrimination or harassment in good faith under this Policy or for participating in an investigation into a complaint under this Policy. Acts of retaliation must be reported immediately. All complaints will be handled with sensitivity and confidentiality to the maximum extent possible.

Any individual who it is determined has engaged in conduct constituting retaliation in any form, against another individual for making a good faith report of discrimination or harassment will be subject to corrective action up to and including termination of employment.

5. Violence in the Workplace

Nothing is more important to Charles County Government than the safety and security of its employees and the residents they serve. Threats, threatening behavior, verbal assaults, intimidation, or acts of violence against employees, visitors, guests or other individuals by anyone on Charles County Government property or while conducting business for Charles County Government will not be tolerated. Violations of this policy by County employees will result in disciplinary action up to and including termination of employment.

The Safety Officer and the Building Security Officer will assess safety and security issues within the workplace and develop programs and train employees on techniques to improve safety and security.

During the course of employment with the County, no employee will:

1. Threaten, verbally abuse, intimidate, or commit any violent act against another person or employee.
2. Intentionally or maliciously damage or destroy the property of Charles County Government, another person or employees.
3. Bring weapons of any kind onto Charles County property except tools that are common to the employee's trade. Weapons include guns, knives, explosives, and any other items designed to inflict bodily harm.

Reporting a Violent Act or Situation

An employee who has witnessed a violent act in a County workplace or at a County worksite or has knowledge of facts causing the employee to reasonably believe a violent situation is present in a County workplace or at a County worksite, will immediately call 911 and then report the act or situation to their immediate supervisor, the Security Officer, Department Director, or the Director of Human Resources (or designee).

Failure by County employees to report violent acts or threatening behavior may result in disciplinary action up to and including termination of employment.

Recommendations: Recommendations and suggestions from employees for improving security and reducing the risk of violence in the workplace or worksite are encouraged and should be forwarded to their respective Department Director, the Safety Officer, or the Director of Human Resources.

Domestic Violence

Charles County Government strives to ensure the physical and emotional safety of all employees while they are working. There may be some situations where domestic abuse in an employee's home carries over into his/her workplace and/or affects work performance. Sometimes the abuse escalates, and co-workers may also be threatened or harmed. A supervisor who suspects an employee is experiencing some form of domestic abuse may make referrals to appropriate confidential counseling services. If any employee has a safety concern that stems from a domestic abuse situation, they may seek assistance from their supervisor or Department Director, the Safety Officer or the Department of Human Resources.

Procedure for Reporting and Investigation of all forms of Discrimination, Harassment, and Retaliation.

Any individual who believes that he/she has been harassed should immediately direct the harasser to stop the behavior.

Any individual who believes that he/she has been discriminated, harassed, or retaliated against in any form in connection with his/her employment at Charles County Government should bring the matter to the immediate attention of his/her Department's Director.

The sooner the individual brings the concern to Charles County's attention, the sooner Charles County can take action. An individual is **never** required to bring a complaint to the attention of the individual(s) whom he/she believes is subjecting him/her to discrimination, harassment and/or retaliation.

An individual who is uncomfortable for any reason bringing the matter to the attention of the harasser or to his/her Department's Director (including an individual who feels one or more members of his/her department's management team is the harasser), may report his/her concern to the attention of the Human Resources Department. An individual never has to bring the complaint to the attention of the individual(s) believed to be involved in the discrimination, harassment and/or retaliation.

All reports will be kept as confidential as possible, while recognizing that some disclosure may be necessary for the purpose of investigation and/or corrective action.

Any employee who feels they have been discriminated against, or who is dissatisfied with the action the Department Director has taken to eliminate the harassment, may file a formal grievance in accordance with the Charles County Grievance Procedures. (See Chapter 11)

Employees are encouraged to discuss their concerns with the Department of Human Resources, but may file a complaint in writing to:

Maryland Commission on Civil Rights
6 Saint Paul Street, Suite 900
Baltimore, Maryland 21202
(410) 767-8600 or 1-800-637-6247

Or

Equal Employment Opportunity Commission
10 South Howard Street, 3rd Floor
Baltimore, Maryland 21201
(410) 962-3932

Fraternization Policy

"Fraternization" is a term traditionally used to identify personal relationships which violate customary bounds in a professional setting. It is separate and distinct from sexual harassment. Charles County neither prohibits nor encourages dating or social relationships between employees. However, employees are cautioned not to allow fraternization to negatively affect their job performance. This fraternization policy recognizes the need to prevent use of an organizational position, supervisory or otherwise, in such a way where it results in (or gives the appearance of) favoritism, preferential treatment, personal gain, or involves actions which otherwise breach the Charles County mission or values statement. Apparent or actual loss of objectivity may result in a perception that an employee is no longer capable or willing to exercise fairness or make judgments on the basis of merit.

While the senior party in a relationship is expected to control and preclude the development of fraternization, this policy is applicable to both members, and both are accountable for their own conduct. Fraternization is a gender-neutral concept.

Employees who fail to comply will be subject to disciplinary action up to and including termination. Charles County reserves the right to make decisions in the best interest of the organization.

Ethics

The Charles County Code of Ethics (Ethics Law) is set forth in Chapter 170 of the Charles County Code. The provisions of the Ethics Law apply to all County officials and employees. The Ethics Law prohibits certain conflicts of interest and other activities of County officials and employees. The Ethics Law is administered by an independent five (5) member Ethics Commission which is authorized to issue Advisory Opinions, conduct investigations and hearings concerning Ethics Law violations and to grant exemptions from the provisions of the Ethics Law under certain conditions. The County Attorney is the legal advisor to the Ethics Commission and copies of the Ethics Law may be obtained from the Office of the County Attorney.

Whistleblower Policy

No employee who in good faith reports what the employee reasonably believes to be (i) a violation of law, (ii) gross mismanagement, (iii) gross waste of funds, (iv) abuse of authority, or (v) a substantial and specific danger to public health or safety will be subject to adverse employment action, including but not limited to, harassment, demotion, or firing.

Definition: Employee – Solely for purposes of this subsection, employee shall be defined as any person who is employed by the Charles County Government in a full-time, full-time reduced hour, part-time, appointed, contract, or temporary capacity.

Open Door Policy: If an employee reasonably believes that some policy, practice or activity is (i) a violation of law, (ii) gross mismanagement, (iii) gross waste of funds, (iv) abuse of authority, or (v) a substantial and specific danger to public health or safety, the employee should share their questions, concerns, suggestions, or complaints with someone who may be able to address them properly. If the concerns are not addressed, the individual should make a formal disclosure as outlined in this subsection.

Procedure: Employees may file, within sixty (60) days of learning of a qualifying incident as defined by this policy, a written disclosure with the County Administrator or the County Attorney. The disclosure should include the person(s) involved in the incident(s) and title(s); when the incident occurred; where, how, how long, and how often the incident(s) occurred; how the employee knows of the incident(s); and whether anyone else knows of the incident(s). Disclosures must be based upon reliable firsthand information and cannot be based upon second hand information or speculation.

If the employee is not able to write out the report, another employee may assist by taking a statement from the employee, including a description of the incident.

Each disclosure will be reviewed by the County Administrator and/or the County Attorney. If the County Administrator and/or the County Attorney determine that there is a substantial likelihood that a violation has occurred, then the County Administrator or the County Attorney will conduct a further inquiry into the matter or will refer the matter to the appropriate Department Head or any other entity the County Administrator and/or the County Attorney deem appropriate. In the event the disclosure alleges a violation of law, the County Administrator will consult with the County Attorney's Office before making any referral.

If the County Administrator and/or the County Attorney determine that there is a substantial likelihood that a violation has occurred then, unless notification would interfere with a valid law enforcement investigation or proceeding, the County Administrator and/or the County Attorney will notify the complaining employee within thirty days that an inquiry into the disclosure has been initiated. The employee will also be notified of the resolution of the disclosure. Excluded from this notification is any information considered to be confidential personnel information or information that would interfere with a valid law enforcement investigation or proceeding.

Unless notification would interfere with a valid law enforcement investigation or proceeding, the County Administrator and/or the County Attorney will notify the County Commissioners of the resolution of any complainant sustained under this subsection.

Confidentiality: The County encourages anyone making a disclosure to identify him or herself when making a report in order to facilitate the investigation. However, reports may be submitted on a confidential basis by the complainant or may be submitted anonymously. The County will explore anonymous allegations to the extent possible, but will weigh the prudence of continuing such inquiries against the likelihood of confirming the alleged facts or circumstances from attributable sources.

Disclosures made pursuant to this policy will be kept confidential to the extent possible. Confidentiality of the individual making the disclosure will be balanced against the need to conduct an adequate investigation, to comply with all applicable laws, and to cooperate with law enforcement authorities. Employees making disclosures may be called upon to give testimony in administrative or judicial proceedings.

Good Faith: This policy is based on employees acting in good faith to report concerns they reasonably believe are true.

Any employee who makes allegations with a reckless disregard for the truth, maliciously or with knowledge that the allegations are false is subject to disciplinary action up to and including termination.

Reprisal Prohibited: Any employee who has been found to act in a retaliatory nature against an employee who filed a complaint may be subject to disciplinary action, up to and including termination.

Exceptions: All exceptions to this policy/procedure must be approved in advance with the approval and authority of the County Administrator and the County Attorney.

Personal Phone Calls and Cell Phone Use

Employees should make personal cell phone calls during break or lunch times to the maximum extent possible. Frequent or lengthy personal phone calls are not acceptable as they may adversely affect productivity and disturb others. As a general guide, frequent is defined as three or more calls during a work day and lengthy is defined as a call lasting more than five minutes.

Cell phones shall be turned off or set to silent or vibrate mode during meetings, trainings, conferences, and in other locations where incoming calls may disrupt normal work flow. Employees should be professional and respectful of others and refrain from using obscene, discriminatory, or offensive language.

Under Maryland's Wiretapping and Electronic Surveillance Control Act, it is unlawful to tape record a conversation without the permission of all the parties. This includes using a cell phone to create a voice or video recording with sound.

References

All calls to Charles County Government for current or former employees are to be referred to the Department of Human Resources. It is the policy of Charles County to verify dates of employment and job title. Employees wishing to authorize Payroll to confirm salary information, must submit a written request to Payroll.

Workplace Attire and Personal Appearance

Purpose: This policy establishes guidelines for appropriate workplace appearance, clothing, grooming, natural and artificial scents, and hygiene. It provides that Department Directors will establish guidelines appropriate for the specific work setting and for the work being performed, as well as for exceptional circumstances, such as weather and holidays. The policy establishes procedures for instructing employees about the guidelines and gives examples of inappropriate attire. It addresses positions requiring special dress or grooming standards and positions requiring uniforms. It also specifically addresses guidelines for professional business attire, business casual attire and jeans days. The policy provides for corrective action for individuals who do not comply with the guidelines, and it addresses situations involving personal hygiene and body odors. The policy specifically addresses reasonable accommodations for religious beliefs.

Policy: All employees are expected to present a professional, businesslike image to clients, colleagues, visitors, customers, and the public.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

Any staff member who does not meet the attire or grooming standards set by his or her department, may be subject to disciplinary action and may be asked to leave the premises to address any deficiency. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

Specific Requirements: Certain staff members may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of their job. Uniforms and protective clothing may be required for certain positions and will be provided to employees.

At the discretion of the Department Director, in special circumstances, such as during unusually hot or cold weather or during special occasions, staff members may be permitted to dress in a more casual fashion than is normally required. On these occasions, staff members are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing or athletic wear. Likewise, tight, revealing or otherwise workplace-inappropriate dress is not permitted.

Reasonable Accommodation of Religious Beliefs: Charles County Government recognizes the importance of individually held religious beliefs to persons within its workforce. Charles County Government will reasonably accommodate a staff member's religious beliefs in terms of workplace

attire unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of safety issues to staff members. Those requesting a workplace attire accommodation based on religious beliefs should be referred to the Human Resources Department.

Uniforms: Employees may be required to wear uniforms, safety shoes or other safety equipment while at work. Failure to do so may result in a safety violation and will be handled in accordance with the Risk Management and Safety Manual. Those employees authorized or required to wear a uniform in the performance of their duties will wear, use and display only uniform items authorized by the County.

Each Department Director will establish the acceptable protocol for the wearing and displaying of required uniforms.

Employees involved in substantial outside field work or other functions that involve routine, frequent manual labor and/or do not involve frequent public meetings or public presentations at meetings may be authorized by their supervisors to wear County-issued uniforms or limited casual attire, provided that such attire is neat in appearance and not overly revealing, offensive, or suggestive in nature.

Professional Business Attire: Employees who are making formal appearances before the Commissioners, Planning Commission, Boards of Appeals, or any other body or board that conducts public meetings or when attending formal forums or functions, on behalf of the County (unless the employee is attending an event or function where casual dress is specifically encouraged or authorized) are expected to wear professional business attire. Examples of this include:

Appropriate: Sport jacket and tie or full dress suit for male employees. Suits, blouses, sweaters, dresses, skirts or slacks for female employees.

Business Casual Attire: When employees are not required to wear professional business attire, business casual attire may be worn.

- Acceptable attire for men includes: Khakis, corduroy or cotton slacks. Polo collar knit or golf shirts, Oxford shirts, Company logo wear, Short-sleeve dress shirts, Turtlenecks, Blazers, Sport coats or Sweaters.
- Acceptable attire for women includes: Khakis, corduroy or cotton slacks. Capris or business length skirts or dresses. Polo color knit or golf shirts, Oxford shirts, County logo wear, Short-sleeve blouses or shirts, Sleeveless dress blouses, Turtlenecks, Blazers or Sweaters. Leggings may be worn when paired with another acceptable bottom (i.e., dress, sweater dress or a skirt).
- Unacceptable attire includes: Sweatpants, leggings (when worn as pants), exercise wear, shorts, low-rise or hip-hugger pants or jeans, shirts with writing (other than company logo), t-shirts or sweatshirts, beachwear, tube tops, crop tops, clothing showing midriffs, spaghetti straps, and tank tops.

- Clothing that is too tight, too short (skirts or dresses), too baggy or has a deep neckline, or clothing that does not cover you appropriately (whole shoulders, back) are also considered unacceptable. The supervisor has the discretion to advise an employee of their unacceptable clothing and ask them change into something that is more appropriate for a business setting.

Footwear: Office employees are expected to wear traditional dress shoes to work. Acceptable footwear should cover the feet and be conducive to safe walking within the office. Those employees who are required to wear a uniform and work in safety sensitive positions must wear the shoes required by their department.

Acceptable shoes include: Traditional dress shoes, open toe, or open back shoes are acceptable so long as they do not have extremely high heels.

Unacceptable shoes include: Flip flops, slippers, athletic shoes and crocs. Extremely high or stiletto heels are inappropriate for the work place.

Athletic shoes may only be worn on special occasions and when authorized by the County Administrator.

Jeans days: Wearing of jeans is authorized on Fridays and may be authorized on other days by the County Administrator for dress theme days to support non-profit operations or for morale purposes. Jeans are also authorized on days when Charles County Government opens late due to a weather emergency. Jeans Day is not a dress down day. The remainder of the outfit should be business professional and must follow the guidelines listed above.

Unacceptable jeans include those that are very tight or very baggy and jeans with holes, rips, fringe, or cuts in them. Shorts, jeggings, low-rise and hip-hugger jeans are also unacceptable.

Addressing workplace attire and hygiene problems: Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate dress, the staff member will be required to go home, change into conforming attire or properly groom, and return to work.

If a staff member's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the staff member in private and should point out the specific areas to be corrected. If the problem persists, the employee may be subject to the disciplinary process.

Social Media, Personal Websites, and Blogging

The following guidelines apply to employee use of "electronic social media", regardless of where the sites are accessed. For the purposes of this policy "electronic social media" includes, but is not limited to, online tools used to share content such as personal web pages, blogs, photos, message boards, and social networking sites. Examples of such activity include Facebook, Instagram, Google+, Flickr, Twitter, LinkedIn, Tumblr, Pinterest, You Tube, and Web blogs. Social media is constantly evolving, so the fact that something is not included in this list does not mean that it is not covered by this policy. This policy is directed towards personal use of social media.

- Unless engaged in social media activities on behalf of Charles County Government consistent with the Social Media Use SOP, employees should limit the use and access to social media to non-working time.
- All County policies (including harassment, discrimination, and workplace violence) apply to employee use of electronic social media.
- Supervisors should refrain from “friending”, “following”, contacting or otherwise affiliating with employees under their supervision on social media.
- Employees may not use social media to disclose confidential information that belongs to the County, its employees, vendors, or customers. Sharing such information without proper consent can cause serious damage to persons and businesses, and can result in legal action and penalties against persons who improperly disclose the information. However, employees do have the right to use social media to share information about terms and conditions of employment, e.g., salary, benefits, schedules, etc.
- If posting photos, videos, or recordings that contain images or information about the workplace, make sure there is no confidential information visible in the posting. This includes customer data, computer screens, meeting presentations, product designs, and similar information. Employees should never post pictures, videos, or recordings of others taken during the course of their employment on the employee’s personal social media sites.
- Employees may not create the impression that they are speaking on behalf of Charles County Government when using electronic social media unless they are authorized to do so by their supervisor. If questionable, provide a clear statement that the views expressed are yours and do not necessarily represent the views of Charles County Government.
- The County logo may not be used without written consent from the Chief of Media Services.
- Be respectful of the County, its employees, customers, and associated organizations. Do not make comments intended to harm the County’s business relationships or to injure the County’s employees. It’s also important that you be accurate in what you post.
- Do not conduct County business on social networking sites unless specifically authorized to do so.
- Employees have no expectation of privacy when using County computers, servers, or other technology. The County reserves the right to monitor use of electronic social media on its equipment.
- Employees are personally responsible and personally liable for their social media posts. As a result, it is their responsibility to be aware of applicable laws, including, but not limited to, laws regarding defamation, harassment, retaliation, obscenity, trade secrets, copyright and invasion of privacy. The County is not responsible or liable for any losses or damages caused by employee postings.

Questions about appropriate activity should be raised with a supervisor or the Director of Human Resources. Failure to follow this policy will result in discipline, up to and including the termination of employment.

Visitors

To provide for the safety and security of employees and the County facilities, only persons having business with County personnel are allowed in the workplace. Non-emergency or non-essential visits

by friends and family members of employees are discouraged. Uninvited or unscheduled solicitation of products and services is prohibited. All visitors should enter County facilities at a reception area, or be met by the employee whom the visit is scheduled. Persons having business with County personnel will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed on County premises, employees should direct the individual to their point of destination, or, if necessary, notify a supervisor.

Chapter 3: POLITICAL ACTIVITIES AND SOLICITATION

Political Activities

Article 33, Section 28-1 of the Maryland Annotated Code provides that participation in politics or political campaigns and the free expression of political opinions by employees of the County will not be prohibited, and each employee will retain all rights and obligations of citizenship; however, no employee will:

1. Engage in political activity while on the job during working hours.
2. Advocate the overthrow of the government by unconstitutional and violent means.
3. Be obligated to contribute funds or render political service.

Federal Hatch Act

The Federal Hatch Act may extend to County employees whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States. Such employees may not:

1. Use his or her official authority or influence for the purpose of interfering with, or affecting the results of an election or nomination for office.
2. Directly or indirectly coerce, command, or advise another employee to pay, lend or contribute to a party, committee, organization, agency or person for political purposes.
3. Be a candidate for public elective office in a partisan election (candidacy for political party office is not prohibited).

Solicitation

Generally, solicitation unrelated to County business on County property is prohibited without the express written approval of the County Administrator. It will be every employee's responsibility to inform individuals who are soliciting in their offices that this is not permissible.

Solicitation on County Property by County Employees for Non-Profit Organizations: Minor solicitations, such as parents (or guardians) selling candy, cookies, pizzas or other minor items for their child's school fundraiser, or an employee personally organizing a team for a walk-a-thon, may be allowed without prior approval provided it is not conducted in a disruptive manner.

Solicitation for personal profit by County employees is prohibited. Under no circumstances will Charles County Government offices be given as addresses for deliveries of products for personal enrichment of an employee or other individual, nor in any way will County offices serve as a distribution point for products sold to other employees or the general public.

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Chapter 4: POSITION CLASSIFICATION SYSTEM

Purpose

The position classification system is established to identify and define positions, and to provide equitable and adequate grades and wages for all Charles County positions.

Administration

The Department of Human Resources will have responsibility for the overall administration of the classification system. It will maintain records of all actions taken affecting positions and pay grades, provide for regular reviews to ensure that all positions are properly classified, and recommend amendments to the classification system as necessary. Changes to the classification system will require the approval of the County Administrator.

Position Evaluation

Positions to be evaluated will be reviewed as funding permits, by a Position Evaluation Committee (the Committee) comprised of the Director of Human Resources and two other members of the Department of Human Resources. Department Directors may request to present reclassification requests to the Committee. Tentative results will be discussed with Department Directors and more information gathered if necessary. Results of the position reviews, along with a fiscal note prepared by Department of Fiscal and Administrative Services (DFAS), will be forwarded to the County Administrator for his approval before final notification to the departments. Implementation of the results may be rejected or deferred should sufficient funds not be available.

Department Directors and immediate supervisors of the affected departments will submit justification of reevaluations on the Request Form for the Position Evaluation Committee and will be available for discussion, if necessary.

Positions will be classified in the proper grade on the basis of the duties, responsibilities and qualifications required as evaluated in terms of factors common to most positions. The evaluation system is a hybrid of the factor comparison and the point factor methodologies. The plan has seven evaluation factors with evaluation levels for each factor, and weighted points for each evaluation level. Each factor consists of a number of evaluation zones. Factors are aspects of the job such as job complexity, education and experience, scope and impact, supervision received, working relationships, work environment, and physical demands. The proper grade for a job is selected after the total weighted point score has been calculated. The grade is determined by comparing the total score of the job with the point score ranges that have been established for each grade in the salary structure.

Position Classification Review Requests are accepted annually as funding permits. The Department of Human Resources will provide notification of the open and closing dates for submitting Position Classification Review Requests. Department Directors may request the evaluation of positions by completing a Position Classification Review Request form and forwarding the completed forms to the Department of Human Resources with the appropriate signatures, completed Position Analysis Questionnaires, a current organizational chart, and revised job descriptions by the closing date set annually by Department of Human Resources for accepting Position Classification Review Requests. The requests will contain sufficient information setting forth the reasons for the requests.

An employee who feels their position is improperly classified may request the Department Director to review their request for re-evaluation of the classification of their position by submitting an amended

position description and a completed Position Analysis Questionnaire to the Department Director with a written request that the position be re-evaluated. The request will contain sufficient information setting forth the reasons for the request. Increased volume of work is not justification to initiate a Position Classification Review Request. The supervisor's comments are to be noted in Part II of the Position Analysis Questionnaire. The Department Director will review the employee's request with the employee's immediate supervisor. If the re-evaluation request is approved by the Department Director, the Department Director will forward the revised position description, the Position Analysis Questionnaire, a current organizational chart, and a completed Position Classification Review Request form to the Director of Human Resources for re-evaluation by the Evaluation Committee during the annual evaluation review process.

If the employee's request for re-evaluation is not approved by the Department Director, the Department Director will send a response to the employee within fifteen calendar days of receipt of the request stating the disposition of the request. The employee may submit a written appeal to the Director of Human Resources within fifteen calendar days of the disapproval. The Director of Human Resources will make a determination within fifteen days of receipt as to the disposition of the appeal.

Reclassification

When a position is approved for reclassification to a higher grade through the annual evaluation review process, the incumbent will receive a 6% salary increase or the minimum of the new grade, whichever is higher. Salary changes which result from the position evaluation process are subject to final approval by the County Administrator. Effective dates for salary changes will be determined as part of the reclassification approval process.

When a position is changed to a lower grade for reasons such as reclassification or abolishment of a position, the incumbent will retain the same rate of pay. If the incumbent's rate at the time of change is higher than the maximum rate of the new grade, the incumbent's rate will be retained and redlined (frozen/held at a rate above the maximum rate of the grade).

In the event of a county-wide reclassification, or the reclassification of multiple classes of work, salary increases may be phased in at the discretion of the County Commissioners. The Director of Human Resources will have responsibility for salary administration and will, whenever necessary, recommend amendments to the Grade/Salary Structure through the County Administrator to the County Commissioners for their approval. From time to time, the Director of Human Resources will announce such Grade/Salary Structure revisions as have been approved by the County Commissioners.

Maintenance of the System

Whenever a Department, Division, or office is created or reorganized, position descriptions, completed Position Analysis Questionnaires, and Position Classification Review Requests, for any new or affected positions will be submitted to the Department of Human Resources for review and evaluation. Positions which have changed substantially may be submitted for review by the Position Evaluation Committee. Additional volume of work does not justify a review.

Department Directors will submit information to the Department of Human Resources on any new positions that have been approved in their budget for review and classification by the Position Evaluation Committee. A current organizational chart, a draft job description and Position Analysis Questionnaire completed by the Department Director and supervisor for each new position will be submitted to the Department of Human Resources.

Chapter 5: SALARY ADMINISTRATION

Grade and Salary Structure

It will be the duty of the Director of Human Resources to maintain a system of salary administration which is fair and equitable, and that the Director will, from time to time, provide periodic salary surveys and recommend changes to the County's system through the County Administrator. An external and internal equity study will be performed, at a minimum, once every seven (7) years as funding permits. Each position will be assigned an appropriate grade and salary based on the following factors:

1. Education and Experience
2. Job Complexity
3. Scope & Impact
4. Supervision Received
5. Working Relationships
6. Physical Demands
7. Work Environment

In addition, each position will be reviewed for:

1. The relationship to other positions in the Department and the similarity to other County positions;
2. The financial policies and budgetary restraints of County government;
3. The recruiting and retention experience of the County; and
4. The prevailing rates of pay in both public jurisdictions (of similar size and status) and private sectors.

Rates of Pay

Entrance Rates: The entrance pay rates will normally be the base rate of the salary range prescribed for the grade. Whenever possible, new employees with Charles County Government will begin employment at the base salary within the position grade. Occasionally, in order to recruit the best and most qualified talent, it may be necessary to approve a starting salary above the base salary. Starting salaries above the base salary will be based on qualifications, salary history, and availability of candidates. In these cases and where funding for the position allows, authority to approve entrance pay rates will be as follows:

- a. Hiring Department Directors may approve entrance pay rates up to 10% above the minimum (starting) salary of a grade.
- b. Upon recommendation of the hiring Department Director, the Director of Human Resources may approve entrance rates up to the midpoint of the grade, if necessary, to allow additional flexibility.
- c. The County Administrator may approve entrance pay rates above the midpoint of the grade.

All entrance pay rates above the base pay rate for the grade are subject to sufficient available funding.

Overtime: All overtime work which is to be compensated by overtime rates of pay will be approved in advance in accordance with the Charles County Overtime Policy. (See Chapter 14)

Shift Differential: All shift differentials paid for hours worked on assigned evening and night shifts will be approved in advance and paid in accordance with the Charles County Shift Differential Pay Policy. (See Chapter 15)

On-Call Premium: All on-call premiums paid for hours an employee is assigned to be on-call will be approved in advance and paid in accordance with the Charles County On-Call Premium Pay Policy. (See Chapter 16)

Separation Pay: Upon an employee's separation from the County service, they will be paid for all salary due, and will be reimbursed in a lump sum payment for the number of days of earned and accrued annual leave, up to 45 days, and also any accumulated and unused floating holidays computed at the hourly rate of pay earned at the time of their separation. Compensatory leave accruals will be paid only to employees staffing non-exempt positions. Separation pay will in no event be used to extend the employment period beyond the last day physically worked, unless approved by the County Administrator.

Rate of Pay: The rate of pay will not be affected by any services performed in addition to or differing from the usual duties of any particular classification which have been temporarily assigned to an employee, unless appointed to an acting assignment in accordance with the policy and as recommended by the Department Director and approved by the County Administrator. The effective date of acting assignments will be the first full pay period following the approval of the assignment (see page 5-4).

Redlined Rates: An employee who is earning more than the maximum of the established salary grade for their position will continue at that rate, which will be redlined. Employees whose salaries are redlined will be eligible for recommended cost of living increases and longevity awards, but not for within grade salary increases.

Charles County Government complies with the salary basis requirements of the Fair Labor Standards Act, and prohibits all supervisors from making any improper or unauthorized deductions from the salaries of exempt employees.

If an employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to their direct supervisor or to the Payroll Office in the Accounting Division.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

Merit Increases

Employees may advance within their salary range until they reach the maximum of their grade if job performance as rated on the performance appraisal is 3.0 or higher. Merit increases will be equivalent to 3% of the midpoint of the employee's assigned grade. Portions of a merit increase that exceed the maximum amount in a salary grade, will be paid as a longevity award. An employee whose job

performance is rated 2.99 or lower will not be eligible to receive a within grade salary increase during that fiscal year.

Pay for Performance/Incentive Pay: The County Administrator may, from time to time, recommend a pay for performance system or such other systems of financial incentives and rewards, as he may deem appropriate, for all or certain classes of work at his discretion. Such systems, if proposed, will be designed to further productivity, differentiate between performance, and recognize achievement of individuals or units, and will be subject to the approval of the County Commissioners.

Eligibility: All full-time and full-time reduced hours employees working in County Government departments covered by the scope of the Charles County Government Personnel Policy and Procedures Manual are eligible for merit increases when budgeted. Merit increases are effective the first day of the pay period after the employee's anniversary date.

An employee who is on an approved leave of absence without pay on the date they would otherwise be eligible for a salary increase consideration, will be considered for the increase effective on the first date of return to active work.

Employees must be actively at work for more than half of the review period to be eligible for a salary increase consideration.

Longevity Award Program

A Longevity Award Program is provided to recognize the service performed by County employees who have reached the maximum amount in the salary grade established for their position.

Employees whose salaries have reached, or exceed, the maximum of the grade (redlined salaries) are eligible to receive longevity awards and cost of living adjustments only.

Consideration for a longevity award will occur at the first anniversary the employee is not eligible for a merit increase and thereafter on their anniversary date, and will be awarded to those employees whose performance rating is not less than 3.0 subject to funding (see Charles County Government Grade/Salary Scale for current fiscal year information).

Longevity awards of 3% of the midpoint of the employee's assigned grade will be paid in a lump sum amount. It is not added to the employee's salary.

Transfer

An employee who is administratively transferred or transfers through the recruitment process from one position to another position at the same grade level will retain the same salary.

Demotions

There are three types of demotions: administrative, voluntary and disciplinary.

Administrative demotions may be approved by the County Administrator, when deemed in the best interest or to accommodate the needs of the County or the employee.

Employees demoted administratively shall receive their present salary. If this salary exceeds the maximum salary for the salary grade of the new position, the employee's salary will be redlined.

A voluntary demotion consists of employees who accept a demotion for failing to be able to continue their current job duties (e.g. losing their Charles County driving privilege) or apply for a lower graded position.

An employee who is selected through the recruitment process for a lower graded position will receive a decrease in pay according to the sliding scale listed below:

An employee unable to perform their essential job functions and voluntarily accepts a demotion will also use the sliding scale below.

Disciplinary demotions are part of the disciplinary process. An employee demoted for cause will also use the sliding scale below. Further details about disciplinary demotions are covered in Chapter 10, Disciplinary Actions.

Sliding scale to be used for voluntary and disciplinary demotions:

Number of Grades of Demotion	Percent Decrease
1	6%
2	9%
3 or more	12%

If the demoted employee's salary is higher than the maximum pay on the salary scale even with the percentage decrease, the employee's salary will be further reduced to the maximum salary of the grade for that position.

Promotion

An employee who is promoted competitively to a new position in a grade higher than the current position will receive an increase according to the following sliding scale:

Number of Grades of Promotion	Percent Increase
1	6%
2	9%
3 or more	12%

The employee's salary would increase according to the sliding scale, or the minimum of the new, higher grade, whichever is greater (percentage increase or minimum of grade). The salary increase cannot place the employee's pay above the maximum salary of the new grade. If a promoted employee's salary increase would surpass the maximum of the grade, the increase will be limited to the maximum salary of the grade.

Promotions will be effective the first full pay period following the approval of the promotion.

Acting Appointments

Appointment to acting capacity is generally the most appropriate means of meeting a situation requiring the temporary service of an employee in a higher grade position. It may be used, for example, when an employee has to perform the duties of a position during the extended absence of the incumbent, to fill a key position which has become vacant until a regular appointment is made, to assume responsibility for an increased workload for a limited period, or when deemed in the County's best interests by the County Administrator.

Criteria: Employees may be assigned acting capacity pay for no more than six (6) months unless the acting appointment is extended by approval of the County Administrator. When an employee is assigned to a position where they are expected to perform the duties for a period of not less than four (4) weeks and no more than six months, acting capacity pay may be authorized effective upon assignment to the position by the County Administrator on a non-competitive basis. However, pay adjustment will only occur after the employee has served a minimum of four (4) weeks and will be retroactive.

Acting appointments may be approved for the following reasons:

1. The temporary, long-term absence of an incumbent;
2. A vacancy for which the normal recruitment procedures have been unsuccessful or a vacancy which may exceed three (3) months;
3. Because of absence of a key position which must be maintained; or
4. As deemed appropriate by the County Administrator in certain circumstances.

Termination of Acting Appointment: An employee will return to their regular position, grade and salary, as if the acting capacity pay had not been awarded, when:

1. The period of duty has been completed, or
2. Services within the higher grade are no longer required.

Pay:

1. Upon Appointment: Employees filling a higher-grade position through an acting appointment will have their rate of pay temporarily adjusted to provide them with an increase according to the following sliding scale.

Number of Grades of Acting Appointment	Percent Increase
1	6%
2	9%
3 or more	12%

The increase must result in at least the minimum salary of the higher, acting grade position and the resulting salary cannot exceed the maximum of the higher grade.

Acting Appointments that do not result in a grade increase will not be eligible for a salary increase.

2. **Salary Increase Pay during acting appointment:** Should an employee's anniversary date occur during a period of acting appointment, the salary increase will be based on the employee's acting appointment pay. At the conclusion of the acting appointment, an employee's rate of pay will revert to their former salary before the appointment with the inclusion of a salary increase within grade. If an employee serving in an acting appointment is then hired for that position, the merit increase the employee received will not revert back; the employee will retain the merit increase received during the acting appointment.
3. **Paid Leave:** If an employee in an acting appointment is absent on pre-approved leave, pay for that leave will be based on their acting pay salary.
4. **Non-Exempt to Exempt:** If an employee in a Non-Exempt position serves in an acting appointment for an Exempt position that is grade 16 or below, the employee will not be eligible for overtime while serving in the Exempt position. The employee would be compensated for additional time worked with compensatory time. If the employee is acting in a position grade 17 to 20, the employee will not be eligible to earn overtime or compensatory leave while serving in the acting position.
5. **Upon Termination:** Upon termination of the acting appointment, employees will be returned to their original grade at the salary as if they had not received the acting appointment.

Administrative Transfer

An employee is usually hired to fill a particular position in a specific office or location. However, the County may transfer or assign employees to any position, office, or location that the need or best interest of the County dictates. Such transfers and assignments may be temporary or permanent. No employee will suffer any decrease in salary as a result of such transfer or assignment, nor will an employee be expected to perform duties beyond their capabilities

Employees who are transferred because of inability to perform the duties of a position in a specific location may be placed on probation following the transfer. No probationary period will be required for employees transferred in the same class and grade solely to meet operational needs or for personal reasons unless they are on probation in their current position, in which case they will be required to remain in such status for the duration of the probation in the new position.

Upon written approval of the Director of Human Resources, a Department Director may, at any time, when in the best interest of the County, transfer an employee and/or an approved position within the same department. Department Directors may approve the rotation of employees and crews within a division. The County Administrator may approve the inter or intra-departmental transfer of an employee and/or an approved position should circumstances so warrant on either an acting or permanent basis.

An employee may request a transfer to any position of the same grade through the normal recruitment process.

Reorganization

A reorganization is the transfer of functions and/or positions from one organizational unit to another, or the receipt of new functions and/or positions within County government. Reorganizations may assist in streamlining government operations and increase efficiency, or assist in facilitating the day to day operations of County government and/or the resolution of certain personnel matters.

The County Administrator, upon recommendation of the Director of Human Resources, may approve reorganizations that include creating new positions that replace existing positions, transferring positions within and across departments, and reclassifying positions. The Department of Human Resources will review proposed reorganizations including any change to position function, job description, title, and grade. The Director of Human Resources will then make a recommendation to the County Administrator. The County Administrator is authorized to create, abolish, transfer and modify positions and functions within and across departments, provided that no net new full-time positions are added to the approved position complement and sufficient funding exists within the approved budget for that fiscal year. In the event a reorganization requires an appropriation of additional funds or results in a net increase of approved full-time positions to the approved position complement, the reorganization will require approval from the Board of County Commissioners. The County Administrator will notify the Board of County Commissioners of all reorganizations that include the transferring of positions and/or functions between departments.

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Chapter 6: AWARDS PROGRAM

Service Awards Program

Service awards will be awarded only on employee anniversary dates in five (5) year increments. Full-time and full-time reduced hour's employees are eligible to receive administrative leave based on their years of service with Charles County. Employees will also be presented a Certificate of Appreciation by the County Commissioners.

Service awards will be awarded as indicated below:

Administrative Leave Granted

<u>Anniversary Dates</u>	<u>(Work Days)</u>
5 years of service	.5 Day
10 years of service	1 Day
15 years of service	1.5 Days
20 years of service	2 Days
25 years of service	2.5 Days
30 years of service	3 Days
35 years of service	3.5 Days
40 years of service	4 Days

Accrued administrative leave will be recorded in hours corresponding to an employee's base pay period. One day equals 7.5 hours for 75-hour employees and one day equals 8 hours for 80-hour employees. Similar pro-rating will be applied to grandfathered full-time reduced-hours employees.

Employees with 30 or more years of service have the option of receiving additional pay equivalent to the administrative leave granted under this program. Timekeepers will have eligible employees complete the Service Award Designation form indicating their choice of payment or leave accrual. Eligible employees must designate the entire amount of administrative leave as paid or accrued. Administrative leave eligible for payment cannot be paid or used until the employee has completed this form.

Service award payments will coincide with the employee's anniversary date to ensure inclusion of any merit pay increases.

Accrued administrative leave will not be paid out at a later date including at retirement or when leaving County service. This is a non-recurring award and has no expiration date.

Annual Incentive Awards

There will be a program of annual incentive and recognition awards developed by the Director of Human Resources and approved by the County Administrator. The scope of such programs will be developed in accordance with the appropriations for this purpose.

Safety Awards Program

An annual safety awards program will be designed and administered by the Safety Officer. Awards may be departmental or divisional, based on number of injuries and lost time.

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Chapter 7: RECRUITMENT

Policy

It is the policy of Charles County Government to recruit and select the most qualified persons for positions in the County's service. Recruitment will be conducted in an affirmative manner to ensure open competition for all positions, provide Equal Employment Opportunity, and to prohibit discrimination because of race, color, sex, age, national origin, religious or political affiliation or opinion, disability, marital status, sexual orientation, genetic information, gender identity, or any other non-merit factor. The Department of Human Resources will periodically review recruitment processes to ensure equal application to candidates and assure screening criteria is applicable to the job.

The Department of Human Resources will collaborate with departments on the recruitment process but is authorized to determine the actual recruitment and selection process for every position. The Department of Human Resources will develop and conduct an active recruitment program designed to meet current and projected employment needs and will formulate recruitment strategies to support succession planning programs. The Department of Human Resources may make modifications to the recruitment process to enhance the quality of candidates while working within the parameters of this policy. The Department of Human Resources will conduct periodic reviews of past techniques and resources to ensure recruitment of a diverse, well qualified pool of candidates. The Department of Human Resources will recruit from alternative sources, such as internships, through relationships with educational institutions, and succession planning.

When an employee retires or submits substantial notice to terminate from employment, the County Administrator may approve the over-filling of that position for up to two months for training and business continuity reasons. Funding for this over-filling will be subject to County Administrator authority.

Position Announcements

All vacancies, both full and part-time, will be posted for at least ten (10) business days. All full-time, full-time reduced hour, part-time and seasonal employees will be eligible to apply for positions, subject to qualifications and experience. All requests for staffing vacancies will be submitted according to the County's Position Control Policy. Announcements will include the position title, minimum salary and grade, qualification requirements in the position description and the closing date. All announcements will contain the statement, "An Equal Opportunity Employer" and the TDD number and will be circulated via the online recruiting system. Departments must post open position announcements in employee areas and make position information available to employees.

Charles County Government supports its employee's growth and development and strives to promote from within when feasible. Some vacancies will automatically be advertised internally and externally concurrently, such as entry-level positions; Chief or Director-level positions; hard to fill positions; or when necessary to ensure a diverse candidate pool.

At the request of the hiring department, some positions may be advertised internally only, or internally for five (5) to ten (10) working days before advertising externally. The department will note the request on the Requisition for Personnel, along with justification for wanting to fill the vacant position internally. Positions approved for internal advertisement will be open to all full-time; full-time reduced hour; part-time; and seasonal employees.

After the five (5) to ten (10) day internal advertising period, Human Resources will review the applications received from internal candidates. If there are a minimum of three (3) very qualified internal candidates for the position, the recruiter will forward the applications to the hiring department for their review. If there are not three or more very qualified candidates, the position will be advertised externally.

Positions that are hard to fill may, at the request of the hiring department, be advertised without a closing date and instead use a best consideration date. The best consideration date will be the first cut-off date for applications and any received will be sent to the hiring department for review. If there are at least 3 qualified candidates, interviews will be scheduled. At the conclusion of the interviews if the hiring department determines they do not want to hire one of the candidates, they may continue to review applications that were submitted after the best consideration date.

Charles County Government is an Equal Opportunity Employer and will strive to balance the internal promotion of employees and succession planning needs of departments with overall recruitment best practices. The County aims to maintain a diverse, highly skilled workforce.

Career Ladder Classifications

There are some classifications that are part of a career ladder series. Individuals in these classifications may be promoted based on attaining specified requirements and work performance. The additional requirements are described in the job descriptions. When an employee in a career ladder position attains the requirements of the next level position, it is the responsibility of the Department to determine eligibility for promotion and to make the change in position.

When a vacancy occurs in a career ladder, the position will be advertised at the entry level of the career ladder. A Department Director who wishes to advertise a vacant career ladder position at a level higher than entry-level shall submit a written request justifying the request for an exception to the Director of Human Resources for approval by the County Administrator.

Applications

Applications for each position will be made available online on the Charles County Government web site. Candidates can log in, create an account, and complete an application that may be used to apply for multiple open positions at different times. Charles County Government does not accept paper, fax, or email applications. All applications are online. Anyone seeking to apply who needs access to a computer or requiring assistance in using the online application system can contact the Department of Human Resources.

The Department of Human Resources, in conjunction with departments, may establish eligibility lists for certain positions. Based on tests and other objective criteria, eligibility lists may be established and maintained for one year or longer, as agreed upon by the department and Human Resources. Except where an eligibility list has been established for a position, Department Directors may review applications of same (previously filled) positions for a period up to 90 days, or an extension of 180 days may be made with the approval of the Director of Human Resources.

Employees who accept a new position due to hire, transfer, or promotion are encouraged to complete six months in that position before applying for another position in the County.

Employment Tests

Employment tests (e.g., writing samples, computer exams, etc.) may be used as part of the hiring process at the discretion of the hiring department. Employment tests will be administered by the hiring department with the concurrence of the Department of Human Resources.

Qualifying and Ranking Applicants

After the closing date the Department of Human Resources will review applications to qualify and rank candidates to consider for interviews. The Department of Human Resources will forward all applications electronically to the hiring department. The hiring department will then review the qualifications and rankings and will notify the Department of Human Resources which candidates they would like to interview.

The Department of Human Resources may approve interviews with less than three qualified applicants; this will be decided on a case-by-case basis, at the discretion of the Director of Human Resources. The Director of the hiring department may appeal the Human Resources Director's decision to the County Administrator. The Department of Human Resources recommends the hiring department select no more than eight candidates to interview for a vacant position, with six candidates being the recommended number. If there is more than one vacant position of the same title undergoing concurrent recruitment, the department may select more than eight candidates to interview.

Candidate Interviews

Interviews will be scheduled by the Department of Human Resources. Interview questions will be submitted to the Department of Human Resources with the requisition to fill the position. Questions are subject to approval by Human Resources. Interviews are conducted by a panel of at least three people. The interview panel should include the supervisor who will be supervising the incumbent. For some positions, the Department Director may also participate. A representative from the Department of Human Resources will participate in all interviews, and may ask some of the interview questions and provide input during the interview process. The interview panel will use scoring sheets for each candidate interviewed.

License and Background Checks

Some positions require background checks. For those positions, the Department of Human Resources will coordinate with the candidate to arrange gathering of this information, whether it is from local law enforcement or a private security clearance company. Background processes must be pre-approved by the Department of Human Resources.

For those positions that require a driver's license, the driving record must be reviewed by the Safety Officer before an offer of employment is finalized. Employees who will drive a County-owned vehicle will be entered into the County's Driver's Checking/Flagging Program per the Safety Manual.

Selection

The Department of Human Resources will conduct reference checks on final candidates. All offers of employment require the recommendation of the Department Director and the approval of the Director of Human Resources, prior to being extended to the selected candidate. The hiring department will return all applications and interview scoring sheets to the Department of Human Resources, with their first and second hiring choices indicated. If the Director of Human Resources does not concur with the first or second choice selection of the hiring department, the Department Director may request approval from the County Administrator.

All offers of employment will be extended by the Department of Human Resources. The Director of Human Resources can approve a starting salary up to the midpoint of the grade salary. The County Administrator may approve a starting salary over the midpoint.

Notification of Candidates

The Department of Human Resources will coordinate with the hiring department for verbally notifying in-house candidates not selected. If non-selected in-house candidates are within the hiring department, the department will notify those candidates. Human Resources will notify other internal candidates who are not selected. Other applicants will be given written notice advising selection has been made within 30 days of staffing the position. Applicants who inquire about the status of an open position should be directed to the Department of Human Resources.

Employment of Relatives

The employment of relatives in merit positions where a current employee has influence over their status or job security is restricted as follows:

1. The County will not consider for merit employment for any position, applicants who are members of the immediate family of a County Commissioner, or County Administrator, unless prior review and confirmation has been obtained from the Ethics Commission under Chapter 170-7 of the Charles County Code.
2. The County will not consider for merit employment within a Department, applicants who are immediate family members of the respective Department Director.
3. Immediate family members may not work in any situation in which a supervisor-employee relationship comes to prevail or where one member of the family relationship is in position to assume for the other the role of advocate or judge with respect to conditions of employment or promotion.

For the purposes of consistency, Department Directors shall ensure that this same criteria for employment of relatives applies to all part-time employees within their department.

The following is a list of members of the family which are considered as the immediate family:

- spouse
- children and step-children
- parents and step-parents
- sister or brother, half-sister or half-brother, step-sister or step-brother
- grandchildren
- grandparents
- great-grandparents
- great-grandchildren
- father-in-law, mother-in-law, son-in-law
- daughter-in-law, sister-in-law, brother-in-law
- co-parents

During times of emergencies and to accommodate shift swaps, immediate family members may serve one consecutive shift in the role of Paramedic or EMT on the same ambulance crew.

If two (2) employees marry while they are employed by the County, and, as a result, the situation then prevails where one member of the family relationship is in position to assume for the other the role of advocate or judge with respect to conditions of employment or promotion, then one or the other must obtain a position where such relationship does not prevail within a period of one year. In the event the situation continues to prevail after one year has passed, then the Director of Human Resources will consider the matter and recommend a resolution to the County Administrator.

If the transfer or promotion of an employee, or a reorganization creates a conflict with this policy for persons already employed by the County, the Director of Human Resources will recommend a resolution to the County Administrator.

Nothing contained herein will prevent the Ethics Commission from authorizing an exemption under Chapter 170-7 of the Charles County Code upon the written request of the affected employee(s).

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Chapter 8: PERFORMANCE APPRAISALS

Purpose

The Charles County Government Performance Appraisal System serves as a sound basis for establishing expectations about performance through identification of written standards for certain job skills and behavioral criteria. The Director of Human Resources will establish such a system and modify same, from time to time, to assure that changes in job functions, skills and behaviors are reflected in the evaluation of County employees.

The purpose of the performance appraisal program is to provide supervisors and employees with an objective tool to:

1. Facilitate communication between the employee and the supervisor and provide effective and ongoing feedback on performance during the review period. The appraisal should allow for positive reinforcement of fully acceptable or outstanding performance and the identification of problem areas and methods for improvement.
2. Clearly identify to employees, at the beginning of the review period, what is expected of them during the review period relating to individual or departmental goals, performance criteria and standards. The establishment of performance goals for the next review period is an important component of the process.
3. Identify employees' growth and development needs, including training opportunities.
4. Support decisions regarding promotions, recognition awards, reassignments, disciplinary actions, terminations and separations due to workforce reduction.

The most important part of a performance appraisal is the communication and good rapport that a supervisor is able to establish with an employee. This relationship depends on daily communication and trust. Appraisal meetings should be scheduled well in advance, and both the supervisor and the employee should be prepared to discuss the review period openly, honestly and fairly. Above all, the appraisal meeting should be conducted with respect for the individual employee. A supervisor's goal is to help assist employees with professional development and job performance.

Appraisal Periods

All County employees will receive an appraisal of job performance at the following times:

1. Probationary Period: Probationary employees, which include new, transferred or promoted employees, will receive the following performance appraisals:
 - a. Three Months: A verbal performance appraisal will be conducted and the employee and supervisor will approve the appropriate task in the Performance Appraisal system
 - b. Six Months: A special appraisal will be completed at six (6) months to appraise the employee's performance.
2. Annual/Anniversary Date: New employees will receive an appraisal on or about their anniversary date to either end the probationary period and approve regular status or extend

the probationary period for a specified amount of time. Any extensions of probation must be coordinated with the Department of Human Resources. All employees will receive a formal appraisal every year on their anniversary date. An employee's anniversary date shall remain the same throughout their employment, even if the employee changes positions. If an employee leaves County Government and subsequently returns, their anniversary date is their latest hire date. They do not receive credit for their previous tenure.

3. Special: A special performance appraisal will be completed whenever a supervisor determines one is necessary, when a supervisor leaves their position or when an employee is promoted, transferred, or demoted to another position within County Government (3-month minimum).

Performance Appraisal Schedule

Performance appraisals will be completed at the above specified times and the appropriate approvals received before the performance appraisal meeting is held with the employee. Annual/Anniversary appraisals are to be completed no later than five (5) working days after the employee's anniversary date in order to allow for payroll processing. Special Appraisals will be completed within five (5) working days after the interview is held.

Appraisers and Approval Authorities

Rating Official: The rating official or appraiser is the employee's immediate supervisor. The rating official is responsible for completing an appraisal for each supervised employee on schedule. If the employee reported to other supervisors during the review period because of transfer, promotion or assignment of a new supervisor, the appraiser will obtain relevant information from the previous supervisor about the review period including the last evaluation; however, the current supervisor is responsible for completing the appraisal. Prior to the evaluation period, the Rating Official and the Reviewing Official will meet to discuss the employee's performance. In the case of the Department Director being the Rating Official, the employee's performance appraisal should be reviewed with the County Administrator or designee.

Reviewing Official: The Reviewing Official is the Rating Official's supervisor and is responsible for ensuring evaluations are accurate, complete, consistent, and conform to Charles County Government guidelines.

Department Director: The Department Director is responsible for reviewing each appraisal to ensure evaluation consistency. In the event the Department Director directs the Rating Official to change the evaluation, the employee will be advised of said changes by the Reviewing Official. The Department Director will approve as the Reviewing Official on all 6-Month, Special and Annual Appraisals. When the Department Director is the Rating Official, the Reviewing Official will be the County Administrator or designee.

Director of Human Resources: Any performance appraisal resulting in an overall rating of 2.99 or below must be pre-approved through the Director of Human Resources. An overall rating of 2.99 or below eliminates the opportunity for a salary increase. An overall rating of 2.50 or below requires the completion of an Employee Improvement Plan (EIP) and could be grounds for dismissal. An appraisal submitted to the Director of Human Resources for this reason must

include all appropriate documentation/information to support the recommendation for such ratings.

Performance Appraisal System

All employees will be required to complete a self-appraisal which consists of a self-assessment, and self-rating of Charles County Government's values and performance. The values and performance are listed below:

Values

1. Communication
2. Innovation
3. Respect
4. Teamwork
5. Integrity
6. Initiative
7. Well-being

Performance

1. Organizational Skills
2. Job Knowledge
3. Workplace Safety and Security Skills and Knowledge
4. Professional Development and Learning
5. Human Resources Skills* (for supervisors)

Performance Levels

The Employee Performance Evaluation forms provide for marking any of the five (5) levels of performance for each Values and Performance listed on the form. Performance standards have been identified for each job skill and behavior. A point rating system of 1 to 5 will be used for evaluation of all factors.

Rating	Performance Level	Description
5	Outstanding	Performance far exceeded expectations due to exceptionally high quality of work performed in all essential areas of responsibility, resulting in an overall quality of work that was superior; and either 1) included the completion of a major goal or project, or 2) made an exceptional or unique contribution in support of division, department, or County objectives. This rating is achievable by any employee though given infrequently.
4	Exceeds Standard	Performance consistently exceeded expectations in all essential areas of responsibility, and the quality of work overall was excellent. Annual goals were met.
3	Meets Standard	Performance consistently met expectations in all essential areas of responsibility, at times possibly exceeding expectations, and the

Rating	Performance Level	Description
		quality of work overall was very good. The most critical annual goals were met.
2	Needs Improvement	Performance did not consistently meet expectations – performance failed to meet expectations in one or more essential areas of responsibility, and/or one or more of the most critical goals were not met. An Employee Improvement Plan to improve performance must be attached, including timelines, and monitored to measure progress.
1	Did Not Achieve Standard	Performance was consistently below expectations in most essential areas of responsibility, and/or reasonable progress toward critical goals was not made. Significant improvement is needed in one or more important areas. An Employee Improvement Plan to correct performance, including timelines, must be outlined and monitored to measure progress.

Overall Rating

The employee's Overall Rating is determined per the calculation in the program.

Performance appraisals are to be completed on the annual anniversary of the employee's employment date. The Overall Rating is used to determine if a salary increase is awarded. Salary increases will only be given to employees who receive a 3.0 or higher rating on the appraisal. Employees will be eligible to receive 3% of the midpoint of their assigned grade, on their anniversary date. An employee receiving an Overall Rating of 2.99 or below will be considered to have an unsatisfactory performance and may be subject to disciplinary action up to and including dismissal if improved performance is not achieved.

Performance levels of “Did Not Achieve Standard”, "Needs Improvement", "Meets Standard", "Exceeds Standards", and “Outstanding” will be most significant in describing the level of performance for each specific job skill or behavior criteria as opposed to the Overall Appraisal Rating.

Appraisal Meeting

Appraisers should schedule a time with an employee no later than the employee's anniversary date to discuss the completed and approved Performance Appraisal. Employees will complete a self-evaluation. Also, time should be taken at this meeting to begin establishing goals and expectations for the next review period and to schedule a follow-up meeting to finalize these items and begin a new appraisal.

Upon Completion

After the annual is completed, reviewed, approved and discussed with the employee, the appraisal is received by the Department of Human Resources. Copies may be printed for the Department and employee's personal records.

Performance Appraisal Appeals

Performance appraisals with an Overall Rating of 2.99 or below may be grieved, subject to the County's Grievance and Appeal Procedures (See Chapter 11)

Administration of the Program

The Department of Human Resources will be responsible for the overall administration of the employee performance evaluation program, and will advise and assist employees, appraisers and Department Directors to assure that the program is carried out consistently and in accordance with the provisions of this chapter.

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Chapter 9: PROBATIONARY PERIOD

Objective

All probationary employees may be terminated at any time during the probationary period without cause in the sole subjective discretion of the employer. All County employees serving a probationary period as a result of promotion may be terminated at any time during the probationary period. The probationary period is an integral part of the selection process and is used by the supervisor to appraise the employee's work performance and/or conduct in their new position. A supervisor may recommend dismissal at any time during the probationary period. An employee whose performance does not meet an acceptable level of competence, in the sole subjective discretion of the Department Director, will be disqualified from obtaining full-time status.

Applicability and Duration

1. **All New Employees:** Any person hired for a full-time position will serve a probationary period of a minimum of one (1) year. Employees who are promoted will serve a probationary period of a minimum of six (6) months. The requirement may also apply to employees who are transferred or demoted. The probationary period begins on the day an employee enters into the new position. If the position change is due to reclassification of the employee's own position in which a probationary period has been previously served, a new probationary period will not be required. If an employee is promoted during their initial probationary period, the employee must complete the initial probation period and the requirements of the promotional probationary period.
2. **Appointed Positions:** Generally, the probationary period will not apply to individuals appointed to a position which is not covered by the provisions of this manual. Any such probationary period will be subject to the terms of appointment.
3. **Full-Time Employees:** Full-time and Full-Time Reduced Hours (grandfathered) employees with unsatisfactory performance or as part of a disciplinary action, may be placed on a probationary period for up to one (1) year. Placement into a probationary employee status may be grieved, subject to the County's Grievance and Appeal Procedures (See Chapter 11).

Dismissal During a Probationary Period

At any time during the probationary period, a supervisor may recommend the removal of an employee if in the supervisor's opinion the employee's work, performance or conduct does not meet an acceptable level of competence or does not merit the employee's continuance in County service:

1. If the Department Director determines that a removal is warranted, the recommendation to terminate the employee will be submitted to the Director of Human Resources. Following approval by the Director of Human Resources, the employee will be provided notification of termination in writing and the effective date.
2. The decision to terminate the employment of a probationary employee is final and may not be appealed.

Extension of Probationary Period

An extension of up to three (3) months may be granted if the Department Director, after appropriately documented counseling with the employee, determines that additional time is needed to appraise the

employee's performance. Such recommendation will be submitted to the Director of Human Resources for approval. This recommendation will include the Department Director's justification for the extension and a proposed course of action to bring the employee's performance up to standards. If approved, the employee will be provided notification of the extension in writing. New employees who have their probation extended will not be eligible for an annual salary increase until they have successfully completed the probationary period. Upon successful completion of the probationary period, the manager will complete a performance evaluation. An employee may be eligible for a salary increase if the evaluation score is satisfactory. The effective date will be when both criteria are satisfied.

Completion of Probationary Period

At least two (2) weeks prior to the scheduled date of completion of an employee's probationary period, the Department Director will submit a completed performance appraisal form to the Director of Human Resources. Upon the recommendation of the Department Director, the Director of Human Resources will determine whether to continue the individual's employment.

Chapter 10: DISCIPLINARY ACTIONS

Introduction

All employees of the Charles County Government are expected to meet the standards set for high quality work performance and professional conduct. Whenever employees fail to abide by the County's policies, rules and procedures, measures must be taken to correct the situation and to curtail further occurrences. Disciplinary action, therefore, may be necessary on such occasions to ensure the efficient operation of County Government. Fair discipline for proper cause, which treats all employees consistently, is essential.

Disciplinary actions will be taken only after gathering all available facts. The supervisor will state the problem in writing and give the employee the opportunity to explain their performance or conduct either orally or in writing. If the employee's reply satisfactorily resolves the matter, the employee will be informed, and no further action is required. A written record will be made of the event and kept by the supervisor. If the problem has not been resolved, the supervisor will submit the documentation and proposed disciplinary action to the Department Director. The degree of discipline administered will depend on the severity of the offense and the circumstances under which it occurred. When considering disciplinary action, prior disciplinary actions for other offenses over the previous two (2) years may be considered. The County supports a progressive disciplinary policy; however, certain activities may not be appropriate for progressive disciplinary action.

Disciplinary measures may assume, but are not limited to, the following forms: written warning, disciplinary probation, suspension from work, demotion, and discharge.

All disciplinary actions imposed by a supervisor must be coordinated through the Department Director and the Director of Human Resources. A written copy of all disciplinary actions will be forwarded to the Department of Human Resources for the employee's personnel record.

The conveyance of any written material from the Department Director or supervisor to the employee which would constitute disciplinary action must be acknowledged by the employee. Notification of receipt does not constitute agreement with the alleged charges or the action indicated. Employees will receive a copy of any disciplinary action taken against them.

While handling personnel matters the Director of Human Resources may assume a supervisory role and authority to give direction and orders to employees.

Oral Counseling

Oral counseling is not a disciplinary action. It is intended, instead, as a mechanism to avoid future disciplinary actions by setting positive performance goals and objectives. The Department Director or supervisor may impose oral counseling, which is intended to serve as a warning to an employee to discontinue action or improve upon those conditions that necessitated the oral counseling. This warning should include an indication of possible future action should the condition not improve. The Department Director/Supervisor will keep a written record of this counseling.

Oral counseling may be imposed by the Department Director or supervisor for various actions including, but not limited to:

1. Failure or delay in carrying out duties, reasonable work assignments or instructions of the supervisor.
2. Insubordination.
3. Unexcused or excessive tardiness, unauthorized or excessive absences.
4. Loafing, wasting time, or inattention to duty.
5. Rudeness or mistreatment of citizens or other County employees.
6. Other acts, activities, omissions, conduct or performance, which impair the office's/agency's performance of its mission.

Written Warning

The Department Director will maintain a record of any written warnings together with relevant oral counseling, if applicable, and will submit copies of such action to the Department of Human Resources for inclusion in the employee's personnel record. Written warnings must, at a minimum, detail the offense, list the time and place of occurrence of the offense, and indicate possible future actions, if the offense continues.

Written warnings may be imposed by the Department Director or supervisor for various actions, including but not limited to:

1. Failure or delay in carrying out duties, reasonable work assignments or instructions of the supervisor.
2. Insubordination.
3. Careless performance resulting in spoilage or waste of materials or delay in production.
4. Unexcused or excessive tardiness; unauthorized or excessive absences.
5. Failure to observe safety or security precautions; or endangering the safety of others.
6. Loafing, wasting time, or inattention to duty.
7. Other acts, activities, omissions, conduct or performance which impair the office's/agency's performance of its mission.

Disciplinary Probation

An employee who is the subject of a disciplinary action, with the exception of termination, may be placed on probation for a period of up to one (1) year. The written form of the disciplinary action will indicate the length of the probation and the date upon which the employee's probation will end. The Department Director may recommend probation subject to the approval of the Director of Human Resources. The employee may grieve the disciplinary probationary status. During this disciplinary probation period, any additional infractions of policy or procedures may result in the immediate termination of the employee. An employee may not file a grievance for being terminated while on disciplinary probationary status.

Suspension

A suspension places the employee involuntarily in a non-duty, non-pay status. It is an extremely severe disciplinary action imposed by a Department Director only when a lesser penalty is inadequate. Where feasible under the circumstances, a Notice of Intended Disciplinary Action will be given to the employee, prior to a suspension, proposing to suspend without pay. It will be documented in writing, noting the nature of the offense, when the offense occurred and the proposed amount of time the employee is to be suspended. It entitles the employee to five (5) work days (from receipt of the notice) to respond. The employee will continue in a work status pending the final decision. If the intended disciplinary action is taken, the suspension will be documented in writing noting the amount of time for

which the employee will be suspended and the date and time the employee is to report back to work. The Department Director may impose a suspension subject to the approval of the Director of Human Resources.

Under certain conditions suspension may be taken by supervisors, with Department Director approval, orally to effect the immediate removal of an employee from duty status. In such cases, the oral notification will be confirmed by written notice as soon as practicable. Conditions include circumstances when continuation of an employee in duty status would adversely affect the health, welfare, and/or safety of other employees and County operations, or is deemed to be in the best interests of the County. When an employee is immediately suspended, the Department Director will give written notification to the Director of Human Resources within one (1) working day.

Actions warranting suspension include but are not limited to the following:

1. Disorderly conduct, fighting, or assault.
2. Being under the influence of illicit drugs or intoxicants, or unauthorized possession of illegal drugs or intoxicants.
3. Endangering the safety of personnel or causing injury to others.
4. Unauthorized possession of County property; malicious damage to County property.
5. Sexual or racial harassment or discrimination.
6. Failure to heed a written warning.
7. Other acts, activities, omissions, conduct or performance which impair the office's/agency's performance of its mission.

Generally, such suspensions cannot exceed a period of ten (10) working days, but can be up to thirty (30) days, pending investigation of cause for dismissal. Suspension dates will be scheduled by the department based upon their business needs. Suspended employees will be afforded the opportunity to listen to the charges, review the evidence, and to respond to them, prior to any loss of pay.

Copies of documents detailing the suspension must be submitted to the Department of Human Resources to be placed in the employee's personnel record.

Disciplinary Demotion

As part of the disciplinary process, an employee may be demoted from their current position into a lower graded position.

The Department Director may recommend a demotion, subject to the approval of the Director of Human Resources. Where feasible under the circumstances, a Notice of Intended Disciplinary Action will be given to the employee prior to a demotion. It will be documented in writing, noting the nature of the offense(s), when the offense(s) occurred and the job title and job description of the employee's new position.

Employees demoted for cause may be placed on probation for an amount of time specified at the time of the demotion.

Termination

An employee may be discharged by the Department Director, with the Director of Human Resources approval, as a result of the following actions including, but not limited to:

1. Willful falsification of employment application information or County government records or documents.
2. Endangering the safety of personnel or causing injury to others.
3. Reporting to duty or being on duty under the influence of illicit drugs or intoxicants or unauthorized possession of illegal drugs or intoxicants.
4. Non-performance of job duties.
5. Failure to heed repeated written warnings, or suspension.
6. Abandonment of the employee's position as described in 17-11.
7. Theft of County property.
8. Where the employee commits a series of acts which have clearly caused a continuing, disruptive effect on the efficient and/or safe operations of the employee's department, agency, office or government.
9. Where the employee commits an act or a series of acts which call into serious question the employee's trustworthiness and/or integrity in the continued performance of their duties.
10. Other acts, activities, omissions, conduct or performance which impair the office's/agency's performance of its mission.

Prior to termination, the employee will be afforded the opportunity to listen to the charges, review the evidence and to respond to them. Where feasible under the circumstances, a Notice of Intended Disciplinary Action proposing to terminate will be given to the employee prior to a termination. It will contain the nature of the offense and when the offense occurred. It allows the employee five (5) working days (from receipt of the notice) to respond to the proposed action stating why the proposed action should not be taken and responding to the alleged offenses. If the employee's response does not change the disciplinary action, the termination will be documented in writing noting the date of termination. Copies of documents detailing the discharge must be submitted to the Department of Human Resources to be placed in the employee's personnel file.

There are varying degrees of seriousness that pertain to performance and/or infractions of policies. There are certain instances where conduct and/or performance is of such a serious nature that immediate termination, without prior warning, may be the justified course of action. Without limiting the specificity of the following, conduct or performance on the job that constitutes acts of criminality, malfeasance, misfeasance, or nonfeasance may be grounds for disciplinary action up to and including immediate termination.

Appeal

Where noted, employees will have recourse to appeal the imposition of disciplinary action through the Charles County Grievance and Appeal Procedures (See Chapter 11). If an employee intends to appeal any disciplinary action, he/she must notify the Department of Human Resources in writing within ten (10) business days; failure to do so will result in a forfeit of the right to appeal.

Chapter 11: GRIEVANCE AND APPEAL PROCEDURES

Policy

In an employee-employer relationship, matters of concern and dissatisfaction to employees occasionally arise. Both employees and management officials have the responsibility to consider and dispose of such matters promptly, and to the greatest extent possible, at the lowest supervisory level. Normal day-to-day discussions between employees and supervisors regarding working conditions and related employment matters are the most constructive and expeditious means of developing and enhancing favorable and effective work relationships. An employee will be free to use the procedures presented here without restraint, interference, coercion, discrimination or reprisal, and each supervisor has the obligation to act promptly and fairly to resolve the concerns of an employee. An employee may discontinue the grievance process at any point in the process.

Grievance Coverage

Except as provided below under "Exclusions", this procedure covers any matter of concern or dissatisfaction of an employee relating to employment if the matter is subject to the control of the County Administrator.

Exclusions: There are certain instances when an employee cannot file a grievance. The following situations identify those instances that would not be considered as justifiable reasons for a grievance action:

1. Part-time, probationary, and appointed employees are not eligible to file a grievance.
2. Actions taken by the County Commissioners are not subject to grievance.
3. Non-disciplinary terminations are not subject to grievance.
4. Non-selection for promotion is not subject to grievance.
5. Oral counselings.
6. Performance appraisals with a rating of 3.0 or higher.
7. Position classifications.
8. Actions resulting from a reorganization, administrative transfer, or administrative demotion are not subject to grievance.

Informal Grievance Procedure

In the event a complaint or disagreement affecting an employee arises, the matter will first be submitted by the aggrieved employee to the immediate supervisor, next level supervisor if appropriate, and to the Department Director. An informal grievance must be presented in writing within ten (10) working days after the occurrence which lead to the grievance. The time limit may be extended by mutual agreement in writing between the supervisor and the employee to provide for unusual cases. If the grievance is not timely or consists of a matter not covered under the grievance system, the employee will be so advised.

The Department Director or supervisor will make whatever investigation is necessary and will give an answer in writing to the employee within ten (10) working days after receipt of informal grievance.

This written notice will include a summary of the facts presented and considered and the action proposed by the Department Director. It will further advise the employee of their right to pursue the matter under the formal grievance procedure if they so desire. A copy of this notification will be forwarded to the Director of Human Resources who will establish a separate file for use in a possible formal grievance.

Formal Grievance Procedure

Time Limit: If an employee has completed action under the informal grievance procedure and has informed the Department Director or supervisor that they are not satisfied with the action, they may request a hearing under the formal procedure within ten (10) working days of receipt of the findings of the informal procedures. Time limits may be extended in writing to allow for unusual cases.

Format: The grievance must be presented in writing to the Director of Human Resources. It must set forth the basis for the grievance, names of witnesses, and the corrective action desired. Matters not related to the grievance as originally presented may not be raised at a later date by either party.

Rejection: The Director of Human Resources will determine whether to accept, remand or reject in whole or in part any grievance presented. A grievance may be rejected if the aggrieved employee has not completed action under the informal grievance procedure, if the grievance is not presented within the ten (10) day time limit, or if it does not provide a clear statement of the issue and does not indicate the specific corrective action desired. The Director of Human Resources may remand the grievance to the grievant for clarification or additional information.

Grievance Review Board: The Grievance Review Board will meet within ten (10) working days after acceptance of the formal grievance by the Director of Human Resources, who will convene the Board. The Board will consist of the following:

1. The Chair (senior member) as designated by the County Administrator.
2. A Department or Division Head from other than the aggrieved employee's department.
3. A non-management employee from other than the aggrieved employee's department.
4. The County Attorney's Office may provide legal advice to the Board at the Board's request.

Formal Grievance Hearing Procedure

The Director of Human Resources will provide a copy of the grievance case file to each member of the Grievance Board, the Department Director and the grievant. When the Director of Human Resources has determined that the matter may be grieved, the Grievance Review Board will proceed as follows:

GUIDELINES AND PROCEDURE FOR FORMAL GRIEVANCE HEARING

All Grievance Board Hearings will be recorded.

The Board Chair may establish a reasonable time for the presentation of each party's case and require reasonable adherence to the set schedule. While there is no limit to the number of witnesses, both the employee and Management are encouraged to cooperate to ensure that only those witnesses necessary and applicable to the grievance are called to testify. The Board Chair has broad discretion as to admissible evidence and the formal rules of evidence shall not apply. However, evidence that is redundant, immaterial or irrelevant to the issues identified in the grievance may be excluded at the discretion of the Board Chair.

Anyone testifying before the Board will take an oath administered by the Chair of the Grievance Board. The oath is:

"Please raise your right hand. Do you swear or affirm, under the penalties of perjury, that the statements that you are about to make are the truth?"

Witness says, "I do."

Say: "Please state your full name for the record." (You may wish for the person to spell first and last name, provide address, title, etc.)

Procedures:

1. Employee opening statement. It is also permissible that the Employee's attorney makes an opening statement.
2. Employee testifies or calls witness(es) if necessary. The employee and each witness may be cross-examined by Management and/or the Board within the time limits established below.
 - 2.1 Testimony
 - 2.2 Management questions employee or witness(es)
 - 2.3 Board questions employee or witness(es)
3. Management testifies or calls witness(es) if necessary. Management and the witness may be cross-examined by Employee or his/her attorney and/or the Board within the time limits established below.
 - 3.1 Testimony
 - 3.2 Employee questions management or witness(es)

3.3 Board questions management or witness(es)

4. Closing remarks

Employee

Management

5. Board adjourns to review and discuss facts of the case.

Roles

Board Chair – The role of the Chair is to maintain order during the hearing and to determine the allotted time allowed for opening and closing statements and witness testimony. The Chair has the authority to allot breaks, or to call a temporary recess. The Board is provided a Grievance Board Attorney (GBA) during the hearing and will at times consult with the GBA for advice on the proceedings.

The Formal Grievance Board – The Board is vested with the power and authority to control the proceeding, including limiting of cumulative evidence and the removal of anyone who disrupts the proceedings. The Board has decision making authority over the proceedings and to determine the outcome of the appeal.

Grievance Board Attorney (GBA) – The role of the GBA is to provide advice to the Grievance Board. The Attorney may recommend to the Chair additional questions for any of the witnesses called.

Decision

Within ten (10) working days the Board prepares and submits to the Human Resources Department their findings which include the nature of the grievance, statement of facts and conclusion.

The Director of Human Resources will maintain a record of the proceedings and the findings of the Board. This record, with all attendant documents, will be preserved for not less than three (3) years in the Department of Human Resources records.

Appeal

In the event the action of the Grievance Review Board does not satisfy the employee, they may, within ten (10) working days, appeal the findings of the Grievance Review Board to the County Administrator. Such appeal will be made in writing to the County Administrator who will review the record of the case and, if the County Administrator's deems it to be necessary and appropriate, meet with the employee and hear any further evidence they may desire to present. The County Administrator will notify the employee in writing of his findings which will be final and binding.

Chapter 12: SEPARATION FROM SERVICE

Resignation

An employee wishing to resign in good standing will submit a dated and signed resignation letter to the Department Director at least two (2) weeks in advance, including the last day the employee is scheduled to work and reason for resignation. With the consent of the Department Director, and at the employee's request, this two-week period may be reduced or eliminated. Failure to comply with this requirement will be entered on the personnel record of the employee and may be cause for denying future employment by the County. The Department Director will acknowledge by signing and then immediately forward the original letter of resignation to the Department of Human Resources. The employee and the immediate supervisor are required to follow exiting procedures managed by the Department of Human Resources. These procedures will include the collection of all County assets by the department, completion of all necessary paperwork, and the scheduling of an exit interview.

Employees who resign and are re-hired within thirty (30) days after their resignation date, will have their previous service date and unpaid leave accrual balances reinstated.

Disciplinary Termination

Disciplinary separations are the involuntary separation of an employee for reasons related to performance or unsatisfactory conduct. Disciplinary separations may or may not be subject to appeal as outlined in Chapter 11 Grievance and Appeal Procedures. Employees separated from service for disciplinary reason(s) are not eligible for rehire without the approval of Human Resources and the County Administrator.

Non-Disciplinary Termination

Non-disciplinary termination is the involuntary separation of an employee for such reasons as a reduction in force, expiration of a temporary assignment, completion of a project or inability to perform assigned duties. The reason for terminating an employee will be set forth on the Termination Notice. Non-disciplinary terminations are not subject to the Grievance and Appeals process.

Reduction in Force

Whenever an individual position is to be abolished because of lack of work, lack of funds, elimination of grant funds, or reorganization, the Department Director will notify the Director of Human Resources in writing of the affected position title and grade together with the reason for the abolishment of the position. The Director of Human Resources will forward to the County Administrator for approval.

The following procedures establish the method by which Charles County will make necessary departmental reductions in the workforce as determined by the County Commissioners. In utilizing these procedures, the County is committed to a process which:

1. Is respectful, orderly, and sensitive to employees' dedicated service to Charles County Government;
2. Maintains essential services to County residents; and
3. Ensures a transition which will cause as little disruption as possible to all concerned.

In order to prevent disruption of the workplace and dispel rumors, every effort will be made to inform employees when it is known that reductions will occur, and to keep them informed regarding the status of reduction in force decisions.

Reduction in Force Procedures

1. The County Administrator will notify Department Director(s) when the County Commissioners have determined that a department is to be reduced.
2. Department Directors will determine which positions must be retained, could be consolidated or modified, or may have to be eliminated entirely. Department Directors will be required to indicate, in writing, the justification and programmatic impact which will result from the elimination of positions, ranking them in priority order.
3. The County Administrator will review the list of affected titles and number of positions for each department, adjusting as necessary, and prepare a final recommendation to the County Commissioners.
4. The County Commissioners will review the County Administrator's recommendations and approve the final reduction in force. The County Commissioners will also review and approve specific reduction in force procedures, including the formation of any retention rosters and recall lists. The County Commissioners' review and approval of reduction in force procedures will not include any information that identifies specific individuals.
5. Generally, the order of layoffs will be as follows:
 - a. All part-time employees in the affected classification will be terminated.
 - b. Full-time reduced hours employees in the affected classification will be terminated.
 - c. Employees in the affected classification who have not completed their initial probationary period will be laid off prior to a full-time employee in that classification being laid off.

When further layoffs in the classification are necessary, the retention roster established for the affected classification in the department sets the order for layoffs.

The decision of the County Commissioners to reduce the government's workforce is final and binding and is not subject to the Grievance and Appeal Procedures in this Manual. However, the following will be available to affected employees.

Notification

Persons selected for reduction in force will be given at least 30 calendar days notice of the proposed termination. The notice must state the reasons for the reduction and the effective date.

The Director of Human Resources and the Department Director will meet in individual sessions with each affected employee to provide a notification letter together with a description of severance benefits, out placement services, and recall information and procedures.

Administrative Hearing

Any employee who believes they have been denied the benefit of these procedures or believes that the job related action is not consistent with the County's Personnel Policy and Procedures Manual will have the opportunity for an administrative hearing. Employees must file a written request for an administrative hearing with the Director of Human Resources within ten (10) working days of receipt of a reduction in force notice. A panel comprised of the County Administrator or designee, the employee's Department Director, and the Director of Human Resources will conduct a hearing within ten (10) working days following submission of the request. Additional time may be granted by mutual written consent of the parties. The decision of the panel is final.

Severance Benefits

1. Payment of accrued annual leave, unused floating holidays, and compensatory leave in accordance with personnel policies.
2. Continuation of medical benefits at employee's expense in accordance with COBRA.
3. A minimum of thirty (30) calendar day notification period as non-working administrative leave with pay to allow employees full opportunity to seek new employment.
4. The Department of Human Resources staff will provide guidance to affected employees regarding available resources to assist in the transition.

Recall Procedures

Employees will be eligible for recall if a position for which they are qualified becomes available within one (1) year of their lay-off:

1. Employees must maintain contact with the Department of Human Resources to ensure current records of mailing addresses and phone numbers to remain eligible for recall.
2. Employees who are subject to a reduction in force will be placed on a recall list for their position title until a recall notice is issued or for a one (1) year period, whichever comes first.
3. When a position becomes available for re-staffing, the next person on the recall list for that position title will be sent a recall notice by certified mail. Employees must accept or decline the position within ten (10) days of receipt of the recall notice, and report to work within 30 days of receipt of the recall notice or forfeit all further recall and employment rights. Once a recall notice is issued, whether accepted or refused, the employee will be removed from the recall list.
4. Individuals recalled to the same position they formerly held will be reinstated to regular employment status and not serve a probationary period. Reinstatement will be at the former rate of pay and without loss of previously accrued seniority. Seniority will not accrue while an employee is in layoff status.

5. Individuals recalled to a position title other than that which they previously held, will be required to satisfactorily complete a new probationary period. Reinstatement will be at the rate consistent for the grade to which they return. Previously accrued seniority will be reinstated. Seniority will not accrue while an employee is in layoff status.

Furlough

Furlough is a temporary unpaid lay-off from work because of lack of work or lack of funds. When it is determined in the best interest of the County to furlough employees, the Department Director will identify the positions to be affected and notify the County Administrator and the Director of Human Resources. Selection procedures will be the same as in the case of a reduction in force, including recall dates as appropriate.

Disability

A Department Director may recommend and/or the Director of Human Resources may approve requiring an independent medical evaluation or other professional inquiries that are job related and consistent with business necessity when an employee is having difficulty performing a job effectively, is injured on the job, or is returning to the job after an injury or illness. The County retains the right to accept the medical opinion of the employee's doctor or that of the independent medical evaluation.

If it is determined that the employee cannot perform the essential functions of the job currently held, with or without reasonable accommodation, or that the employee poses a significant risk of substantial harm to the health and safety of the employee or to others that cannot be reduced or eliminated by reasonable accommodation, the following action will be taken:

1. The Director of Human Resources will determine whether it is possible to provide a reasonable accommodation within the workplace which will allow the employee to perform the essential functions of the position. If the provisions of such an accommodation is determined to be reasonable, then the Director of Human Resources will coordinate the implementation of the determination with the Department Director.
2. If it is determined that no reasonable accommodation may be implemented by which the employee can continue to perform the essential functions of their current position, then the Director of Human Resources will attempt to place the employee in a vacant position in the same or lower grade for which the employee is qualified and able to perform the essential functions of the job. If this placement results in a change to a lower grade and the employee's salary exceeds the maximum of the new grade, the salary will remain; however, the employee will be eligible only for annual cost-of-living salary increases and longevity awards, but not within grade salary increases.
3. If a placement cannot be accomplished successfully, steps will be taken to separate the employee from County service through retirement. If the employee is not eligible for retirement, their employment will be terminated for non-disciplinary reasons.

Chapter 13: SECONDARY EMPLOYMENT & VOLUNTEERISM

Policy

Secondary employment or volunteer work is not allowed when it may conflict with availability for assigned work or impairs an employee's performance. Secondary employment or volunteering are not permitted when there is a real, potential, or perceived conflict of interest between the employee's work with the County and outside work activities.

Procedure

An employee who wishes to accept outside work assignments in any paid full-time, part-time or free-lance capacity must annually submit a Secondary Employment Request Form for review and approval through the Department Director to the County Administrator including the employer's name, a description of proposed work activities and the anticipated work schedule. Approved records of outside employment will be maintained in the employee's personnel files.

The County Administrator may approve, approve with conditions, or deny the request. Such requests may be referred by the County Administrator or the employee to the Charles County Ethics Commission for review, as prescribed by the County Code of Ethics (Chapter 170, Charles County Code), to ensure that a violation of the Code will not arise.

Full-time employees may freely and solely at their own option work in another position of part-time capacity for the Charles County Government on an occasional and sporadic basis so long as the part-time employment is in a different capacity as the employee's primary job. Occasional or sporadic means infrequent, irregular, or occurring in scattered instances. In these instances, the total hours worked will not be combined to determine any overtime compensation due on the regular, primary job. Requests from full-time employees to work in another position of employment with the Charles County Government will be considered secondary employment and will follow this policy. If there is a question or concern regarding what is considered either "occasional or sporadic" or a "different capacity," those questions may be referred to the Director of Human Resources for a final determination.

Exception: Where the County, in its sole and absolute discretion, determines that an emergency situation or critical need exists, it will allow employees to fill another County position in a part-time capacity. The County Administrator will be responsible for making such a determination. In these instances, employees who work part-time in a capacity which is different from their full-time position will be paid overtime at a rate not less than one and one-half times the hourly non-overtime rate established for the type of work he/she is performing during the overtime hours. Employees who work part-time in a capacity which is similar to their full-time duties will be paid overtime at a rate not less than one and one-half times the hourly rate established for their full-time position.

Full-time employment with Charles County Government shall be the employee's primary employment. An employee may not work secondary employment without written approval while on sick leave, leave without pay, leave of absence, or while out on Family Medical Leave. The employee will submit a written request through the Department Director seeking the County Administrator's approval.

Volunteerism

The County recognizes the generosity and benefits of volunteering for both the employee and the community. As such, the County encourages such activity. However, employees should be aware of

the County's Ethics Law, as set forth in Chapter 170 of the County Code, which may, under certain circumstances, prohibit or limit the service of some volunteer activities. Employees are encouraged to be mindful about creating a real, or perceived conflict of interest. Employees with questions regarding a conflict of interest are encouraged to contact the County Attorney's Office.

Employees may freely and solely at their own option, take advantage of volunteer activities within County government. Notwithstanding the above, an employee may not volunteer to provide the same services, within County government, for which the individual is employed.

Chapter 14: OVERTIME POLICY

General

Department Directors will avoid unnecessary expenditures of premium pay for foreseeable peak workloads by judicious use of part-time employees, by establishing appropriate working hours or work week schedules (See Chapter 26), by developing annual work schedules and calendars to accommodate unique situations, and by exercising control, where feasible, over workload peaks and lows. Cost effectiveness is an inherent responsibility of the Department Directors which cannot be neglected or delegated, and is a significant criterion of performance. Overtime work will be distributed equitably, commensurate with competence to perform the work required.

Employees may be required to work overtime hours as necessitated by work related conditions. If at all possible, reasonable notice of overtime requirements will be provided to the employee. In unforeseen emergency situations, employees may be required to work overtime with little or no notice (see below).

Employees in non-exempt positions are not expected to, or permitted to, do any work of any type including but not limited to, reading, writing, checking County e-mail, checking County voice mail, returning County phone calls, or other County business related electronic communications outside of regular business hours, without prior approval from their supervisor. Employees in non-exempt positions must record on their timesheets all time spent conducting County business outside of regular business hours including all electronic communications. Employees failing to follow these requirements may be subject to disciplinary action, up to and including termination of employment.

Policy

It is policy of Charles County to comply with the Federal Fair Labor Standards Act of 1938 as amended effective June 30, 2016. A current listing of exempt and non-exempt positions will be available in the Department of Human Resources.

Non-Exempt Positions

Hours which have not been designated as emergency work and are worked by employees staffing non-exempt positions up to forty (40) hours in a seven (7) day work week, will be compensated at a regular rate of one (1) times the employee's regular rate of pay, or may be compensated by the accrual of compensatory leave at an hour for hour accrual rate (for emergency work see below).

Overtime worked by employees staffing non-exempt positions in excess of forty (40) hours in a seven (7) day work week must be compensated at a premium rate of at least one and one-half times the employee's regular rate of pay or may be compensated by the accrual of compensatory leave at a time and one-half rate through agreement of employment (See Chapter 17). The regular rate of pay includes shift differential, on-call premiums and other similar bonuses.

According to the Fair Labor Standards Act (FLSA), whenever a non-exempt employee works over 40 hours in a workweek, the employee must be paid for the first 40 hours worked in cash. Non-exempt employees may be paid in cash or compensatory time at the overtime rate for time worked above 40 hours. A non-exempt employee who works in excess of their regular schedule (e.g., 30 – 39 hours up to 40 hours in a workweek) must be compensated in either of the following ways:

- Compensatory time equal to the number of hours worked over their regular schedule up to 40 hours in the workweek (provided that the actual hours worked do not exceed 40 hours in the workweek), or
- Cash payment at their regular hourly rate for time worked in excess of their regular schedule up to 40 hours in the workweek.

When calculating overtime, hours charged to annual, sick and other paid leave are not included in the overtime calculation.

Exempt

Certain Executive, Administrative, Professional and Recreational employees are exempt from mandatory overtime compensation. Employees staffing exempt positions may be eligible to accrue compensatory leave at an hour for hour rate for overtime worked, in accordance with the County's Compensatory Leave policy. (See Chapter 17)

Employees staffing positions in grades 17 through 20 are not eligible to earn compensatory leave under any circumstances. However, as a result of an emergency situation, Department Directors may authorize paid administrative leave when appropriate.

Emergency Hours

Employees may be required to work additional hours in response to emergency situations. Department Directors are charged with responsibility for determining what personnel are needed to respond to the emergency. Those employees who are required to work due to the nature of the emergency and type of services required for hours that are not immediately preceding or following the regular schedule will earn a minimum of two (2) hours of compensation.

Emergency status will not apply to essential service personnel who are regularly scheduled in advance, nor to emergencies which arise during the course of the schedule.

When County employees are required to work in response to an emergency, they will be compensated with emergency pay as follows:

1. *Non-Exempt:* Employees staffing non-exempt positions will be eligible to receive time and one-half payment or an equivalent accrual of compensatory leave for hours actually worked in response to the emergency, when they are called in or required to work during scheduled "off" hours.
2. *Exempt:* Employees staffing exempt positions in grades 16 or below will be eligible to receive additional regular pay or accrue an equivalent hour for hour amount compensation time for hours actually worked in response to an emergency, which are outside of the employee's regular schedule. Department Directors may approve the payment of additional regular pay per their departmental budget, County funding or emergency response authorization.

Employees staffing positions in grades 17 through 20 are not eligible for compensatory leave accrual.

Authority

1. If approved in the departmental budget, County funding or emergency response authorization, Department Director may authorize the payment of emergency pay or overtime for non-exempt employees. Pay for overtime worked will be approved in units of not less than fifteen (15) minutes.
2. If approved in the departmental budget, County funding or emergency response authorization, Department Director may authorize the payment of additional regular pay for exempt employees in grades 16 and below and in support of an emergency.
3. Authorization to work which results in the payment of overtime or emergency pay must be given in advance and must subsequently be recorded on the employee's time sheet. The record must present justification and whether unforeseen emergency work was required. Department Directors may prescribe in writing conditions where subsequent approval may be granted. Unauthorized overtime work is prohibited and may be cause for disciplinary action.

Reporting and Record Keeping

Work schedules, time sheets and earning records must be retained for a period of three (3) years after an employee terminates employment or longer if required by federal, state or other regulation.

These records will be maintained on authorized time keeping and leave record forms which are:

1. *Time Card*: Non-exempt employees who have access to a time clock record the hours they work each day on a time card. Premiums earned during the week such as overtime, shift differential, on-call premiums, or emergency pay must be noted and justification provided on the card.

These records must be maintained in the Department.

2. *Time Sheet*: Non-exempt employees who do not have access to a time clock and exempt employees who are eligible to earn compensatory leave time record the hours they work each day on a time sheet. Premiums earned during the week such as overtime, shift differential, on-call premiums, emergency pay, or additional regular compensation for non-exempt and exempt employees must be noted and justification provided on the sheet. Approval and authorization for additional regular compensation for exempt employees must be in writing and retained with the appropriate time sheet(s).

These records must be maintained in the Department.

3. *Payroll Hours Entry*: The time keeper in each department inputs the data into the County's automated payroll system as defined by the Department of Fiscal and Administrative Services. It is the responsibility of the Department Director or their designee to verify the accuracy of the record and approve for payment.

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Chapter 15: SHIFT DIFFERENTIAL PAY

Shift differential applies to County Departments that are required to operate on a 24 hour basis because of the nature of the services they provide. Employees who are regularly scheduled to work a shift which begins between the hours of 12:00 noon and 12:00 midnight will be eligible to receive a shift differential for each hour actually worked on the shift.

Funding for shift differentials will be as provided through the annual budgeting process and payment of shift differentials will be approved by the Department Director in accordance with the following requirements:

1. For employees staffing non-exempt positions, shift differential payments will be included in figuring the employee's overtime rate in accordance with the County's Overtime Policy (See Chapter 14). The overtime rate will be one and one-half times the regular rate plus the shift differential.
2. Shift differentials will be paid only to those employees who are scheduled to begin work between the hours of 12:00 noon and 12:00 midnight.
3. On-call duty is not considered a scheduled shift of work. (See Chapter 16)
4. Shift differentials will be paid only for hours actually worked and are not added to sick pay, holiday pay, vacation pay or any other pay for which work is not actually performed.
5. Hours worked as a continuation of shift beyond its normal hours are overtime for that shift, not hours in the next shift, and therefore, do not qualify for payment of shift differential.
6. Hours worked in response to emergency calls are not eligible for payment of shift differentials.

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Chapter 16: ON-CALL PREMIUM PAY

Certain County Departments such as Emergency Services, and Public Works, are required to provide 24-hour coverage to respond to emergency situations should they arise. Employees who are scheduled to be on-call for emergency work will be eligible to receive on-call premium pay for each eight-hour period during which the employee is assigned to be on-call. Employees who are assigned to be on-call are not confined to their homes and may come and go as desired, but they must leave word as to where and how they may be reached. On-call employees must be able to respond to an emergency situation in a timely manner, as defined by the department.

Funding for on-call premiums will be arranged through the annual budgeting process and payment of on-call premiums will be approved by the Department Director in accordance with the following requirements:

1. Employees staffing positions classified in grades 17 through 20 will not be eligible for on-call premiums.
2. For employees staffing non-exempt positions, on-call premiums will be included in figuring the employee's overtime rate in accordance with the County's Overtime Policy. (See Chapter 14)
3. On-call status must be scheduled in advance on the authority of the Department Director.
4. Employees who are scheduled to be on-call must be available to timely respond to a request for assistance either by telephone or by a paging device.
5. On-call premiums will be approved for payment only for those eight-hour periods an employee is both scheduled and available for the on-call assignment.
6. Employees who are called and report to work will receive remuneration for the hours worked in accordance with the County's Overtime Policy. (See Chapter 14)

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Chapter 17: LEAVE

Leave Policy and Administration

Leave is authorized absence during regularly scheduled work hours that is pre-approved by proper authority. Employee leave requests may be authorized with or without pay in accordance with the provisions of this chapter, and the work requirements of the County.

Each Department Director and/or supervisor will be responsible for the attendance of all persons under their supervision and will approve or disapprove all leave requests for all departmental employees. Leave will be approved in units of not less than fifteen minute periods.

Leave must be requested in advance based on departmental requirements and schedules.

Unless authorized, no leave will be granted for the purpose of permitting employment with another employer.

Leave Request: The leave request is completed to use accrued paid leaves (i.e. sick, annual or compensatory), administrative leave or leave without pay.

It is completed by the employee and approved by the supervisor within delegated authority, or by Department Director or County Administrator as required.

Individual Employee Leave Record: Unless tracked and centralized through the County's automated payroll system, the leave record is recorded by the designated time keeper in each department or work area and is kept by year for each employee.

It is the responsibility of the Department Director or their designee to verify and approve the accuracy of this record.

Holidays

Full-time employees will be eligible for leave with full pay, or other equivalent compensation, for the holidays listed below, in accordance with the terms of this policy. Employees will receive holiday pay for the number of hours they would normally be scheduled to work that day. Employees must be actively at work or on approved paid leave status on the normally scheduled workday immediately preceding and immediately following the holiday in order to receive pay for the holiday.

Full-time employees who are scheduled to work on a holiday due to departmental operating schedules or unexpected emergencies will receive compensation in accordance with the County's overtime policy, in addition to the holiday compensation. In the event an employee is scheduled to work on a holiday and is absent without leave, holiday compensation will be forfeited.

When a department is open on the holiday, and departmental operations require that an employee's normally scheduled day off coincides with a holiday, that employee will receive an equivalent amount of compensatory time.

If a holiday falls on a Saturday, that holiday will be observed on the Friday immediately preceding. If a holiday falls on a Sunday, that holiday will be observed on the Monday next following, unless otherwise designated.

New Year's Day	January 1
Dr. Martin Luther King, Jr.'s Birthday	Third Monday in January
Lincoln's Birthday*	February 12
Washington's Birthday	Third Monday in February
Maryland Day*	March 25
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25
General Election Day	First Tuesday after the Monday in November (every two years)

*Lincoln's Birthday and Maryland Day are observed as floating holidays. County offices and operations will be open on these days. Employees who wish to use leave on the floating holiday should submit a leave slip for prior approval by their supervisor. Employees are not required to use holiday leave on the floating holidays, but they must be taken within the calendar year in which they are accrued and they must be taken in whole days, not hours. Employees who work on these days may observe them at some other time during the calendar year as authorized by the supervisor. Department holiday schedules which vary from the above must be separately approved by the County Administrator in advance of implementation.

An employee leaving County service will receive a lump sum payment at the current rate of pay for any unused accumulated floating holidays provided that each lump sum payment will be offset by any amount by which the employee is indebted to the County government. In no event will floating holidays be used to extend the employment period beyond the last day worked.

Personal Days

All eligible County employees will receive one personal day per calendar year. Personal days must be taken within the calendar year in which they accrue and must be taken in whole days. They cannot be accrued from year to year. Personal days must be approved in advance by the supervisor in accordance with priorities and schedules. No payment will be made for an unused personal day when an employee leaves County service.

Annual Leave

Employees will be eligible to accrue and use annual leave in accordance with the provisions of this policy. Requests for use of annual leave will be considered by the supervisor in accordance with work priorities and schedules. Employees must receive the prior approval of their supervisor before using annual leave. Leave will be credited at the end of the first two pay periods of each month and may be used when earned. If there are three pay periods in the month, leave is still credited at the end of the second pay period. Leave accruals for full-time employees who are scheduled for less than a full schedule will be prorated according to the number of hours normally scheduled.

Annual leave will be accrued on the basis of years of full-time service as shown below:

Total Years of Service	Hours Accrued Per Pay Period	Hours Accrued Per Month	Hours Accrued Per Year
0-3	4	8	96
4-9	5	10	120
10-14	6	12	144
Over 14	7	14	168

Full-time employees may carry over a maximum of 60 days of annual leave (based upon their normal hours per pay period) into the new calendar year. Annual leave in excess of 60 days that is not used will be converted to sick leave for the new calendar year.

An employee leaving County service will receive a lump sum payment at the current rate of pay for any unused accumulated annual leave up to 45 days provided that each lump sum payment will be offset by any amount by which the employee is indebted to the County government. Annual leave will not be used to extend the employment period beyond the last day physically worked, unless approved by the County Administrator.

Upon budgeted funding or Commissioner approval, the County will allow employees in the month of December to sell back to the County up to five (5) days of annual leave. Eligible employees will be required to have a minimum of one hundred thirty (130) hours of accrued annual leave.

Sick Leave

Sick leave is an extremely valuable employee privilege which may be used to receive normal pay when an employee is incapacitated by sickness or injury or must visit a doctor or dentist for medical diagnosis or treatment, or for the necessary medical care and attendance of an employee's spouse, child, or parent (see page 18-1 for definition of spouse, child, or parent). It should be conserved and used only when necessary for these occasions. The employee will notify their supervisor of illness prior to scheduled time to report for work. Excessive use of sick leave can result in disciplinary action.

All full-time employees will be eligible to accrue and use sick leave in accordance with the provisions of this policy. Leave will be credited at the end of each pay period, unless it's the third pay period in the month and may be used after it is earned. Leave accruals for full-time employees who are scheduled for less than a full schedule will be prorated according to the number of hours normally scheduled.

Sick leave will accrue at the rate of 7.5 hours per month for 75 hours per pay period schedules (or 8.0 hours per month for eighty (80) hour per pay period schedules) for a total of twelve (12) days per year.

Employees hired by Charles County Government may receive credit for up to four hundred (400) hours of accrued, but unpaid, sick leave from their previous employer when they begin employment with Charles County Government. Sick leave rolled into a retirement plan is not eligible for transfer. The credit will be applied for the employee on the employee's personnel records of Charles County Government if the employee provides official documentation and verification, acceptable to the

Department of Human Resources, of the accrued sick leave within sixty (60) days of the employee's first day of employment.

All accrued sick leave may be carried forward into a new calendar year.

No payment will be made for unused sick leave when an employee leaves County service. However, at the time of retirement, accrued unused sick leave may be applied toward an employee's credited years of service. Employees should review their pension's Summary Plan Document (SPD) for additional details.

When an employee is retiring and has achieved the relevant maximum pension benefit (expressed as a percentage of final average earnings) without applying any unused sick leave, the employee may receive a lump-sum payment of accrued sick leave according to the following formula:

1. Employees who have accrued at least five hundred (500), but less than one thousand (1000) hours of sick leave may receive a lump-sum payment equivalent to one hundred (100) hours at the employee's rate of pay at the time of retirement.
2. Employees who have accrued at least one thousand (1,000) hours of sick leave may receive a lump-sum payment equivalent to two hundred (200) hours at the employee's rate of pay at the time of retirement.

Lump-sum payments of sick leave upon retirement may be modified if necessary to conform to the requirements of the federal or state tax laws or the requirements of the County's retirement plans.

Department Directors may request that leave for absences of more than three (3) consecutive working days or beyond six (6) days in a calendar year be accompanied by a Duty Status Form. In addition, a supervisor may require that an employee provide a Duty Status Form for lesser periods of absence when the circumstances warrant such action. Such circumstances may include, but are not limited to, frequent absences in excess of three (3) days per month, or recurring absences preceding or following weekends and holidays.

For employees working shift work, the Department Director may request that leave for absences of more than two (2) consecutive shifts or beyond two (2) twenty-four hour shifts in a month be accompanied by a Duty Status Form. A supervisor may require that an employee provide a Duty Status Form for lesser periods of absence when the circumstances warrant such action. Such circumstances may include, but are not limited to, frequent absences in excess of two (2) shifts per month, or recurring absences preceding or following weekends and holidays.

Any employee of Charles County Government who is required to submit a physician's note or Duty Status Form of excused absence from work and fails to do so will be considered on unexcused leave without pay and will not be paid compensation for their time missed from work.

Sick and Safe Leave

The Maryland Healthy Working Families Act provides employees with Sick and Safe Leave to care for:

The employee's illness or injury;

The employee's family member's illness or injury;
Absences due to domestic violence issues pertaining to the employee or family members

Sick and Safe Leave works as a subset of the sick leave policy, although employees are permitted to use other leave types. The maximum amount of Sick and Safe Leave an employee may use in a calendar year is 64 hours.

Additional information regarding Sick and Safe Leave is available in the Sick and Safe Leave Standard Operating Procedure.

Employee Leave Donation Program

Purpose: To establish a program whereby a County employee may transfer accrued leave (annual, sick or compensatory) directly to another County employee who has exhausted all their accrued annual, sick and all other leave and is facing an absence of three (3) or more days without pay, brought about by the employee's illness, injury or disability. Leave donations may be used to return from an extended absence on a reduced hour basis pending Department Director approval of the schedule or follow-up medical care within ninety (90) days of initially using donated leave. Leave donations may also be used for the necessary medical care and attendance of an employee's spouse, child or parent (see page 18-1 for definition of spouse, child or parent).

Guidelines: All County employees working in departments covered by this manual.

Administration: The Employee Leave Donation Program will be administered by each department's time keeper.

The requesting employee's department will request donations from their department(s) first. If the requesting employee does not receive adequate donations from their department, then the request will be sent to all County employees by that department's time keeper.

The requesting employee's department will be responsible for notifying the Department of Human Resources, who will notify the Payroll Department, when an employee has exhausted all leave for the purpose of being placed on leave without pay.

An employee is not eligible to receive leave donations for absences that are covered by workers' compensation due to a work related injury or illness.

Donations: All leave donations are voluntary and will be made directly to the requesting employee. The department's time keeper will record leave as received. Any excess leave donations will be returned to the donor.

No current or departing employees may donate more than one-half of their accrued annual, sick or compensatory time to the requesting employee.

Procedures

Requesting Employee: A request for leave donations must be submitted in writing on the Request for Leave Donation Form by the employee or by a representative acting on behalf of the employee. The request will be directed to the Director of Human Resources for approval.

All requests must be accompanied by:

1. Physician's Statement which indicates the nature of the illness, injury or disability and the period of time the employee will be unable to work.
2. The employee's leave record verifying that all available annual, sick leave, and compensatory time has been or will be exhausted.

Donor Employee: Employee donating leave will:

1. Complete a Leave Request Form
 - a. designate type of leave to be transferred
 - b. under "Other - explain" indicate "Donation" and recipient's name
2. Forward form to supervisor for approval.

Donor's Department: A request for leave transfer will be processed in the same manner as a request for annual leave.

1. Requests will be approved after verification that the donor has sufficient leave to support the donation.
2. Appropriate deduction will be made to donor's leave record.
3. A copy of the approved Leave Request Form will be forwarded to the Department requesting the leave and credited to the requesting employee's leave record.

Overtime Pay and Compensatory Leave Policy

All employees staffing positions in Grades 16 or below will be eligible to accrue compensatory leave (or overtime pay for non-exempt employees or eligible emergency work) up to the budgeted amount for work performed in excess of the normal work week. Department Directors will make every effort to schedule work in conjunction with operational demands throughout the calendar year so as to minimize the accrual of compensatory leave.

Authorization: Authorization to work overtime and accrue compensatory leave must be given in advance by the supervisor after an agreement or understanding, in writing, is reached between the Department Director or supervisor and the employee. Acceptance of an offer of employment covered by this manual will constitute an agreement or understanding between the Department Director and the employee. A record of the agreement will be kept and all overtime worked will be recorded on the time sheet. (See Chapter 14)

Accrual:

1. Exempt Employees: Employees staffing positions classified in Grades 17 through 20 will not be eligible to earn compensatory leave or overtime pay. All other exempt employees will accrue compensatory leave for hours worked beyond the normal work schedule at the rate of one hour compensatory leave for every one hour of overtime worked.

2. Non-Exempt Employees: Compensatory leave or overtime pay for hours worked which have not been designated as emergency work and are less than 40 hours in a standard seven day work week, will be accrued at the rate of one hour of leave for every one hour of overtime worked. (See Chapter 14)

Compensatory leave in lieu of cash payment for overtime worked in excess of 40 hours during a standard seven day work week, will be accrued at the rate of one and one-half hours of leave for each hour of overtime worked.

Maximum Accrual and Payment: Exempt employees in grades 16 or below will not accrue compensatory leave beyond two hundred forty (240) hours. Exempt employees may carry forward a maximum of sixty (60) hours of unused compensatory leave from June 30 to July 1 of each fiscal year. If an employee has unused compensatory time above 60 hours, but below 100 hours, it will be converted to sick leave. Any compensatory time over 100 hours will be lost. No payment of compensatory leave accruals will be made to exempt employees upon separation from employment.

Non-exempt employees will be permitted to use compensatory leave within a reasonable period after making the request, if such use does not unduly disrupt the operation of the department. Non-exempt employees may accrue up to 240 hours of compensatory leave time. Hours worked beyond this limit will be compensated in cash.

Non-exempt employees who have compensatory leave accrued at the time of separation from County employment will be compensated in a lump sum for the balance at their regular rate. Compensatory leave may not be used to extend the employment period beyond the last day worked.

Non-exempt employees who have compensatory leave accrued at the time of promotion, transfer or reclassification to an exempt position will be compensated in a lump sum for the balance at the regular rate of pay in effect for their non-exempt position.

Record Keeping: Records must be kept of the number of hours of compensatory leave accrued each work week by each employee and the number of hours of compensatory leave used each work week by each employee. These records are entered on the approved time card or time sheet and the Individual Employee Leave Record.

Bereavement Leave

Permission for leave necessitated by death of an eligible immediate family member of an employee may be granted by the Department Director or supervisor. Eligible immediate family members are defined as: spouse, child, step-child, adopted child, parent, step-parent, sibling, grandchild, grandparent, great-grandparent, parent-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law. Bereavement leave will not be deducted from any other leave earned by the employee. The number of days needed may vary with circumstances, however, no more than five (5) bereavement leave days are available for each occurrence. Additional time may be made available to the employee through use of accrued annual or compensatory leave.

Military Leave

1. Any full-time employee who leaves the service of the County to join the military forces of the United States during the time of war or other national emergency will be placed on military leave. Such an employee will be entitled to be restored to the vacated position, or a similar

position for which the individual is qualified, provided application for employment is submitted within ninety (90) days of the date of honorable discharge, and the individual is physically and mentally capable of performing the work.

2. Any full-time employee who is a member of the United States Military Reserve or National Guard Unit and has received military orders to engage in annual training exercises will be granted military leave.

It is the County's intent to ensure that employees suffer no loss of normal pay when fulfilling military obligations. Therefore, employees not requesting usage of earned vacation leave, will be paid the difference between the employee's military pay and allotments and the employee's base pay for the same period when the annualized military pay rate is lower than the annualized County pay rate for up to two (2) weeks per year. When the annualized military pay rate is higher than the annualized County pay rate, the employee may keep the military pay in lieu of County pay, and no additional County pay will be due.

Employees may request to use earned vacation leave or be placed on leave without pay while absent for military service.

Jury Service

1. An employee who is selected for jury service will notify their Department Director of their selection without delay. When the public interest requires that this employee should not be absent from their duties, the Department Director may request the appropriate judge to excuse the employee.
2. An employee who serves as a member of any jury will be permitted to be absent from their duties without loss of pay and without charge against any leave.
3. The employee will retain the jury duty fee for associated expenses.
4. The employee shall report to their supervisor for duty if the employee's service is not required as a jury member or upon completion of service for the day, unless the employee serves four (4) or more hours, including travel time, and is scheduled to work a shift that begins on or after 5:00 pm on the day of jury service or before 3:00 am on the day following jury service.
5. The employee shall provide written proof of jury duty to their supervisor.

Court Witness

An employee summoned as a witness to appear in court with regard to a legal action associated with either their work assignment, volunteer fire/rescue work or with volunteer work for other agencies funded in whole or in part by Charles County will be excused from their work assignment without charge against any leave for the period covered by the summons. This includes matters an employee may have witnessed in the course of their duties, e.g, witnessing a car accident. Upon completion of testimony, the employee will immediately report to their supervisor for duty.

This leave provision is not applicable to an employee initiating or defending against legal action, or other legal action which is not associated with either their work assignment or with volunteer

fire/rescue work or with volunteer work for other agencies funded in whole or in part by Charles County.

Accident Leave

Accident leave is leave which is not deducted from other leave earned by the employee. It is available to an employee who, in the actual performance of their duties, sustains an injury or work related illness determined to be compensable according to the Maryland Workers' Compensation Law. Employment outside of Charles County Government is not allowed while out on accident leave.

1. The injured employee's department will complete the necessary forms as noted in the Charles County Risk Management and Safety Manual within 24 hours. These include the Employee's First Report of Injury and the Employer's First Report of Injury. A Duty Status form must be provided to the Safety Office prior to return to work. (These forms are available in the Department of Human Resources or from the Safety Office.) These reports should be submitted to the Safety Officer. Accident leave ends when a physician certifies that an employee is able to return to work in a modified/light or full duty status or the employee has exhausted 30 days of accident leave. An employee recovering from a work related injury or illness may be considered for assignment to modified/light duty consistent with their physical capacities and medical restrictions. If unable to be placed in a light duty position where the individual previously worked, then other placements will be considered. The employee's Department Director, along with the Department of Human Resources and the Safety Office will determine whether modified duties are available and whether the employee is capable of performing modified duty. Employees performing modified duty will maintain the same rate of pay. A recovering employee may be sequenced through a progressively more demanding work task until they are able to return to full duty. A modified duty assignment may not exceed 90 days.
2. If the employee does not return to work, the procedures prescribed in Chapter 12, Non-Disciplinary Separations, will be followed. If the employee has not sufficiently recovered to resume normal duties within three (3) months of the accident, placement in a vacant job and/or termination of employment may be considered, as prescribed in Chapter 12, Non-Disciplinary Separations.
3. If Maryland Workers' Compensation Commission determines the injury to be compensable, the County will provide benefits as listed below:
 - a. The difference between the Workers' Compensation benefit and full pay for 30 days per injury. The Workers' Compensation check(s) covering this 30 day period will be signed by the employee and turned over to the County's Payroll Division. After this 30 day period the injured employee will be placed on either benefit leave or leave without pay and generally will receive only the Workers' Compensation check(s).
 - b. The injured employee will earn annual and sick leave while in County pay status.
 - c. An employee on benefit leave may use Annual or Compensatory Leave up to one-third of their base weekly hours to cover employee contributions to benefits.
 - d. An employee on leave without pay may retain health insurance benefits by continuing to pay their portion of the premium.

4. The Director of Human Resources, upon recommendation of the Department Director, may authorize an employee to use accrued leave if their Workers' Compensation claim is denied or while they are awaiting claim resolution. Employees will be required to sign and turn in any Workers' Compensation checks received for this time.
5. An employee having a work related injury may be required to undergo reasonable suspicion testing as required by the Risk Management and Safety Manual.

Benefit Leave

An employee receiving Workers' Compensation payments may use Annual or Compensatory Leave up to one-third of their base weekly hours to cover employee contributions to benefits. This leave usage may be subject to the review and approval of the Department of Human Resources. The Payroll Division will calculate the number of hours an employee is eligible to use. Employees on Benefit Leave will not earn Annual or Sick Leave.

Administrative Leave

Administrative leave is authorized by the County Administrator or by his designee for special situations that may either warrant immediate removal of an employee from the worksite or in those situations where it is deemed appropriate and beneficial by the County Administrator. It may be a paid or unpaid absence from work assignment which is not deducted from other leave earned by the employee. For personnel matters, the Director of Human Resources is also designated to approve administrative leave.

Leave Without Pay

Employees may be granted an unpaid leave of absence in accordance with the following:

1. Duration: The duration of leave will be at the discretion of the approving authority, based on the reason for the request and the effect the leave would have upon the continued provision of County services. In no case will a leave of absence exceed three (3) months, and no leave of any kind can be earned during a period of unpaid leave.
2. Approval: The Department Director will approve or deny unpaid leave for periods not to exceed 20 work days per calendar year. Unpaid leave beyond 20 work days will be submitted by the Department Director with a recommendation to the Director of Human Resources for approval (FMLA qualified absences are exempt from this provision).
3. Status During Absence:
 - a. Health Insurance: If an employee who has been granted a leave of absence without pay wishes to continue coverage under the County health insurance program, they may retain their benefits by continuing to pay their portion of the premium.
 - b. Retirement: No contributions are made to the Plan during any period of unpaid leave.
4. Status Upon Return to Duty: Upon expiration of the approved leave of absence, the employee will be returned to a position in County service as agreed upon in the approval for a leave of absence. An employee who does not notify the Department of Human Resources in writing of

their desire to return to duty within three (3) days after the expiration of leave without pay, will be considered resigned from County government.

5. Leave Accruals: No leave of any kind can be earned during a period of unpaid leave.
6. Abandonment of Position: Employees are subject to dismissal if they have been absent from duty for three (3) consecutive work days or work shifts without good cause, and/or without permission from their immediate supervisor, and/or without notifying the immediate supervisor of their absence and intention to return. Such employees are considered to have abandoned their positions.

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Chapter 18: FAMILY AND MEDICAL LEAVE

In accordance with the Family and Medical Leave Act of 1993 (FMLA), an eligible employee is entitled to 12 weeks of FMLA leave during a rolling 12 month period, which is measured backwards from the date the employee requests the leave. The employee is entitled to be reinstated, if qualified, into the same or an equivalent position upon returning from FMLA leave. An employee must use all accrued sick, annual leave, compensatory time, personal day and floating holidays, for an FMLA qualified absence before using unpaid leave. All time donated to an employee on FMLA must be converted to sick leave.

Definitions for FMLA Purposes

Parent: the biological, adoptive, step or foster father or mother or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include “parents-in-law”.

Son or daughter: a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. The onset of a disability may occur at any age for purposes of the definition of an adult “son or daughter” under the FMLA.

Spouse: a husband or wife as defined or recognized in the state where the individual was married, including same-sex marriage.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider.

A “serious health condition” includes, but is not limited to, “heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accidents on or off the job, ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth, and recovery from childbirth”. Chronic and long-term conditions, such as asthma, requiring multiple treatments and brief, episodic absences, are also covered.

Continuing treatment is defined as a serious health condition involving continuing treatment by a health care provider in one or more of the following:

1. A period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities owing to a serious health condition, treatment, or recovery) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involve:
 - a. Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or,

- b. At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special equipment.
2. Any period of incapacity due to pregnancy or for prenatal care.
3. Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, or migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.
4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.
5. Any period of absence to receive multiple treatments:
 - a. Restorative surgery after an accident or other injury; or,
 - b. A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the employee or employee's family member did not receive the treatment.

Eligibility

To qualify for FMLA leave, an employee must have worked for the County for at least 12 months or 52 weeks AND have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the FMLA leave. The 12 months need not have been consecutive and an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or on leave during the week.

A part time employee who moves to full-time and has worked continuously for 12 months has the same eligibility as a full-time employee.

Types of Leave

Regular: an employee needs time off for a continuous uninterrupted block of time (e.g., October 1 through December 8).

Intermittent: an employee needs to take a full day off from work due to a qualifying reason but then returns to work for a day or two and then takes a full day off for the same condition (e.g., taking a spouse for radiation treatment every Tuesday for 10 weeks). Intermittent leave also includes partial day absences due to a single qualifying reason that is not part of a pre-arranged reduction in schedule.

Reduced Schedule: an employee needs to take only a portion of a day off or work a different schedule for a period of time (e.g., an employee must leave at 3 p.m. each day for six weeks to attend physical therapy).

The County may temporarily transfer an employee to another position when an employee requires intermittent or reduced schedule leave if the alternative position has equivalent pay and benefits and if it would better accommodate the employee's medical need for recurring periods of leave. In addition,

the total amount of intermittent or reduced schedule leave may not exceed 12 weeks in a rolling 12 month period.

Reasons for Leave

An employee may take FMLA leave for any of the following reasons:

1. The birth of a child and to bond with the newborn child within one year of birth,
2. The placement with the employee of a child for adoption or foster care and to bond with the newly-placed child within one year of placement,
3. A serious health condition that makes the employee unable to perform the functions of his or her job, including incapacity due to pregnancy and for prenatal medical care;
4. To care for the employee's spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care;
5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

In addition, eligible employees may take up to 26 workweeks of leave in a single 12-month period to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (referred to as military caregiver leave). An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period.

Leave taken for reasons 1 or 2 above must be completed with the 12-month period beginning on the date of birth or placement. In addition, if both an employee and spouse are employed by the County and request leave because of reasons 1 or 2 or to care for an employee's parent with a serious health condition, that leave may only equal a combined total of 12 weeks during any 12-month period.

Procedure for Requesting Leave

An employee requesting FMLA leave must complete a FMLA application and submit to their supervisor at least 30 days in advance, if the leave is foreseeable. When the leave is not foreseeable, an employee should notify their immediate supervisor as soon as practicable (within one or two business days) of the need for FMLA leave and complete a FMLA application. Failure to request the leave in advance may delay the leave. In addition, if an employee is planning a medical treatment or is requesting intermittent or reduced schedule leave, a reasonable effort should be made to schedule the treatment or time off to minimize disruption of the employee's department. Applications for requesting FMLA leave may be obtained from the Department Director or the Department of Human Resources.

Medical Certification of a Serious Health Condition

If an employee is requesting FMLA leave for their own or a covered relation's serious health condition, a completed Certificate of HealthCare Provider Form must be submitted with the application for FMLA leave. If an application for FMLA is received without the Certificate of HealthCare Provider Form, an employee will be notified by the Department of Human Resources of the need for the completed medical certification which would be due within 15 days from the date of the notification. Failure to provide medical certification when requested may result in denial of FMLA leave until such certification is received. Certificate of HealthCare Provider Forms must only be turned into the Department of Human Resources. The employee's department should not receive any copies of the Certificate of HealthCare Provider Forms.

The County may, at its expense, select a physician to provide a second opinion if there is doubt as to the validity of the medical certification. If the second health care provider's opinion conflicts with the original medical certification, the County, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

If an employee is requesting intermittent or regularly scheduled FMLA leave, the Certificate of HealthCare Provider Form should state the medical necessity for using such leave and include the dates and duration of treatment.

Certificate of HealthCare Provider Forms may be obtained from the Department Director or the Department of Human Resources.

Use of Paid and Unpaid Leave

The County requires that accrued paid leave (annual, sick, compensatory time, personal day and floating holidays) be substituted for unpaid leave until such paid leave runs out. The substitution of paid leave for unpaid leave does not extend the 12 week FMLA leave period. If an employee does not have enough accrued leave to cover their absence, leave donations may be requested through the employee Leave Donation Program.

FMLA Coordination with Workers' Compensation

Days off due to a work related injury will be designated as FMLA leave if the criteria for FMLA leave is met. The County's Workers' Compensation policy provides that an employee receives full pay for the first 30 days of absence following a work-related injury. After 30 days, the employee would be placed on leave without pay and may not substitute paid leave for unpaid leave for the remainder of the FMLA qualified absence. An employee is not eligible to receive leave donations for absences that are covered by workers' compensation due to a work related injury or illness.

The Safety Office will notify the Department of Human Resources of any employees on Workers' Compensation that may be eligible for FMLA Leave and any associated pay status changes.

Reporting While on Leave

An employee who is on leave for their own serious health condition or to care for a covered relation, must contact their immediate supervisor or designee on Thursday of each week or a day established by the supervisor regarding the status of their condition and intent to return to work. In addition, an employee must give notice as soon as practicable (within two business days, if possible) if the dates of FMLA leave change or need to be extended beyond the dates originally approved. New medical certification will be required to extend FMLA leave beyond the dates originally approved.

Employee Status and Benefits during Leave

While an employee is on leave, the County will continue the employee's health benefits at the same level and under the same conditions as if the employee had continued to work.

If an employee is on paid leave, the County will continue payroll deductions for the health insurance premiums as well as any life insurance or other voluntary benefit plan. If an employee is on unpaid leave, the employee will receive a bill each month for the appropriate insurance premiums and is responsible for paying the premiums in a timely fashion. If the employee does not pay the outstanding health insurance premium amount within 30 days of the due date, an employee's health insurance may

be canceled due to non-payment of premiums or the County will recover the payment amounts at the end of the leave period in a manner consistent with the law.

Returning to Work

When an employee who has been out on FMLA leave for their own serious health condition is ready to return to work, a Duty Status Form which has been completed by their doctor must be submitted to their Department Director who will then submit to the Department of Human Resources. A current job description should be attached to the Duty Status Form when submitted to the doctor for completion. It is an employee's personal responsibility to ensure that the Duty Status Form is completed and returned to their Department Director within proper time frame. An employee will not be allowed to return to work until the completed form is received.

If the Duty Status Form indicates that an employee is not fully recovered, it will be the decision of the employee's Department Director, in consultation with Human Resources, whether or not the employee may return to work under the restrictions indicated by the physician. Duty Status Forms may be obtained from the Department Director or the Department of Human Resources.

If an employee requests leave beyond the length of time protected by the FMLA, it is up to the Department Director and the Director of Human Resources to determine if the job will be held open. The Director of Human Resources and the Department Director will work together to see if the situation within the division (manpower and workload) continues to be such that they are able to offer paid/unpaid leave of absence.

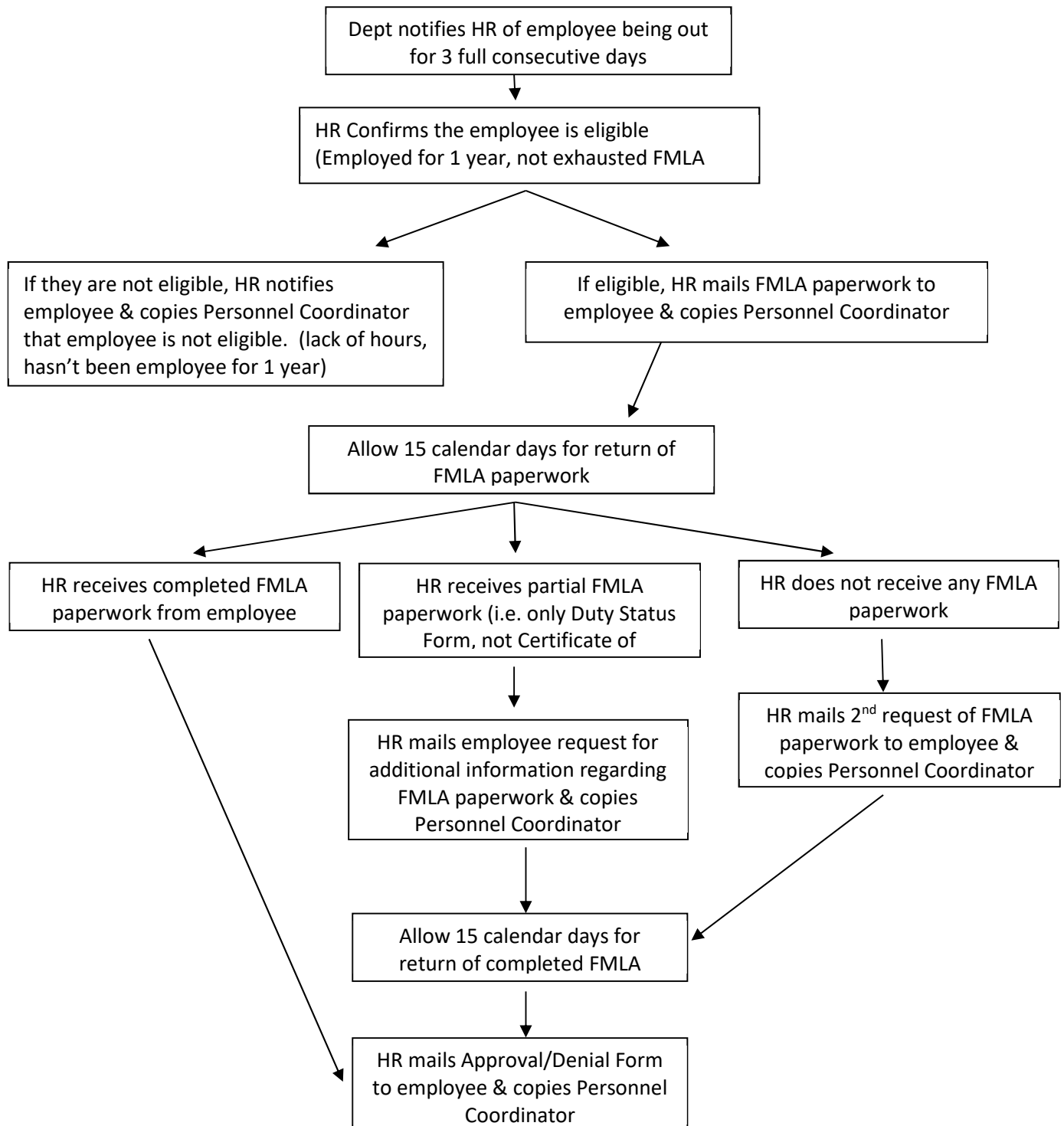
An employee returning from FMLA leave is entitled to be reinstated, if qualified, into the same or an equivalent position with equivalent employment pay, benefits and other terms and conditions of employment.

Intermittent Leave

The County may request the paperwork to be updated every 6 months.

Family Medical Leave Act (FMLA)

Flowchart



Chapter 19: EMERGENCY SITUATIONS

Authority

In the event of an unforeseen emergency situation, the County Administrator may determine that non-essential County offices will be closed or that a liberal leave policy will be placed in effect. In the absence of the County Administrator, the Order of Succession in the Continuity of Operations Plan will be followed. This decision will be announced publicly, but it is each employee's responsibility to check the operational status of County offices by checking the official announcement to employees on the Automated Telephone Response System at (301) 645-0600 (and/or other approved systems), as stated in the Inclement Weather Notification Plan SOP. These systems will be appropriately updated by the Public Information Officer.

Supervisors will advise employees of their non-essential, essential or emergency response personnel status, and will also advise them regarding work schedules. Supervisors may require essential or non-essential employees to report for duty by either scheduling them for additional shifts/hours or calling them in to work as emergency response personnel. Employees working outside of their normally scheduled hours in response to an emergency will be compensated in accordance with the Emergency Hours provision of the Overtime Policy (See Chapter 14). Employees who have questions regarding an emergency situation are expected to contact his or her supervisor for clarification and direction.

Department Directors are authorized to close an individual building, work area or activity due to an emergency situation and either modify any affected employees' work schedules, work locations or grant administrative leave. A Department Director will report any such closures to the County Administrator.

Liberal Leave

If the emergency situation is not severe, all County offices will remain open and a liberal leave policy may be placed in effect. In accordance with this policy, Department Directors or supervisors are responsible to maintain adequate staffing to ensure normal operations and *may* grant employee requests for use of accrued leave on an individual basis. This leave will be charged to either accrued annual leave, accrued compensatory leave, other appropriate leave, or if necessary, leave without pay.

Administrative Leave

If the emergency situation is determined to be severe, non-essential County offices may be closed and full-time employees who were scheduled to work, but are no longer needed, will be granted administrative leave to ensure normal pay for any scheduled hours which are not worked. Full-time and full-time reduced hours employees who are not scheduled for work during the time administrative leave is authorized will not receive any administrative leave (including employees observing flexible and compressed work schedules). Persons on annual, sick or other approved leave status while offices are closed due to an emergency situation will be charged for leave as previously requested and approved.

When the County closes all non-essential offices on a normal business day (Monday- Friday, excluding holidays) due to an emergency situation, hours of administrative leave will be given to essential service and emergency response personnel who worked at least one-hour of their regular schedule between the hours of 12:00 am to 11:59 pm on that business day. This administrative leave will equate to the hours opening late or closing early (based on the employee's regular schedule for that particular day), or 7.5 hours for 75-hour employees and 8 hours for 80-hour employees for entire day closings. This

administrative leave will be recorded in the County's payroll system for use after the emergency and does not expire.

Essential Service Personnel

Personnel performing essential services are expected and required to report to work as scheduled. Essential service personnel are those employees who are regularly scheduled and employed in County agencies, departments and/or offices whose services are considered necessary at all times under all circumstances (e.g. Dispatchers, Paramedics, EMTs and Water/Wastewater Operators regularly scheduled during the severe emergency situation). Those departments/divisions who have designated essential service personnel include the Department of Emergency Services and the Department of Public Works - Utilities. Department Directors are charged with responsibility of determining the essential nature of services. However, in some cases other employees staffing certain positions may be deemed essential.

Essential service personnel may be required to work additional hours until sufficient resources are available to relieve them from their essential functions. Essential service personnel held over will be compensated in accordance with the Overtime provisions in Chapter 14: Overtime Policy. In addition, essential service personnel may be required to work additional shifts or called in to work in response to an emergency. When essential service personnel are required to work or report to duty outside of their normal work schedule and in support of an emergency situation, they will be compensated in accordance with the Emergency Hours provisions in Chapter 14: Overtime Policy.

Emergency Response Personnel

In the event of an emergency, *any and/or all* County employees may be called in to work in response to the emergency. Those employees who are required to work due to the nature of the emergency situation will be compensated in accordance with the Emergency Hours provisions in Chapter 14: Overtime Policy. Eligibility for overtime compensation or emergency pay will be determined and calculated in accordance with Chapter 14: Overtime Policy. Department Directors are charged with responsibility for determining what emergency response personnel are needed to respond to the emergency.

Chapter 20: SAFETY POLICY

Purpose

The purpose of establishing a defined Safety program is to prevent and/or substantially decrease all types of occupational accidents and illnesses. It is the goal of Charles County Government and its employees to increase productivity by securing a work environment free of safety hazards. This reduces losses incurred by the County and its taxpayers.

Policy

The occupational safe work practices that are outlined in the Safety Manual are applicable to all employees of Charles County, to include, full-time, part time, temporary, volunteer and contract. Every job is designed to serve the public, and, in the performance of this service, the safety of all employees and the public is paramount. Employees are expected to familiarize themselves with and abide by the job procedures and safety guidelines outlined in the Safety Manual.

All employees should receive documented orientation and periodic training detailing responsibilities and procedures for developing and maintaining safe working environment, as outlined in the Safety Manual.

Responsibilities

It is the duty of each employee to know and follow the safety regulations which pertain to any work that he/she might perform. If an employee feels for any reason that he/she is unable to safely perform the assigned work, the supervisor or lead employee in charge is to be advised and informed of the reasons.

If an employee should consider that the work being done is in violation of the provisions of the Safety Manual, or that sufficient safeguards are not being used, or that the work is not being performed in a safe manner, the employee should immediately bring the matter to the attention of the supervisor or lead employee.

It shall be understood by employees that Charles County Government operates under the rules and regulations of the Maryland Occupational Safety and Health Administration (MOSHA), and the Federal Occupational Safety and Health Administration (OSHA).

Employees must immediately report the suspensions, revocation, and/or expiration of any licenses required in job performance.

General

Employees violating safety rules, procedures or standards, or acting in a manner which endangers personal safety, may be subject to disciplinary action up to and/or including termination.

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Chapter 21: BENEFITS

To be eligible for benefits, an employee must be customarily scheduled to work 30 hours or more per week and at least 1560 hours per calendar year. All benefits are explained to new employees during New Hire Orientation, which is generally conducted by the Department of Human Resources every other Wednesday. At that time, new employees are provided with information, and applicable documents for each of the County's employee benefits.

All benefits will be in effect on the first day of the month following the date of employment and will end as of the last day of the month in which an employee terminates, unless otherwise specified below. To obtain a copy of detailed information pertaining to a particular benefit or if you have any questions relating to employee benefits, please contact the Department of Human Resources.

The benefits outlined in this chapter are subject to change.

Deferred Compensation

The County has established a Deferred Compensation Program which is a supplemental retirement savings plan to allow an eligible employee to further plan for their retirement. Participation in the plan is voluntary and the employee determines the amount of money to contribute (minimum deferral - \$10 per payday) and where the money is invested. The maximum amount an individual may defer is updated annually by IRS regulations. A participating employee may change their contribution at any time during the year and it is effective the following pay period. A new participant's deductions are effective the 1st of the month.

Anyone interested in participating in the Deferred Compensation Program should contact the vendor directly to make arrangements to enroll in the plan. Brochures on the deferred compensation program may be obtained in the Department of Human Resources and vendors have regularly scheduled appointments available throughout the year.

Termination of Employment: Information regarding disbursement of deferred compensation funds is provided at the time of separation from service.

Health Insurance (Includes Medical, Prescription, Dental & Vision)

An eligible employee may choose to enroll in the health insurance program during the first 30 days of employment with the County. The insurance plans contain the following coverage:

1. Medical
2. Prescription
3. Vision
4. Dental

An employee may select coverage based upon the packages offered and depending on the type of insurance needed. The employee portion of the premium costs, which vary according to the insurance type and coverage level selected, is paid through a pre-tax, semi-monthly payroll deduction.

1. Full-time employees are responsible for 30% of the cost of the premium.
2. Employees who work on a full-time reduced hour basis will be subject to a prorated premium.

During the plan year (July 1 - June 30), no changes may be made to an employee's health coverage unless there is a qualifying, documented lifestyle change (e.g., marriage, divorce, birth or adoption of a child, change in spouse's employment). In the event of a lifestyle change, the Department of Human Resources must be notified within 30 days of the event occurring, which includes providing the Department of Human Resources with all proper documentation. If the change is not submitted within the 30 day time frame, the change cannot be made until the next open enrollment period. All changes are effective on the date of the event. Each year, there will be an open enrollment period during which an employee may enroll in the health insurance, drop insurance coverage entirely or make changes in insurance coverage.

Termination of Employment: A terminated employee's insurance will be in effect through the end of the month in which employment ceased. However, a terminated employee may elect to continue health coverage under COBRA provisions for at least 18 months. Information regarding enrollment procedures and premium costs for COBRA coverage is provided within 14 days of separation from service.

Flexible Spending Accounts (FSA)

FSAs allow an employee to pay for predictable dependent care or healthcare expenses with tax-free dollars. Employees are able to set aside money from their paycheck on a pre-tax basis which means that this money is not subject to any federal or state taxes. The money can be used to reimburse an employee when they pay for qualified medical expenses for themselves or any qualified dependent (spouse or child) or dependent care expenses for any qualified adult or dependent child. Additional information can be found in the Department of Human Resources or on the County's website.

Supplemental Benefits

A supplemental, voluntary benefits program is available to all benefit-eligible employees. A deduction is withheld from each paycheck to cover the premiums and may be taken out on a pre-tax basis, depending on the benefit. Enrollment in the program will occur when you are hired and during Open Enrollment each year. Information about the various supplemental benefits are available in the Department of Human Resources or online.

Life Insurance

Basic: All eligible employees are automatically provided with basic life insurance, at no charge to the employee, in the amount of one and one-half (1.5) times the employee's annual salary rounded up to the next thousand, not to exceed \$250,000. This plan also provides coverage for accidental death or personal loss.

Supplemental: Additional life insurance may be purchased by an eligible employee in the amount of one, two or three times the employee's annual salary, not to exceed \$400,000. The rate for this supplemental life insurance is based on an individual's age and annual salary and is adjusted as an employee's age and salary changes.

Dependent: An eligible employee may elect within the first 30 days of employment to purchase insurance for a spouse and/or dependent child(ren). A dependent child is eligible for coverage through age 19 or until age 26. The cost for this insurance is a flat rate per month and is paid by the employee through a semi-monthly payroll deduction. An employee may elect this benefit within 30 days of employment, during Open Enrollment, or at any time by completing an Evidence of Insurability Form.

Termination of Employment: A terminated or retired employee may convert the life insurance to an individual policy provided the carrier is notified within 30 days after the date of termination. Information regarding the conversion process and premium cost is provided at the time of separation from service.

Long Term Disability Insurance

All eligible employees are automatically covered by the County's long-term disability insurance plan at no cost to the employee. To qualify for this benefit, an employee must be unable to perform the essential functions of their position for a period of 120 days following the date of injury or illness. Please refer to the Long-Term Disability benefit plan guide for further information and details on this insurance.

The plan does not cover a disability which begins in the first 12 months after the effective date of coverage which is caused by, results from, or is contributed to by a pre-existing condition. A pre-existing condition is defined as one for which an employee sought or received medical treatment in the three months prior to the effective date of the insurance. Please refer to the Long-Term Disability benefit plan guide for further information and details on this insurance.

An employee who suffers an injury or illness which has a foreseeable long-term duration should contact the Benefits Administrator in the Department of Human Resources as soon as possible to begin the application process for long-term disability coverage.

Charles County Pension Plan and Sheriff's Office Retirement Plan

Participation in Charles County's defined benefit pension plans was voluntary for an employee hired prior to July 1, 1991 and mandatory for an employee hired on or after July 1, 1991. In order to be eligible for the pension plan, you must be regularly scheduled to work at least 37.5 hours a week. An open enrollment period is held in November of each year to allow for an employee currently not enrolled in the plan to participate as of January 1 of the next year.

An employee's contribution to the plan is made through a pre-tax payroll deduction and equals a percentage of base salary as of July 1st of each year. The County also makes a contribution into the plan.

Please refer to the Summary Plan Description (SPD) for more specific details and information regarding the pension plan. To obtain a copy of the SPD, please contact the Department of Human Resources. The full plan document is also available on the County's website.

Tuition Reimbursement Program

The Tuition Reimbursement Program provides for continued development of Charles County Government employees, which enables the County to achieve its long term goals. The development of employees is important to the success of the organization and paramount to upgrading existing levels of service and providing new services. The Tuition Reimbursement Program is administered by the Department of Human Resources.

Full-time and full-time reduced hour (grandfathered employees only), non-probationary employees are eligible to participate. An employee must successfully complete his/her probationary period before applying for Tuition Reimbursement. Employees who receive this benefit will be required to

reimburse the County, on a pro-rata basis, should they separate from county employment in the one (1) year period following the completion of the course.

The County will reimburse 100% of authorized tuition expenses upon presentation of the final grade report which reflects successful completion of course requirements (grade "C" or better for undergraduates and "B" or better for graduate courses). Courses must be credit courses that are job related or be part of a degree related to the employee's current job or to a County position which the employee may reasonably expect to progress. An employee is eligible to receive reimbursement for up to 12 credit hours up to a maximum reimbursement determined through the annual County budgetary process. Tuition reimbursement will include the cost of text books. The employee must submit the receipt showing the cost of the text books to be reimbursed.

The employee must submit a completed Tuition Reimbursement Application with a copy of the course description and school registration form to their supervisor at least three (3) weeks before the course commences. Proof of acceptance to the Degree Program must also be submitted for degree required courses. Application forms and policy and procedures are available in the Department of Human Resources and online.

Hours during which the course is taken must not conflict with the employee's working hours.

Workers' Compensation Insurance

All employees are automatically covered under the County's insurance for any work-related injury or illness which occurs as a result of an on-the-job accident/incident and is deemed to be compensable by the Maryland Workers' Compensation Commission. The County's Workers' Compensation program is administered by the Safety Office. See Chapter 17, Leave, for further details.

House Keys 4 Employees

Charles County Government offers housing assistance to qualified employees that are subject to this manual and have been employed with the County at least one (1) year and who are purchasing a home in Charles County. Qualified Charles County Government employees may receive a 0% interest \$5,000 deferred loan from the Charles County Commissioners to be used towards down payment/settlement expenses for their new home. Please contact the Department of Human Resources for more information on the program and the requirements of participants.

Retiree Health Insurance

Charles County Government maintains policies covering Retiree Health Care benefits for County and Sheriff's Office retirees. For policy details, please contact the Department of Human Resources or review the Retiree Health Insurance policies on the County's website.

Chapter 22: EMPLOYEE ASSISTANCE PROGRAM

Employee Assistance programs (EAPs) are employer-sponsored programs designed to help employees and their family members living within the employee's household to resolve personal and/or work problems that may impair job performance. They reduce absenteeism, improve employee's morale, increase productivity, and help to control overall health care benefit costs. The services offered by EAPs include assessment, counseling, and referrals to professional services for career and personal issues, such as:

- Drug and alcohol abuse
- Psychological symptoms or mental health disorders
- Marital or family-related difficulties
- Domestic violence
- Stress
- Grief
- Emotional or sexual abuse
- Depression
- Divorce
- Legal and financial concerns
- Compulsive or addictive behavior
- Catastrophic medical conditions
- Career/family life conflicts

An Employee Assistance Program (EAP) is provided by Charles County Government through a local contractor providing such services. The program is administered by the Safety Office. The professional staff of the Employee Assistance Program is comprised of a multi-specialty team of mental health professionals. They are devoted to helping people improve the quality of their lives.

Employees may wish to seek help on their own; they also may be referred by a supervisor when their problems begin to affect their work performance. The program assists in early identification, evaluation and referral for treatment or counseling. The initial assessment service will be provided to employees at no cost. Costs for any treatment selected by employees or their family members is submitted through the employee's health insurance plan.

This service is completely confidential. All records are maintained by the EAP contractor and information about an employee's participation in a recommended treatment program is only available with the employee's consent. If an employee is referred by a supervisor, only verification of the employee's attendance at the referred session is available to the Safety Office without further employee consent.

Brochures are available in the Department of Human Resources or the Safety Office.

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Chapter 23: DRUG-FREE WORKPLACE POLICY

Charles County Government provides a wide variety of services through daily interaction with the public and activities which requires work in public locations. In the interest of ensuring the safety and welfare of our employees and the public, the County maintains the following policy regarding the work-related effects of drug and alcohol use and the unlawful possession of controlled substances on County premises.

Every employee must carry out their responsibilities in a drug free environment, and themselves be free from the effects of alcohol and other job-impairing substances.

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. This includes when returning from lunch or any other work break. It is our intent and obligation to provide a drug-free, healthful, safe, and secure work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on County premises or while conducting County business off county premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, in accordance with the disciplinary policy (See Chapter 10) and may have legal consequences.

The County recognizes substance dependency as an illness and a major health problem. The County also recognizes substance abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use our Employee's Assistance Program (EAP) and health insurance plans, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job. Records are maintained by the EAP and information about an employee's participation in a recommended treatment program is only available with the employee's consent (See Chapter 22).

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off County premises while conducting County business. A report of a conviction must be made to the Department Director within five (5) days after the conviction. (This requirement is mandated by the Drug-Free Workplace Act of 1988.)

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Chapter 24: WORK SCHEDULES

Regular Work Schedules

Most office hours are scheduled Monday through Friday from 8:00 a.m. to 4:30 p.m. with a one (1) hour for lunch. Some field operations are scheduled from 7:30 a.m. to 3:30 p.m. with one-half hour for lunch. Some cleaning operations are scheduled from 3:00 p.m. to 11:00 p.m. with one-half hour for dinner. Some recreational operations are open from 7:30 a.m. until 10:00 p.m. or later, seven days a week. Twenty-four hour operations are scheduled in rotating shifts daily to provide continuous coverage at all times. All of these are regular/traditional work schedules.

Flexible Work Schedules

Flexible work schedules may be established to provide employees with an opportunity to alter their hours of work, to increase the efficiency and effectiveness of the workforce through optimum utilization and scheduling of staff and to provide extended services to the public and other agencies. Participation is voluntary. All employees are eligible to remain on a regular work schedule or to request a flexible work schedule in accordance with the authority and guidelines cited below. Because of the nature of the work, certain personnel may be required to remain on the regular work schedule.

Determining factors in the approval of a flexible work schedule are the accomplishment or performance of assigned duties, service to the public, interaction with fellow employees and outside agencies, and the general impact on the County. Department Directors, with the assistance of involved supervisors, maintain discretionary powers to determine when, and if, flexible work schedules are permitted in their respective operational and administrative areas.

Flexible work schedules allow individuals a measure of personal control over working hours, which is accomplished by a high degree of responsibility. Employees failing to comply with these policies and procedures will be prohibited from participating in a flexible work schedule.

Authority: Department Directors are solely responsible for establishing working hours for all departmental employees.

This decision will be guided by the following factors:

1. The ability of the office to meet its workload requirements.
2. The availability of experienced staff and supervisors during all work hours.
3. The availability of complete office coverage during the normal business day.
4. The ability to continue interaction with other County agencies and the public (the Department Director must ensure that services will not be impaired by approving requested flexible work schedules).
5. The assurance that the approval of a flexible work schedule is not in conflict with current policies, procedures and/or applicable laws.

6. The flexibility to adjust an employee's approved flexible work schedule to accommodate changes in the work environment (this would include the daily lunch period, change the arrival or departure time due to special circumstances and to handle emergency situations).
7. The understanding that employees may be disciplined for abuse of the flexible work schedule which could include restricting arrival and departure times. Abuses include but are not limited to: falsification of time and accounting records, excessively long lunch periods without prior supervisory approval, frequent instances of documented tardiness or absence from work without prior supervisory approval and participating in non-work activity during scheduled work hours.

Guidelines: Approval of a flexible work schedule will in no way change or modify current policies and procedures related to overtime, leave practices and considerations, time sheets, number of hours per pay period, and productivity.

Employees are required to work the same number of hours required in a regular schedule (excluding overtime or compensatory time earned) or to otherwise account for hours by the use of leave.

The flexible work schedule will not result in establishing additional supervisory positions or requiring supervisors to extend their workday. When the presence of a supervisor is required, management will coordinate the schedules of supervisory and other personnel to ensure appropriate coverage.

When flexible work schedules are being established in accordance with the authority cited above, and two or more employee requests are in conflict, seniority may be used to resolve the issue.

Any changes in the approved schedule will be kept to a minimum and will require supervisory approval. The flexible work schedule can be modified, suspended or terminated by the Department Director for any individual or group of individuals.

One of the goals of flexible work schedules is to reduce short term absences from the job. Employees are encouraged to schedule non-emergency appointments or other engagements outside of required working hours.

The Fair Labor Standards Act does not restrict the number of hours an employee can work each day. However, hours worked in a non-exempt position in excess of forty (40) hours in a seven day work week must be compensated at a premium rate of time and one half (1.5) times the employee's regular rate of pay, or may be compensated by the accrual of compensatory leave at a time and one half (1.5) rate.

Department Directors, working with County Administration, may approve temporary or seasonal work schedules for divisions and departments that are not outlined in this policy.

Flexible Work Schedule Options

Flex-Time Schedule: This option allows staggered fixed arrival and departure times for individual employees within the parameters established by the supervisor to allow full coverage during hours of operation. Employees may vary their arrival and departure times within established limits, provided they are present within the core time and work a standard number of hours per day and week. Once a department has established the core period (e.g., 10 a.m. to 2 p.m.) and designated flex bands or time periods within which employees may schedule their arrival and departure times (e.g., between 6 a.m. and 6 p.m.), the employee requests the option that best fits their preference. This system can be used in a regular work week.

Compressed Work Schedule: This option allows employees to vary the length of the work day and length of the work week. Employees are assigned to work the hourly equivalent of a complete work week in less than five (5) full days or a complete pay period in less than ten (10) days. For example, an employee who is scheduled to work thirty seven and one half (37.5) hours over five (5) days may compress the schedule into four (4) days or an employee who is scheduled to work seventy five (75) hours over ten (10) days in a two (2) week pay period, may compress the work schedule into nine (9) days. Listed below are examples of Compressed Work Week schedules:

<u>Schedule A</u>						
Week	Mon	Tue	Wed	Thr	Fri	Total
1	8	8	8	8	8	40
2	off	9	9	9	8	35

<u>Schedule B</u>						
Week	Mon	Tue	Wed	Thr	Fri	Total
1	9	9	9	8	off	35
2	8	8	8	8	8	40

These schedules can be arranged so that different employees have a day off on Monday of week 1, Friday of week 1, Monday of week 2, or Friday of week 2, to provide adequate staff on every day, and a Monday or Friday off every other week for each employee. Employees may work with their supervisor to determine an alternate schedule to those listed above, such as scheduling a mid-week day off or designing a schedule for a 40 hour per week shift worker, so long as they have received approval of their Department Director and there is adequate and appropriate coverage in their department.

Days off cannot be accumulated. The earned day off must be taken within the pay period. Employees are required to work the same number of hours required in a regular schedule (excluding overtime or compensatory time earned) or to otherwise account for hours by the use of leave. For example, an employee who takes leave on one of their nine-hour days will be charged nine hours of leave.

When a scheduled day off falls on a day the department is closed due to a holiday, the following will apply. When a holiday falls on a Friday, the employee's day off will be the day preceding the holiday. When a holiday falls on a Monday, the employee's day off will be the day after the holiday. Departments which do not close, will follow the County's Leave Policy (See Chapter 17). For the implementation of this policy only, holidays, floating holidays and personal days can be used to cover any work day of an approved flexible work schedule.

Compressed Work Week Schedules should not schedule a non-exempt position to work more than 40 hours in a seven day work week.

Employees will be required to complete a Flexible Work Schedule Request form and receive approval from their Division Chief and Department Director.

Telework

The County has a Telework Program which is designed to provide a Telework option for scheduling. Telework may be regularly scheduled, short-term, or on an emergency basis, and it is subject to the supervisor's approval. Details are available in the Telework SOP.

Rest or Break Periods

While there is no legal entitlement or guarantee to a rest break, supervisors, where possible, may provide for a brief break from work as necessary.

Break Time for Nursing Mothers

Charles County is committed to providing a supportive working environment for nursing mothers. A nursing mother shall be given reasonable break times in order to express breast milk for her nursing child for one year after the child's birth. Charles County will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used for these purposes.

Nursing mothers must coordinate with their supervisors to ensure that appropriate arrangements are made.

If there are any questions or concerns about this policy, please contact Human Resources for assistance.