



# Howard County

M A R Y L A N D

# Employee Manual

**ORIGINALLY IMPLEMENTED: 09/29/1997**  
**LAST REVISED: 12/10/2019**

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## OVERVIEW

Article VII of the Charter establishes a merit system which embraces all employees of the County. The Charter and Title I of the Code provide a framework for administering the County's merit system, and outline the general rights, duties, and responsibilities of the County and its employees. Additionally, there are federal, state, and local laws, as well as a number of policies and procedures, which affect and govern the day-to-day operations and activities of the County and its employees.

The County is committed to developing clear and unambiguous personnel policies, and to communicating them to each of its employees so that all personnel actions and practices are administered fairly, evenhandedly and consistently. To this end, each employee is given an Employee Manual. This Employee Manual contains the policies, procedures, and an explanation of the programs currently in place for County employees.

From time to time, the policies and practices set forth in the Employee Manual may be revised or deleted, or new policies may be adopted. **THE EMPLOYEE MANUAL DOES NOT CONSTITUTE A CONTRACT.** The policies and practices set forth in the Employee Manual, however, may not be modified, altered or amended without the express written authorization of the County's Personnel Officer. Thus, although Appointing Authorities in each of the County's departments may adopt rules, policies and procedures which apply to the operations of their particular organizations, such rules, policies and procedures may not conflict with the provisions of the Charter, Code or, in the absence of written authorization of the Personnel Officer, the Employee Manual.

Unless otherwise noted, the policies and practices contained in the Employee Manual apply to employees in both the exempt and non-exempt service created by the Charter. They also apply to employees within employment classifications covered by collective bargaining agreements ("Union Employees"), except where abridged by an express provision of a collective bargaining agreement. Where a policy is marked with an (\*) in this Employee Manual, Union Employees should refer to the specific provisions of their collectively negotiated agreement as to the same topic. Where a policy is marked with a (#) in this Employee Manual, Executive Exempt employees should speak with their appointing authorities about special rules which may apply to them as a result of their at-will employment status.

The Employee Manual will be reviewed annually. If a change to a rule providing for the appointment, promotion, demotion or separation of employees in the classified service is proposed, the change shall be submitted to the Personnel Board for its approval, and to the County Council for legislative action. The Personnel Board shall receive the current version of the Employee Manual annually in October for its review and comment, as required by Title 1 of the Code.

## DEFINITIONS

Unless otherwise defined, in this Employee Manual the following words have the meanings indicated.

### A

**Active Employee**

An employee who has not been designated an "Inactive Employee" by the Human Resources Administrator.

**Appeal**

The formal procedures by which classified employees may complain about those actions specified in Section 705(a) of the Howard County Charter ("Charter") and about other workplace complaints under Section 705(c) of the Charter.

**Appointing Authority**

The Director of each County Department.

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### B

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### C

**Charter**

The Howard County Charter.

**Classified Employee**

A person who: 1) holds an employment position which is not part of the Exempt Service of the County's Merit System; and 2) who has fulfilled their probationary period.

**Code**

The Howard County Code.

**Communications Systems**

The following: telephones; telephone systems; voice mail systems; computers; computer networks; shared media (i.e. diskettes, tapes, CD-ROM discs, etc.); photocopiers; E-Mail systems, both local and on the Internet; facsimile equipment; bulletin boards; and the County's interoffice mail system.

**County**

Howard County, Maryland.

**County Property**

Equipment, tools, resources, technology and other assets owned or leased by the County.

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### D

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### E

**Employee**

A person holding an employment position within the County's Merit System.

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### F

**Full-Time Employee**

An employee: 1) whose regular work schedule is at least 40 hours per week; or 2) who was employed by the County to work a regular work schedule of at least 35 hours per week on or before September, 29, 1997, and who continues to work a regular work schedule of at least 35 hours per week.

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**G**

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**H**

**Harass**

To cause distress or vexation by annoying, insulting, heckling or making unlawful demands upon another person.

**Human Resources Administrator**

The person heading the County's Office of Human Resources or designee.

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**I**

**Inactive Employee**

An employee who has been placed in an inactive employment status by the Human Resources Administrator because the employee:

- 1) has sustained a work-related injury and has worked less than 50% of the employee's scheduled work days in the 6 month period following the injury;
- 2) is unable to work and receiving Disability Leave Bank benefits; or
- 3) is on a leave of absence without pay greater than four months.

An employee in an inactive status will not:

1. accrue annual, disability or personal leave;
2. receive Employee Cost Index (ECI) adjustments, if any;
3. be eligible to participate in Personnel Board elections, if any;
4. will not accrue hours towards eligibility for any step increase.

**Information**

Data and knowledge, whether oral or written, that is generated, received or used by an employee or his/her department in conducting or transacting work on behalf of the public.

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**J**

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**K**

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**L**

**Law Enforcement Personnel**

Those persons defined as law enforcement personnel in the Annotated Code of Maryland, Article 27, Section 36F, as from time to time amended.

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**M**

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**N**

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**O**

**Officials**

Elected or appointed officials of the County.

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**P**

**Part-Time Benefited Employee**

An employee in a position that is equivalent in job content to a position in the Classified Service, and 1) includes a work schedule of at least 20 hours per week, but less than 40 hours per week; or 2) includes a work schedule of at least 17.5 hours per week, but less than 40 hours per week, if the position incumbent was appointed on or before July 1, 1997, and continues to work a regular part-time work schedule of at least 17.5 hours per week after July 1, 1997. Part-time benefited employees serve at the pleasure of the appointing authority.

**Person**

One or more individuals, associations, corporations, partnerships or unincorporated associations.

**Personnel Board**

The Howard County Personnel Board.

**Personnel Officer**

The County's Chief Administrative Officer or designee.

**Probationary Period**

The test or evaluation period which an employee assigned to a classified employment position must successfully complete before becoming a classified employee.

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**Q; R**

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**S**

**Secondary Employment**

Any work, occupation, labor, activity or profession that results in compensation, benefit, gain or advantage to any employee in addition to the compensation received from the County.

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**T**

**Threaten**

To menace or to express through oral, written or any other means, an intention to inflict pain, injury, or harm upon a person or thing.

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**U**

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**V**

**Violence**

Physical force used to injure, damage or destroy; extreme roughness.

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**W**

**Weapon**

Guns, knives (penknives without switchblades accepted) or any other instruments which can be used to cause injury in an unlawful manner.

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**Workplace**

All property (including parking lots and vehicles) owned or leased by the County and any non-County property where work is being performed by employees in their official capacities, or during the course of their work for the County.

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**X; Y; Z**

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## FAIR EMPLOYMENT PRACTICES

(\*Union employees: Consult applicable bargaining agreement)

It is the policy of the County not to discriminate against anyone, and to afford equal employment opportunity and advancement to all persons, regardless of race, creed, religion, disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, gender identity, personal appearance, or familial status. While the County's Personnel Officer has the overall responsibility for the implementation of this policy, each employee shall have the responsibility of furthering the goals of this policy by:

- Making employment decisions which further and promote the principles of non-discrimination and equal employment opportunity;
- Recruiting, hiring, training and promoting individuals without regard to race, creed, religion, disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, gender identity, personal appearance, or familial status; and by
- Ensuring that all personnel actions and practices are administered fairly, evenhandedly and consistently.

## ADMINISTRATION OF THE MERIT SYSTEM

An official or employee may not make a false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under the County's personnel law or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel law. An official or employee may not defeat, deceive or obstruct any person in the right to examination, eligibility, certification or appointment under the personnel law, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

## **ACCESS TO AND USE OF COUNTY PROPERTY**

### **OFFICES, DESKS, LOCKERS, FILE**

While the County provides offices, desks, lockers, file cabinets and similar items to its employees in order to facilitate the performance of their work for the County, these items remain the sole property of the County. The County reserves the right to open and inspect offices, desks, lockers, file cabinets, etc., and reserves the right to inspect their contents. Occasionally, for the protection of both employees and the County, or for business purposes, it may be necessary for authorized personnel to forcibly open property used for storage without the prior knowledge or consent of an employee to whom the property is assigned. A decision to authorize a search of property used for storage must be approved by an Appointing Authority or the Human Resources Administrator. Absent exigent circumstances, the search of property used for storage should be performed in the presence of two employees approved by the Human Resources Administrator.

### **STATIONERY**

The recipients of memoranda or correspondence written on County stationery may be unable to distinguish between individuals acting on their own, and as representatives of the County, a circumstance which may cause the County to be involved in matters in which it is not concerned. As a result, County stationery is to be used for County business only.

### **MISCELLANEOUS EQUIPMENT AND PROPERTY**

The County provides many types of equipment and property to its employees to facilitate the performance of their work for the County. County property may not be utilized by individual employees for purposes unrelated to their work, for their own benefit, or for the benefit of relatives, friends, or acquaintances, except where written permission for the use of the property is first obtained from the employee's Appointing Authority. The use of County property for purposes unrelated to an employee's work, without written permission, may result in discipline up to and including discharge.

Employees shall be required to account for County property by signing a completed Employee Inventory Checklist. Employees will be responsible for reimbursement to the County for failure to return property upon separation from the County and/or damage resulting from misconduct.

## APPEALS

- **GENERAL POLICY**

Because the County and its employees have a mutual interest in the expeditious and equitable resolution of workplace problems, it is the policy of the County that all employees be permitted to express their views concerning the terms and conditions of their employment without fear of reprisal. In furtherance of this policy, the County encourages all employees to promptly raise and discuss workplace problems with supervisors, Appointing Authorities and the Office of Human Resources.

Additionally, the County has established appeal procedures by which **classified** employees may complain about those adverse employment actions identified in Section 705(a) of the Charter (see items listed below under Appeals From Actions Taken By the County) or other problems which they may experience on the job as permitted by Section 705(c) of the Charter (e.g. other personnel actions which may be appealed to the appointing authority and the personnel officer). **The County will not retaliate against an individual who makes an informal complaint or files an appeal, nor permit any employee to do so.**

- **INFORMAL PROCEDURES/OPEN DOOR POLICY**

The County encourages all employees who believe they have been treated unfairly, arbitrarily, capriciously or illegally, or who find themselves in a dispute over a County policy, rule or regulation, to bring their complaints to the attention of a supervisor, their Appointing Authority, or the person who has control over the policy or regulation from which their complaint arises. If for any reason an employee does not wish to approach a supervisor or their Appointing Authority, the employee should contact the Office of Human Resources with their complaint. Most problems and complaints can be resolved informally as a result of discussions of this type.

- **APPEALS FROM ACTIONS TAKEN BY THE COUNTY**

Utilizing the procedures set forth below, classified employees may appeal the following actions, and have the right under Section 705(a) of the Charter to have their appeals heard by the Howard County Personnel Board ("Personnel Board"):

1. Actions of the Personnel Officer pertaining to eligibility lists for appointment or promotion;
2. Disciplinary actions involving loss of job, suspension of pay or benefit accrual, demotion, or a reduction in pay;
3. Actions of the Appointing Authority which result in denial of the minimum salary increase granted to all employees, as allowed by law;
4. Personnel actions which allegedly violate federal, state, or county human rights law;
5. Employee performance evaluations.

- **FORMAL APPEAL PROCEDURES FOR CLASSIFIED EMPLOYEES**

Classified employees believing that they have been treated unfairly, arbitrarily, capriciously or illegally with respect to any other matter affecting their working conditions or employment status, may file an appeal utilizing the procedures set forth below. These appeals, however, may be heard by the Personnel Board only if four members of the Board vote to hear the grievance as provided in Section 705(c) of the Charter.

**NOTE:** In reference to Steps #1 through #4 below (Preliminary Procedures – Matters Other Than Dismissal), written complaints are to be filed with the employee’s Appointing Authority, or the person who has control over the policy or regulation from which their complaint arises. If it is not clear with whom a complaint should be filed, the employee should contact the Office of Human Resources for guidance. Any complaint that is inadvertently filed with an incorrect party will be immediately forwarded to the party who has the authority to address the specific complaint.

In the event that a classified employee is unable or unwilling to informally resolve a workplace problem, a classified employee must follow the following procedural steps:

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**PRELIMINARY PROCEDURES - Matters Other Than Dismissal**

**STEP#1** - Within fifteen (15) days\* after the date when the act(s) constituting the appeal first became known to the employee, the employee must file a **written** complaint with the Appointing Authority. The written complaint must include, at a minimum, the employee's name, job title, and a description of the substance of the employee's complaint, as well as a statement of the relief sought.

\*Reference to “days” within this policy means “calendar days” not “work days”. Further, in computing time under this policy, the date when the act(s) constituting the appeal first become known to the employee, and the date of the act after which a designated period of time begins to run, is not included when computing the time periods established in this policy. If the last day of any time period falls on a Saturday, Sunday, or a holiday recognized by the County, the time period will be extended until the end of the next business day which is not a Saturday, Sunday or a holiday recognized by the county. The failure of a classified employee to follow or adhere to any filing period established by this policy will constitute grounds for the denial of any relief sought. The time periods established in this policy may be waived or extended only by mutual written agreement.

**STEP#2** - After a timely written complaint is filed by an employee with the Appointing Authority, the employee and the Appointing Authority will be given thirty (30) days to resolve the employee's complaint.

During this time period, an Appointing Authority, who may delegate investigatory and other responsibilities to subordinates, may meet with the employee, gather information necessary for the consideration of the employee's complaint from the employee and others, including supervisors, and consult with personnel in the Office of Human Resources for advice and interpretation as to County policies in order to ensure consistency in the resolution of employee problems. Within thirty (30) days after a written complaint is filed, the Appointing Authority must advise the employee in writing as to the

manner in which the employee's complaint can be resolved or, if no resolution is possible, the reasons why no relief will be given to the employee.

**STEP#3** - If a classified employee's complaint is not resolved to the employee's satisfaction after the timely filing of an appeal with the Appointing Authority, the employee must file the written complaint with the Personnel Officer within fifteen (15) days after receiving a written decision from the Appointing Authority, or within fifteen (15) days after the expiration of the thirty (30) day period, whichever is first to occur, in order to have the appeal proceed. \*

\*If an Appointing Authority fails to give an answer to an employee within the time limits established in this policy for any reason, the employee must file a complaint with the Personnel Officer in order to have the appeal proceed.

**STEP#4** - If a timely written complaint is filed by an employee with the Personnel Officer, a tape-recorded hearing will be held by the Personnel Officer or designee, who shall act as a hearing examiner. At the request of the employee, the hearing shall be either open to the public or closed. The hearing examiner shall maintain orderly procedure and shall restrict the hearing to an airing of relevant information. The employee has the right to be represented at this hearing, and has the right to present evidence and produce witnesses.

The employee who is appealing an action has the burden of proving by a preponderance of the evidence that the action being appealed was clearly erroneous, arbitrary and capricious, or contrary to law. To prove something by a "preponderance of the evidence" means to prove something is more likely so than not so.

Representatives of the County who are responding to the employee's complaint may also present evidence and produce witnesses.

The hearing examiner may permit both sides to ask questions of all witnesses, and to offer statements summarizing their respective positions. The hearing examiner may also extend the duration of the hearing to receive additional evidence or testimony, or may ask either side to produce additional evidence. Within thirty (30) days after the conclusion of the hearing, the hearing examiner will advise the employee in writing of the decision upon the appeal.

If the hearing examiner cannot render a decision within that time period, the employee shall be advised in writing of when a decision may be expected. Depending upon the nature of the employee's appeal, the written decision of the Personnel Officer shall specify that if the employee is dissatisfied with the decision, the employee may request either a de novo hearing before the Personnel Board as provided by Section 705(a) of the Charter, or that the Personnel Board consider the appeal upon the record created before the Personnel Officer in the manner contemplated by Section 705(c) of the Charter.

#### **PRELIMINARY PROCEDURES - Dismissal**

**STEP#1** - When an Appointing Authority or the Personnel Officer determines that a classified employee should be dismissed, the employee shall be advised in writing of the reasons or charges supporting the dismissal decision, and shall have the right to appear

before the person making the dismissal decision to respond to the stated reasons or charges.

**STEP#2** - If, after meeting with the employee, the Appointing Authority or the Personnel Officer determines that the dismissal contemplated should proceed, the employee shall be immediately removed from County employment, shall be advised in writing of the effective date of the dismissal, and shall be advised of the right to file an appeal with the Personnel Board within 15 days of the effective date of the employee's discharge.

- **PROCEEDINGS BEFORE THE PERSONNEL BOARD**

**DE NOVO PROCEEDINGS**

**STEP#1** - If a classified employee pursuing an appeal is dissatisfied with a decision rendered by the Personnel Officer in any matter involving those actions specified in Section 705(a) of the Charter, or if a classified employee has been dismissed, the employee may seek a review of the decision by filing an appeal with the Personnel Board. The appeal must be filed with the executive secretary of the Personnel Board within fifteen (15) days after the employee's receipt of a written decision from the Personnel Officer or, in the case of dismissal, within fifteen (15) days of the effective date of their dismissal.

**STEP#2** - After receiving a timely written appeal, the Personnel Board shall schedule a hearing, which shall be conducted pursuant to the rules of the Personnel Board and which may, at the request of the employee, be either open to the public or closed. The employee has the right to be represented at the hearing, and will have the right to subpoena witnesses and evidence, to produce and cross-examine witnesses, and to make an opening statement and closing argument to the Personnel Board. It will be the employee's burden at this hearing to show, by a preponderance of the evidence, that the act(s) about which he complains are clearly erroneous, arbitrary or capricious, or contrary to law.

**STEP#3** - Within sixty (60) days after the hearing, the Personnel Board shall render a written decision upon the appeal, and shall forward copies of its decision to all parties of record. The decision of the Personnel Board shall be final and conclusive upon the parties, except that an employee aggrieved by an action of the Personnel Board in a case involving an appeal under Section 705(a) of the Howard County Charter may seek judicial review of the action under Title VII Chapter 200 of the Maryland Rules.

**PROCEEDINGS ON THE RECORD**

**STEP#1** - If a classified employee is dissatisfied with a decision rendered by the Personnel Officer as to any matter defined by Section 705(c) of the Charter, the employee may seek the Personnel Board's review of the decision by filing a written request for a hearing on the record with the Personnel Board within fifteen (15) days of the date of the receipt of the Personnel Officer's written decision. The written request, which should be filed with the Personnel Officer, shall detail the good cause which makes it desirable for the Personnel Board to hear and consider the employee's appeal.

**STEP#2** - After receiving a written request for a hearing on the record, and after affording the Personnel Officer an opportunity to respond, the Personnel Board shall vote on whether to hear the appeal. Before voting on whether to hear the appeal, the Personnel Board may also choose to hear the parties upon the issue of "good cause".

If, after considering the parties' respective positions, there are fewer than 4 votes to hear the appeal, the decision of the Personnel Officer will become final. If there are 4 or more votes to hear the appeal, the executive secretary shall secure and deliver to the Personnel Board all documentary evidence, as well as the tapes of the proceedings before the Personnel Officer. If requested and paid for by the employee, a transcript of the proceedings before the Personnel Officer may be submitted to the Personnel Board.

**STEP#3** - After receiving the record of the proceedings before the Personnel Officer, and after reviewing the written and testimonial evidence offered at the hearing before the Personnel Officer, the Personnel Board shall schedule a hearing, which shall be tape recorded. At this hearing, which may, at the request of the employee, be either open to the public or closed, the employee and representatives may make a summary argument to the Personnel Board.

**STEP#4** - Within sixty (60) days after the hearing, the Personnel Board shall render a written decision, and shall forward copies of its decision to all parties of record. A decision of the Personnel Board upon an appeal heard on the record shall be final and binding on all parties.

# BENEFIT SUMMARY

## FOR ACTIVE FULL-TIME AND PART-TIME BENEFITED EMPLOYEES

(\*Union Employees: Consult applicable bargaining agreement) (#Executive Exempt Employees: Consult Appointing authority)

The following is a summary of benefits available for active full-time and part-time benefited employees. More information on these plans is available on the County's website at [benefits.howardcountymd.gov](http://benefits.howardcountymd.gov).

### COUNTYFLEX - FLEXIBLE BENEFITS PLAN

Full time and part time benefit-eligible employees may enroll in the County's flexible benefits plan, called County Flex, an IRS approved plan which permits payroll deductions on a pre-tax basis. Enrollment is effective the first of the month following an employee's date of hire should they elect to participate in the flexible benefit plan options. Benefits terminate at the end of a month in which an employee separates from the County.

County Flex benefit options include:

- Medical Insurance Plans
- Dental Insurance Plans
- Optional Life Insurance (Employees may purchase 1, 2, or 3 times their legislated base annual salary in supplemental life insurance – subject to insurance carrier approval. Employees can also purchase a term life insurance benefit on their spouse and eligible children.)
- Flexible Spending Accounts (Health Care and Dependent Care)

Enrollment levels for health insurance options include employee only; employee and spouse; employee and child (ren); or family

Employees enrolling dependents on their health insurance plan will be required to furnish appropriate proof of dependent relationship. Dependent children may be enrolled through the end of the month in which they turn age 26 per the provisions of the Affordable Care Act (ACA)

Changes to benefit plan elections may only be made during the County's annual open enrollment period or within 30 days of a qualifying change in status. Examples of qualifying changes include birth or adoption of a child, marriage, divorce, dependents loss of eligibility for benefits or change in spouse's employment status. Only enrollment changes consistent with the actual qualifying event are permitted. Failure to notify the Office of Human Resources within 30 days of the event may result in inability to make the enrollment change. Employees should contact the Office of Human Resources to confirm what options may be available to them.

## LIFE INSURANCE

Full-time employees are automatically enrolled in a basic group term life insurance benefit equal to 2 times legislated annual salary. Participation in the life insurance begins on the first of the month following an employee's date of hire. The County pays 100% of the premium for this benefit. Accidental death and dismemberment coverage is included. Employees may purchase supplemental coverage through payroll deductions under the flexible benefits plan on a pre-tax basis. Part-time benefited employees do not receive basic life insurance but may purchase supplemental life insurance.

Life insurance coverage terminates at the end of the month in which an employee separates from the County. Coverage may be continued under a conversion feature directly with the life insurance carrier. Sworn members of the Police Department, Career Firefighters, Dispatchers, and Volunteer Firefighters are covered for a line-of-duty benefit in the amount of \$50,000 in addition to all other benefits payable.

In the event of the line-of-duty death, as defined by the Chief of Police, of a sworn member of the Police Department, the County will pay a death benefit to the employee's designated beneficiary(ies) a lump sum payment of ten thousand dollars (\$10,000), in addition to all other benefits payable.

## LONG TERM DISABILITY INCOME PROGRAM

Benefit-eligible employees are automatically enrolled in this program at no cost after completion of 6 months of service. After a period of 180 days of disability, an employee meeting eligibility requirements may receive a monthly disability benefit equal to 60% of the employee's monthly base pay, up to certain monthly maximum limits under the plan. The County pays the entire cost of this benefit, which is offset by other income awards, including retirement, social security and workers' compensation benefits. Coverage under the long term disability plan terminates at the end of the month in which an employee separates from the County.

## VOLUNTARY BENEFIT PROGRAM

Benefit-eligible employees may choose to enroll in a variety of voluntary benefits designed to supplement the County's standard benefits program. Employees pay the cost for these benefits with payroll deductions. Currently, employees may choose to enroll in short term disability insurance, universal life insurance, cancer/specified disease insurance, long term care insurance, discounted auto/homeowner's insurance, and pre-paid group legal coverage. Benefits offered under this program may change from time to time.

## PENSION/RETIREMENT

The County sponsors two defined benefit retirement plans: (1) the Howard County Police and Fire Employees' Retirement Plan, which covers all sworn police officers and career fire fighters; and (2) the Howard County Retirement Plan, which covers all other full-time and part-time benefited employees. Plan enrollment is mandatory.\* Summary Plan Descriptions are available in the Office of Human Resources.

\* Some current employees may be members of the Employees' Retirement System of the State of Maryland or the Employees' Pension System of the State of Maryland (the "Maryland Systems") if they did not consent to withdrawal from the Maryland Systems and transfer to the County's retirement and pension plans. For more detail, see Subtitle 4 of Title 1 of the County Code.

## THE HOWARD COUNTY RETIREMENT PLAN:

The County's contribution to the plan is determined actuarially and varies from year-to-year.

Participants contribute on a pre-tax basis. The mandatory contribution rates for participants are:

Corrections Employees	8.5% of pay
General, Blue Collar and Trade Employees	3.0% of pay

## POLICE AND FIRE EMPLOYEES' RETIREMENT PLAN:

Individuals hired as sworn police officers or career fire fighters must participate in the Howard County Police and Fire Employees' Retirement Plan. The County's contribution to the plan is determined actuarially and varies from year-to-year.

Participants contribute on a pre-tax basis. The mandatory contribution rates are:

Police Officers	11.6% of pay
Firefighters	7.7% of pay

## DEFERRED COMPENSATION PROGRAM

Employees are eligible to voluntarily participate in this supplemental defined contribution retirement program. This IRS 457(b) plan allows employees to defer a portion of their income on a pre-tax basis to be invested among a diverse menu of investment options. Plan assets accumulate on a tax-deferred basis until withdrawn from the plan. Additional information is available from the Office of Human Resources.

## SOCIAL SECURITY

Participation is mandatory; employees contribute at the current established rate.

## LEAVE

Use of all leave requires prior supervisory approval. For details concerning the leave benefits provided to employees, see the "LEAVES" section of the Employee Manual.

## BREAK TIME FOR NURSING MOTHERS

Howard 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, for each time she needs to express milk. Howard 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 to express breast milk.

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.

## EMPLOYEE ASSISTANCE PROGRAM

Employees experiencing problems that affect their personal lives and job performance may take advantage of confidential assessment and referral services through the EAP. The plan provides 3 sessions per incident per year are at no cost to the employee. Referrals directed to health care providers are coordinated with insurance coverage. A 24 hour employee counseling hot-line is available at 1- 888-293-6948; TDD 800-327-1833.

## EDUCATIONAL ASSISTANCE

**To assure that the County keeps pace with an ever expanding need to upgrade existing levels of service, as well as provide new services, all full-time employees are encouraged to participate in the Tuition Assistance Program that will directly benefit the operations of the County.**

- This procedure establishes a standardized method to be followed by all eligible County employees and affected departments/agencies for the application, approval and reimbursement of tuition for approved work-related courses. These guidelines will be followed whenever an active full-time County employee applies for benefits under the Tuition Assistance Program.
- Specified responsibilities of the employee and affected departments/agencies regarding the Tuition Assistance Program are as follows:

### **ELIGIBILITY**

To qualify for benefits, the employee must be an active full-time classified or exempt employee. To be eligible to receive benefits under the Tuition Assistance Program, the employee must have successfully completed six months full time employment.

### **PROGRAM CRITERIA**

1. Courses covered by the Tuition Assistance Program must be "job-related". "Job-related" is defined as a course of instruction which must have a direct bearing on the employee's current work assignment or be related to a County position to which the employee may reasonably expect to progress. Credit courses that are required to obtain a degree related to the employee's current job or a County Position to which the employee may reasonably expect to progress are also covered by the Tuition Assistance Program.
2. An employee applying for tuition assistance for non-credit courses must state specifically how the course is related to his/her current job assignment or be related to a County position to which the employee may reasonably expect to progress. Eligible non-credit courses must be "educational" in nature, meeting over the course of several class sessions (usually extending over several weeks) where cumulative knowledge and/or skills are attained. Other non-credit classes and seminars are considered "training" and should be considered for payment under department/agency training programs and budgets.
3. Courses for certifications (such as CPA, CPPO, CPRP, PHR, PMP), re-certifications, licenses (such as CDL) are not covered by the Tuition Assistance Program.
4. An employee is eligible to receive a maximum reimbursement of \$1,500 per fiscal year, contingent upon available County funding. There will be no exceptions to the \$1,500 maximum benefit per fiscal year.

Tuition Assistance is limited to in-county tuition costs, laboratory fees, all required associated fees and the cost of required textbooks. Assistance does not apply to other charges, such as registration fees, transfer fees and out of county tuition unless the program is only offered at a particular school. Unless the employee is enrolled in a unique program at a community college and taking classes that are not offered at their home community college, tuition will be reimbursed at the in-county rate of the school they are attending.

5. To be eligible to receive tuition assistance, the employee must receive a passing grade, C or better for undergraduate and B or better for graduate courses. If PASS/FAIL is the only option, a grade of **PASS** is required.
6. All courses are to be taken during a time other than an employee's regular working hours. If an employee attends classes during their regularly scheduled working hours, personal, annual or comp time must be approved in advance and charged.
7. An employee who is receiving assistance from another institutional source (i.e. Veterans' Administration or Federal Education Assistance Program) which only partially cover the tuition, may apply to receive the **difference** between the outside assistance and the total cost of the tuition. There will be no exceptions to the \$1,500 maximum benefit per fiscal year.

## **APPLICATION PROCESS**

- 1, An employee must complete and submit a Tuition Assistance Application Form PE-27A to his/her department head (or designee). A copy of the course description(s) from the school's catalog must be attached to the Application Form.
2. The Application Form must be submitted to the department head (or designee) before the course commences.

The Appointing Authority will review the application to verify that the employee meets all the requirements outlined in the ELIGIBILITY and PROGRAM CRITERIA Sections of this policy.

3. The department head (or designee) will sign the form, indicating that the application is approved or disapproved and forward it to the Office of Human Resources. If the application is not approved, the department head (or designee) must provide a written explanation stating the reason the application was not approved.

4. If all eligibility criteria are met the Human Resources Administrator (or designee) will approve the form and return a copy of the approved application to the employee and a copy to the department head (or designee). If the application is disapproved, the Human Resources Administrator (or designee) will advise the employee of the reason for disapproval, in writing.

## **PAYMENT PROCESS**

1. When an employee has successfully completed an approved course, he/she will complete a Tuition Assistance Payment Form (PE-27B), attach a copy of itemized receipts for all covered costs (note: canceled checks, credit card statements or credit card receipts are not acceptable) **and** a copy of the final grade report and submit it to his/her Appointing Authority (or designee).
2. The Appointing Authority (or designee) will review the Payment Form, and if complete and in conformance with all requirements, sign and send it to the Office of Human Resources.
3. The Human Resources Administrator (or designee) will confirm that all program requirements have been met and will approve payment.
4. The Tuition Assistance Payment will be made on the employee's next scheduled paycheck (or direct deposit). Taxes will be deducted as required by federal law.
5. If the Tuition Assistance Payment is disapproved, the Human Resources Administrator will so advise the employee in writing, stating the basis of the disapproval.

## **EXCEPTIONS**

If the employee does not complete the course, does not attain a passing grade, or leaves the employ of the County prior to approval of his/her receipt of official grade and approval of his/her request for payment, no reimbursement will be made to the employee. All requests for reimbursement must be submitted within 45 days of the course completion date or no reimbursement will be made.

## CREDIT UNION

Employees may participate in the Tower Federal Credit Union. Convenient payroll deductions and loans to qualified members are available. Membership application forms are available in the Office of Human Resources. Tower Federal Credit Union, however, is completely separate from and independent of the County. The County has no part in the affairs of Tower Federal Credit Union, which is chartered and supervised by the National Credit Union Administration, a governmental agency. Tower Federal Credit Union membership information is available at [www.towerfcu.org](http://www.towerfcu.org) or by calling 301-497-7000

## DISABILITY LEAVE BANK

Employees have established a Disability Leave Bank (DLB) so that eligible individuals will receive salary and benefit protection in the event of a serious illness/injury that exhausts all of one's accrued leave. Employees with one year of service may voluntarily join the DLB, or may join during the annual open enrollment period. Employees wishing to join are required to donate two days of accrued disability leave upon participation. The Chief of Police may establish a leave bank program within the department in which classified sworn employees may participate.

## DISABILITY LEAVE CONVERSION

At the end of each fiscal year, employees who have worked the entire fiscal year and have used no more than 3 days of disability leave plus their annual contribution to the disability leave bank, if any, may convert 3 of their accrued days to 2 days of pay provided that after the conversion they have at least 10 days of accrued disability leave. Eligible employees will be notified of their eligibility to convert leave. Part-time benefited employees may convert leave at the rate of 50% of the conversion benefit available for full-time employees.

Employees on the PM scale who do not utilize any Disability Leave for a six (6) month period shall be awarded 1 day of compensatory time with no award to exceed 12 hours in a six (6) month period or 24 hours in a one year period. The six months shall be measured from January 1 to June 30 and from July 1 to December 31.

## COMMUNICABLE DISEASES

The County is committed to maintaining a healthy work environment by protecting the physical and emotional health and well-being of all employees in the workplace. The County also has a commitment to ensure that individuals exposed to or infected with communicable diseases are provided with fair and equal treatment. In general, individuals with communicable diseases will be treated as those with any other illness. When able, they are expected to be productive employees; when disabled, they will receive all disability benefits to which they are entitled.

Employees who are diagnosed with communicable disease may continue to work if they are deemed medically able to work and can meet acceptable performance standards. As with any medical condition, an employee may be required to obtain from his/her treating physician, a statement that continued presence at work will pose no health or safety threat to the employee, co-workers or general public.

At the request of a disabled employee, the County will attempt to provide reasonable accommodation, based on a case-by-case review of the severity of the employee's disability and the nature of the work assignment. An employee needing such accommodation for his/her disability shall be required to submit written verification from his/her physician outlining the necessary restrictions. An employee requesting job modification may be required to undergo a medical examination conducted by the County's physician and at the County's expense, in order to confirm the nature of necessary restrictions. Supervisors are encouraged to consult with the Office of Human Resources to explore appropriate accommodations as necessary.

An employee diagnosed with a communicable disease who becomes medically disabled will be eligible to receive all benefits made available to disabled employees under County law and policies, to include leave benefits, leave bank benefits (if the employee is a member) and Long-Term Disability Income benefits.

The employee must also apply for disability retirement and Social Security benefits. If the employee subscribes to one of the County sponsored group health insurance programs, such insurance coverage will remain in force with the employee responsible for any applicable co-payment as required under current County procedures.

No employment decision concerning any current or prospective employee where a communicable disease is a consideration may be made without first consulting with the Human Resources Administrator. The Human Resources Administrator, after consultation with the County Health Officer and Office of Law, where necessary, will advise the department on a course of action consistent with applicable laws and policies.

Supervisors and co-workers are reminded that an employee's health condition is personal and confidential. Information related to an employee medical status may only be shared on a "need to know" basis. This requires deviation from channels of reporting normally used. The immediate supervisor must contact the Human Resources Administrator directly immediately upon learning of an employee's condition to determine who, if anyone, meets the "need to know" requirement. The Human Resources Administrator shall confer with the Office of Law and/or County Health Department, as necessary, in order to make such determination.

Supervisors are expected to identify the need for communicable disease education as may be necessary to allay the fears and concerns of co-workers.

## COMPENSATION

(\*Union Employees: Consult applicable bargaining agreement)

Please refer to the Howard County Pay Plan for information regarding Compensation.

<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=RaSCCwQQ4eM%3d&portalid=0>

## ACTING DUTY PAY

(\*Union Employees: Consult applicable bargaining agreement)

Please refer to the Howard County Pay Plan for information regarding Acting Duty Pay.

<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=RaSCCwQQ4eM%3d&portalid=0>

## IMPLEMENTING THE PAY PLAN

Please refer to the Howard County Pay Plan for information regarding Implementing the Pay Plan.

<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=RaSCCwQQ4eM%3d&portalid=0>

## OVERTIME AND COMPENSATORY TIME

(\*Union Employees: Consult applicable bargaining agreement)

The following language has been modified for use in the Intranet version of the Pay Plan. The actual legislated language is available in the printed copy of the Pay Plan, which is appended to the printed version of the Employee Manual.

### **Preface Statements:**

- If an employee works longer on any given day than the employee's regularly scheduled workday, the appointing authority may adjust the remainder of the employee's work period so that the employee does not work more than his/her regularly scheduled hours of work during that work period.
- Overtime hours worked shall be credited to an employee according to the calculations and ratio established by this policy, the Howard County Code or collective bargaining agreement, as applicable.
- Overtime compensation shall be in the form of pay or paid leave (compensatory time off).
- Overtime hours earned will be incrementally adjusted to the nearest quarter-hour (15 minute) interval.
- Overtime (actual hours) counts toward the 75% minimum work requirement for eligibility for step increments and performance awards, as contained in the Pay Plan.
- Paid leave is considered time worked for the purpose of computing overtime earned.
- In order to pay overtime rather than grant compensatory time, a department must have sufficient budgetary funds available.
- Employees whose job duties include clerical/secretarial duties for boards and commissions will be

paid a minimum of three (3) hours at the regular hourly rate for performing these duties at each meeting. The FLSA overtime hourly rate will apply only when the actual hours worked exceeds 40 for the pay week. For example, a board meets outside the normal work hours for 1 hour, and the employee's regular work hours are 40 per week. The employee would receive 1 hour at the FLSA overtime hourly rate, and 2 hours at the regular hourly rate.

- *Situational Pay for Non-uniformed, Non-union Employees.* When there is a threat or occurrence of an emergency, special event, or other similar situation, the Chief Administrative Officer may authorize payment to an employee who staffed the Emergency Operations Center or who worked in response to the emergency, special event, or other similar situation for hours worked that the employee would have otherwise been off. Payment shall be monetary and shall not be in the form of compensatory time unless authorized by the Chief Administrative Officer. Payment shall be computed at the following rate; one and one-half times the regular hourly rate for non-exempt employees and at the straight hourly rate for FLSA exempt employees. Employees covered by collective bargaining agreements shall be paid for hours worked under this subsection pursuant to the provisions of the collective bargaining agreements.
- It is the employee's responsibility to accept overtime assignments as directed by their supervisor. Refusal to work overtime may subject the employee to disciplinary action by the appointing authority. Employees should accept the assignments and subsequently appeal the situation, given the circumstances. Supervisors shall attempt to assign overtime equitably and fairly to include soliciting volunteers whenever possible and shall refrain from mandating overtime except in cases of operational need.
- All overtime hours worked and for which compensation is expected, must be verbally approved in advance by the appointing authority or approved designee(s).
- The designated timekeeper in each Department/Bureau shall be responsible for maintaining the official record of overtime hours earned and compensated. When compensatory time off is used it is to be documented on the Department/Bureau time sheet as such.
- The supervisor shall make every attempt to approve the usage of compensatory time off requested by the employee as long as it does not conflict with the mission of the Department. It is the appointing authority's responsibility, or the responsibility of their appointed designee(s), to ensure that all compensatory time earned and used is documented and substantiated.

- **Employees Exempt from Fair Labor Standards Act**

1. Except as otherwise provided in this section, supervisors in Grades J and below shall be paid overtime or granted compensatory time off at the rate of 1.5 hours of overtime or compensatory time for each hour worked in excess of 40 hours per week.
2. Police Lieutenants shall be paid overtime at the rate of 1.5 hour's pay for each hour worked in excess of the assigned work schedule. For purposes of computing overtime under this paragraph:
  1. A Police Lieutenant who is called in to work outside his or her regular shift shall be credited with all hours worked, but not less than 4 hours; and
  2. A Police Lieutenant who is required to attend court or otherwise meet with government attorneys outside his or her regular shift shall be credited with all hours of court time, but not less than 3 hours.
  3. A Police Lieutenant who is assigned to a detail of at least fifteen (15) minutes, but less than three (3) hours during off-duty hours shall receive a minimum of three (3) hours of pay or compensatory time at the overtime rate (1.5X) when the assignment is approved in advance.
  4. A Police Lieutenant who is required to work when the County offices are closed for normal operations by the County Executive shall be compensated at the 1.5X rate for the hours actually worked during the duration of such closing.
  5. Police Lieutenants may accrue compensatory hours in excess of 80 hours up to a maximum of 240 hours but shall be compensated at the time of separation at the hourly rate in effect at the time of separation, not to exceed 80 hours.
3. A Police Services Supervisor I who is called in to work hours which are not contiguous to their regular shift shall receive a minimum of 4 hours pay at the overtime rate. Such employees officially assigned to stand-by status shall receive minimum call-in pay, in addition to their stand-by pay, for the first call-in during any one stand-by period. Any additional required work time during the same stand-by period shall be paid as overtime (i.e. time and one-half) for actual hours worked. Pay shall start when the supervisor receives notice to report to work.
4. Emergency Communication Supervisors:
  1. Required to work when the County offices are closed for normal operations by the County Executive shall be compensated at the 1.5X rate for the hours actually worked during the duration of such closing;
  2. Called in to work hours which are not contiguous to their regular shift shall receive a minimum of 4 hours pay at the overtime rate;
  3. Required to attend court as a result of a work related incident, or give a work related deposition during non-scheduled working hours, will be compensated at a minimum of three hours at the overtime rate;
  4. Required to attend meetings, or represent the Department on committees during non-scheduled working hours will be compensated at a minimum of three hours of pay at either the overtime rate, or the regular rate of pay, dependent upon the employees work hours for that week. Eligibility for, and applicability of, detail pay must be approved in advance of the event by the Division Commander or above. May accrue compensatory hours in excess of 80 hours up to a maximum of 240 hours but shall be compensated at the time of separation at the hourly rate in effect at the time of separation, not to exceed 80 hours.
5. Fire Captains shall be paid overtime or earn compensatory leave at one and one-half times their regular hourly rate for hours worked in excess of the regular hours in the employee's workweek;

Battalion Chiefs shall be paid overtime or earn compensatory leave at the straight rate for the first five hours worked over their regular workweek and shall be paid overtime or earn compensatory leave at time and one-half for all hours in excess of the regular hours in the employee's workweek.

Fire Assistant Chiefs are not eligible for overtime. Fire Assistant Chiefs may accrue compensatory time or additional straight time at an hour-for-hour rate for each hour worked in excess of the regular hours in the employee's work week.

Fire Captains may accrue compensatory hours in excess of 80 hours up to a maximum of 240 hours but shall be compensated at the time of separation at the hourly rate in effect at the time of separation, not to exceed 80 hours. Fire Battalion Chiefs and Assistant Chiefs shall not accrue more than 80 hours of compensatory time.

6. Sergeant Deputy Sheriff and Lieutenant Deputy Sheriff shall be paid overtime or granted compensatory time off at the rate of 1.5 hours of overtime or compensatory time for each hour worked in excess of 40 hours per week.
  7. Correctional Captains shall be paid overtime or granted compensatory time off at the rate of 1.5 hours of overtime or compensatory time for each hour worked in excess of 40 hours per week.
  8. Except as provided in paragraphs (1) - (7) of this subsection, a merit system employee who is exempt from the coverage of the Fair Labor Standards Act, except those identified in Section 1.111(b) "Exempt Service" of the Howard County Code, shall be granted compensatory time, on an hour for hour basis, for all hours worked in excess of 40 hours per week, to a maximum of 80 hours.
  9. Upon termination or retirement, a merit system employee who is exempt from the coverage of the Fair Labor Standards Act shall be paid at the hourly rate in effect at the time of separation for accumulated compensatory hours, not to exceed 80.
- **Employees Covered by Fair Labor Standards Act**
    1. Employees covered by provisions of the Federal Fair Labor Standards Act shall be paid overtime or granted compensatory time at the rate of 1.5 hours pay or 1.5 hours of compensatory time for each hour worked in excess of 40 hours per week.
    2. If a supervisor fails to arrange compensatory time off within 60 days of accrual, the employee may request compensatory pay in lieu thereof.
    3. The calculation for overtime earned is based upon total hours paid inclusive of annual, personal, funeral, official, disability, military, union, jury or compensatory leave.
    4. The Fair Labor Standards Act states that all non-exempt employees may accrue a maximum of 240 hours of credited compensatory time before any overtime payment is required. Public safety and seasonal employees may accrue a maximum of 480 hours of credited compensatory time before any overtime payment is required. When required by law, the cash payment shall reduce the number of hours accrued by the employee to the maximum amount of compensatory hours listed above.

## POSITION CLASSIFICATIONS

Please refer to the Howard County Pay Plan for information regarding Position Classifications.  
<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=RaSCCwQQ4eM%3d&portalid=0>

## SALARY SCHEDULES

Please refer to the Howard County Pay Plan for information regarding Salary Schedules.  
<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=RaSCCwQQ4eM%3d&portalid=0>

## INVOLUNTARY SEPARATION PAY

The following language has been modified for use in the Intranet version of the Pay Plan. The actual legislated language is available in the printed copy of the Pay Plan, which is appended to the printed version of the Employee Manual.

- **Scope of Section**

This section applies to a Classified Employee or an Executive Exempt employee who:

1. Is dismissed from employment for reasons other than those listed in Section 1.115(b) of the County Code; and
2. Did not voluntarily resign or retire; and
3. Did not return to work from an approved leave of absence within the specified time; and
4. Did not leave employment for any reason relating to inability to perform full range of essential job duties

- **Notice or Payment In-Lieu-of Notice**

An appointing authority shall give an employee:

1. At least two weeks' advance notice of a separation from employment; or
2. Additional pay under this section so that the employee receives a combination of two Weeks' notice and pay-in-lieu thereof.

- **Involuntary Separation Pay Authorized; Amount**

1. The County shall pay an employee involuntary separation pay not to exceed 10 weeks, in accordance with this subsection.
2. The amount of involuntary separation pay, based on length of service, shall be as follows:

<b>Length of Service</b>	<b>Weeks of Involuntary Separation Pay</b>
1-3 years	1 week
4-7 years	3 weeks
8-10 years	6 weeks
Over 10 years	10 weeks

- **Release Form**

In order to be eligible to receive involuntary separation pay under this section, an employee shall sign a release form as prescribed by the Personnel Officer.

## SPECIALTY PAYS

(\*Union Employees: Consult applicable bargaining agreement)

Please refer to the Howard County Pay Plan for information regarding Specialty Pays.

<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=RaSCCwQQ4eM%3d&portalid=0>

## STEP INCREMENTS

(\*Union Employees: Consult applicable bargaining agreement)

Please refer to the Howard County Pay Plan for information regarding Step Increments.

<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=RaSCCwQQ4eM%3d&portalid=0>

## CONFLICT OF INTEREST AND IMPROPER INFLUENCE

Citizens of Howard County are entitled to have complete confidence in the integrity of their government. County employees must honor the trust Howard Countians place in them by demonstrating the highest levels of conduct in all their official actions. To this end, the Howard County Public Ethics Law was passed, and the Howard County Ethics Commission was established. To reach the Ethics Commission, employees may call 410-313-2020. For complete details, refer to the Howard County Code.

### CONFLICT OF INTEREST

The following information provides a brief summary of employee issues related to ethics.

A conflict of interest occurs whenever a personal interest of an employee or public official impairs the individual's impartiality and independence of judgment and respect to the individual's public duties and the public interest of the County.

Therefore, as a County official or employee you **may not**:

- Participate in any county matter which would benefit you, your family or your business interests more than it would benefit the general public.
- Have an interest in a business that has a contractual arrangement with the County.
- Have an interest in a business that you regulate or that is regulated by someone you supervise.
- Participate in any County matter involving a business which has promised future employment to you or your family.
- Work for a company or person which you regulate or your agency regulates or which has a contractual arrangement with your agency.
- Represent another person or a company before any County body for compensation.
- Be compensated for representing a person in connection with any specific matter in which you had substantial participation. This ban on compensated representation lasts for one year after you leave county service.
- Use the prestige of your office for private gain.
- Use confidential information for private gain.
- Solicit or accept gifts in the course of your work. With respect to the solicitation and acceptance of gifts, no official or employee shall knowingly accept any gift directly or indirectly from any person whom the official or employee knows or has reason to know:
  1. is doing or seeking to do business of any kind with their agency.
  2. is engaged in activities which are regulated or controlled by their agency.
  3. has financial interest which may be substantially affected in a specific way by the employee acting in his official capacities, or
  4. is a lobbyist with respect to the matters within the employee's functional jurisdiction.

For the purpose of the Howard County Public Ethics Law, "gift" does not include ceremonial gifts or awards of insignificant monetary value or unsolicited gifts of nominal value or trivial items of informational value. Employees who receive unsolicited gifts from anyone doing business with or intending to do business with the County should reject or return such gifts and immediately report the situation to their immediate supervisor. If a gift is accepted in excess of \$50 in value (or a series of gifts totaling \$100 or more) from anyone doing business with the County, the nature of the gift, its value and the donor's identity must be reported to the Howard County Ethics Commission.

## **IMPROPER INFLUENCE**

An official or employee may not use or promise to use, directly or indirectly, any official authority or influence to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. An official or employee may not, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for securing or providing any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in a position in the classified service.

An official or employee may not detail or cause any officer or employee of the County to do or perform any service or work outside of his/her public office of employment.

# DISCIPLINE OF CLASSIFIED EMPLOYEES

(#Executive Exempt Employees: Consult Appointing Authority)

- **DISMISSAL OF CLASSIFIED EMPLOYEES FOR UNSATISFACTORY PERFORMANCE**

When, in the judgment of an Appointing Authority, the work performance of a classified employee is not acceptable and verbal counseling has not corrected performance problems, a written warning shall be issued to the employee. The written warning shall identify the areas of the employee's performance requiring improvement so that the employee will have the opportunity to demonstrate both a willingness and ability to perform the requirements of the position. The written warning shall be placed into the employee's official personnel file.

After a written warning has been issued to an employee, the employee's performance will be closely monitored and evaluated. If the employee's performance does not improve so that the employee is meeting all requirements of the position, a written final warning shall be issued to the employee. The written final warning shall identify reasons for the warning and the corrective action which is required, and should establish a specific time period within which the employee must demonstrate improvement in order to avoid discharge.

If an employee has not received a preliminary warning, but has received a written job performance evaluation indicating poor or unsatisfactory job performance, a preliminary warning need not be issued before the issuance of a final warning. Unless otherwise specified, a final warning is effective for a period of one year.

If after the issuance of a final warning a classified employee's performance continues to be unsatisfactory, the employee shall be dismissed after first being given a statement in writing of the reasons for discharge.

- **DISMISSAL OF CLASSIFIED EMPLOYEES FOR CAUSE**

The following categories of conduct contain examples of conduct which may be grounds for a classified employee's immediate dismissal, but are not inclusive of all conduct which may be grounds for dismissal without warning, counseling or progressive discipline. Each situation will be judged on a case-by-case basis. An Appointing Authority or the Personnel Officer may, where circumstances warrant, impose one or all of the disciplinary sanctions in subparagraph "C" of this policy in lieu of discharge, or may condition an employee's continued employment upon such terms as may be appropriate in light of the employee's conduct.

A classified employee may be discharged immediately, without warning, counseling or Progressive discipline, for actions or conduct falling within the following general categories:

1. **DISHONESTY**--includes: actions involving the misuse of money or property; theft; actions designed to lead to theft; the making of false statements; or the falsification of records.

2. **INSUBORDINATION**--includes: a failure or refusal to follow directions or to perform assigned work; and/or the use of profane or abusive language/gestures during interactions with supervisors;
3. **VIOLATION OF COUNTY POLICY**--includes the violation of any law or policy, whether or not contained in this handbook, to which an employee is made subject as a consequence of his/her employment with the County.
4. **MISCONDUCT**--includes conduct adverse to the safety and welfare of co-employees and the public; the misuse of County property or premises the misuse of private property or premises while on duty;; repeated negligence; tardiness; unauthorized absences; illegal activities; criminal conviction for any felony or crimes involving moral turpitude; or any behavior which, in the sole discretion of the County, endangers County employees, premises or property, or presents a threat of such danger. Should employee misconduct result in damage to County or private property, an employee shall reimburse the County or property owner for the amount of damage incurred.
5. **UNETHICAL CONDUCT**--includes the acceptance for personal use of any fee, gift, or other thing of value in connection with or during the course of County employment if given to the employee by any person with the hope or expectation of receiving a favor or better treatment than that accorded to other persons, and other conduct which violates of the County's Ethics Law.
6. **USE OF DRUGS AND ALCOHOL**--includes conduct which violates any County drug or alcohol policy to which the employee is made subject.

In all situations where dismissal is contemplated, the employee will be advised in writing of the reasons or charges supporting dismissal, and will be given the opportunity to meet with the individual making the dismissal decision to respond to the charges before the dismissal takes effect.

- **OTHER DISCIPLINE**

In lieu of dismissal, a classified employee may receive one or all of the following sanctions:

1. A written reprimand;
2. A demotion to a lower pay grade or a reduction in pay;
3. A suspension without pay;
4. A suspension of the employee's right to accrue annual and personal leave for a period not to exceed one year.

Should an employee so disciplined again become subject to discipline within one year, he/she may be dismissed.

- **ACTIONS WHICH DO NOT CONSTITUTE DISCIPLINE**

Written warnings, counseling and counseling memoranda are not disciplinary actions for the purposes of this policy.

# DIVERSITY

## MISSION STATEMENT

The mission of Howard County, Maryland (the "County") in adopting this Diversity Policy is to foster an environment that welcomes and accepts diversity within the County. The County is committed to: (1) maintaining an inclusive, productive, supportive, open, innovative, and challenging workplace environment in which every individual is valued for his or her unique characteristics; (2) fostering respect, understanding, and acceptance of differences; and (3) enabling employees to be positive and creative, and to reach their full potential, thus enhancing the relationships among ourselves and optimizing the quality of services to our residents and our fellow employees.

## WHAT IS DIVERSITY?

Diversity can be defined as an infinite variety of possible characteristics that can be used to describe or distinguish individuals. These characteristics are more easily understood when considered in connection with the broader dimensions into which they may fall. These are:

1. Behavioral Characteristics: The unique characteristics of each individual that directly or indirectly impact communication and relationships with others, which may include, for example: patient or impatient, doer or thinker, assertive or nonassertive, listener or talker, flexible or inflexible, rational or emotional, organized or disorganized, etc;
2. Internal or Inherent Characteristics : Characteristics that for the most part are determined by the essential nature of a person such as age, gender, ethnicity, race, physical ability and sexual orientation;
3. External and Social Characteristics : Characteristics which are influenced more by social factors and life experiences than by the inherent nature of a person. Examples are religion, marital status, parental status, educational background, language, income, appearance, geographic location, and work experience; and
4. Organizational Characteristics: Characteristics of a person's experience within a particular group or organization. These may include, for example: functional level or classification, management status, department/division/unit and work group, union affiliation, work location, seniority, work content or field.

## WHY HAVE A DIVERSITY POLICY?

All of a person's characteristics, whether they be behavioral, inherent, social or organizational, shape that person's and others' behavior, attitude, expectations and assumptions, and impact one's opportunities.

The population of Howard County and surrounding areas is diverse. With an increasingly diverse work force and community, the County must assess its culture and identify policies and practices that both help and hinder the inclusion of a wide range of employees and the culturally sensitive provision of services to the community. The County must move further toward a culture of inclusion, thereby increasing the consciousness and appreciation of differences associated with the heritage, characteristics and values of many different groups, as well as increasing the respect for the uniqueness of each individual.

Some of the benefits that can accrue from the County's successful implementation of a diversity policy are:

- There is less conflict between employees;
- Managers become more effective;

- Employees become more motivated;
- Morale improves;
- Increased cooperation (departmental and inter-departmental);
- Less absenteeism;
- Recruitment and promotional policies improve;
- Improved client/customer relations;
- More information is shared;
- More problems get solved;
- A safer working environment;
- Better mentoring and coaching;
- Management gets new ideas; and
- Improved teamwork.

Pursuing these objectives will require new ways of thinking and working throughout the County. By adopting a Diversity Policy, the County is establishing a valid commitment to create a workplace environment which:

- accepts diversity;
- educates the work force on the nature of diversity;
- motivates employees to achieve their highest contribution to the County's mission;
- respects and appreciates individual differences and ensures all employees are included as full, contributing, and influential team members;
- provides equitable treatment and opportunities;
- creates and maintains an inclusive approach to all systems, policies and practices which includes, but is not limited to promotions; performance ratings; awards; training; appointments to boards, committees and interdepartmental teams; and the delivery of products and services;
- is flexible regarding non-traditional quality of work life initiatives; and
- facilitates culture change to support new behaviors.

## **DIVERSITY - OUR APPROACH**

While there are many ways to achieve the goals of welcoming and accepting diversity within an entity or organization, the county has identified three (3) general approaches which have been and/or will be used within the County to accomplish our goals. They are: (1) Traditional Equal Employment Laws and Policies; (2) Valuing Diversity, and (3) Managing Diversity. These three approaches are described as follows.

### **1. Traditional Equal Employment Laws and Policies**

Motivated primarily by legal and political considerations, most entities and organizations have adopted, and/or are required to comply with, laws and policies which focus on groups which were historically discriminated against. Federal, state and local laws have been adopted which prohibit discrimination against certain protected classes of people. Generally, these traditional laws focus on righting historical wrongs by requiring and/or prohibiting certain behavior and action by organizations and individuals.

2. Valuing Diversity

The goal of this approach is to improve the quality of relationships among people. It is motivated by a commitment to capitalize on the richness of different cultures. Valuing Diversity's primary focus is on understanding the similarities and differences in behavioral, inherent, social and organizational characteristics. It opens up people's emotions and minds to diversity and establishes mutual respect and greater receptivity to diversity initiatives.

3. Managing Diversity

The goal of this approach is to improve the full use of all human resources in the County. It is motivated by the County's commitment to provide quality service and achieve increased productivity. Managing Diversity is primarily focused on creating a diversity friendly atmosphere. It opens up the whole system to change and questions the policies and practices of the organization in light of the current diverse environment.

As shown below, Valuing and Managing diversity initiatives complement and support Traditional Equal Employment Opportunity Laws and Policies:

VARIABLES	TRADITIONAL LAWS AND POLICIES	VALUING AND MANAGING DIVERSITY
PROTECTED GROUP	Historically, all except white males.	Everyone including white males.
ASSUMPTIONS	Assimilation, monoculture.	Unassimilated diversity, multicultural norms.
GOAL	Creation of a diverse workforce based on protected classes. Upward mobility for minorities and women.	Acceptance, management, and appreciation of a diverse workforce. Full utilization of human resource system and equal opportunity for all.
MOTIVE	Legal responsibility.	Business necessity, moral, corporate and social responsibility in addition to legal responsibility.
IMPLEMENTATION	Adoption of and/or compliance with laws and policies prohibiting discrimination.	Adoption of Diversity Policy.
ENFORCEMENT	Threat of penalties for violating law.	Self-enforcing, through acceptance and management.

To better enable the County to carry out its mission, the County Executive has made diversity a key priority for the entire workforce. The County is committed to serve as a model employer of a talented, dedicated, and effective workforce that reflects the County's, as well as the region's, diversity.

In order for the County to continue to provide competent and quality services, the County:

must strive for a pluralistic work force in an effort to be more responsive to the service needs of the community;

cannot ignore the changing demographics or assume they will have no impact on the way we work together and provide services;

must identify the diverse needs of the public and how they view the services we provide;

must continue to recruit, hire, and retain highly capable and productive employees. To do this, the County must attract all qualified individuals, ensure that employees are acknowledged for their contributions, and encourage employees to achieve their full potential;

must create programs that address diversity issues which include the full participation and involvement of managers, supervisors and employees representative of the many different groups that make up the County work force

Accepting, appreciating and promoting diversity can have a positive effect as the total work force of the County continues to become more of a reflection of the community it serves. With this Diversity Policy as a guide, the County will be ready to face the challenges of the 21st century.

The following sections describe what the County is now doing, and will do, to achieve these goals.

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## TRADITIONAL EQUAL OPPORTUNITY LAWS AND POLICIES

### 1. FEDERAL LAWS

The basis of most federal laws prohibiting discrimination is the Fourteenth Amendment to the Constitution of the United States, which guarantees all citizens equal protection under the law. This guarantee has been expanded by numerous federal laws and executive orders, some of which are listed below:

- The Civil Rights Act of 1871 prohibits the deprivation of individual rights. Those responsible for depriving a person of their rights may be held liable to the person injured.
- The Equal Pay Act of 1963 prohibits discrimination on the basis of sex in fixing compensation.
- Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, national origin or sex in all programs and activities which receive financial aid from the federal government.
- Title VII of the Civil Rights Act of 1964 (Title VII), as amended, prohibits discrimination on the basis of race, color, religion, sex or national origin in any term, condition or privilege of employment on the part of any employer regularly employing 15 or more persons. It also establishes the U.S. Equal Employment Opportunity Commission and grants it specific powers of conciliation and enforcement. Title VII has been interpreted to also prohibit certain types of harassment as a form of discrimination.
- Title I of the Civil Rights Act of 1968 imposes criminal penalties for interference with a person's civil rights, including employment. The law applies to anyone who by force or threat of force willfully injures, intimidates, or interferes with a person because of race, color, religion, or national origin with respect to exercised civil rights, and to one who attempts such interference.
- The Equal Employment Opportunity Act of 1972 strengthened and expanded the powers and jurisdiction of the Equal Employment Opportunity Commission and extended coverage
- of the Civil Rights Act of 1964 to state and local governments.

- Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, require employers receiving federal financial assistance in any program or activity to ensure equal employment opportunity.
- The Pregnancy Discrimination Act of 1978 (PDA) clarified that women affected by pregnancy and related conditions must be treated the same as other applicants or employees solely on the basis of their ability or inability to work and not on the basis of pregnancy.
- The Age Discrimination in Employment Act of 1978 (ADEA) prohibits discrimination on the basis of age against persons who are 40 years of age and over. It applies to organizations employing 25 or more employees.
- Title I of the Americans with Disabilities Act of 1990 (ADA) prohibits employers from discriminating against qualified individuals with disabilities, in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business.
- Civil Rights Act of 1991 provides for compensatory and punitive damages and jury trials in cases of sex, religious, and disability bias and reversed several U.S. Supreme Court cases which Congress deemed adverse to the interests of victims of employment discrimination. It was determined by Congress that additional remedies under federal law were necessary to deter unlawful harassment and intentional discrimination in the workplace. The Act also sets up a "glass ceiling" commission, provides for coverage of Senate and presidential staffs by the major civil rights laws, and requires EEOC to carry out educational and outreach activities.

2. **STATE LAWS**

Article 49B of the Maryland Code Maryland's Human Relations law is codified in Article 49B of the Maryland Code. Generally, Article 49B prohibits discrimination in Employment, Public Accommodations and Housing, on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, or physical or mental handicap.

3. **LOCAL HOWARD COUNTY LAWS AND POLICIES**

- **Howard County Charter**

Article VII of the Howard County Charter creates a merit system which generally embraces all officers and employees of the County. Section 705 of the Charter permits any applicant or employee to appeal a personnel action to the Personnel Board if he or she believes that the action violates any federal, state or county human rights law. Section 709 of the Charter prohibits discrimination in the classified service on the basis of political or religious affiliations or opinions, race or sex.

- **Howard County Merit System**

Title I of the Howard County Code establishes a merit system for County employees. Section 1.121 of the Code prohibits discrimination in violation of any county, state or federal law. Under Section 1.500 of the Code, an employee may appeal to the Personnel Board a personnel action that allegedly violates federal, state, or county human rights law.

- **Howard County Human Rights Law**

Howard County's Human Rights law is codified in Title 12 of the Howard County Code. The law prohibits discrimination in Employment, Housing, Law Enforcement, Financing and Public Accommodation on the basis of Race, Creed, Religion, Handicap, Color, Sex, National Origin, Age, Occupation, Marital Status, Political Opinion, Sexual Orientation, Personal Appearance, Familial Status, Gender Identity, or Source of Income.

- **Howard County Fair Employment Practices Policy**

It is the stated policy of the County not to discriminate against anyone and to

afford equal employment opportunity and advancement to all persons regardless of race, creed, religion, disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, personal appearance, or familial status. This policy is part of the Howard County Employee Manual.

- **Howard County Workplace Harassment Policy**

The County's Workplace Harassment Policy states that the County is committed to maintaining a workplace in which all employees are treated with respect and dignity, and which promotes equal opportunities and is free from discriminatory practices, including harassment. The policy prohibits harassment, whether verbal, physical, non-verbal, or visual. The policy defines workplace harassment and sexual harassment and sets forth the types of conduct which is considered harassing.

The policy sets forth an informal procedure and a formal procedure for handling complaints. Under the informal procedure, the person complaining of harassment is encouraged to notify the harasser that the behavior is unwelcome or, if for any reason the reporting person does not wish to approach the offender, the reporting person should notify any Human Resources professional, the Appointing Authority, the person's supervisor, for the purpose of speaking with the alleged harasser and to resolve the alleged harassment. This informal procedure is not a required first step for a person who wishes to use the formal procedure of reporting a complaint.

The formal procedure may be used if the reporting person does not wish to pursue the informal procedure, or in the event that the informal procedure does not resolve the complaint. Under the formal procedure, the person complaining should report the incident to the Human Resources Administrator or his/her designee. The complaining person also has the option to report to the Appointing Authority or the person's immediate supervisor, who will in turn make a written report to the Human Resources Administrator. Upon such report, an investigation will be conducted.

## **VALUING DIVERSITY**

- **HOWARD COUNTY DIVERSITY TRAINING PROGRAM**

The purposes of the Howard County Diversity Training Program are to:

- Foster awareness of diversity in the County and create a continuing mechanism for open communications among employees;
- Assess, identify, and provide the tools that will enhance employees' interpersonal and intergroup skills; and
- Strengthen each employee's ability to operate effectively in the increasingly diverse workforce of the County.

- **HOWARD COUNTY DIVERSITY DAY CELEBRATION**

The Howard County Diversity Day Celebration is an annual event which will be held to:

- Encourage respect, harmony and tolerance;

- Increase understanding of contributions made by persons from a variety of ethnic and cultural groups; and
- Enhance and strengthen communication among County employees.
- Employees will be invited to listen to speakers, and enjoy American and ethnic entertainers and food. Certain organizations and vendors will participate in this celebration by displaying related information and selling their arts and crafts.

## **MANAGING DIVERSITY**

### **1. HOWARD COUNTY DIVERSITY COUNCIL**

The Howard County Diversity Council will be created.

**Mission:** The mission of the Howard County Diversity Council is to foster an environment that welcomes and values diversity within the County. The Council encourages acceptance and understanding of the individual differences in our employees and those we serve. The Diversity Council serves as an advisory body and communication link between the County Executive and County employees.

**Functions:**

- Develop and maintain a Howard County Diversity Policy as a living document;
- Provide advice and consultation to the Chief Administrative Officer and the Human Resources Administrator on the development, implementation and dissemination of the County's Diversity Policy and other matters relating to equal employment opportunity and diversity issues;
- Recommend processes for resolving concerns related to the Diversity Policy, and for mediating informal complaints which allegedly violate federal, state or county human rights laws;
- Recommend appropriate training models related to the Diversity Policy;
- Define and facilitate a specific process for each department that provides for substantive feedback to the County Executive regarding diversity matters;
- Serve as change agents by modeling appropriate behaviors envisioned in the Diversity Policy; becoming educated about Managing Diversity through a process of personal mastery, team learning and understanding differences;
- Carry out its responsibilities pursuant to the Howard County Diversity Policy;
- Plan and implement the County's Diversity Day celebration;
- Prepare a "state of county workforce diversity" document for the County Executive and County Council to be presented at the County's Diversity Day celebration; and
- Provide support and recommendations to the Office of Human Resources Administrator and the Diversity Coordinator in appropriate ways.

**Membership:**

The Diversity Council members will be recommended by the department head and appointed by the County Executive and will include:

- **DEPARTMENTAL MEMBERS:** Each department shall be allotted at least one position on the Diversity Council. The appropriate department head will recommend its representative(s) from those employees within the department who indicate a desire to serve. In addition, any person appointed as a Department Diversity Liaison shall be a Departmental Member.
- **EX-OFFICIO MEMBERS:** Includes the following:
  - CAO or designee

- Human Resources Administrator or designee
- Office of Human Rights Administrator or designee
- Diversity Coordinator
- Office on Aging Director or designee
- ADA Compliance Coordinator
- County Solicitor or designee

The above-designated Ex-officio members of the Diversity Council will neither serve as Chairperson of the Council nor have voting privileges, except that Ex-Officio members who are also Departmental Members shall have voting privileges.

Organization:

Term of Office for Departmental Members:

Departmental Members will serve at the pleasure of their membership for unspecified terms.

Chairperson/Vice Chairperson:

17. The County Executive shall appoint the Chairperson and Vice Chairperson of the Diversity Council. Each said Chairperson shall serve until his or her successor is appointed.
18. Shall preside at all meetings of the membership and have the authority and responsibility customarily conferred on the presiding officers.
19. Term of Service - The positions shall be elected annually by simple majority of the Diversity Council.
20. Absence of Chairperson In the absence of the Chairperson, the Vice Chairperson will assume responsibility for the Diversity Council.
21. Responsibility The Chairperson shall prepare an agenda for each meeting of the Diversity Council. The agenda shall be distributed prior to the meetings.

Other Officers:

The Diversity Council may have other officers appointed at the discretion of the Chairperson.

Early Termination of Membership:

Members not attending three consecutive meetings without valid reason as determined by the Diversity Council shall be required to terminate such membership.

Operational Procedures:

- Method of Business (Internal)
  - Resolution* - Resolutions shall be adopted for the Diversity Council by a majority of members present, if a quorum is present.
  - Quorum* - A simple majority of those eligible to vote.
  - Record of meetings* - The Office of Human Resources will provide assistance as needed.
- Meetings of the Diversity Council
  - Frequency*- The Diversity Council shall hold regular open meetings. The Chairperson, the Diversity Coordinator or the Office of Human Resources Administrator may call other meetings as requested. Special meetings may be called when requested by at least three members of the Diversity Council.

*Procedure* - The Diversity Council shall be guided in matters of parliamentary procedures and general duties of the membership by Roberts Rules of Order.

*Committees* - The Chairperson may appoint other committees at his/her discretion.

- Method of Administration (External)

The Council Chair - will have quarterly, joint meetings with the CAO and the Human Resources Administrator.

Minutes - The minutes and all correspondence of the Diversity Council shall be a matter of public record. The minutes may be a summary and shall reflect each item considered, the action taken and the results of voting.

## **DIVERSITY COORDINATOR**

Mission: The Diversity Coordinator is a human resources analyst in the Howard County Office of Human Resources who recommends and coordinates policies and programs, including this Diversity Policy, that will help create an environment that utilizes the potential of all members of our diverse work force. The Diversity Coordinator will assist department heads to foster a climate of equal opportunity and acceptance of our diversity in all aspects of employment throughout their agencies.

### Duties and Responsibilities:

- Provide assistance and support to the Diversity Council.
- Function as an Ex Officio member of the Diversity Council.
- Assist in implementation of the Howard County Diversity Policy.
- Assist in oversight of the County's Diversity Day Celebration.
- Identify policies and practices in the department that help and hinder the acceptance and valuing of diversity and make recommendations for change to management.
- Identify areas in departments where the climate is not supportive to all employees.
- Study and assess processes to resolve concerns related to the Diversity Policy.
- Be available to assist with conflict resolution.
- Develop a process for mediating informal complaints which allegedly violate federal, state or county human rights law.
- Oversee training in workforce diversity and conflict resolution.
- Provide training, support and guidance to the Department Diversity Liaisons.
- Foster positive workplace relations among employees.

## **DEPARTMENT DIVERSITY LIAISONS**

For the Howard County Diversity Policy to be effective, department heads need to understand it and be committed to it. Heads of departments with 50 or more employees shall appoint a Department Diversity Liaison for that department. Other department heads may, but shall not be required to, appoint a Department Diversity Liaison.

Each Department Diversity Liaison, in addition to his or her regular assigned duties, will report directly to the department head on matters of diversity issues and efforts. The person who holds this position should have credibility in the department along with decision making, problem solving, analytical and planning skills. This person should be selected from those who indicate a desire to serve in the role. They will hopefully be people who understand their own biases and demonstrate a firm commitment in the face of resistance that might result from implementing a Diversity Policy.

Some of the roles and responsibilities of the Department Diversity Liaison include but are not limited to the following:

- Serve as advisor to the department head in matters concerning the Howard County Diversity Policy.
- Serve on Diversity Council as a Departmental Member. Serve as liaison between the department and Diversity Council, and between the department and the Diversity Coordinator.
- Be available to assist with conflict resolution within the applicable department.
- Assist Diversity Council with instituting diversity training within department.
- Foster positive workplace relations among department employees.

## DRUGS AND ALCOHOL

(\*Union Employees: Consult applicable bargaining agreement)

Employees who abuse substances, on or off-duty, tend to be less productive and reliable, and pose a greater threat to public and employee safety. The County, therefore, is committed to maintaining a work environment that is free of the taint of substance abuse, and requires each of its employees to adhere to the following requirements:

- An employee may not:
  1. Report to work or be at work or on duty while under the influence of drugs or alcohol;
  2. While undertaking County business, purchase, use, or possess illegal drugs, or use alcohol or prescription drugs in any manner that is contrary to the laws of the State of Maryland, or of the jurisdiction in which the employee is undertaking official business;
  3. Purchase or consume alcohol while on-duty or in a uniform which displays an insignia of the County, or while operating a County-owned vehicle;
  4. Use alcohol while operating a County owned vehicle;
  5. Illegally manufacture, distribute, dispense, possess, or use a substance subject to control under the Maryland Uniform Controlled Substances Act.
- All employees shall:
  1. Report to their supervisor or Appointing Authority in writing when they are taking prescription or non-prescription medications which may affect their job performance or behavior;
  2. Report to their supervisor or Appointing Authority in writing when they have been accidentally exposed to drugs or alcohol;
  3. Report to their supervisor or Appointing Authority in writing when they observe the use of drugs or alcohol on County premises, or when they observe County employees possessing or using drugs or alcohol during work hours;
  4. Submit to drug and alcohol testing when directed to do so by their Appointing Authority or the Personnel Officer.

## DRUG AND ALCOHOL TESTING (\*Union Employees: Consult applicable bargaining agreement)

- **General Policy**

Howard County Government complies with the Drug Free Workplace Act. All County employees may be required to submit to drug and alcohol testing when a supervisor has reasonable suspicion to believe that an employee has violated the drug and alcohol provisions of this or any other drug and alcohol policy to which the employee is made subject as a result of his employment with the County, and the Personnel Officer approves such testing. For purposes of this policy, reasonable suspicion means the existence of facts and the rational inferences which may be drawn from such facts, including articulable observations concerning behavior, speech or body odors, such as to create an objective base of knowledge sufficient to induce an ordinary, prudent and cautious person under the same circumstances to believe that an employee has violated the drug or alcohol provisions of this policy.

- **Specific Policies for Certain Designated Employees**

Offers of employment for some employment positions in the County are made contingent upon passing a pre-employment drug and/or alcohol test. Employees occupying some employment positions in the County, including most uniformed employees of the police, fire and corrections departments, as well as employees who drive specified commercial motor vehicles, are also made subject to random, post-accident, return-to-work, and periodic drug and alcohol testing. If

an employee is made subject to a special drug and alcohol testing policy, they will be advised of this fact by their Appointing Authority and may obtain copies of the policy applicable to them from their appointing authority or the Human Resources Administrator.

## **TREATMENT**

Employees with drug or alcohol dependency problems who refer themselves for treatment may be eligible to receive rehabilitation treatment under their respective benefit plans.

## **DISCIPLINE**

Employees who refuse to submit to drug or alcohol testing, or who violate provisions of drug and alcohol policies applicable to them as employees of the County, shall be subject to discipline up to and including discharge.

# EMPLOYEE RECORDS

## EMPLOYMENT REFERENCES

- Requests to check references are to be referred to the Office of Human Resources. Employees or prospective employers should request a reference in writing. Individual supervisors or administrative staff should not answer letters or telephone inquiries concerning former employees.

## PERSONNEL RECORDS

(\*Union Employees: Consult applicable bargaining agreement)

- The Human Resources Administrator is the custodian of the County's official personnel records. The Human Resources Administrator determines the forms and procedures which will be utilized by the County for collecting, maintaining, and disclosing information concerning the County's employees.
- A personnel file for each County employee shall be maintained in the Office of Human Resources and will contain, at a minimum, the employee's name, address, home telephone number, and a recitation of the employee's educational and employment history. In addition, performance appraisals, classification and salary changes, disciplinary actions and changes in personal information such as name, address and home telephone number will be kept within the personnel file throughout the employee's tenure with the County.
- Personnel records are treated as confidential, and their contents may not be disclosed except as permitted by applicable law, including Maryland's Public Information Act. An employee may review his/her personnel file by making an appointment with the Human Resources Administrator. An employee's personnel file may also be reviewed by the employee's Appointing Authority, the Personnel Board, the Personnel Officer, or other authorized employees with a legitimate "need to know" as determined by the Human Resources Administrator. Access to an employee's personnel file will otherwise be allowed only with the signed written consent of the employee.
- A staff employee of the Office of Human Resources will be present at the time of any review of an employee's personnel file to ensure that the contents of the file are kept intact. If upon review it is determined that information contained within a personnel file is inaccurate or incorrect, written notification of this fact is to be given to the Human Resources Administrator. No items may be removed from an employee's personnel file except with the approval of the Human Resources Administrator.

Information related to a disciplinary action may, upon written request made by an employee, be removed from an employee's personnel file if 4 years have elapsed since the date of the disciplinary action. If the Human Resources Administrator makes a decision to remove such information from the personnel file, it will be removed within 15 working days after receipt of the employee's signed written request, and confirmation of the removal of the information will be sent to the employee. If the decision is made that the information will not be removed, the employee will be notified of the decision and the reason therefore within 15 working days of the date when the request is received.

## **FITNESS FOR DUTY EVALUATIONS**

If there is reason to believe that an employee's medical, psychological or physical condition is adversely affecting job performance or attendance, or presenting a risk of harm for the employee or others, the Personnel Officer may direct an employee to undergo an evaluation to determine fitness for duty. Requests for fitness for duty evaluations shall be submitted in writing by the Appointing Authority to Personnel and must specify the observations or performance deficiencies giving rise to the request. The examination will be conducted by an appropriately licensed or certified health care practitioner selected by the County. The cost of the examination will be paid for by the County.

## **HARASSMENT IN THE WORKPLACE**

The County is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Employees have the right to work in an atmosphere which promotes equal opportunities and prohibits discriminatory practices, including harassment.

Harassment, whether verbal, physical, non-verbal or visual, arising in County owned facilities, at work assignments outside of County owned facilities, or at County sponsored or endorsed functions, including social functions, is unacceptable and will not be tolerated. Such harassment is also illegal. Normal, courteous, mutually respectful, non-coercive interaction between employees that is acceptable to and welcomed by both parties, however, is not to be considered harassment under the terms of this policy.

**The County encourages employees to promptly report all information concerning workplace harassment without regard to the identity of the harasser or victim. The County is committed to promptly and thoroughly investigating all complaints of harassment and to taking prompt and effective remedial action to stop such conduct from occurring.**

## **DEFINITIONS**

### **Workplace Harassment**

Workplace harassment consists of unwelcome conduct that is based on an individual's status (such as race, creed, religion, physical or mental disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, gender identity, personal appearance, familial status, or any other group status), and that results in a tangible employment action, or is severe or pervasive enough that it unreasonably interferes with an individual's work performance or otherwise creates an intimidating, coercive, hostile, or offensive working environment.

### **Sexual Harassment**

Sexual harassment is a specific type of workplace harassment that consists of behavior of a sexual nature which is not welcome or is personally offensive, and that debilitates morale and interferes with the work performance and effectiveness of its victims. Sexual harassment can occur between members of the same or opposite sex. Unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, physical or non-verbal visual conduct of a sexual nature constitute harassment when:

1. Submission to or rejection of this conduct is used explicitly or implicitly as a factor for decisions affecting hiring, evaluation, promotion or other tangible employment actions. This is sometimes referred to as "quid pro quo" harassment; or
2. Such conduct is severe or pervasive enough to interfere with an individual's work

performance or otherwise render the workplace intimidating, coercive, hostile or offensive to the reasonable person. This is sometimes referred to as “hostile environment” harassment.

## **TYPES OF HARASSING CONDUCT**

### **Verbal Harassment**

For purposes of this policy, “verbal harassment” may include, but is not limited to: unwanted sexual advances or propositions; demands for sexual favors; unwelcome jokes, “kidding” or “teasing”; unwelcome epithets, slurs or negative stereotyping; unwelcome vulgar, offensive or obscene language; unwelcome verbal commentary about an individual’s body, sexual prowess or sexual deficiencies; certain types of whistling; and unwelcome telephone calls, voice-mails or e-mails of a vulgar, offensive and obscene nature.

### **Physical Harassment**

For purposes of this policy, “physical harassment” includes, but is not limited to: leering or staring in an offensive or inappropriate manner; touching, pinching, massaging or grabbing; assaulting; or engaging in coerced sexual acts.

### **Non-Verbal Visual Harassment**

For purposes of this policy, “non-verbal or visual harassment” includes, but is not limited to, creating, possessing, sending or displaying words, jokes, photographs, pictures, cartoons, objects or gestures of a vulgar, offensive, obscene or sexual nature.

## **INVESTIGATION OF COMPLAINTS**

### **PERSONS COVERED BY THIS POLICY**

- **Employees:** This policy shall apply to all officials and employees. The County will not tolerate harassment, whether engaged in by co-workers, supervisors, or elected or appointed officials.
- **Non-Employees:** This policy also covers non-employees who conduct business with the County or on County premises. For example, the County will not tolerate harassment engaged in by a vendor, supplier, or visitor to County premises to the extent that it affects any employee of the County while they are at work. The County will, to the extent practicable, investigate any incident of alleged harassment by a non-employee and will take any action which is necessary and appropriate after evaluating all the circumstances, including terminating a non-employee’s relationship with the County where appropriate. The County thus encourages the reporting of all incidents of harassment, regardless of who the offender may be, in accordance with the complaint reporting procedures established in this policy.

### **COMPLAINTS**

- **Informal Procedure**  
the County encourages individuals who believe they are being harassed (“Reporting Individual(s)”) to directly and promptly notify the harasser or offender that his or her behavior is unwelcome. If for any reason a Reporting Individual does not wish to approach the harasser or offender directly, or if such discussion does not successfully end the harassment, the Reporting Individual should notify either the Human Resources Administrator or any Human Resources professional, the Appointing Authority for his/her department, or his/her supervisor, for purposes of speaking with the alleged harasser. While this informal procedure is encouraged, it is not a required first step for a Reporting Individual wishing to report an incident of harassment using the formal complaint procedure outlined below. If the Human Resources Administrator, or the Reporting Individual’s Appointing Authority or supervisor is successful in informally resolving a report of harassment, a written report summarizing the complaint made and resolution achieved

shall be promptly forwarded to and maintained by the Human Resources Administrator.

- Formal Procedure

In the event that a Reporting Individual does not wish to pursue the informal procedure described above, or in the event that the informal procedure does not produce a result satisfactory to a Reporting Individual, the following steps should be followed to report the harassment complaint:

1. A Reporting Individual who believes he or she has been subjected to harassment should promptly report the incident to the Human Resources Administrator or his/her designee.
2. A Reporting Individual also has the option of reporting an incident of harassment to the Reporting Individual's Appointing Authority, or the individual's immediate supervisor. When a report of harassment is made to either an Appointing Authority or supervisor, the Appointing Authority or supervisor must immediately file with the Human Resources Administrator a written report of the complaint, as the Office of Human Resources is responsible for overseeing harassment investigations.

3. All complaints of harassment must be reduced to writing by either the Reporting Individual or the individuals designated above who are authorized to receive complaints. The written Complaint is to contain a detailed record or account of the behavior found objectionable, and shall be signed by the Reporting Individual.
4. The prompt reporting of harassment complaints is strongly encouraged by the County. While the County will investigate all complaints of harassment, the late reporting of complaints or information may affect the County's ability to conduct a thorough investigation, and may thereby impair the County's ability to take effective remedial action. Additionally, and while the County has chosen not to impose a specific time frame in which to report harassment complaints, a Reporting Individual should be aware that applicable statutes of limitation may constrain the time for instituting outside legal action.

## INVESTIGATION

- Confidentiality  
An allegation of harassment brought to the attention of the Human Resources Administrator will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. To the extent that the nature of the complaint and the investigation permits, only those involved in the investigation process, including the alleged harasser or any witnesses, may be informed of the alleged victim's identity or the nature of the complaint. It is possible, however, that information regarding the complaint and the investigation will be revealed during the course of legal proceedings.
- Investigators  
Complaints will be initially investigated by the Human Resources Administrator or his/her designee, unless the Personnel Officer determines another person should be the investigator.
- Investigation Process  
During an investigation, an investigator will ordinarily:
  1. Confirm the name and position of the Reporting Individual;
  2. Identify the alleged harasser;
  3. Ascertain all facts in connection with the alleged harassment, by first interviewing the Reporting Individual and the alleged harasser;
  4. Determine the frequency of the alleged harassment and the dates and locations where the alleged harassment occurred;
  5. Determine the identity and names of witnesses observing the alleged harassment and, when the Reporting Individual and the alleged harasser present conflicting versions of the facts, interview all pertinent witnesses;
  6. Determine how the Reporting Individual responded to the alleged harassment and determine what efforts, if any, of informal resolution of the matter were made;
  7. Determine whether the Reporting Individual consulted anyone else about the alleged harassment, noting who else was advised of the alleged harassment and the response, if any, to the disclosure;
  8. Determine whether the Reporting Individual knows of or suspects that there are other individuals who may have been harassed by the alleged harasser;
  9. Determine whether the Reporting Individual informed other employees of the situation and what response, if any, was received from other individuals;
  10. Remind all persons of the County's policy against retaliation for making a complaint of harassment;
  11. Identify changes, if any, which occur in the workplace during the course of the investigation; and
  12. Keep the Reporting Individual informed as to the status of the investigation.

## **COMPLAINT RESOLUTION**

Unless another procedure is provided by law or determined to be appropriate by the Personnel Officer upon the facts and circumstances presented in a particular case, upon completing the investigation, the Human Resources Administrator will report to the Personnel Officer. The Personnel Officer will review the investigation, make findings and determine the appropriate action to be taken. The Personnel Officer will communicate his/her findings and the intended actions to the Reporting Individual, except that a Reporting Individual may not be advised of the specific discipline, if any, to be imposed against an alleged harasser, and to the Appointing Authority of the alleged harasser for action. The Appointing Authority of the alleged harasser will communicate the Personnel Officer's findings and complaint resolution decision to the alleged harasser. If the Personnel Officer finds that harassment has occurred, the harasser will be subject to appropriate discipline, as listed below.

## **DISCIPLINE**

Individuals found to have engaged in misconduct constituting harassment as defined by this policy shall be promptly disciplined. Appropriate sanctions will be determined by the Personnel Officer. In addressing incidents of harassment, the County's response, at a minimum, will include reprimanding the offender and preparing a written record. Additional action may include: referral to counseling, withholding of a promotion; demotion; reassignment; suspension without pay; suspension of leave accrual; or discharge from employment.

## **APPEALS**

- **Appeal to the Personnel Officer**

If a Reporting Individual is dissatisfied with the conduct of an investigation, or if a Reporting Individual believes the complaint resolution decision has failed to alleviate the conditions or circumstances which gave rise to the complaint, the Reporting Individual has the right to appeal the complaint resolution decision. Likewise, if an alleged harasser or other person receiving discipline under this policy is dissatisfied with discipline imposed or specific actions taken as a result of the complaint resolution decision, such person has the right to appeal the discipline imposed or actions taken. The dissatisfied party, in either case, should submit written comments indicating the reasons for their dissatisfaction to the Personnel Officer within fifteen days of receiving the complaint resolution decision of the Personnel Officer. The Personnel Officer will then review the dissatisfied party's appeal and the entire investigative record, and may, at the discretion of the Personnel Officer, grant a hearing. The Personnel Officer will present written findings within thirty days of receiving the appeal or within thirty days of any hearing where a hearing is granted.

- **Appeal to the Personnel Board**

If a Reporting Individual or person receiving discipline under this policy is dissatisfied with the decision of the Personnel Officer upon an appeal, the dissatisfied individual has the right to appeal the decision to the Howard County Personnel Board utilizing the procedures set forth in Section 1.500 of the Code.

## GENERAL PROVISIONS

- The County has developed this policy to ensure that all of its employees may work in an environment free from harassment. This policy is to be given to all employees and disseminated to all work locations. All members of management shall conduct informational sessions concerning this policy, so as to ensure that all employees understand the County's commitment to eliminating harassment in the workplace, are familiar with the policy and know that any complaint received will be investigated and appropriately resolved.
- Intimidating, coercing, threatening, taking reprisal or discriminating against any employee for complaining or providing any information about harassment as defined in this policy is strictly prohibited. The County will not retaliate against an individual who makes a report or provides information about harassment, nor permit any employee to do so. Retaliation for filing a complaint or providing information about harassment itself constitutes a violation of this policy and should be reported immediately. Any individual found to have retaliated against an individual for reporting or providing information about harassment, or against anyone participating in the investigation of a complaint, will be subject to the discipline described in this policy.
- Grievances that arise independently of a complaint of harassment made pursuant to this policy shall be reviewed by the Appointing Authority to determine whether referral to the Human Resources Administrator is appropriate. The Human Resources Administrator or his/her designee must attend any hearing containing an issue of harassment as an advisor to the department, and to ensure that all appropriate laws, policies and procedures are followed.

## **HOURS OF WORK**

(\*Union Employees: Consult applicable bargaining agreement)

### **NORMAL HOURS OF WORK**

While County offices are ordinarily open for business Monday through Friday from 8:00 a.m. to 5:00 p.m., there are no standard hours of work for County employees. Hours of work will be established for employees in each department by the Appointing Authority.

### **ALTERNATIVE WORK SCHEDULES**

#### **GENERAL**

The County endorses the concept of flexible work schedules and encourages all departments to examine their operations to determine whether such scheduling is appropriate and can serve a useful purpose. Flexible work scheduling can be used to:

Provide extended services to the public and other agencies,

Increase the efficiency and effectiveness of the workforce through optimum utilization

Provide employees with an opportunity to alter their hours of work within the guidelines set by the departmental administrative staff.

While the County endorses the concept of flexible work schedules, it is intended that such schedules will be designed and implemented on a more or less permanent basis. Schedules should not vary on a daily basis to accommodate personal preferences or emergency circumstances.

#### **DEFINITIONS**

“Designated Office” means the employee's usual and customary County work address.

“Exempt Employee” or “FLSA Exempt Employee” means those employees who are exempt from the rules of the Fair Labor Standards Act (FLSA) and who are not entitled to earn overtime at a time and a half rate for any hours actually worked in excess of forty hours per week. This designation is not to be confused with the County’s designation of “Executive Exempt” employees who are not members of the County merit system under Section 1.306 of the County Code.

“Non-Exempt Employee” or “FLSA Non-Exempt Employee” means those employees who are covered by the rules of the Fair Labor Standards Act (FLSA) and who are entitled to be paid overtime at a time and a half rate for any hours actually worked in excess of forty hours per week.

“Remote Access” is defined as an employee's ability to access the appropriate LAN server(s) from the employee's remote location to retrieve and store computer files. Remote access may or may not be part of the Telework Agreement.

“Remote Work Location” means a work site alternative to the designated office as specified in the Telework Agreement. It may be in the employee's home or an alternative workspace approved by the Appointing Authority.

“Telework,” also known as telecommuting, is defined as a mutually agreed-upon work option between a Howard County department and an employee, where the employee works at a remote work location on specified days and/or hours and at the designated office or at field assignments the remainder of the time, retaining flexibility as necessary to meet the needs of the work unit. The telework schedule is agreed upon by the Appointing Authority, the employee's supervisor and the employee, and is subject to review and approval by the Office of Human Resources and Chief Administrative Officer.

“Telework Agreement” specifies the terms and conditions of telework. (Attachment D).

“Teleworker's Assignment” specifies the conditions for telework agreed to by the teleworker, his or her supervisor and the Office of Human Resources.

It is signed by the Appointing Authority, the supervisor and employee. (Attachment C).

“Telework Office Checklist” is a guide used in assessing the suitability and safety of a proposed home office or other telework site. (Attachment B).

“Telework Request From Department” is a routing form indicating all required approvals have been completed for creating a telework assignment. Completed by the Appointing Authority, signed by representatives from Technology & Communication, Human Resources and Risk Management, and submitted to the CAO for approval. (Attachment A).

## **ELIGIBILITY**

While all employees are eligible to participate in a flexible work schedule as long as it does not conflict with the factors listed under AUTHORITY below, flexible work schedules may not be appropriate for every work situation. Union employees should consult the provisions of their contract.

## **AUTHORITY**

The Chief Administrative Officer will provide general guidelines to Appointing Authorities, assist in mediating differences between departments, and resolve conflicts or uncertainties between any provision of these guidelines, the Howard County Code and the Employee Manual. While Appointing Authorities may establish flexible work schedules for assigned employees, the Chief Administrative Officer must approve all teleworking arrangements.

Appointing Authorities are solely responsible for establishing working hours for all Departmental employees. Their decisions will be guided by the following factors:

The ability of the office to meet its workload requirements;

Availability of experienced staff and supervisors during all work hours;

Availability of complete office coverage during the normal business day;

Ability to continue interaction with other County agencies, the public and our customers (the Appointing Authority must ensure that services to the public and interaction with other County offices and workers will be complementary, and will not be impaired by approving requested flexible work schedules);

Assurance that the approval of a flexible work schedule is not in conflict with current policies, procedures and/or County law;

Flexibility to adjust an employee's approved flexible work schedule to accommodate changes in the work environment, etc. (this includes the daily lunch period, changing the arrival or departure time due to special circumstances, responding to emergency situations); and

Discipline must be imposed for abuse of the flexible work schedule, which could include restricting arrival and departure times. Abuses may include, but are not limited to:

falsification of time records;

extended lunch periods without prior supervisory approval;

tardiness and absences from work without prior supervisory approval; and

Participation in non-work activities during scheduled work hours.

## **LEGAL REQUIREMENTS**

### **Work Week and Overtime**

Standard hours of work will be established for each employee. Employees will be required to work hours mandated by Code or contract or to otherwise account for their hours by the use of leave. Care should be taken when designing alternate work schedules to make sure that full-time FLSA non-exempt employees are scheduled to be paid for 40 hours a week (through hours worked or paid leave) while not incurring unnecessary overtime costs. Full-time FLSA exempt employees, who have more flexibility, are required to work 80 hours within a two week pay period.

Prior to authorizing a specific alternate work schedule for any employee, appointing authorities must remember that the requirements of the federal Fair Labor Standards Act (FLSA) cannot be waived for covered FLSA non-exempt employees and will apply to all work situations. Other pay plan provisions may also affect employees who are exempt from the requirements of the FLSA.

FLSA non-exempt employees are not permitted to work more than forty hours in one week or to average hours over a two week pay period. An employee or supervisor who is not sure of the FLSA exemption status of a specific employee should contact the Appointing Authority or the Office of Human Resources for clarification.

### **Holidays**

It is also important to note that a compressed work schedule does not increase the number of hours an employee receives for holiday and other type of leave. The Employee Manual specifies that "a day means the hours in one fifth of the employee's regularly scheduled workweek." Thus, a 40-hour per week employee will be credited with 8 hours holiday leave per code, not the hours usually worked under a compressed work schedule. Therefore, an employee who works a four-day ten-hour-per-day workweek,

who has a holiday fall on a scheduled work day, must make up the difference between the 8 hours of holiday leave and the 10 hour work day with some other kind of paid leave.

### **Meal Periods**

Section 1.113 of the County Code contemplates that every employee will receive a meal period. This section has been interpreted to mean that each employee must receive a minimum of at least one half hour without pay to consume a meal for each day worked. While permission may be granted to work through the meal period on occasion because of emergencies or unanticipated events, flexible work schedules may not circumvent the meal period requirement on a regular and recurring basis.

### **Current Policies**

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

If circumstances warrant, alternate work schedules can be modified, suspended or terminated for any individual or group of individuals by the Appointing Authority or Chief Administrative Officer.

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

### **Supervisory Oversight**

Appointing Authorities must ensure that flexible work schedules minimize the need for employees to work alone. Adequate and appropriate supervision should be available during all work situations. This is especially critical where work schedules require employees to perform work on weekends and holidays. Care must be taken to ensure the safety and security of every employee.

### **Written Agreement**

All flexible work scheduling agreements between employees and Appointing Authorities must be documented in writing and signed by both parties. The agreement should contain a description of the flexible schedule, a description of the employee's job responsibilities under the flexible schedule, and an acknowledgement by the employee that the provisions of this policy have been read and understood. Copies of the agreement should be distributed to the employee, the employee's immediate supervisor, the Appointing Authority and the Office of Human Resources.

## **ALTERNATE WORK SCHEDULES OPTIONS**

There are a number of alternate work schedule options available to Appointing Authorities. Those options include:

### **Compressed Work Week**

In this option employees are assigned to work the hourly equivalent of a complete workweek in less than 5 full days. Examples of compressed scheduling include:

FLSA non-exempt or exempt employees work ten productive work hours for 4 days each work week. The starting and departure times and day off are fixed.

FLSA non-exempt or exempt employees work 10 productive hours daily for 4 days in one week and 8 productive work hours for 5 days in the second week. The arrival and departure times and the day off are fixed.

Exempt employees work 48 hours in one week and 32 hours in the second week, for a total of 80 hours worked in the two-week pay period.

Other variations may also be appropriate so long as relevant legal requirements are met.

### **Flexible Work Day**

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.

### **Core Time**

This is a time option under which employees may vary their arrival and departure time within established limits, provided they are present within the core time and work a set number of hours per day and week. Once a department has established the core period (example, 10AM to 2PM) and designated time periods between which an employee can start (7AM to 10AM), the employee selects the option that best fits his/her preference. This system can be used on a regularly scheduled workweek or in a compressed workweek as defined above.

## TELECOMMUTING

### 1. **Employee Selection/Guidelines for Consideration**

1. The supervisor, in consultation with the Appointing Authority, identifies the class of work that may lend itself to telework. Employees within this class of work may request or be requested to apply for a teleworking assignment after successfully completing their probationary period. Exceptions to this requirement may be approved by the Chief Administrative Officer.
2. The supervisor will only give consideration to employees for a telework assignment who have demonstrated a good safety work record, work habits and performance well suited to successful telework. The following guidelines shall be considered:
  - Work habits: Teleworkers must have demonstrated self-motivation, self-discipline, the ability to work independently, the ability to manage distractions, and the ability to meet deadlines.
  - Position: The teleworker's position must have minimum requirements for direct supervision or contact with customers in the office setting; the teleworker's need for specialized material must be minimal or flexible; and the teleworker's work objectives and tasks must be clearly defined with measurable results.
  - Equipment: The teleworker must provide his or her own computer, communications and related equipment as specified by the Appointing Authority. Examples of such equipment may include a desktop computer or laptop, access to a high speed internet connection, a telephone and /or a facsimile machine. At the sole discretion of the Appointing Authority, the County may provide other work-related equipment, software, tools and supplies to the teleworker.
    - The teleworker's equipment must meet the County's standards if the equipment is not provided by the Appointing Authority.
    - The teleworker's needs for Technology and Communications support must be minimal or non-existent.

- The telework must be arranged so that there is no decrease in the level of service provided to the customer and the location of the workplace is not noticeable to the customer.
- The location of work must not significantly alter the teleworker's job content or the job content of co-workers.
- Selected teleworkers and their supervisors are expected to attend training about telework offered by Howard County

## 2. Procedure

### Procedure for Employee's Supervisor:

1. Identifies a potential telework candidate, discusses the matter with the employee and pre-qualifies the employee by having the employee complete the Telework Office Checklist Form and Teleworker's Assignment Form, and along with the employee, signing the Telework Agreement.
2. After completion of all documents, the supervisor discusses any technology requirements with Technology & Communication and resolves any FLSA issues with Human Resources. After assuring satisfactory results for all of the above, schedules a site visit to the remote work location with a Risk Management representative and obtains a copy of the employee's certificate of insurance for homeowners or renter insurance. If satisfactory, the supervisor submits all documentation to the Appointing Authority for routing through the formal approval process.
3. When the Request for Telework is approved by the Chief Administrative Officer, notifies the employee, schedules a time for telework training and arranges implementation of the telework assignment.
4. If County-owned equipment is to be used at the remote work location, ensures that such equipment is included in appropriate inventory listing of telework equipment and that changes are made to County inventory records if necessary.
5. Sends original Request for Telework by Department, Telework Office Checklist, Telework Agreement and Telework Assignment to the County Office of Human Resources for inclusion in the employee's personnel file. Gives teleworker a copy of each and provides a copy for the department's personnel files.
6. Notifies employee's co-workers and others with whom the employee interacts about the telework schedule. Notifies the Department's receptionist about the telework schedule and the handling of telephone calls to the teleworker.
7. Closely monitors the work performance of the teleworking employee.
8. When a Telework Agreement is rescinded or terminated, sends a notification to the County Office of Human Resources indicating date of termination and reason.

### Procedure for Appointing Authority:

9. Receives expression of interest in telework from the supervisor of the telework candidate. Determines if employee meets general requirements for telework and that work schedule, accessibility issues, dependent care, and equipment issues including remote access are satisfactorily addressed.
10. Submits request for telework, with supporting documentation including but not limited to Request for Telework by Department, Telework Agreement, Teleworker's Assignment Form and Telework Office Checklist Form to: Technology & Communication, for review and approval of technology at the telework site, software standards and level of technical support needed; to Human Resources to confirm that the work schedule is FLSA compliant; and to Risk Management for telework site safety inspection and verification of homeowner/renter's insurance.
11. Upon approval by Technology & Communication, Human Resources and Risk Management, submits telework request package to Chief Administrative Officer.

12. Submits an annual report to the Chief Administrative Officer and the Human Resources Administrator detailing the number of teleworkers, the job classification and aggregated data about the successes, challenges and best practices identified in the telework program.

### 3. **Scope of Work**

The scope of work and terms and conditions of the telework arrangement are described in detail within Attachment D “Telework Agreement.”

1. Employees shall sign and abide by the Telework Agreement.
2. The Telework Agreement will be reviewed by the employee’s supervisor and the teleworker during performance review and revised as necessary.

# JOB CLASSIFICATION

(\*Union employees: Consult applicable bargaining agreement)

## OVERVIEW

The Howard County job classification system consists of approximately 200 mutually separate job classes. All full-time County employees are assigned to one of these classifications. The Classes are divided into 17 job families and, ultimately, into 5 broad occupational groups. Each classification is allocated to a Grade on one of the County pay scales.

The Classification Plan document contains information on occupational groups, class families, and the qualification, duties, FLSA status and general requirements for each County job classification. The Plan is maintained by the Office of Human Resources under authority of the Chief Administrative Officer, the County's Personnel Officer. Copies of the Classification Plan are available to employees through the Office of Human Resources.

Classification Descriptions in the Plan are brief and contain information on the general nature and level of work of positions within each classification. County Departments maintain job descriptions which specifically identify the essential duties and key aspects of a singular position. Employees can obtain a copy of the job description through their department or by contacting the Office of Human Resources.

The County maintains separate classification specifications for job classes contained within the Local 3085 (Blue Collar) and Lodge 21 (Police) bargaining units, by agreement with those units. Copies are available in the Office of Human Resources.

The Howard County Pay Plan, which is appended to this manual, contains a listing of all job classifications, the associated Classification Code and the Grade to which each classification is allocated.

## CLASSIFICATION STRUCTURE HOWARD COUNTY, MD

### Occupation Group #1 Administration, Management and Law

Class Family	
1-1	Executive Administration and Management
1-2	Financial Administration and Management
1-3	Administrative Services and Management
1-4	Administrative Support
1-5	Legal Services, Management and Support

**Occupation Group #2 Uniformed Public Safety**

Class Family	
2-1	Police Operations, Management and Support
2-2	Corrections Operations, Management and Support
2-3	Dispatching Operations, Management and Support
2-4	Sheriff Operations, Management and Support
2-5	Fire Operations, Management and Support

**Occupation Group #3 Engineering, Land Use Planning and Regulation**

Class Family	
3-1	Engineering/Surveying Services, Management and Support
3-2	Land Use Planning Services, Management and Support
3-3	Licensing and Inspections, Management and Support

**Occupation Group #4 Field and Technical Services**

Class Family	
4-1	Operations Services, Management and Support
4-2	Technical, Management and Support

**Occupation Group #5 Community Services**

Class Family	
5-1	Recreation Services, Management and Support
5-2	Human Services, Management and Support

# LAYOFFS

(\*Union Employees: Consult applicable bargaining agreement)

## ESTABLISHMENT

The following procedure establishes the method by which the County will implement layoff of classified employees. By utilizing this procedure, the County is committed to carrying out any layoff in a manner that:

- is honorable, respectful, orderly and sensitive to employees' years of dedicated service;
- maintains essential services to County residents;
- provides for a transition with as little disruption as possible for all concerned;
- is in full compliance with Section 1.119 of the Code.

## PROCESS/PROCEDURE

- **DETERMINATION OF POSITIONS TO BE ABOLISHED**

The first step prior to any layoff action is for an appointing authority to determine that a position or positions are to be abolished. This determination should be based on programmatic priorities established in accordance with the directives of the Personnel Officer. Each appointing authority will be required to indicate, in writing, the justification and programmatic impact which will result from the abolishment of any position. Positions slated for abolishment must be ranked in priority order; this order will be followed if all layoffs are not necessary.

- **ESTABLISHING A RETENTION REGISTER**

Inasmuch as layoffs will be conducted within a department by classification, the employee occupying the abolished position is not necessarily the person subject to layoff. All departmental employees in the applicable classification will be placed on a prioritized listing called a "retention register" in accordance with the Code based upon "their relative proficiency and length of service to the County".

- **THE PROCESS FOR ESTABLISHING A RETENTION REGISTER:**

1. Annual performance evaluations for the previous five (5) years shall be reviewed.
  - Fifteen (15) points are assigned for each satisfactory annual evaluation received during that period. For these purposes, a satisfactory evaluation is defined as an overall rating of "meets standards" or "effective and competent".
  - Employees whose supervisor failed to provide an annual evaluation during any of these five years will be considered as satisfactory and given the full fifteen (15) points for that year.
  - Employees who were not classified employees for this entire period will receive fifteen (15) points only for those years in which they received a satisfactory annual evaluation as a full time employee.
  - Employees who received less than a satisfactory annual evaluation will not receive any points for that year.
  - Annual evaluations due in the Office of Human Resources on or before the first day of the month in which the layoff is to become effective will be considered when establishing the retention register.

- The maximum number of points an employee may accumulate for his/her evaluations is 75.
- 2. An employee will receive one point for each full month of full time classified service with Howard County calculated to the first day of the month in which the layoff is to become effective.
- 3. Factors (1) and (2) are added together for each employee.
- 4. The retention register for each class is established in point order.

The Office of Human Resources is available to assist departments in establishing each retention register and will review the points given to each employee for accuracy.

- **ORDER OF LAYOFFS**

Layoffs shall occur in the following order:

**Step 1:** All contingent employees in the affected classification shall be terminated.

**Step 2:** Employees in the affected class who have not completed their initial probationary period shall be laid off prior to a non-probationary employee in that class being laid off. Such employees shall be compensated for all accrued annual and personal leave regardless of their length of service.

**Step 3:** When further layoffs in the classification are necessary, the retention register established for that class in the department sets the order for layoffs.

1. Layoffs will occur by classification in inverse point order (i.e., employees with the fewest retention points will be laid off first).
2. Exception: In certain circumstances, an employee scheduled for layoff based upon retention points possesses unique skills and qualifications that make it impossible for another employee in the same classification to perform that essential service effectively. An Appointing Authority must justify not laying off this employee by indicating that the specialized skills required by the nature of the work could not be acquired by another employee in that classification within three months on the job given appropriate training.

## **MEAL ALLOWANCE**

(\*Union Employees: Consult applicable bargaining agreement)

Employees shall receive a meal allowance for actual costs not to exceed \$12.00 per meal (inclusive of taxes and tips) when required to work four (4) or more hours before or after the employee's regularly scheduled work hours for that day. If meals are otherwise provided by the County, this provision will not apply. Reimbursement for such expense will be based upon documentation and submitted receipts.

## PAID ACCRUED LEAVE

(\*Union Employees: Consult applicable bargaining agreement)  
(#Executive Exempt Employees: Consult Appointing Authority)

The County recognizes that employees require time off from work to attend to personal and family needs and obligations. Paid and unpaid leave benefits are available to promote stability within the family and the County work force, and to ensure a healthy balance between work and personal responsibilities.

All active full-time and part-time benefited employees are eligible to receive leave benefits. Employees who do not work or receive paid annual, disability, personal and/or holiday leave for at least 50% of their standard hours during any pay period will not accrue annual or disability leave during that payperiod. Employees covered by bargaining agreements should refer to those agreements. Some departments have established administrative standard operating procedures for use of leave, however, if the departmental procedures conflict with this policy, this policy prevails.

Accrued leave may be taken in periods of one-half ( $\frac{1}{2}$ ) hour or more. Accrued leave used for any of the reasons listed in the Family and Medical Leave Section of this Policy will be treated as Family and Medical Leave in accordance with the provisions of that Section. NOTE: Accrued leave hours paid do not count toward the 75% minimum work requirement for eligibility for step increments and performance awards, as contained in the Pay Plan.

### DEFINITIONS

- **DAY** - 1 day equals the number of hours in 1/5 of the standard work week. For example, an employee who works 40 hours per week accrues leave at 1/5 of the standard work week or 8 hours, even though the employee may work four 10 hour days.(EXCEPTIONS: For Military Leave, Bereavement Leave and Workers' Compensation 1 day equals the hours actually worked each calendar day.)
- **PART-TIME BENEFITTED EMPLOYEES** - Part-time benefited employees who work 30 to 39.9 hours per week are eligible to receive 75% of the full-time paid leave benefits and part time benefited employees who work at least 20 to 29.9 hours per week are eligible to receive 50% of the full-time paid leave benefits listed below.

### ANNUAL LEAVE (Vacation) Accrual Rates:

YEARS OF CONTINUOUS EMPLOYMENT	DAYS ACCRUED
Appointment through 5 <sup>th</sup> anniversary	13 days per year
6 <sup>th</sup> year through 10 <sup>th</sup> anniversary	16 days per year
11 <sup>th</sup> year through 20 <sup>th</sup> anniversary	19 days per year
21 <sup>ST</sup> year and above	21 days per year

<b>YEARS OF CONTINUOUS EMPLOYMENT</b>	<b>DAYS ACCRUED</b>
Police Lieuts. and Capts. 16-18 years	20 days per year
Police Lieuts. and Capts. 19-25 years	22 days per year
Police Lieuts. and Capts. 26+ years	24 days per year

- Authorization - All use of annual leave requires prior supervisory approval. Written requests for scheduling leave should be submitted through department channels as far in advance as possible. Approval will be based on staffing needs and seniority, where practical.
- Limitations -Annual leave may be carried over from one fiscal year to the next, to a maximum carry over of 40 days, except Fire Captain, Battalion Chiefs and Deputy Chiefs who may carry over 468 hours and Police Lieutenants and Captains who may carry over 524 hours.
- An additional 15 days may be carried over based on emergency staffing needs and with the approval of the Personnel Officer by recommendation of the Appointing Authority.
- Full time employees must use 5 days of annual leave during each 12 months of employment.
- Annual leave will accrue but cannot be used until the completion of 6 months of employment.
- Upon termination, employees who leave employment after at least 6 months of continuous service will be paid for their accumulated annual leave. Employees are required to give 10 days notice of their intent to leave County employment. At the discretion of the Appointing Authority, employees who fail to provide notice will be paid for their accumulated annual leave, minus one day's pay for each day short of the required 10 days notice.

## DISABILITY LEAVE (Sick)

- Accrual - Disability leave is accrued at the equivalent of 1 day per month.
- Authorization - An employee is required to notify his/her immediate supervisor prior to the beginning of the employee's shift on the first day of the illness. The employee is required to keep the supervisor informed as to each subsequent day requiring absence.
- Limitations - Disability leave may be used for the incapacitating illness of an employee, the employee's spouse, minor child (under age 18), and/or for absences due to a serious health condition for which FMLA leave benefits are approved for family members.
- Disability leave may be used for the medical, dental or optical appointments of the employee, the employee's spouse or the employee's minor child (under age 18), to the extent such appointments cannot be scheduled during non-working hours.
- Disability leave absences equal to one work week or more will be counted as Family and Medical Leave and the County will so notify the employee. (See Family and Medical Leave Eligibility/Entitlement.)
- When an employee uses three (3) or more consecutive work days of disability leave, upon return to work he or she must submit a certificate to the supervisor from the treating physician or licensed practitioner which describes the dates of treatment, and which contains a release to return to work outlining any applicable work restrictions. Failure to provide the documentation required by the County may result in a denial of paid leave. If the leave extends beyond a week, then the employee may be required to provide a certification of the health care provider on a form supplied by the County.
- If disability leave abuse is suspected, the employee may be notified that a doctor's certificate will be required for future absences of less than three (3) days. An employee who has submitted notice of intent to resign may be required to submit a doctor's certificate for all disability leave used during the notice period.
- Disability leave may be carried over from one fiscal year to the next with no maximum carry over limitation.

- Employees who leave employment will not be paid for accumulated disability leave. Accumulated disability leave may be credited toward retirement/pension service under certain circumstances as defined by the employee's retirement/pension plan.
- An employee who is disabled, but has no accrued disability leave available may request to be permitted to use accrued annual, compensatory and/or personal leave in lieu of disability leave. Authorization to substitute other paid leave for disability leave is at the discretion of the appointing authority. Such absences may be classed as "unexcused" (with or without pay).
- An employee who is allowed to use other paid or unpaid leave in lieu of disability leave may be required to submit a certificate from the treating physician or licensed practitioner which describes the dates of treatment and which contains a release to return to work outlining any work restrictions for all time absent due to disability.
- When, due to injury or illness, an employee is temporarily unable to perform his/her full complement of assigned tasks, he/she may be assigned or request to work in a restricted duty capacity.

The employee must present documentation from the treating health care provider which states the specific restrictions and the anticipated duration of those restrictions. If the County can identify a meaningful body of work which is consistent with the medical restrictions, a duty assignment will be established, thereby allowing the employee to conserve use of accrued paid leave benefits.

If restrictions are determined to be permanent rather than temporary, on a case by case basis, the County will evaluate the employee's rights and the County's responsibilities and proceed in accordance with the provisions of the ADA.

## PERSONAL LEAVE

- Personal leave is accrued each calendar year on the following basis:

Employees on payroll on January 1 <sup>st</sup> or hired before April 30 <sup>th</sup>	6 days
Employees hired after April 30 <sup>th</sup>	4 days
Employees hired after August 31 <sup>st</sup>	2 days
Employees hired after November 30 <sup>th</sup>	none

- Authorization - Use of personal leave requires prior approval by the immediate supervisor.
- Limitations - Personal leave may not be carried over from one calendar year to the next.  
**Personal leave not taken by December 31st is forfeited.**

Employees leaving employment will not be paid for unused personal leave. In no case, including rehire, shall an employee be entitled to use more than a total of six days of personal leave in a calendar year.

## PAID LEAVES NOT ACCRUED

(\*Union Employees: Consult applicable bargaining agreement)  
(#Executive Exempt Employees: Consult Appointing Authority)

The County recognizes that employees require time off from work to attend to personal and family needs and obligations. Paid and unpaid leave benefits are available to promote stability within the family and the County work force, and to ensure a healthy balance between work and personal responsibilities.

All active full-time and part-time benefited employees are eligible to receive leave benefits. Employees who do not work or receive paid annual, disability, personal and/or holiday leave for at least 50% of their standard hours during any pay period will not accrue annual or disability leave during that pay period. Employees covered by bargaining agreements should refer to those agreements. Some departments have established administrative standard operating procedures for use of leave, however, if the departmental procedures conflict with this policy, this policy prevails.

### THE FOLLOWING TYPES OF LEAVE ARE NOT ACCRUED

Paid time away from work is given under the circumstances outlined for each leave type.

### DEFINITIONS

- **DAY** - 1 day equals the number of hours in 1/5 of the standard work week. For example, an employee who works 40 hours per week accrues leave at 1/5 of the standard work week or 8 hours, even though the employee may work four 10 hour days. (EXCEPTIONS: For Military Leave, Bereavement Leave and Workers' Compensation 1 day equals the hours actually worked each calendar day.)
- **PART-TIME BENEFITTED EMPLOYEES** - Part-time benefited employees are eligible to receive 50% of the full-time paid leave benefits listed below:

### HOLIDAY LEAVE

Employees will receive paid leave for the following holidays:

<b>New Year's Day</b>	<b>Labor Day</b>
<b>Martin Luther King, Jr. Day</b>	<b>Columbus Day</b>
<b>Presidents Day</b>	<b>Veterans Day</b>
<b>Good Friday</b>	<b>Thanksgiving Day</b>
<b>Memorial Day</b>	<b>Friday after Thanksgiving</b>
<b>Fourth of July</b>	<b>Christmas Day</b>

And any other holiday declared by the County Executive.

- Limitations - When a holiday falls on Sunday, it will be observed on Monday. If it falls on Saturday, it will be observed on Friday.
- An employee will receive paid holiday leave only if he/she works or is in a paid leave status on the regular workday preceding and the regular workday following the holiday.
- An employee ordered to report to work on a holiday by reason of emergency will be paid his/her regular pay plus holiday pay, provided his/her normal work schedule does not include working on holidays.

## JURY LEAVE

- Rate - When required to report for jury duty, an employee will receive full pay for the time needed to serve.
- Authorization - Immediately upon receipt of a notice, an employee must provide his/her immediate supervisor with a copy of the notice.
- Limitations - If not required to serve as a juror on a particular day, the employee must immediately contact his/her supervisor to determine when next to report for work.
- Any payment received as a juror may be retained in addition to regular salary.

## BEREAVEMENT LEAVE

- Rate - Up to 3 work days will be granted.
- Authorization - Upon learning of the need to use bereavement leave benefits, an employee must immediately notify his/her immediate supervisor. The employee's department head is the final authority in granting bereavement leave requests.
- Limitations - An employee will be granted up to 3 consecutive work days of bereavement leave upon the death of the employee's spouse, son, daughter, mother, father, brother, sister, parents-in-law, step-parents, grandparents and/or for absences due to a serious health condition for which FMLA leave benefits are approved for family members..
- A maximum of 1 day will be granted upon the death of the employee's brother-in-law or sister-in-law.
- Up to 2 days of additional bereavement leave may be granted, at the discretion of the department head, if the death or funeral occurs out of state.

## MILITARY LEAVE

- Rate - Paid leave for hours equivalent to 2 times the employee's standard weekly hours (maximum).
- Supplemental Rate - If a part-time or full-time employee, except an elected official, is involuntarily ordered to active duty in the Armed Forces of the United States or National Guard during a national emergency or under presidential authority, the County shall pay the employee the employee's base County salary, reduced by all pay the employee receives for military service except separation allowances.
- Authorization - An official copy of military orders must be submitted to the employee's supervisor immediately upon receipt of the orders and prior to the commencement of leave.
- Limitations - Paid Military Leave benefits are granted time covered by written orders, to a maximum of the above rate per federal fiscal year. Time off for other military obligations will be granted as annual leave, personal leave or leave without pay, at the request of the employee. In order for leave time to be approved as excused, the County may require documentation of required service dates for leave requested that is not covered by orders which designate the time as Active Duty Training or Active Duty Tour.

## OFFICIAL LEAVE

- Rate - Leave time may be granted on an as needed/required basis.
- Authorization - All Official Leave requests require Personnel Officer approval prior to the commencement of the leave.
- Limitations - Requests to attend professional meetings, technical conferences and short-term courses on subjects related to an employee's duties are subject to approval under this category, as well as for other official purposes approved by the Personnel Officer; such as for time required to answer subpoenas related to County business.

## WORKERS' COMPENSATION LEAVE

The following language, taken directly from the Risk Management Policy & Procedure #200.1, Operations Section 2 - Workers Compensation, is repeated here for the convenience of employees. In the event of any conflict between the language contained here and Policy & Procedure #200.1, Policy & Procedure #200.1 shall govern. In the event of any conflict between the language contained here and a specific union agreement, the union agreement shall govern.

- Eligibility - An employee is eligible for workers' compensation leave if an injury or disease which causes the employee to be disabled is compensable under Maryland Workers' Compensation Law; the employee is completely unable to work at their regular or modified duty job; and their inability to work is supported by sufficient medical evidence. Under certain circumstances described in this document, employees may be eligible for Workers' Compensation Leave for medical appointments.
- Lost Time - Authorization for all lost time shall be determined by the Risk Management Administrator or Worker's Compensation Coordinator, based on medical substantiation and state law. An employee who suffers a compensable worked related injury or illness will receive full pay during the period of disability to a maximum of 12 months from the date of injury if the employee is evaluated by a County approved medical provider as to the ability to work with or without restrictions. Employees electing not to be evaluated by a County approved medical provider shall receive benefits, if applicable, at the rate established under Maryland Workers' Compensation Law.

In the event that the evaluations of the County approved medical provider and the employee's physician are conflicting with respect to the ability to work with or without restrictions, an independent evaluation may be requested by the employee. The physician conducting the independent evaluation will be selected based on mutual agreement of the parties. The cost of the independent medical evaluation shall be paid by the County. If the independent physician concurs with the opinion of the employee's doctor, the employee shall receive full salary for periods of authorized lost time up to 12 months from the date of injury, subject to all other provisions of Maryland Workers' Compensation Law. If the independent physician concurs with the opinion of the County approved medical provider that the employee can return to work, no benefits shall be payable.

If at any time during the course of the claim the County refers the employee for an independent medical exam in accordance with Maryland Workers' Compensation Law, the provision allowing for a third opinion will not apply.

After 12 months, the employee is eligible to receive benefits to the extent available under Maryland Workers' Compensation Law.

Department payroll will be reimbursed from the Risk Management Fund for lost time in amounts equal to benefits payable under Maryland Workers' Compensation Law, in the amount of 2/3 average weekly wage, for employees who are medically authorized to be out of work for compensable injuries and for the three days of initial disability only if the employee loses more than 14 days of authorized lost time.

Department payroll will not be reimbursed for any unauthorized lost-time wages that are paid.

- Continuation of Other Benefits - During the period for which an employee is receiving workers' compensation benefits, all health and life insurance premiums and retirement fund contributions shall continue as if the employee was receiving wages. If the employee is receiving workers' compensation benefits through a source other than County payroll, the employee will be responsible for reimbursement to the County for the employee's contributions for health and life insurance premiums and will be responsible for other personal payroll deductions.
- Use of Accrued Leave - If the employee's workers' compensation payments are not paid or are suspended for any reason, the employee may elect to use available Annual, Personal or Sick Leave with the approval of their supervisor, as long as the usual requirements for such leave are met.
- Modified Duty - Workers' Compensation benefits shall not be authorized if the employee has been offered a temporary modified duty position in accordance with medical restrictions.

It is the department's responsibility to provide suitable modified duty for the entire period of time during which an employee is temporarily unable to perform the functions of his/her job.

If the department fails to provide modified duty during the time it is medically necessary, the department shall bear the full cost of workers' compensation leave and will not be reimbursed by Risk Management.

If a department has exhausted its modified duty options, the Risk Management Workers' Compensation Coordinator may assist in finding alternative modified positions outside of the employee's department.

- Medical Appointments - Under Maryland law, the employer is required to provide reimbursement to an employee for lost wages due to time spent being examined by a physician or other examiner at the request of the employer or its insurer. The employer is not required to reimburse the employee for wages lost during time spent visiting a private physician or medical practitioner at their own behest. Workers' Compensation Leave shall be authorized for medical appointments if:
  1. The appointment is at the request of the Risk Management staff or its authorized claims adjuster.
  2. The appointment is with the designated medical provider selected by the County.

## FAMILY AND MEDICAL LEAVE

(\*Union Employees: Consult applicable bargaining agreement)

The following leave applies to leave taken under the provisions of the Family and Medical Leave Act of 1993 (FMLA). All related County leave benefits will be administered in compliance with the FMLA and Department of Labor Regulations. Upon 5 consecutive days of absence, or 40 hours or more of absence from scheduled work within a pay period due to a serious health condition, employees will receive notification of these benefits and be placed on provisional FMLA.

- Definitions The following definitions apply to Family and Medical Leave Section:

Serious Health Condition - "Serious" health condition is an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider. It includes any period of incapacity requiring absence from work, school or regular daily activities of more than three (3) calendar days including treatment by a health care provider.

Son or Daughter - means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."

Parent - means a biological or adoptive parent or an individual who stands or stood in "loco Parentis" to an employee when the employee was a child. This term does not include "parents-in-law."

Spouse – wife or husband as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage, in States where it is recognized. The state of Maryland does not recognize common law marriages.

Intermittent Leave – leave taken in separate periods of time due to a single illness or injury.

Reduced Work Schedule – leave schedule that reduces an employee's usual number of working hours.

Week – for purposes of FMLA leave, a week is equivalent to the employee's normal assigned work schedule, including shift work.

Certification – official documentation required for the approval of FMLA leave such as the Following forms: *Certification of Health Care Provider for Employee's Serious Health Condition*, *Certification of Health Care Provider for Family Member's Serious Health Condition*, *Certification of Qualifying Exigency For Military Family Leave*, or *Certification for Serious Injury or Illness of Covered Service member for Military Family Leave*.

Next-of-kin of a covered service member – the nearest blood relative, other than the covered service member's spouse, SSDP, parent, son, or daughter, in the following order of priority: blood

relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as her or his nearest blood relative for purposes of military caregiver leave under the FMLA.

### **Eligibility/Entitlement**

As required by the Family and Medical Leave Act (FMLA), an employee is entitled to 12 weeks of leave (paid and/or unpaid) per year provided that they have worked for Howard County Government for at least one (1) year, and for at least 1250 hours over the previous twelve (12) months. The reasons for FMLA leave are listed below:

1. for the birth of an employee's child and to care for the newborn child;
2. for placement with the employee of a son or daughter for adoption or foster care;
3. to care for the employee's spouse, son or daughter, or parent (but not parent-in-law) who has a serious health condition; or
4. for a serious health condition that makes the employee unable to perform the employee's job.

Under the National Defense Authorization Act of FY2010 (NDAA) up to twenty-six (26) work weeks of leave during a single twelve (12) month period may be granted to an eligible employee. A spouse, son, daughter, parent, or next of kin may take the leave to care for a member of the military, or a qualifying veteran, "who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness", incurred in or aggravated by the line of active duty. Relatives of service members deployed to a foreign county, relatives of military reservists, relatives of service members of the Armed Forces, or relatives of a veteran may be granted FMLA leave for the care of or to look after the affairs of the family member.

Leave is designated as FMLA leave if it is used for any of the reasons stated above, and is counted toward the total of 12 weeks, whether the employee is on paid or unpaid leave status, except that if the employee uses personal, annual or disability leave and the absence is one week or less, the leave will not be counted as FMLA leave.

An employee is eligible to receive 12 weeks of FMLA leave every 12 months on a "rolling" year basis, from the employee's first leave taken, after August 5, 1993. (EXAMPLE: An employee who takes 12 weeks of FMLA leave beginning on March 1st will again be eligible to take FMLA leave the following March 1st.)

Eligibility for FMLA leave under reasons 1 and 2 expires 12 months after the birth or placement of a child. A husband and wife who are both eligible for FMLA leave and are both employed by the County are permitted to take only a combined total of 12 weeks of leave during any 12 month period if the leave is taken for reason 1 or 2. Disability leave taken for reason 1 or 2 may only be used for the period designated by the treating physician. Employees may request that they be permitted to take FMLA designated leave on an intermittent basis or may request a reduced work schedule when there is a medical need for such leave. Requests will be reviewed and approved on a case by case basis in conformity with FMLA.

### **Reinstatement**

Employees taking FMLA leave shall have the same rights as described in the UNPAID LEAVES OF ABSENCE section of this Policy.

Health Care Benefits - An employee who is on FMLA leave is entitled to have his/her health care benefits continued on the same basis as he/she would if he/she were not on leave. For that reason, even when the employee taking FMLA leave is on unpaid status, the County will continue to pay its portion of the employee's medical and dental insurance, in conformity with the employee's most recent benefit election.

To the extent that payroll deductions are necessary to provide the elected coverage, the employee must continue to pay the amount normally deducted from his/her paycheck that is necessary to keep the coverage in effect or the employee may elect not to continue his/her medical and/or dental insurance coverages during the period of his/her unpaid leave.

The Office of Human Resources will assist the employee to work out payment arrangements for the employee's share of his/her health care coverages cost. If employee contributions to coverage are not timely paid by the employee, after a 30-day grace period, the insurance coverage(s) will be canceled.

Upon the employee's return to paid status, his/her insurance benefits will be reinstated to the same level and terms as were provided when the FMLA leave commenced. If the benefit plan provided to employees changes while the employee on FMLA leave is on unpaid status, the changes to the coverages will be applied to the employee in the same manner as employees in paid status.

Due to the nature of the employee's job assignment, he/she will be required to furnish a fitness for-duty release to return to work signed by his/her treating physician. Failure to provide the required release may delay his/her return to work. Also, depending on the reason for his/her absence and his/her job assignment, he/she may be required to undergo a County paid fitness-for-duty evaluation.

Except under limited circumstances specified by the FMLA, if an employee fails to return from unpaid FMLA leave, the County's expenses in providing health care coverage to the employee while in unpaid status must be reimbursed by the employee to the County.

- **Employee Requirements** - The following requirements or limitations apply to all FMLA leave:
  1. An employee must provide 30 days advance notice when requesting FMLA leave for "foreseeable" events; as much notice as possible must be given for "unforeseeable" events.
  2. An employee must complete a Certification of Health Care Provider form (available in the Office of Human Resources) to support requests for FMLA leave because of serious health conditions. The County may require, at its expense, a second opinion as to the serious health condition to confirm the validity of the medical certification provided.
  3. While on FMLA leave, an employee may be required to provide periodic reports concerning his/her status and intent to return to work.
  4. Paid leave will not be accrued while an employee is on unpaid leave.
  5. An employee must exhaust all accrued leaves (annual, disability and/or personal, as defined in this manual) applicable to the reason for which FMLA leave is requested before unpaid FMLA leave is granted.
  6. If an employee is absent for one work week or more for any of the reasons listed above as qualifying the employee for FMLA leave, even if accrued paid leave is used to cover that absence, the leave will be treated as FMLA leave for purposes of calculating the total amount of such leave an employee may be granted in one year. The employee will be notified pursuant to the Act when paid leave is to be treated as FMLA leave.

7. Employees who are absent due to a FMLA qualifying event are understood to be unable or unavailable to work in any capacity for any employer, including a secondary employer. If an employee's work ability and/or availability improve in a manner that permits the employee to resume any level of work activity, the employee is required to contact the County to determine if work that is consistent with his or her work capacity is available. If the employee fails to notify the County of the improved ability and/or availability and is found to be working in any capacity for another employer, the employee will be subject to disciplinary action, up to and including termination. Overtime is prohibited while on FMLA.

## UNPAID LEAVES OF ABSENCE

(\*Union Employees: Consult applicable bargaining agreement)  
(#Executive Exempt Employees: Consult Appointing Authority)

- If an employee needs leave for a valid reason such as training and education, extended military service, and certain family responsibilities not covered by FMLA, or if he/she needs leave for a reason enumerated as FMLA leave but beyond his/her 12 weeks of eligibility, the employee may apply for unpaid leave.
- The Personnel Officer may grant such leave when it is in the best interest of the County. An employee's eligibility for unpaid leave ends when the total amount of leave, paid and unpaid, including any FMLA leave, amounts to 12 consecutive months of absence. If an employee does not return to work after 12 consecutive months of absence, eligibility for an additional FMLA leave is not granted.
- Reinstatement Rights - An employee who is granted unpaid leave, and who returns to work within 4 consecutive months or less of absence, will be reinstated in the merit system with all rights and privileges.
- An employee who is granted a leave of absence that will result in his/her absence from work, on paid and unpaid leave, for more than 4 consecutive months but 12 consecutive months or less will be reinstated to an equivalent position, if such position is available and if the employee's reinstatement is in the best interest of the County.
- Requirements - The following requirements or limitations apply to unpaid leave:
  1. An employee's request for a non-FMLA leave of absence without pay for valid purposes must be approved by the Personnel Officer.
  2. Unpaid leave will not be granted unless the employee has exhausted his/her accrued annual and personal leave and any compensatory time.

During any unpaid leave that does not qualify as FMLA leave, the employee must pay the full cost of any insurance coverages he/she may wish to keep in effect during the unpaid leave.

## LEAVE USE DURING EMERGENCY CONDITIONS

(Union Employees: Consult applicable bargaining agreement)

This procedure applies to all full-time and benefited part-time employees who are not designated as “emergency employees”.

1. “Emergency employees” consists of all sworn employees of the Police Department, all uniformed Fire & Rescue Personnel, all employees assigned to the Communications Center, all Correctional Officers, and all County employees designated by their Appointing Authority as providing essential services.
2. The Chief Administrative Officer shall:
  - Make all determinations as to whether to close County offices, open offices late, close offices early, or to declare liberal leave.
  - Disseminate all official decisions concerning the closing of County Offices, or the institution of leave during emergency conditions.
3. Appointing Authorities shall:
  - Determine which employees are to be designated as emergency employees.
  - Ensure that this policy and procedure is fully disseminated and understood by all employees in their departments
4. The Chief, Bureau of Highways, in coordination with the Police Department, will keep the Chief Administrative Officer advised of inclement weather conditions which may affect the operation of County Government or create adverse safety conditions for employees.
5. Employees are responsible for keeping informed during emergency conditions. In the event of inclement weather, employees may obtain information regarding use of leave and other weather related information by calling (410) 313-4444 for updates, or access the County’s homepage at [www.howardcountymd.gov](http://www.howardcountymd.gov) where the latest inclement weather related information will be prominently displayed.
6. When emergency conditions occur during weekends, a holiday, or other non-regular office hours, the appropriate provisions of this policy still apply to those non-emergency employees scheduled to be on duty. Those employees are responsible for keeping informed by contacting the on-duty shift supervisor at their work site, the Communications Center, or the Employee Information Line at (410) 313-4444.
7. When the emergency conditions no longer exist, the Chief Administrative Officer may reopen the County offices or cancel announced liberal leave starting with the next available shift.

**ALL DAY CLOSING:** If the Chief Administrative Officer determines that emergency conditions warrant the all-day closure of County Government offices, non-emergency employees may be granted administrative leave by the Chief Administrative Officer to cover those hours normally worked.

1. All emergency employees must report to their regular work shifts or emergency shift. In those cases where non-FLSA exempt emergency employees work longer than their regularly scheduled hours as specified by either a union contract or the County Code, those employees will be given compensatory time or overtime as specified by either the union contract or the Pay Plan, whichever is applicable.
2. If an employee was already approved to use personal, annual, compensatory, or sick leave for a day when administrative leave is subsequently granted, the employee remains on the leave chosen. This means the employee does not receive administrative leave.
3. The media will be asked to report, “All Howard County Government offices are closed and that administrative leave is in effect for non-emergency employees”.

4. Benefited Part-time employees receive administrative leave for normally worked hours only if it is a scheduled workday.
5. If an employee is working an approved telework schedule, the timecard should reflect any hours actually worked. The employee will receive administrative leave for the remaining scheduled hours of the workday. An employee may not accrue compensatory time or overtime for hours worked in addition to administrative leave.
6. If an employee is on inactive status due to Worker's Compensation absence, Short Term Disability, military leave, or leave without pay the employee does not receive administrative leave.
7. Contingent employees will not receive administrative leave.

**LATE OPENING:** If the Chief Administrative Officer determines that Howard County Government Offices should delay opening at the start of the workday, non-emergency employees will be granted administrative leave from the time they would normally report to work until the offices open.

1. If an employee does not report for work on the day of the late opening, the employee does not receive administrative leave.
2. Non-emergency employees are expected to report for work at the time the Chief Administrative Officer has determined that County offices will open. If an employee arrives at work after the stated delayed opening late time, the employee will receive administrative leave up to the opening time and be responsible to use other leave for the time prior to their arrival. Probationary employees may only use personal leave, compensatory leave or leave without pay.
3. If a non-emergency employee reports to work during the time the Howard County Government Offices are closed and actually works, the employee should report the actual hours worked on their timecard. The employee will receive administrative leave for any regular hours not worked up to the time of the late opening. A non-emergency employee may not accrue compensatory time or overtime for hours worked in addition to administrative leave.
4. If an employee is working an approved telework schedule, the employee is not entitled to administrative leave. The employee's timecard should reflect any actual hours worked plus personal, annual, or compensatory leave to equal regular scheduled hours.
5. Contingent employees will not receive administrative leave.

**LATE OPENING WITH LIBERAL LEAVE:** If the Chief Administrative Officer determines that Howard County Government Offices should delay opening at the start of the workday and declares liberal leave, non-emergency employees will be granted administrative leave from the time they would normally report to work until the offices open.

1. If an employee does not report for work on the day of the late opening, the employee does not receive administrative leave. The employee may use annual leave, personal leave, compensatory leave or leave without pay. Probationary employees may only use personal leave, compensatory leave or leave without pay.
2. In the event of a late opening and the declaration of liberal leave, employees are expected to notify their offices of their intent to take leave or to report to work by the time offices are scheduled to open.
3. Non-emergency employees are expected to report for work at the time the Chief Administrative Officer has determined that County offices will open. If an employee arrives at work after the stated delayed opening late time, the employee will receive administrative leave up to the opening time and be responsible to use other leave for the time prior to their arrival. Probationary employees may only use personal leave, compensatory leave or leave without pay.

4. If a non-emergency employee reports to work during the time the Howard County Government Offices are closed and actually works, the employee should report the actual hours worked on their timecard. The employee will receive administrative leave for any regular hours not worked up to the time of the late opening. A non-emergency employee may not accrue compensatory time or overtime for hours worked in addition to administrative leave.
5. If an employee is working an approved telework schedule, the employee is not entitled to administrative leave. The employee's timecard should reflect any actual hours worked plus personal, annual, or compensatory leave to equal regular scheduled hours.
6. Contingent employees will not receive administrative leave.

**EARLY CLOSING:** If the Chief Administrative Officer determines that Howard County Government Offices should close after employees have reported to work, non-emergency employees will receive administrative leave from the time the offices are closed to the end of the employee's normally scheduled workday.

1. An employee must be at work at the time the offices are closed in order to receive administrative leave. If an employee leaves prior to the emergency closing time, the employee must use the employee's own leave from the time the employee left work to the end of the employee's normally scheduled workday.
2. If a non-emergency employee works past the time the County Offices are closed, the employee will report the actual hours worked on their timecard and will receive administrative leave for the remainder of their regular schedule. A non-emergency employee may not accrue compensatory time or overtime for hours worked in addition to administrative leave.
3. If an employee is working an approved telework schedule, the employee is not entitled to administrative leave. The employee's timecard should reflect any actual hours worked plus personal, annual, or compensatory leave to equal regular scheduled hours.
4. Contingent employees will not receive administrative leave.

**LIBERAL LEAVE:** If emergency conditions exist, but do not warrant a change in the regular hours of operation of County Government, the Chief Administrative Officer may declare that "liberal leave" is in effect.

1. When liberal leave is in effect, all emergency employees must report to work at their normal shift time.
2. When liberal leave has been declared, the County allows non-emergency employees the right to determine whether they should report to work, take accrued annual leave, available personal leave, compensatory leave, or in the event of no leave accruals, leave without pay. Probationary employees may only use personal leave, compensatory leave or leave without pay. If leave is requested by a non-emergency employee when liberal leave is in effect, approval by the employee's supervisor is automatic.
3. The media will be notified that "All Howard County Government offices are open and that liberal leave is in effect.
4. Non-emergency employees must notify their offices of their intent to take leave prior to their normal start time. If this is not an option, then within one hour of their normal reporting time.
5. The declaration of liberal leave should not be viewed as a recommendation by the Administration that leave should be taken. It is only an administrative procedural step that allows individual non-emergency employees to decide what is most appropriate for their circumstances. The ultimate decision whether to take leave when liberal leave is in effect rests solely on the individual non-emergency employee.

6. When liberal leave is announced prior to the start of the normal work day, non-emergency employees can decide to come in at a later time in their work shift or to take the entire day off. Employees who arrive at work more than one hour after their normal scheduled starting time will use annual leave, personal leave or compensatory leave for all the time they were not present during their scheduled work period. Non-emergency employees who do not have accrued leave will be placed on excused leave without pay status.
7. The Chief Administrative Officer may declare that liberal leave is in effect after the normal start to a work day. At such time, non-emergency employees may choose to go home and have the remaining hours of their shift charged to annual leave, personal leave, compensatory time, or leave without pay if no accrued leave is available on an hour for hour basis up to the end of their normally scheduled shift.

**USE OF DISABILITY LEAVE:** Employees who request the use of disability leave during emergency conditions regardless of the declaration, at the discretion of the supervisor, may be required to provide a doctor's certificate to substantiate charging the absence to disability leave. An employee who fails to bring in the required certificate when requested to do so, may have time automatically charged to annual or personal leave, be placed on excused leave without pay status, and/or be disciplined.

# **PAY STATUS DUE TO PROMOTION, DEMOTION, OR TRANSFER**

**NOTE:** Consult applicable bargaining agreement or refer to Code Sec. 1.302 or the Position Reclassification policy for further detail.

## **PROMOTION**

A promotion occurs when an employee in the classified service successfully competes for a position that is in a classification assigned to a grade with a higher hourly rate range.

Upon promotion, the employee's new rate of pay will be the higher of either the minimum base hourly rate of the new grade or the step in the new grade which most closely corresponds to, but is not less than, the employee's current hourly rate plus 2 steps. The new hourly rate may not exceed the maximum hourly rate for the new grade.

Employees who are paid in accordance with the uniformed Fire and Police "length of service scales" will be slotted into the rate and step of the new pay grade which correlates to the employee's length of creditable service.

Promoted employees serve a probationary period equal to the designated length of the probationary period for that classification. If the employee's performance does not meet the required performance standards for the new position, after a good faith effort to place the employee in another vacant position, the appointing authority may dismiss the employee. Movement from a designated trainee class to a full performance class is not a promotion.

Promoted employees retain their anniversary dates and eligibility for step increases.

The personnel officer may approve a higher rate of pay for an employee who is promoted.

## **DEMOTION**

A demotion occurs when an employee is voluntarily or involuntarily moved to a position that is assigned to a lower grade or hourly rate range.

Upon demotion, the employee's base hourly rate of pay in the new position will be set by the appointing authority, with the approval of the personnel officer. The new rate may not exceed the employee's current rate or the maximum hourly rate of the grade for the classification of the newly assigned position.

## **TRANSFER**

A transfer occurs when an employee moves to a vacant position from a position in the same classification position title.

Upon transfer, the employee's hourly rate does not change. Transferred employees retain their anniversary dates and eligibility for step increases.

## POSITION RECLASSIFICATION

Employees who move non-competitively (i.e., through the reallocation process) from their current grade to another grade carrying a higher minimum salary will receive the higher of (i) the minimum base hourly rate of pay of the new grade; or (ii) the base hourly rate of a step of the new grade which most closely corresponds to but is not less than the employee's current hourly rate plus two steps, not to exceed the maximum base hourly rate of pay for the new grade.

### BASIC PROCEDURE

- **Scope** - This policy and procedure provides guidelines for administration of the position reclassification process. It specifies the authority and responsibility of management personnel as it relates to that process.
- **Applicability** - These procedures apply to classification review requests for all positions in the Classified System.
- **Theory and Concept** - Position classification is a system of analyzing occupied, vacant and proposed positions based on the level of their duties and responsibilities and then grouping similar positions together under common class titles. Position reclassification shall be considered whenever there has been a significant or substantial change in the nature or level of work assigned to a position. The Office of Human Resources will administer a systematic position review process which will result in one of the following decisions:
  1. The position is properly allocated and no change is recommended.
  2. The position is improperly allocated and will be reallocated to another existing class. This class may be in the same grade or in a lower or higher grade.
  3. The position is improperly allocated but an appropriate classification does not exist in the current Plan. The Personnel Officer shall decide if a new classification will then be developed by the Office of Human Resources to be included for adoption in the Classification and Pay Plan.

### RESPONSIBILITIES

- **The Office of Human Resources will:**
  1. Counsel and assist departments in the proper administration of the Howard County Classification Plan and in the use of the online position description (Description Now) program and the job analysis (Common Metric Questionnaire) program.
  2. Schedule and conduct general, annual reviews of the Classification Plan in order to maintain the Plan on a current basis.
  3. Conduct position reclassification studies requested by department heads.
  4. Make determination of proper classification after analyzing position information and submit classification and allocation recommendations to the Personnel Officer (Chief Administrative Officer) for approval.

- **Department Directors will:**

5. Determine the appropriate duties and responsibilities for all positions under their jurisdiction and ensure that employees receive a position description listing those duties and responsibilities assigned to them.
6. Maintain up to date job descriptions for all positions under their authority ensuring that the assignment of duties and responsibilities remain within the scope of an incumbent's applicable class description as found in the Classification Plan. Assignments outside of the scope of a class may be made only to meet operational needs. Position audits will not be conducted based on temporary changes to duty assignments.
7. Annually review the status of positions under their jurisdiction and initiate classification review requests where necessary.
8. Not use classification actions as a way to reward or discipline incumbents.
9. Maintain an understanding of the classification process.

- **The Office of Budget will:**

Review the budget to identify proposed additions of new positions or changes in classification of existing positions submitted by department heads during the budget process. Such additions or changes will be coordinated with the Office of Human Resources to ensure the proper classification review has been conducted prior to approving their inclusion in the final budget document.

## **GENERAL RULES AND REGULATIONS**

Employees who move non-competitively (i.e., through the reallocation process) from their current grade to another grade carrying a higher minimum salary will receive the higher of (i) the minimum base hourly rate of pay of the new grade; or (ii) the base hourly rate of a step of the new grade which most closely corresponds to but is not less than the employee's current hourly rate plus two steps, not to exceed the maximum base hourly rate of pay for the new grade.

If reallocation results in movement to a lower grade, the incumbent's salary will remain the same, even if that rate is above the new grade salary range.

- No position will be audited more than once per year unless part of a general review.
- Reallocation of an occupied position will not be based on projected duties and responsibilities but rather on additional significant duties and responsibilities that have become a permanent part of the job. Duties must be performed for at least four months before they will be considered a permanent part of the job.
- In no case will reallocation be approved retroactively.
- Employees must have completed the probationary period for their position before reallocation to a higher grade is effective.

## **PROCEDURE**

### **Initiating a position classification review**

- **Occupied positions**

Department directors may accept requests for classification review from any classified employee of their department. Such requests will be initiated in writing. The director will review the information and determine if the work assignment is appropriate and that a position study is warranted. If the director determines further review is warranted, he or she shall submit all documents to the Office of Human Resources along with a cover letter indicating significant

changes in the nature or level of work in the position. In the event the department head does not support the request, the employee will be informed in writing with a copy to the Office of Human Resources. The employee may file a written appeal with the department director within 15 days of receiving the notice. The department director will also forward to the Office of Human Resources all documentation submitted by the employee. Requests forwarded to the Office of Human Resources must be signed by the incumbent, immediate supervisor, and all other levels of supervision including the department director.

- **Vacant Positions**

Department directors may request the reclassification of a vacant position by submitting a written description of the position or, alternatively, a formal job description to the Office of Human Resources. The Office of Human Resources and the Budget Office will review the request prior to submittal to the Chief Administrative Officer for final determination.

- **New Positions**

1. Department directors requesting newly authorized positions shall complete a position description for each request and forward the position description to the Office of Human Resources at the same time the overall budget is submitted to the Budget Office. Such requests shall be in accordance with the Budget Manual and other applicable policies and procedures. The Office of Human Resources will perform a classification review for each approved position.
2. In special circumstances, department heads may request approval of an additional position outside of the normal budget cycle.

- **General Reviews**

The Office of Human Resources may initiate position or organizational studies in order to maintain the classification plan on a current basis.

### **Conducting a position classification review**

- The Office of Human Resources will determine the processes and activities necessary to conduct any review in order to submit a classification recommendation to the Chief Administrative Officer. This may include any or all of the following:
  1. Interview supervisory personnel and the department director.
  2. Collect work samples.
  3. Review the Position Description form.
  4. Review documents which may provide information to indicate whether there has been a change in the nature and/or level of work such as: job description, original requisition, job posting and ads, organization chart, work distribution chart, technical manuals and job guidelines, former audit reports, supervisory correspondence, performance evaluations, and work logs, as necessary to establish current assignments and the historical record.
  5. Review other County positions to determine comparability and to assess organizational impact and internal equity.
  6. Collect market data to determine if the position is allocated to the appropriate grade.
- The Office of Human Resources will prepare a written analysis and submit a classification recommendation to the Chief Administrative Officer for final determination.
- The department director will be given written notification of the decision of the Chief Administrative Officer. If the position has been reallocated, the Office of Human Resources will prepare appropriate documentation for processing the change in grade.
- Employees may appeal classification decisions of the Chief Administrative Officer ( see Appeal Section of Employee Manual)
- If a new class must be legislated, such legislation will be drafted by the Office of Human Resources.

## **POLITICAL ACTIVITY**

### **POLITICAL ACTIVITY AND SOLICITATIONS**

An official or employee may not be prohibited from participating in politics or political campaigns. Officials or employees, however, are prohibited from engaging in political activities during their working hours, and may not advocate the overthrow of the government by unconstitutionally violent means. An officer or employee may not be obligated to contribute to an election campaign, political party or political club or to render political service.

### **POLITICAL ENDORSEMENTS**

An official or employee may not seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

## PROCUREMENT CARD GUIDELINES

Designated employees may use the Procurement Card (similar to a credit card) for the purpose of making minor purchases. County employees hold a public trust and their conduct must meet the highest ethical standards. The purchase of supplies and services shall be made only as required to conduct the business of Howard County and as provided in this program. Employees shall put forth their best effort to achieve the most economical cost to the County for necessary supplies and services.

### GENERAL POLICY

1. When making purchases using the Procurement Card, an employee shall follow all applicable provisions of the Purchasing Code, the Purchasing Manual, County Policy and Procedure 600.21, and these guidelines.
2. The Office of Purchasing shall supply the applications and instructions for Procurement Card use.
3. Compliance
  - a. In General: The Purchasing Administrator may immediately take possession of a Procurement Card from a cardholder who violates any provisions of law or regulations governing use of the card. In addition, the cardholder is subject to disciplinary action under County law up to and including termination, and may be subject to criminal prosecution.
  - b. False Statements: A cardholder or approving official who makes a false statement on a Procurement Card form or record of any kind is subject to disciplinary action.
  - c. Unauthorized Purchase: In addition to other remedies under this section, if a cardholder makes an unauthorized purchase, the County shall demand reimbursement from the cardholder for the total dollar amount of the purchase plus any additional expenses the County may incur as a result of the purchase.
  - d. Separation of Cardholder: In the event a cardholder's employment with the County is terminated, the cardholder shall surrender the card to the approving official or Agency Program Coordinator (APC). The approving official or APC shall notify the Office of Purchasing. The Office of Purchasing shall cancel the account.
4. Use of the Procurement Card by a cardholder is subject to a single purchase limit of \$1000. The Office of Purchasing shall establish a monthly limit for each cardholder.

When using the card, a "single purchase" may include multiple items; however, no single purchase may exceed the authorized single purchase limit. A purchase will be denied at the point of sale if the single purchase limit is exceeded. A cardholder may not make multiple single purchases to avoid the single purchase limit.

5. The Howard County Procurement Card that an employee receives has the cardholder's name embossed on it and displays the County's tax exempt number. The cardholder making a purchase shall inform the vendor that sales taxes are not to be charged for the transaction.
6. It is a cardholder's responsibility to safeguard the Procurement Card and account numbers at all times. The cardholder may not allow another person to use the card or account number without the cardholder's permission.

7. The Procurement Card may not be used for the purchase of the following items:

Purchase of personal items and personal services. Personal telephone calls.

Local purchase of gasoline. Alcoholic beverages.

Cash advances, wire transfers and savings bonds. Rental or lease of land or buildings.

Vehicle rentals (except as approved in advance by the Chief Administrative Officer).

Flowers.

Any class of travel other than "economy class" unless emergency conditions apply.

Items currently under a requirements contract may only be purchased with the Procurement Card if the vendor accepts such payment under the requirements contract and charges the County accordingly. The Procurement Card may not be used to circumvent the conditions as stated in a requirements contract.

## **PUBLIC INFORMATION (CONFIDENTIAL & PUBLIC)**

Maryland's Public Information Act provides a process by which individuals may legally obtain public information. During the course of their work for the County, employees will have access to both public and confidential information regarding various matters. All employees are responsible for respecting and protecting information which is confidential. Thus, when an employee is asked to provide information to a member of the public, it is advisable that the request for information be put into writing, and forwarded to the Appointing Authority of the employee's department for response. An employee's release or personal use of any confidential information, without permission, may result in discipline up to and including discharge.

## RECOGNITION PROGRAM

These guidelines prescribe the procedure, criteria, and basic principles under which the Howard County Executive will formally recognize Howard County employees in an effort to promote excellence in government service by improving employee morale, along with increasing productivity and efficiency.

### PURPOSE

Recognizing that Howard County employees are its most valuable resource, Howard County Government declares that employees who, through outstanding services, make unusually significant contribution(s) to the County's efforts will be honored accordingly at the Division, Bureau, Department and/or County level as appropriate. To implement this policy, the Howard County Government has established procedures to recognize employee performance.

### SCOPE

All appointing authorities are to ensure that employees under their respective jurisdictions are recognized for outstanding performance in an appropriate, uniform, and consistent manner within the guidelines that follow. County departments are encouraged to supplement these guidelines with policies designed to identify and honor every employee who makes a truly unique and outstanding contribution.

### ELIGIBILITY

These procedures will apply to nominators who must be full-time or part-time benefit eligible County employees in the classified service. Employees holding the following executive exempt positions are not eligible:

- Chief Administrative Officer
- Chief of Staff
- Directors/Chiefs/Deputy Directors of Departments
- County Solicitor
- Administrator to the County Council
- Deputy Administrator to the County Council
- County Auditor
- Deputy County Auditor

Nominees must be:

- Full-time, benefit eligible, County employees; or
- Part-time, benefit eligible County employees; and,
- Must have performed service for which employee is nominated between July 1st of the previous year through June 30th of the current year. This 12 month timeframe can include the employee's probationary period provided the employee is still a current County employee whose probationary period has concluded at the time of the nomination.
- Employee of the Year must be a full-time employee.
- Must not be a previous winner of the Employee of the Year award in order to be eligible for the Employee of the Year category. Nominations and awards will not change after the final vote has been taken and presented.
- A special category for Contingent of the Year is established exclusively for contingent employees.

## APPEALS

Decisions concerning the awards program are not appealable.

## SCHEDULE

The County's formal recognition will be done annually.

## TYPES OF RECOGNITIONS

Recognition on a County-wide level will be established on a formal basis only.

1. Departments may devise their own recognition programs that do not involve monetary awards utilizing employee input wherever possible and practical. (Agencies may give a monetary award to the Department Employee of the Year in the form of a check for \$50.00 which will be offset the amount to include taxes making the final check equivalent to the amount of the award; gift cards are not allowed.
2. It is not necessary for departments to nominate candidates for every award; however, each department is required to select a departmental Employee of the Year. From the departmental Employees of the Year and the County Council's selection, the committee will select one as the Howard County Employee of the Year.

### **EMPLOYEE RECOGNITION COMMITTEE**

2. **Selection:** The Chief Administrative Officer will select an Employee Recognition Committee consisting of one representative from each of the county departments and a representative from the County Council to ensure that each of the five class families #1, #2, #3, #4, and #5 is represented. The County Executive's Office will be included with the Department of County Administration on the Employee Recognition Committee and the Committee will also include the previous Employee of the Year recipient as a member. A quorum shall consist of eight (8) or more members. Committee members shall be appointed to no more than one two-year term, commencing on May 1st and terminating on April 30th. Consecutive terms cannot be served.
3. **Leadership:** The Committee will select its own chair (who can vote only in case of a tie) and vice-chair after its first meeting with the Chief Administrative Officer or his/her representative. Thereafter, the vice-chair shall be elevated to the position of chair. However, should the vice-chair be unable to fill the position, then a new chair shall also be selected.
4. **Exemptions:** All committee members are exempt from being nominated for an award and from nominating other employees for awards.
5. **Confidentiality:** Committee deliberations must be kept in confidence.
6. **Securing nominations:** The Committee will publicize the awards program and provide a detailed explanation of criteria for each category. Nomination forms can be found on the Intranet. When access to the Intranet is not available, nomination forms may be submitted in original form with fifteen copies to the Chief Administrative Officer or his/her representative. When a nomination is submitted via the Intranet, copies should **not** be submitted. Employees may nominate in more than one category provided the criteria for each category is met. A separate nomination form must be completed for each nomination.
7. **Committee Vote:** The Committee will review nominations and vote to select winner(s) in each category.

## EMPLOYEE OF THE YEAR AWARD

- **Basis of Award:** Performance  
To be awarded to an individual employee who has been deemed by the appointing authority to have made a significant contribution to a department's mission through an extraordinary achievement or sustained work effort above and beyond his/her standard job duties.
- **Nomination Process:**  
The appointing authority of each department is required to select one departmental Employee of the Year annually and may devise their own internal selection process to nominate individual employees. Due to the small size of the County Executive's Office and the Office of Law, these agencies will be included with the Department of County Administration for the purpose of departmental nominations. Employee participation in the process is strongly encouraged. All forms must be signed by the Departmental Employee of the Year's appointing authority whether nominated by him/her or by a peer. From each of the Departmental Employee of the Year selections, the Committee will select one as the Howard County Employee of the Year. The Employee of the Year award is the only award that is a one-time occurrence.
- **Eligibility:**  
Full-time, permanent employees who have completed probationary period as a new employee and who are a current county employee as of October 31st within the current year.
- **Award:**  
A Certificate of Recognition and \$750.00 will be awarded to the winner. Other nominees will receive Certificates of Recognition.

## THE CUSTOMER SERVICE AWARD (Public)

- **Basis of Award:** Commitment to high standards of customer service.  
To be awarded to the Howard County Government employee who deals directly with the public/citizens (over the counter, in the field, etc.) in a friendly, courteous, and efficient manner. The emphasis should be on how well the employee provides service to the public/citizens.
- **Nomination Process:**  
The employee nominated shall have received **documented feedback** which recognizes their innovation, exceptional performance or exemplary actions, etc., resulting in quality service to the public/citizens. The committee may request additional information, but will not accept unsolicited attachments.
- **Award:**  
This award will be presented annually for up to two (2) employees. A Certificate of Recognition and \$75.00 will be awarded to each winner.

## THE CUSTOMER SERVICE AWARD (Internal Customer)

- **Basis of Award:** Commitment to high standards of customer service.  
To be awarded to the Howard County Government employee who deals directly with other employees in a friendly, courteous, and efficient manner. The emphasis should be on how well the employee provides service to their fellow employees.
- **Nomination Process:**

The employee nominated shall have received **documented feedback** from their supervisor or other employee which recognize how the nominee values how his/her mutual customers are treated and that the service experience is a positive one for them. The committee may request additional information but will not accept unsolicited attachments.

- **Award:**

This award will be presented annually for up to two (2) employees. A Certificate of Recognition and \$75.00 will be awarded to each winner.

## **THE CUSTOMER SERVICE TEAM AWARD (Public)**

- **Basis of Award:** Commitment to high standards of customer service.

To be awarded to a group of Howard County Employees who deal directly with the public/citizens (over the counter, in the field, etc.) in a friendly, courteous, and efficient manner. The emphasis should be on the overall customer care shown through the team's involvement in communications, problem solving, or innovation to the public/citizens.

- **Nomination Process:**

Groups nominated shall have received documented feedback which recognizes the team's effort in excellence of overall customer care. The committee may request additional information, but will not accept unsolicited attachments.

- **Award:**

One award may be presented annually for \$600.00 to be divided equally amongst the team. Individual Certificates of Recognition will be presented to each employee. Teams are limited to a minimum of two (2) employees and a maximum of twenty (20) employees.

## **THE CUSTOMER SERVICE TEAM AWARD (Internal Customer)**

- **Basis of Award:** Commitment to high standards of customer service. To be awarded to a group of Howard County Employees who deal directly with other employees in a friendly, courteous, and efficient manner. The emphasis should be on how well the group provides service to their fellow employees. The emphasis should be on the overall, customer care shown through the team's involvement in communications, problem solving, or innovation to their fellow employees.

- **Nomination Process:**

Groups nominated shall have received documented feedback from supervisors or other employees about a particular group's personal dealings or relationship with their colleagues which recognize the team's effort in excellence of overall customer care. The committee may request additional information, but will not accept unsolicited attachments.

- **Award:**

One award may be presented for \$600.00 to be divided equally among the number of employees. Certificates of Recognition will be presented to each employee. Teams are limited to a minimum of two (2) employees and a maximum of twenty (20) employees.

## UNSUNG HERO

- **Basis of Award:** Dedicated Service  
To be chosen annually from among employees nominated by at least three of his/her peers who meet the criteria of #3 (Eligibility) in this policy. This must not be considered a popularity award but rather recognition by one's peers of an employee providing meritorious work who might not be recognized for it.
- **Nomination Process:**  
Any three employees may nominate a co-worker.
- **Eligibility:**  
All employees as defined in paragraph ELIGIBILITY above.
- **Awards:**  
\$300.00 (1<sup>st</sup>) and \$150.00 (2<sup>nd</sup>) along with Certificates of Recognition.

## GREAT IDEAS AWARDS

- **Basis of Award: Great Ideas**  
To be awarded annually to employees who have contributed innovative ideas or suggestions which result in measurable monetary savings to the County or measurable improvement to operational efficiency and effectiveness.
- **Nomination Process:**
  1. An employee may nominate a co-worker. An employee may nominate him/herself for this award only.
  2. The committee may request additional information, but will not accept unsolicited attachments.
  3. The committee will review all nominations.
- **Eligibility:**  
All employees as defined in paragraph ELIGIBILITY above.
- **Awards:**  
\$300.00 (1<sup>st</sup>) and \$150.00 (2<sup>nd</sup>) along with Certificates of Recognition.

## GREEN AWARD

- **Basis of Award:** Innovative suggestions or actions to protect the environment.  
To be awarded annually to employees who have contributed innovative ideas, suggestions, or actions which result in environmentally beneficial results to the County Government or community at-large. This can be in several areas including, but not limited to, the area of waste reduction and recycling, energy savings, water conservation, or education. The environmental activities and benefits of this award should be above and beyond the employee's standard job duties.
- **Nomination Process:**  
An employee may nominate a co-worker.

- **Awards:**  
\$300.00 (1<sup>st</sup>) and \$150.00 (2<sup>nd</sup>) along with Certificates of Recognition.

### **MENTORING AWARD**

- **Basis of Award:** To be awarded annually to an employee who has taken initiative to act as a mentor to a fellow employee. To act as a mentor means to counsel or guide a fellow employee to better perform and understand the employee's job. Acting as a mentor should not be part of the nominee's stated job function but something undertaken on their own initiative that has made a positive impact on the employee.
- **Nomination Process:**  
An employee may nominate a co-worker.
- **Awards:**  
A Certificate of Recognition and \$300.00 will be awarded to one (1) winner.

### **THE LEADERSHIP AWARD**

- **Basis of Award:** Honorable character and service.  
To be awarded annually to an employee who has influenced others by applying their leadership attributes, such as ethics, character, knowledge, and skills. The nominee has provided direction, motivation, and knowledge to assist others in accomplishing an objective in a way that makes the organization more cohesive and efficient.
- **Nomination Process:**  
An employee may nominate a co-worker.
- **Awards:**  
A Certificate of Recognition and \$300.00 will be awarded to one (1) winner.

### **THE CONTINGENT OF THE YEAR AWARD**

- **Basis of Award:** Performance  
To be awarded to a contingent employee who has been deemed by the appointing authority to have made a significant contribution to the department's mission.
- **Nomination Process:**  
The appointing authority of each department may select an employee to be submitted to the Employee Recognition Committee for review and vote.
- **Eligibility:**  
Contingent employees who are current employees with at least one year of service as of the date of the recognition event.
- **Award:**  
A Certificate of Recognition and \$50.00 will be awarded to the winner. Other nominees will receive Certificates of Recognition.

Note:

Winners of each nomination will receive a check for the full amount of the award. Finance will offset the amount to include taxes making the final check equivalent to the amount of the award.

# RETIREMENT

## GENERAL EMPLOYEE RETIREMENT PLAN

Howard County implemented a retirement plan for general employees effective July 1, 1995. The following information is a summary of the benefits applicable for employees as of January 1, 2014. Summary Plan Descriptions are available in the Office of Human Resources and provide more detailed information.

As the Plan has been amended several times since it was created, some of the provisions shown here may not apply to Participants who terminated before an amendment was effective. If you have questions regarding rules that are no longer in effect, please contact the County's Office of Human Resources.

- **Normal Retirement Date**

First of the month coincident with or immediately following the earliest of: The completion of 30 years of Eligibility Service, or the date as of which all of the following have occurred:

- Attainment of age 62
- Completion of at least two years of Eligibility Service
- Sum of attained age in whole years and years of Eligibility Service equals at least 67

- **Average Compensation**

Average compensation for the 36 consecutive full months which produce the highest average.

Compensation is base salary including longevity payments, but excluding overtime, etc.

For part-time employees, full-time compensation is used, except in the determination of disability benefits.

- **Normal Retirement Benefit**

For employees in job classes represented by AFSCME Local 3085 retiring on or after July 1, 2011, the benefit is 1.66% of Average Compensation multiplied by years of Creditable Service. For all other employees, the benefit is 1.55% of average compensation, multiplied by years of Creditable Service before July 1, 2012, plus 1.66% of average compensation, multiplied by years of creditable service after July 1, 2012.

- **Early Retirement Date**

A Participant may elect to retire and begin receiving benefits on the first day of any month prior to Normal Retirement, but following the attainment of age 55 and the completion of 15 years of Eligibility Service. Early Retirement is also defined as the completion of 25 years of Eligibility Service.

- **Early Retirement Benefit**

The accrued benefit is reduced by .5% (one-half of one percent) for each month that the benefit commencement date precedes the first day of the month coincident with or next

following the date the Participant attains age 62. Beginning September 1, 2002, if the Participant had at least 25 years of service, the accrued benefit is reduced by .5% (one-half of one percent) for each month the benefit commencement date precedes 30 years of service, if this calculation results in a lesser reduction in benefits.

- **Deferred Retirement**

A participant who defers retirement until after Normal Retirement Date will receive a benefit determined on the basis of Average Compensation and Creditable Service as of his actual retirement date.

- **Disability Retirement**

A Participant who becomes totally and permanently disabled may retire prior to Normal Retirement and receive a benefit. The amount of the benefit payable until recalculation depends upon the cause of disability.

- Ordinary Disability. The lesser of:
  - 50% of Average Compensation at the time the disability is incurred less any Social Security disability benefits;
  - 33 1/3% of Average Compensation.
  - Note: The participant must have five years of Eligibility Service to be eligible for Ordinary Disability benefits.
- Line of Duty Disability. The lesser of:
  - 75% of Average Compensation at the time the disability is incurred less any Social Security disability benefits;
  - 66 2/3% of Average Compensation.
  - Note: To be eligible for Line of Duty Disability, the disability must be ruled compensable under Workers' Compensation.

Disability benefits are recalculated using the benefit formula for Normal Retirement benefits at the later of age 65 or five years after they commence. The period of disability is included as Creditable Service in the calculation of the Normal Retirement Benefit.

- **Pre-Retirement Death Benefits**

A general benefit is provided and includes a return of employee contributions with interest plus, if the Participant had at least one year of Eligibility Service, or a lump sum equal to the Participant's Compensation;

A surviving spouse benefit is provided and includes the monthly survivor annuity for the spouse equal to the actuarial equivalent of the benefit the spouse would have received if the participant had retired with a 100% Joint and Survivor annuity without a reduction for Early Retirement. The benefit is payable only if:

- the Participant is married at death
- the death occurs before the Participant's termination date
- the spouse is the Participant's only primary beneficiary
- the Participant had attained age 62 or was eligible for retirement benefits under the Plan
- the spouse does not elect the General Benefit described above

- **Termination Benefits**

Participants who have completed at least 5 years of Eligibility Service are entitled to a benefit beginning at Normal Retirement Date which is equal to the accrued benefit at termination.

- **Employee Contributions**

Fully Benefited Employees and Part-Time Benefited Employees (as defined in the County Code) contribute to the plan: 3% of Compensation (pre-tax pick-up)

Partially Benefited Employees (as defined in the County Code) do not contribute to the plan.

Upon leaving employment for any reason, accumulated contributions are returned if not eligible for plan benefits. Furthermore, plan benefits must be at least equal to the actuarial equivalent of accumulated contributions. Accumulated contributions are credited with interest of 5% per annum. Contributions during a plan year are credited with 2.5% interest for the year of contribution. Transferred contributions are credited with .42% interest per month for the remainder of the year of transfer.

Effective July 1, 2006, accumulated contributions are credited with interest of 2% per annum for non-vested Participants who terminate employment.

- **Cost of Living Adjustments**

Effective each July 1, the level of retirement benefits paid to retirees who retired at least 12 months earlier is increased according to the CPI-U for the Baltimore/Washington area, but in no event more than 3%, compounded annually.

- **Creditable Service**

The Sum of:

- one month for each month the Participant is classified as a full-time Fully Benefited employee during the entire month.
- additional months of service are granted for calendar months during which a Fully Benefited employee is not employed on a full-time basis for any portion of the month based on actual hours divided by 1,820, multiplying the result by 12 months and rounding up.
- service transferred from another Government Employer.
- one month credit is given for each 22 days of unused sick leave. An additional month is credited if unused sick leave remaining after full months have been credited is at least 11 days.
- Partially benefited employees do not receive service credit (other than credit transferred from the State systems on June 30, 1995) while classified as such.

## CORRECTIONS

As the Plan has been amended several times since it was created, some of the provisions shown here may not apply to Participants who terminated before an amendment was effective. If you have questions regarding rules that are no longer in effect, please contact the County's Office of Human Resources.

Howard County implemented a retirement plan for general employees effective July 1, 1995. The Plan was amended to provide different benefits for correctional employees in the Department of Corrections who elected to join the Plan effective January 1, 1998 or who were hired as correctional employees after January 1, 1998. The following information is a summary of the benefits applicable for Participating Corrections Employees. Summary Plan Descriptions are available in the Office of Human Resources and provide more detailed information.

- **Normal Retirement Date**

First of the month coincident with or immediately following the earliest of:

- The completion of 30 years of Eligibility Service.

**OR**

- The date as of which all of the following have occurred:
  - Attainment of age 62
  - Completion of at least two years of Eligibility Service
  - Sum of attained age in whole years and years of Eligibility Service equals at least 67.

**OR**

- The date which is the later of:
  - July 1, 2005
  - Completion of 20 years of service
  -

- **Normal Retirement Benefits**

- *For Retirements On or After July 1, 2005:*  
2.5% of Average Compensation multiplied by the first 20 years of Creditable Service, plus 1.0% of Average Compensation multiplied by Creditable Service in excess of 20 years (up to 30 years, plus creditable unused sick leave). Sick leave is credited at 1.0% of Average Compensation.

- **Average Compensation**

Average compensation for the 36 consecutive full months which produce the highest average.

- **Early Retirement Date**

A Participant may elect to retire and begin receiving benefits on the first day of any month prior to Normal Retirement, but following the attainment of age 55 and the completion of 15 years of Eligible Service.

- **Early Retirement Benefit**

The accrued benefit is reduced by 0.5% for each month that the benefit commencement date precedes the first day of the month coincident with or next following the date the Participant attains age 62.

- **Deferred Retirement**

Participants who defer retirement until after their Normal Retirement Date will receive a benefit determined on the basis of Average Compensation and Creditable Service at their actual retirement date. After July 1, 2005, Creditable Service is limited to 30 years, plus creditable unused sick leave.

- **Disability Retirement**

A Participant who becomes totally and permanently disabled may retire prior to Normal Retirement and receive a benefit. The amount of the benefit payable depends upon the cause of disability.

- Ordinary Disability. The lesser of:
  - 50% of Average Compensation at the time the disability is incurred less any Social Security disability benefits;
  - 33 1/3% of Average Compensation.
  - **Note:** To be eligible for Ordinary Disability benefits, Participants must have 5 years of Eligibility Service.
- Line of Duty Disability. The lesser of:
  - 75% of Average Compensation at the time the disability is incurred less any Social Security disability benefits;
  - 66 2/3% of Average Compensation.
  - **Note:** To be eligible for Line of Duty Disability benefits, the disability must be ruled compensable under Workers' Compensation.

Disability benefits are recalculated using the benefit formula for Normal Retirement benefits at the later of age 65 or five years after they commence. The period of disability is included as Creditable Service in this recalculation.

- **Pre-Retirement Death Benefits**

A general death benefit is provided and includes a return of employee contributions with interest, plus, if the Participant had at least one year of Eligible Service, a lump sum equal to the Participant's Compensation.

**OR**

A surviving spouse benefit is provided and includes a monthly survivor annuity for the spouse equal to the actuarial equivalent of the benefit the spouse would receive if the Participant had to retire with 100% Joint and Survivor annuity without a reduction for Early Retirement. The benefit is payable only if:

- the Participant is married at death
- the death occurs before the Participant's termination date
- the spouse is the Participant's only primary beneficiary

- the Participant had attained age 62 or was eligible for retirement benefits under the Plan
- the spouse does not elect the General Death benefit described above

- **Termination Benefits**

Participants who terminate after having completed at least 5 years of Eligible Service may elect to receive a return of their contributions, plus interest, **OR** to receive the benefit they had accrued paid at their Normal Retirement Date.

- **Employee Contributions**

Participating Corrections Employees contribute 8.5% of Compensation (pre-tax pick-up) for the first twenty years of creditable service. Upon leaving employment for any reason, accumulated contributions are returned if the employee is not eligible for plan benefits. Furthermore, plan benefits must be at least equal to the actuarial equivalent of accumulated contributions. Accumulated contributions are credited with interest of 5% per annum. Contributions during a plan year are credited with 2.5% interest for the year of contribution. Transferred contributions are credited with .42% interest per month for the remainder of the year of transfer.

Effective July 1, 2006, accumulated contributions are credited with interest of 2% per annum for non-vested Participants who terminate employment.

- **Cost of Living Adjustments**

Effective each July 1, the level of retirement benefits paid to retirees who retired at least 12 months earlier is increased according to the CPI-U for the Baltimore/Washington area, but in no event more than 3% of the Participant's monthly payment on the Participant's benefit commencement date.

- **Creditable Service**

Creditable Service determines the amount of most of the benefits that Participants receive. Creditable Service is the sum of:

- one month for each month the Participant is classified as a full-time Participating Corrections Employee during the entire and makes contributions to the Plan
- service transferred from another Government Employer
- one month credit is given for each 22 days of unused sick leave. An additional month is credited if unused sick leave remaining after full months have been credited is at least 11 days

- **Eligibility Service**

Eligibility Service determines when Participants are vested and when they qualify for retirement benefits. In the first and last fiscal years of employment, Participants receive one month of Eligibility Service for each calendar month during which they are employed for the entire month. In years others than the first and last fiscal years of employment, Participants are credited with a full year of Eligibility Service if they complete at least 900 Hours of Service in the fiscal year.

## POLICE AND FIRE

Howard County implemented a retirement plan for Police and Fire employees effective July 1, 1989. The following information is a summary of the benefits applicable for this group of employees as of September 6, 2005. Summary Plan Descriptions are available in the Office of Human Resources and provide more detailed information.

As the Plan has been amended several times since it was created, some of the provisions shown here may not apply to Participants who terminated before an amendment was effective. If you have questions regarding rules that are no longer in effect, please contact the County's Office of Human Resources.

- **Eligibility Requirements**

All full-time career Firefighters and sworn Police Officers in the covered classifications are included.

Participation starts on the first day that an hour of service is performed.

Those hired before July 1, 1990 could have elected to remain in Maryland state plans and not be covered by this plan.

- **Normal Retirement Date**

First of the month coincident with or immediately following the earlier of:

- Attainment of age 62 and completion of 5 years of Creditable Service.
- The completion of 20 years of Creditable Service (for participants who become covered employees after June 30, 1990, 10 of these years of Creditable Service must be as a covered employee)

- **Normal Retirement Benefit**

Effective January 1, 2002, benefits are based on the table below:

Years of Creditable Service	Percentage of Average Compensation	
	Police	Fire
20	50%	50%
21	53%	53%
22	57%	56%
23	62%	59%
24	68%	62%
25	75%	65%
26	76%	66%
27	77%	67%
28	78%	68%

29	79%	69%
30	80%	70%

The police benefit for accumulated sick leave is 2.5% of Average Compensation for each year of Creditable Service attributable to accumulated sick leave.

The fire benefit for accumulated sick leave is added to total Creditable Service and applied to the table above. If total service including accumulated sick leave exceeds 30 years, the benefit for sick leave is 1% of Average Compensation times sick leave in excess of 30 years. Effective January 1, 2007, accumulated sick leave for fire management employees with greater than 30 years of service is 2.5% of Average Compensation for each year of creditable service,

- **Average Compensation**

Average compensation for the 36 consecutive full months which produce the highest average.

Compensation is base salary including longevity payments, but excluding overtime, bonuses, etc. Effective July 1, 1996, compensation includes day shift premiums, ALS premiums and H.V.O. premiums.

- **Late Retirement**

A participant who defers retirement until after normal retirement will receive a benefit determined on the basis of Final Average Compensation and Creditable Service as of his actual retirement date. (Creditable Service is limited to 30 years plus unused sick leave).

- **Disability Retirement**

A participant who becomes totally and permanently disabled may retire prior to normal retirement and receive a benefit. The amount of the benefit depends upon the cause of disability.

**Ordinary Disability** The greater of:

- 20% of Average Compensation if the participant has at least 5 years of Creditable Service as a covered employee;
- the accrued benefit if the participant has at least 5 years of Creditable Service.

## Line of Duty Disability

Effective January 1, 1998 for Firefighters and April 1, 1998 for Police Officers, Line of Duty Disability benefits may be either Catastrophic or Non-Catastrophic.

- For Catastrophic, the benefit is 66 2/3% of compensation.
- For Non-Catastrophic, the benefit is 50% of compensation.
- The plan will also pay for individual health insurance for a participant disabled in the Line of Duty.
- To be eligible for Line of Duty Disability, the disability must be ruled compensable under Workers' Compensation.

## • Pre-Retirement Death Benefits

**Ordinary (not in line of duty)** either of:

- a return of employee contributions with interest plus, if the participant had at least one year of Creditable Service and died while a covered employee, a lump sum equal to the participant's Compensation;
- a monthly survivor annuity for the spouse equal to the actuarial equivalent of the benefit the spouse would have received if the participant had retired with a 100% Joint and Survivor annuity. The benefit in this paragraph is payable only if:
  - the participant is married at death
  - the death occurs before benefit commencement
  - the spouse is the participant's only primary beneficiary
  - the participant was eligible for retirement
  - the death was not in the line of duty, and
  - the spouse does not elect the benefits in the first bullet above.

**Line of Duty** - One of the three below:

- a return of employee contributions with interest plus, if the participant died while a covered employee, plus a lump sum equal to the participant's Compensation.
- a monthly survivor annuity for the spouse equal to 66 2/3% of the participant's compensation. If the spouse dies or remarries, 50% of the participant's compensation will be paid to surviving children (50% in total, not to each child) who are named as contingent beneficiaries until
  - the earlier of: the child's death
  - the later of: the child's 18<sup>th</sup> birthday, or the child's 23<sup>rd</sup> birthday if he/she remains a full time student
  - (this benefit is payable only if)
    - the participant is married at death
    - the death occurs before benefit commencement
    - the spouse is the participant's only primary beneficiary
    - the death was in the line of duty
    - the spouse does not elect the benefit in paragraph 1.

- if, the death occurs before benefit commencement the child(ren) is (are) the only primary beneficiaries the death is in the line of duty then, a monthly benefit totaling 50% of the participant's compensation will be paid to the child(ren) until
  - the earlier of: the death of the child(ren)
  - the later of: the child's 18<sup>th</sup> birthday, or the child's 23<sup>rd</sup> birthday if he/she remains a full time student.

- **Termination Benefits**

Participants who have completed at least 5 years of Eligibility Service are entitled to a benefit beginning at normal retirement date which is equal to the accrued benefit at termination.

- **Employee Contributions**

Participants contribute to the plan:

- 7.7% of Compensation (pre-tax pick-up) effective July 1, 1990. Effective July 1, 2001, for Police, 11.6% of compensation (pre-tax pick-up).
- Contributions stop once an employee has 30 years of Creditable Service.
  - Upon leaving employment for any reason, accumulated contributions are returned if not eligible for plan benefits. Furthermore, plan benefits must be at least equal to the actuarial equivalent of accumulated contributions. Accumulated contributions are credited with interest of 5% per annum. Contributions during a plan year are credited with 2.5% interest for the year of contribution. Transferred contributions are credited with .42% interest per month for the remainder of the year of transfer.

Effective July 1, 2006, accumulated contributions are credited with interest of 2% per annum for non-vested Participants who terminate employment.

- **Cost of Living Adjustments**

Effective each July 1, the level of retirement benefits paid to retirees who retired at least 12 months earlier are increased according to the CPI-U for the Baltimore/Washington area, but in no event more than 2%, compounded annually.

- **Creditable Service**

Period from employment or reemployment to termination (in whole calendar months) excluding any period while not a covered employee. One-month credit is given for each 22 days of unused sick leave. An additional month is credited if unused sick leave remaining after full months have been credited is at least 12 days.

- **Eligibility Service**

Similar to Creditable Service; however, Eligibility Service excludes unused sick leave and includes approved transferred service.

## RETIREE HEALTH INSURANCE

Howard County, Maryland ("County") established a Retiree Health Insurance Program ("Program") for Eligible Retirees effective February 25, 1986 and amended July 1, 1990, September 1, 1998, October 1, 2001, July 1, 2009 and December 1, 2019. The Program is subject to future appropriations of funding and is only available to the extent that assets in the Howard County Other Post-Employment Benefits Trust are available for use to fund the costs of the benefits and expenses of the Program.

From time to time the County may revise, amend, delete or otherwise change the Program, and reserves the right to do so. Since the Program has been amended several times since it was created, some provisions shown in this document may not apply to retirees who terminated before an amendment. Questions related to rules that may apply to a current retiree, but are no longer in effect for current employees should be directed to the County's Office of Human Resources. The County will pay a portion of the monthly Retiree Plan premiums for Eligible Retirees based upon criteria outlined below:

### **DEFINITIONS**

As used in this general description of the Program, the following words have the meanings indicated:

#### **Active Employee Plans**

Medical, vision, prescription drug and dental insurance plans offered to active employees of the County.

#### **County Service**

Length of full time benefited employment with the County.

#### **Dependents**

Your spouse or dependent children as defined by the terms of the Active Employee Plan.

#### **Eligible Dependents**

Dependents as defined above who receive a Monthly Benefit Allowance at an Eligible Retiree's death.

#### **Eligible Retiree**

A Retiree, as defined below, who had at least 15 years of County Service and who was enrolled in an Active Employee Plan immediately preceding retirement.

#### **Monthly Benefit Allowance**

A monthly retirement income from the Maryland State Retirement and Pension System, the Howard County Retirement Plan or the Howard County Police and Fire Employees' Retirement Plan.

#### **Part Time County Service**

Length of part time benefited employment with the County.

#### **Retire**

A former employee who is collecting a Monthly Benefit Allowance

#### **Retiree Plans**

For Retirees not eligible for Medicare, the Active Employee Plans as defined above. For Retirees eligible for Medicare, any of the various Medicare-eligible plans and the active dental plan as defined above.

#### **Transferred Service**

Military Service or service with a Government Employer Retirement Plan recognized as transferred service or purchased service by the Maryland State Retirement and Pension System, the Howard County Retirement Plan, or the Howard County Police and Fire Employees' Retirement Plan as Creditable Service or Eligibility Service under the terms of those Plans.

**DESCRIPTION OF BENEFIT**

Subject to the terms and conditions of the Program, the County will pay a portion of the Retiree Medical, and/or Prescription Plan premium in accordance with the following schedule:

**ELIGIBLE RETIREES WITH AT LEAST 15 YEARS OF COUNTY SERVICE WHO ELECT A MEDICAL AND/OR PRESCRIPTION DRUG PLAN**

<u>Years of Service</u> <sup>1</sup>	<u>% of Premium Paid by County</u> <sup>2</sup>
15-19	50% of the individual premium or over 65 premium
20-24	75% of the individual premium or over 65 premium
25 or greater	90% of the individual premium or over 65 premium

**ALL ELIGIBLE RETIREES WHO ELECT A RETIREE AND SPOUSE OR FAMILY MEDICAL AND/OR PRESCRIPTION PLAN**

<u>Years of Service</u> <sup>1</sup>	<u>% of Premium Paid by County</u> <sup>3</sup>
15 or greater	15 or greater 25% of the difference between retiree and spouse coverage and individual coverage

**ALL ELIGIBLE RETIREES WHO ELECT A DENTAL PLAN**

<u>Years of Service</u> <sup>1</sup>	<u>% of Premium Paid by County</u> <sup>3</sup>
15 or greater	25% of the individual premium, plus 25% of the difference between retiree and spouse coverage and individual coverage applied to retiree and spouse or family coverage.

Footnotes:

- (1) With retirement effective January 1, 1999 or later, may include Transferred Service or Military Service recognized under the Maryland State Retirement and Pension System, the Howard County Retirement Plan or the Howard County Police and Fire Employees' Retirement Plan.
- (2) For retirees not eligible for Medicare, based on the premium for the Aetna Select Open Access (HMO) plan. For Medicare-eligible retirees, based on the premium for the Medicare Advantage 10 plan.
- (3) Based on the premium for the lowest cost plan.

**ADDITIONAL PROGRAM CONDITIONS**

- 1. Effective July 1, 2009, an employee who will become an Eligible Retiree at retirement, i.e., an employee who retires with at least 15 years of County Service and was enrolled in an Active Employee Medical Plan immediately preceding retirement, may enroll in a Retiree Medical Plan for an effective date commensurate with their retirement date under this Program. Effective December 1, 2019 an otherwise Eligible Retiree does not need to have been enrolled in an Active Employee Medical Plan immediately preceding retirement in order to be eligible to participate in a Retiree Medical Plan.

Eligible Retirees who enroll at retirement and subsequently drop their coverage will be allowed to opt-in during a future open enrollment period or due to a qualifying event as defined by applicable IRS guidelines. Eligible Retirees who elect not to enroll at retirement will be allowed to opt-in during a future open enrollment period or due to a qualifying event as defined by applicable IRS guidelines.

Other special enrollment provisions are defined in #10 and #11 below, and special grandfathering provisions are defined in #14.

- 2. Eligible Retirees may purchase coverage for their Dependents by paying the difference

between the cost for their Retiree Plan and the County's contribution under the Program. Dependents may be added to or deleted from coverage at Open Enrollment held annually, or within 30 days of a documented status change. A documented status change is a birth, death, marriage, divorce, change of employment status, or loss of dependent status based on plan provisions.

3. Eligible Retirees, their dependents and Eligible Dependents (as defined in this policy) who qualify for Medicare must enroll in Medicare Part A and Medicare Part B on the date they first qualify in order to remain enrolled on a Retiree Medical Plan. Failure to enroll in Medicare Parts A and B when first eligible will result in termination of enrollment in the Retiree Medical Plan.
4. Changes to the Active Employee Plans are made from time to time. These changes will apply to enrolled Eligible Retirees and their Dependents. The County will provide enrolled Eligible Retirees with 30 days notice of any significant changes in benefits.
5. Effective July 1, 2009, once an employee has 15 years of Howard County service, the Program will recognize up to 10 years of Transferred Service or up to 5 years of Military Service for Eligible Retirees.
6. Retirees collecting line of duty disability benefits from the Howard County Police and Fire Employees' Retirement Plan as a result of disabilities incurred while acting in the line of duty will receive health insurance benefits in accordance with that Plan.
7. If an enrolled Eligible Retiree dies, their Eligible Dependents may continue coverage by paying the full cost of their Retiree Plans until the Eligible Dependents marry, become eligible for coverage under another employer-sponsored health insurance program or otherwise fail to meet the eligibility requirements of the Active Employee Plans.
8. Effective January 1, 1999, the surviving spouses and/or dependent children of an employee who is killed in the line of duty may enroll in the Program. The County will pay the full cost for the benefit.
9. The surviving spouse and/or dependent children of an employee who dies in active service may enroll in the Program by paying the full cost of their Retiree Plans, if the employee would have met the definition of an Eligible Retiree on the day prior to their death, and if the surviving spouse and/or dependent children will receive a Monthly Benefit Allowance from the Maryland State Retirement and Pension System, the Howard County Retirement Plan, or the Howard County Police and Fire Employees' Retirement Plan.
10. If a retiree receiving benefits under this Program is reemployed with the County, he or she will not be eligible for benefits under this Program during such periods of reemployment. All active employees are covered by the Active Employee Health Plans and are not eligible for coverage under this Program until they depart from active service. However, a reemployed retiree will regain eligibility for the Program at the termination of their second (or subsequent) period(s) of employment.

11. An employee who terminates employment but is not eligible to collect an immediate Monthly Benefit Allowance is not an Eligible Retiree under this Program, even if they had fifteen or more years of County Service. However, any employee who is involuntarily separated from employment for reasons other than those listed in Section 1.115(b) of the County Code and who had at least fifteen years of County Service will become eligible to enroll in the Program when they begin collecting their Monthly Benefit Allowance.
12. Employees with Part Time County Service may be Eligible Retirees in the Program. However, the percentage of premiums paid by the County will be equal to one-half of the percentage of premiums paid by the County for County Service. If Eligible Retirees have both part time County Service and full time County Service, the percentage of benefits paid by the Program will be prorated accordingly.
13. The cost of the Retiree Plans will be deducted from the Eligible Retiree's Monthly Benefit Allowance, if the Monthly Benefit Allowance is sufficient to cover the cost of the Retiree Plans. If the Monthly Benefit Allowance is not sufficient to cover the cost of the Retiree Plans, or if the cost of the Retiree Plans is minimal, other arrangements for direct payments to the County may be arranged.
14. The Program amended July 1, 2009, provides three Grandfathering Provisions for active employees on the amendment date, as follows:

**Eligibility Rule:** Employees with at least 10 years of County Service as of July 1, 2009, or employees hired between July 1, 1999 and June 30, 2009 who were age 50 or older at the time of their hire and have at least 10 years of County Service at the time of retirement will be Eligible Retirees.

**The Prime Health Insurance Carrier:** For retirees not eligible for Medicare, the prime health insurance carrier is defined as the Aetna PPO plan for anyone who retired on or before July 1, 2009. For Medicare-eligible retirees, the prime health insurance carrier is defined as the Medicare Advantage 95 plan for anyone who retired on or before July 1, 2009.

**Percentage of Premium Paid by County:** The County will pay a portion of the monthly retiree health insurance premiums based on the number of years of full time benefited employment with the County to a maximum of 100% paid for employees who retired on or before July 1, 2009. Employees with 25 or more years of service as of July 1, 2009 will also be eligible for the 100% level if they have at least 30 years of County Service between County Service and Military Service at retirement.

## **SECONDARY EMPLOYMENT**

The County recognizes that some employees choose to engage in secondary employment. County law restricts secondary employment when there is a conflict of interest or perception of a conflict of interest. To ensure that employees do not run afoul of the requirements of County law, reasonable limitations on secondary employment are imposed.

### **PURPOSE**

This policy is intended to establish clear and reasonable guidelines and procedures regulating secondary employment activities for employees.

### **APPLICABILITY**

Unless in conflict with or abridged by an express provision of a collectively negotiated agreement or an official departmental policy, the provisions of this policy shall apply to all county employees as defined below.

### **RESTRICTIONS**

Employees are restricted from:

1. Performing secondary employment activities while on County premises or during times when the employee is receiving pay for being at work;
2. Using County property or information in connection with an employee's secondary employment;
3. Performing secondary employment activities while in a disability leave status without approval of their appointing authority;
4. Using County property or information in order to advance their own interests or the interests of a friend, relative, or acquaintance;
5. Performing any secondary employment activity which impacts or detrimentally affects the employee's performance of his duties for the County;
6. Soliciting business or referrals while on County premises, while on duty for the County or during work hours when other County employees may be distracted from their work;
7. Engaging in outside activities which would violate the Howard County Public Ethics Law (found in Subtitle 2 of Title 22 of the Howard County Code).

Examples of such prohibited conduct are:

- Being employed by any individual who or company which has contractual or other business relationships with the County; and
- Being employed by or associated with any individual, business, or entity which is subject to the authority of a County agency or department for whom the employee works.

### **PROCEDURES**

- Employees having secondary employment or wishing to engage in secondary employment shall read Section 901 of the Howard County Charter, and the Public Ethics Subtitle of the Howard County Code. On request, this material shall be provided to employees by the Appointing Authority or designee.
- If, after reading the Charter and the ethics law, any doubt whatsoever exists as to potential for violation, an employee who desires clarification concerning this secondary employment must

submit to the Appointing Authority, through his or her supervisors, a request for the review of any secondary employment. The request shall contain, at a minimum, the following information:

1. The name of the business or employer for whom work is being performed or, if self-employed, the name under which the employment is being conducted, if any.
  2. The address and telephone number of the premises from which secondary employment activities are being performed.
  3. The nature of the secondary business activities being performed, including a description of the product or service being provided and the persons or clients for whom the service is being provided.
  4. The number of hours and times of day that the secondary employment activities are performed or are to be performed.
  5. The date upon which the secondary employment activities started or will start and the duration or anticipated duration of the secondary employment activities.
- The Appointing Authority will respond within 30 days of receiving the request for review of secondary employment. If an employee is not satisfied with the response, he/she may request a review by the Personnel Officer.
  - In the event an Appointing Authority suspects potential ethics violations, the Appointing Authority may direct the employee to request an advisory opinion from the Ethics Commission in accordance with Section 22.203(g)(5)(i) of the Howard County Code. Employees are encouraged to seek advisory opinions on potential ethics violations from the Ethics Commission.

# SEPARATION FROM EMPLOYMENT

## GENERAL RULES

Upon separation from any employment position with the County, whether voluntary or involuntary, an employee is required to:

- Surrender all identification cards issued by the County;
- Surrender all keys and cards that provide access to County premises, property and resources;
- Surrender all property issued by the County;
- Surrender all credit, debit, or procurement cards issued by the County;
- Repay any and all sums of money otherwise owed to the County;
- Prepare and file all financial disclosure statements that the employee may, depending on his/her status, be required to file pursuant to Section 22.205 of the Howard County Code.
- Verify and sign a completed Employee Inventory checklist.

## COMPLIANCE REQUIREMENTS

- If an employee voluntarily separates from employment, each of the above requirements must be fulfilled on or before the employee's last day of employment with the County.
- If an employee is involuntarily separated from employment, the above requirements must be fulfilled as directed in writing by the County, or where no direction is given in writing, no later than 5 business days following the employee's last day of employment with the County.
- Should an employee fail to fulfill any of the above requirements, the County may withhold wages and compensation otherwise due the employee, or may deduct or offset the costs and expenses which it incurs as a result of an employee's failure to comply with the requirements of this section. Such costs and expenses shall include, but shall not be limited to, the following:
  - All sums expended to change locks and otherwise secure access to County premises, property, and resources after an employee fails to surrender keys and cards as required by this section;
  - All sums expended to replace items of property that are not returned by an employee as required by this section;
  - All sums expended to repair or replace items of property that are returned as required by this section, but which evidence damage caused by willful abuse or misuse;
  - All sums expended to pay invoices and indebtedness incurred by an employee using County credit, debit or procurement cards without appropriate authorization.

## **SMOKING**

Use of any smoking products is prohibited in all facilities and buildings owned by the County and those portions of buildings leased by the County. Use of smoking products is prohibited within 15 feet from any entrance, exit, or 'air supply intake' of a County building or any portion of a building leased by the County.

There shall be no smoking in vehicles owned or leased by the County.

Smoking products include cigarettes, cigars, pipes, or electronic cigarettes. This policy applies to any employee and non-employee visitor.

The County will provide an opportunity for employees who use smoking products to participate in a smoking cessation assistance program at the request of the employee. Interested employees should contact the Howard County Health Department, (410) 313-6265, and coordinate class participation with his/her supervisor.

## TRAVEL GUIDELINES

Travel which is consistent with the technical, administrative, management and objectives of the County Government will be authorized as official travel. Such travel includes local travel and non-local travel which are not part of routine job assignments. Employees who conduct official business are entitled to financial reimbursement for expenses incurred. **Allowed travel expenses may be charged on a County issued PDQ card or paid out of pocket. The itemized receipt and charge slip with signature and tip are required for reconciliation of the PDQ card or for reimbursement for out of pocket allowed expenses.**

### GENERAL

1. All non-routine travel must be approved in advance by the appointing authority and the Chief Administrative Officer (CAO).
2. When traveling within the state of Maryland on official county business, employees should utilize the County tax number 30001219 to receive an exemption from the payment of state taxes for expenses incurred including lodging.
3. Unauthorized Travel Expenses:
  - Personal items; personal telephone calls; alcoholic beverages; entertainment/recreational expenses; expenses of members of the employee's family or friends; and expenses of non-employee personnel.
  - Mileage reimbursement between the employee's residence and the work site. These are considered commuting miles.
  - Vehicle rentals when County or privately owned vehicles or reasonable public transportation is available.
  - Any class of travel other than "coach, or economy class."
  - Other exclusions may apply. Employees shall check with his/her supervisor with any questions.
4. Mileage Costs – Privately Owned Vehicle:
  - When traveling on official business in a privately owned vehicle, the employee will be reimbursed for mileage at the County's reimbursement rate.
  - Complete the Personal Vehicle Mileage Reimbursement Log and submit the log with the TRIP transaction in SAP to receive mileage reimbursement. The Personal Vehicle Mileage Reimbursement Log is located in the Human Resources Library on the County Intranet.
  - Mileage reimbursement is meant to cover only those miles incurred above and beyond the employee's normal commute to the work site. Normal commuting miles and any additional personal miles must be shown on the log but are not eligible for reimbursement.

5. Commercial Vehicle Rentals:

- The use of vehicles obtained from commercial vehicle rentals will be limited to those instances when other means of transportation are not available or reasonable.
- Use of a commercial rental vehicle should be approved in advance by the appointing authority and the CAO. Commercial vehicle rentals are normally blocked on County PDQ cards, but this code can be opened before a trip at the direction of the Appointing Authority and CAO. When the need for a commercial rental vehicle is impossible to anticipate and becomes a necessity, written justification for the vehicle's use must be submitted with the TRIP transaction in SAP.
- The only insurance to be purchased from the commercial rental company is liability insurance for use of a rental vehicle outside the state. Employees must confirm the availability of liability insurance from the rental company in advance. No other insurance is to be purchased. Contact the Risk Management Administrator (x6390) prior to travel with questions pertaining to coverage.
- Immediately notify the rental company and the County Risk Management Office if any accidents, damage to property, or injuries to persons, occur with the rental vehicle.

6. Meal Allowance:

- The daily meal allowance for a full day is \$60 and may be split in any manner. For example, breakfast \$0, lunch \$0, and dinner \$60 or breakfast \$8, lunch \$12 and dinner \$40. If you are traveling only for a portion of the day, meals are allocated as follows: breakfast \$10, lunch \$15 and dinner \$35.
- Meals which are provided or included as part of a conference or seminar fee are authorized to be paid by the County.
- The County will reimburse for reasonable tips/gratuities when specifically identified on the receipt except for those tips rendered for meal service which will be considered as part of the overall meal.
- Supervisors are responsible for approving all meal reimbursement expenses before an employee is reimbursed.
- Alcoholic beverages are never reimbursable.
- Daily meal allowance may be paid with the County PDQ card. Itemized receipts and charge slip with signature and tip must be provided.

7. Lodging: The County will reimburse actual lodging expenses when supported by itemized hotel/motel statements up to \$200 per day, excluding tax and tips, or up to the room rate associated with a conference when approved by the CAO.

8. In circumstances where the employee incurs expenses in excess of the allowable amounts, a written explanation must accompany the TRIP transaction in SAP and include the itemized receipt for the amount expended. Supervisors are responsible for approving all such expenses before an employee is reimbursed.

## 9. Airline Charges

- The County encourages all employees to purchase their tickets in advance whenever possible, such as for a meeting, conference, or trade show that is scheduled in the future.
- **Employees are to purchase the lowest fare wherever possible.** Coach or economy class will be used on all flights.
- Personal miles or coupons can be used to upgrade to business class or first class, or an employee may opt to pay personally for the price difference between coach/economy and a higher seating class.
- The County will pay for one bag per person when not included in the airfare. Additional bags must be approved by the CAO.
- The County will pay for the actual airfare. The County will not pay, nor will an employee be reimbursed, for Airline Ancillary Fees such as overweight bag, Early Check in/Priority Boarding or Seat Choice.

# USE OF COUNTY COMMUNICATION SYSTEMS

## Purpose

The County provides a number of communication systems to its employees for the primary purpose of delivering services to residents of the County, who have the right to expect that the County and its employees will manage and use taxpayer dollars efficiently. Limited and responsible personal use of County communication systems by County employees, however, can permit employees to balance personal and work responsibilities, and enhance the quality of the workplace. Thus, the County will permit employees to use County communications systems in a responsible manner during non-work time, and for limited periods during work time when such use does not: involve more than minimal expense to the County; interfere with the operations of the County; violate applicable law or County policy; or, violate the public trust.

## Communication Systems

For purposes of this policy, "County communication systems" mean the following: radios; telephones; telephone systems; voice mail systems; computers and related peripheral equipment and software; computer networks; internet connectivity and access to internet; wireless information devices and services; mobile computing devices; shared media (diskettes, tapes, CDs, DVDs, flash drives, etc.); photocopiers; printers and printing systems; e-mail systems; facsimile equipment; remote access to network or telephone services; scanners; bulletin boards; and the County's interoffice mail system.

## Privilege

The County extends an opportunity to its employees to use County communications systems for personal purposes in limited and responsible ways in an effort to create a supportive work environment. This opportunity is a privilege, not a right, and may be revoked or limited at any time by the County or an appointing authority in any County department.

## Privacy Expectations

County employees do not have a right to, nor should they have any expectation of, privacy when using County communication systems. Any use of County communication systems is and should be made with the understanding that such use is not private, and not secure for transmitting confidential data. The County will utilize monitoring tools to detect the improper use of County communication systems, and reserves the right to audit, intercept, monitor, record, read, and copy all information contained in or relayed through County communications systems. The County may, and in some cases may be required to, disclose such information to authorized personnel for official purposes, including criminal, civil and administrative investigations.

## Prohibited Conduct:

NOTE: Conduct prohibited under this section will be permitted only when: 1) expressly authorized by the employee's appointing authority because the conduct is necessary to perform the employee's legitimate job duties; or 2) for other purposes that are specifically requested and expressly authorized in writing by the employee's appointing authority.

County employees MAY NOT:

\* use County communication systems for criminal or illegal activities;

- \* use County communication systems in ways that violate any County law or policy;
- \* use County communication systems in ways that violate any provision of the Howard County Ethics Law;
- \* use County communication systems in ways that violate the County's Workplace Harassment Policy;
- \* use County communications systems in ways that violate the County's Violence Policy;
- \* use County communication systems to view, download, store, copy, transmit, or retransmit pornographic materials, or materials having explicit sexual content or sexual implications;
- \* use County communications systems in ways that interfere with their work, or the work or operations of the County;
- \* make long-distance telephone calls for personal purposes, unless the charges for the same are billed to the employee's home phone or a phone card;
- \* use County communication systems to sell goods or services;
- \* use County communications systems to purchase goods or services, except that:
  - when required by their job, employees may make purchases in a manner consistent with County procurement requirements; and
  - employees may use County communications systems to purchase goods or services if: 1) purchases are made on a secure or encrypted site (when purchases are made using internet access); 2) purchases are made using a personal credit card; 3) goods purchased are *not* delivered to County premises; and 4) other provisions of this policy are not violated.
- \* use County communication systems to support outside employment or business activities;
- \* use County communication systems to solicit or engage in fundraising activities for religious, charitable, political or other organizations, without first obtaining the approval of the County's Chief Administrative Officer;
- \* send, receive, copy, disclose or distribute copyrighted or licensed software, proprietary information or similar materials used in conjunction with County communication systems, without express authorization from the author or owner;
- \* intentionally access or intentionally attempt to access information from any file, database or other County communication system that the County employee has not been authorized to access;
- \* access or use County communications systems without valid identification, or attempt to use a false identity or another person's identity, user identification, or password in accessing or attempting to use a County communication system;
- \* share confidential codes or passwords which provide access to a County communication system or data bases;
- \* use or attempt to use a component of a County communication system assigned to another person or employee for the purposes of engaging in conduct prohibited by this policy;

- \* permit access or use of a County communication system by others, by revealing passwords to others, by failing to log out, or by otherwise failing to secure a County communication system;
- \* create, receive, transmit or retransmit chain letters, mass mailings, greeting cards, video, sound, and continuous data streams that degrade the performance of County computer networks;
- \* copy data or databases and send or transmit the same to any non-County communication systems;
- \* connect unauthorized equipment, software or programs to any County communication system, and must disconnect any unauthorized equipment, software or programs from County communication systems;
- \* use County communication systems as a staging ground or platform to gain unauthorized access to other systems;
- \* attempt to monitor or tamper with the communications of another user of County communication systems by reading, copying, changing or deleting another user's files without their express consent;
- \* attempt to circumvent network, system and data protection schemes utilized on County communication systems;
- \* utilize any instant messaging service for personal purposes; or
- \* knowingly permit employees and other persons under their direction, authority or control to violate this policy.

## SANCTIONS FOR VIOLATION OF THIS POLICY

A violation of this policy may result in discipline, up to and including discharge, as well as criminal prosecution and sanction. In addition, the County will seek to recover all costs and damages which it sustains from persons committing violations of this policy.

## ASSISTANCE

Employees seeking further information or clarification concerning the substance of this policy may contact: the appointing authority for their department; the Office of Human Resources; or the Department of Technology and Communication Services.

## REPORTING MISUSE

The violation of this policy on a single occasion, by a single County employee, can have the effect of eroding the public's confidence in their government, and in other County employees, even those who consistently demonstrate the highest standards of personal and professional conduct. As a result, County employees are encouraged to report violations of this policy, and may do so anonymously by calling:

1. The Office of Human Resources: 410.313.2033
2. The Department of Technology and Communication Services: 410.313.2095

# VEHICLE USE

This Policy is intended to provide rules and procedures for the use and operation of County vehicles, and to ensure that all individuals who are granted the privilege of driving a County vehicle are safe and properly licensed operators.

## DEFINITIONS

### **Accident**

An Accident is any incident during which any County vehicle makes contact with an object or person, has been damaged, or has caused damage to person or property.

### **Authorized Driver**

An Authorized Driver is a person who:

1. Possesses a valid operator's permit of the proper classification for the vehicle to be operated and
2. Has permission from the supervisor to use the vehicle.

A person who is not a County employee, including a volunteer, an intern, a contractor or the like, is not an authorized driver except under the following circumstances:

1. Under the terms of any contract, agreement or procurement solicitation that provides for the operation of County vehicles by non-County personnel, if the use has been pre-approved by the Chief Administrative Officer (CAO).
2. Under special circumstances when pre-approved by the CAO.
3. The person is a member of a Howard County volunteer fire corporation and has been approved by the corporation President or Chief.
4. The person is a current member of the Howard County Police Auxiliary.

### **Authorized Passengers**

Persons directly involved in County business, including "Ride-A-Long" passengers, members of the media, etc. Family members, friends, or other persons not directly involved in County business are not authorized passengers except when specifically authorized by the CAO or the County Executive or when properly attired as passengers in police vehicles assigned to take-home programs.

### **Authorized Use**

Use of a County vehicle by an authorized driver in accordance with this Policy. Authorized use includes:

1. Commuting use of an assigned vehicle to travel to and from work;
2. Use of a County vehicle for the purpose of carrying out official business and the normal incidents of such business;
3. Any use expressly authorized by a Director, the Chief Administrative Officer, or the County Executive.

### **Central Fleet**

The agency responsible for acquisition, maintenance and repair of most County vehicles.

### **County Vehicle**

A vehicle leased or owned by Howard County.

### **Director**

The Director of any Department, the Chief of Police and the Chief of Fire and Rescue Services.

**Non-Preventable Accident**

An accident that occurred even though the driver did everything reasonably possible to avoid the accident.

**Occasional Driver**

A driver whose job description does not make the operation of a vehicle a critical job function but whom the Director of the department in which the employee works authorizes the employee to operate a County vehicle from time to time, or as needed by the department for its convenience.

**Preventable Accident**

An accident in which the driver failed to do everything reasonably possible to avoid the accident, without regard to the driver's legal liability for the accident.

**Private Vehicle**

A vehicle owned by and titled to a person or entity other than Howard County, Maryland.

**RESPONSIBILITY**

1. Directors shall:
  - i. assure that all employees are briefed as to their responsibilities under this policy, including proper and safe operation of County vehicles;
  - ii. fully support the County's driver training programs to promote defensive driving;
  - iii. take appropriate disciplinary action in response to violations of this Policy;
  - iv. provide the Risk Management Administrator with the names and driver's license numbers of occasional and/or regular drivers of County vehicles within their Department;
  - v. assure that driving records for contingent employees are verified and evaluated as they relate to the employees' job requirements.
2. Supervisors having direct authority over employees shall:
  - i. assure that only authorized and properly licensed personnel are allowed to operate County vehicles, including special purpose vehicles and trucks;
  - ii. assure that action is taken immediately to correct driver error when unsafe driving practices are observed;
  - iii. assure that all maintenance problems are brought to the attention of Central Fleet or authorized repair facility and unsafe vehicles as determined by the supervisor are removed from operation until defects have been corrected, in compliance with State of Maryland commercial vehicle safety standards;
  - iv. assure that all accidents are reported to Risk Management.
3. Each employee driving a County vehicle shall:
  - i. operate County vehicles only when authorized to do so and only for authorized purposes;
  - ii. follow all the rules and procedures contained in this Policy.
4. The Office of Human Resources shall:
  - i. conduct pre-employment screening of driving records for all employees (other than contingent employees) whose job will involve use of a County vehicle;
  - ii. at the request of any head of a Department, consult with and provide advice regarding disciplinary action relating to violations of this policy.
5. Risk Management shall:
  - i. provide assistance in training and evaluation of County vehicle drivers;
  - ii. maintain reports of drivers' records as reported by MVA.

## USE OF VEHICLES

1. Vehicle Operation: General Rules
  - i. No person may operate a County vehicle unless he/she is an authorized driver of the vehicle at the time of the vehicle's use.
  - ii. A person may operate a County vehicle only for authorized uses.
  - iii. Only authorized passengers may ride in a County vehicle.
  - iv. Out of state use of a vehicle must be approved by a Director and authorized by the Chief Administrative Officer for the conduct of County business or for use by personnel who must maintain direct communication for purposes of emergencies. No County vehicle may be driven outside of the state of Maryland without written authorization by the Chief Administrative Officer prior to the start of travel except for non-scheduled police operations, repairs required for fire apparatus, emergencies and pre-approved on-call personnel who must maintain communication for purposes of emergencies.
  - v. Copies of the written authorization shall be submitted to Central Fleet and Risk Management prior to the start of travel whenever possible.
2. Manner of Vehicle Operation and Use
  - i. All drivers shall operate County vehicles (and private vehicles when on County business) in a manner that reflects concern for safety and courtesy toward the public.
  - ii. Drivers must obey all motor vehicle laws and all parking laws. All citations and fines shall be the legal and financial responsibility of the driver of the vehicle at the time the citation or other ticket is issued, unless due to a maintenance problem beyond the control of the driver.
  - iii. The driver of a County vehicle shall assure that he/she and any passenger in a County vehicle is properly restrained by the occupant restraint device (seat belt or child safety seat) and that no person rides outside the vehicle except in a device that is designated for that purpose. Exceptions can be made for prisoners being transported in vans, violent prisoners, injured persons, or any circumstance during which use of restraints is not reasonable.
  - iv. Drivers of emergency vehicles in emergency mode are subject to the provisions of the Maryland Transportation Article covering operation of emergency vehicles.
  - v. The driver of a County vehicle is responsible for the vehicle and its contents.
    - a. The driver shall take all reasonable precautions to protect the vehicle and its contents from theft.
    - b. The driver shall lock the vehicle and remove the keys from the vehicle when parked, except when a commercial parking facility requires the keys be left with the vehicle.
    - c. The driver shall attempt to store all contents of the vehicle out of view when the car is parked whenever feasible.
    - d. The driver may be held personally liable for damages or losses sustained by the County for his failure to follow the procedures in this policy or for otherwise failing to act in a reasonable and prudent manner to protect the vehicle and its contents.
3. Authorized Scope of Use
  - i. County vehicles are for use to do County business or authorized use as defined in this Policy. Any unauthorized use of a County vehicle is prohibited.
  - ii. Any use of a County vehicle that does any of the following is considered unauthorized use, unless expressly authorized by a Director, the CAO or the County Executive:
    - a. Use that extends the usual route of travel by more than 5 miles for any purpose other than County business;

- b. Use that causes or may cause additional wear and tear on the vehicle, e.g., carrying personal goods or a pet, and that is not specifically related to County business;
    - c. Leaving the County vehicle at a private business location, except briefly to run an errand, to pick up carry out food, eat lunch or the like;
    - d. Any use after business hours except to conduct County business, unless the use is reasonably associated with commuting or approved by the Director;
    - e. Any other use that is not reasonable under the circumstances.
  - iii. Any person who has a question regarding what may be reasonable use of a vehicle should direct this question to their supervisor.
- 4. Liability/Insurance
  - i. In appropriate circumstances and in conformity with state law, employees may be subject, in addition to disciplinary action, to a requirement of restitution and/or denial of insurance coverage if damages result to a County vehicle through their failure to obey the rules that apply to the operation and use of a County vehicle.
  - ii. Employees who operate their private vehicles for County business shall be compensated for such use at the currently established mileage rate.
    - a. Routine use of a private vehicle for County business shall be reported to the Director. This can be accomplished through the Mileage Reimbursement procedure.
    - b. Private vehicles used for County business are not insured through Howard County.
    - c. Employees who use their private vehicles for business use should report such use to their personal insurance carrier.
    - d. The personal automobile insurance carrier insuring the private vehicle, not County insurance, shall cover any accidents involving a private vehicle.
  - iii. When an employee leases a vehicle for business purposes during approved trips, the employee must purchase liability insurance coverage from the rental company if it is available for the vehicle if the vehicle is to be used at all out of the state of Maryland. The cost of that coverage shall be considered a reimbursable business expense.
- 5. Reporting Vehicle Use, Problems, and Accidents
  - i. Unless exempted by the CAO, any person driving a County vehicle shall indicate, by an entry into the Office of Central Services Uniform Vehicle Utilization Log or equivalent form, the driver, date, destination and beginning and ending odometer reading of each trip, including each commute. During business use, law enforcement vehicles and other vehicles used continuously during the business day shall show beginning and ending odometer reading for each shift and for all lunch/dinner breaks. Persons authorized to use vehicles for personal use may enter "Personal" as the destination but must enter beginning and ending odometer reading for each day on the Log. Logs should be kept onsite for one year following the last entry.
  - ii. If the driver of a County vehicle notes any damage to the vehicle, any problem in the vehicle's operation, any noise the driver suspects to be an indication of a problem or a need for maintenance, or any other matter that suggests that the vehicle may need maintenance or repair, the driver shall report the problem to Central Fleet, the Quartermaster or an authorized maintenance facility.
  - iii. The matter shall be noted on the Uniform Vehicle Utilization Log (or similar form) and reported by telephone call within 24 hours of the time that the problem is noted or the next business day, except that if the problem that the driver notes appears to the driver to affect the safe operation of the vehicle, the problem shall be reported immediately to Central Fleet or the Quartermaster and a notation shall be made on the Vehicle Utilization Log that such a report was made.
  - iv. A person shall not operate a County vehicle that appears to the driver not to be safe to drive or that appears to have a mechanical problem that could further damage the vehicle, without express authorization from Central Fleet.

- v. All accidents should be reported in accordance with the Vehicle and Equipment Accident/Damage Reporting procedures in this Policy.

## EMPLOYEE REQUIREMENTS

### 1. Job Classification: Driving Required

- i. A new employee hired for a job that includes in the job description a requirement that the employee drive shall provide a current certified copy of his/her driving record as part of the application process. That employee's name and license number shall be provided to the Risk Management Administrator by the Director.
- ii. If an employee's job description requires that he/she drive, the employee must retain his/her status as an authorized driver and must report any changes in that status.
  - a. The employee must maintain a valid drivers' license of the classification necessary to drive the vehicle(s) that the employee's job requires.
  - b. The employee must report changes in the status of his/her license (that is, license suspensions and revocations) to the employee's supervisor as soon as such change becomes effective.
  - c. The employee must report any citations (traffic, criminal, civil, moving, non-moving, parking, "red light", equipment repair order) that occur while driving a County vehicle to the employee's supervisor as soon as possible, but not later than the next business day.
  - d. In addition to the these requirements, the employee must report to his/her supervisor any of the following that occur when they are driving, even if they occur when the employee is not working or is driving a non-County vehicle:
    - Any conviction for a moving violation involving the use of drugs or alcohol
    - Any accident that involves a fatality if the employee is cited in the accident
    - Any temporary confiscation, suspension, revocation or restriction of his/her license pending disposition of traffic citations.
- iii. If an employee's job requires the employee to drive, the employee must report any physical inability to perform that job function, whether temporary or permanent, to the employee's supervisor immediately. An employee is considered physically unsuitable to drive, among other things, if the employee's doctor has prescribed medications that the doctor has determined may adversely affect the ability of the employee to drive under certain circumstances and the doctor has instructed them not to drive.
- iv. If an employee's supervisor suspects that something (whether a physical, emotional or mental condition, a medication, or any other cause) may be impairing the employee's ability to operate a County vehicle, the employee shall be required to furnish a physician's written evaluation regarding driving restrictions. The County may require a follow-up evaluation or a second opinion by a physician selected by the County. The supervisor shall have authority to prohibit the employee from driving a County vehicle pending the results of a medical evaluation.
- v. A person who becomes unauthorized to drive a County vehicle for any reason, including but not limited to, a license suspension or revocation, confiscation of the employee's license by a law enforcement officer, or because of the number of points assessed against a driver's license, the loss of the particular license status required for the employee's job, or who becomes unable to drive for any other reason is subject to termination if the employee's job requires that the employee drive and driving is a critical function of that job.
- vi. (vi) A supervisor shall not permit an employee to drive a County vehicle on a suspended or revoked license. If an employee makes a report to his/her supervisor of any matter required to be reported above, other than a revocation or suspension, the supervisor

must determine that the matter reported is not likely to affect the ability of the employee to operate a County vehicle safely and that the employee's operation of a County vehicle is in conformity with any restriction on the employee's license before the supervisor may permit the employee to operate a County vehicle.

2. Job Classification: Occasional Driver
  - i. If driving is not an essential function of an employee's job, the employee may operate a County vehicle if authorized to be an occasional driver.
  - ii. The Director or his/her designee shall notify the Risk Management Administrator of the designation of a department employee as an occasional driver so that the Risk Management Administrator may check the employee's driving record. Whenever possible, sufficient time shall be given for the driver's record to be checked before the employee is authorized to drive a County vehicle.
  - iii. The Risk Management Administrator shall report to the Director any recommendations he/she believes appropriate regarding the employee's designation as an occasional driver.
  - iv. No employee designated as an occasional driver shall drive a County vehicle or a private vehicle on County business if his/her license has been suspended or revoked, or if driving privileges have been restricted.
3. Corrective Action
  - i. The Director, or his/her designee, shall review each accident involving a County vehicle being operated by an employee of the Department and determine what, if any, corrective action is appropriate.
  - ii. The Director may consult with any of the following in making that determination. The Director shall coordinate with the Risk Management Administrator or the Office of Law prior to contacting those listed below if the accident involved third parties.
    - a. the police officer(s) who investigated the accident;
    - b. the Risk Management Administrator;
    - c. the Safety & Loss Control Coordinator;
    - d. the head of Central Fleet;
    - e. the Office of Human Resources;
    - f. the driver;
    - g. any County employees who are witnesses to the accident.
  - iii. Appropriate corrective action may include training, non-punitive counseling, and disciplinary action, up to and including termination.
  - iv. In determining what corrective action may be appropriate, the Director should consider the following as applicable to the accident:
    - a. whether the accident was preventable;
    - b. whether the driver was cited for traffic violations;
    - c. the severity of the accident;
    - d. any statement made by the driver;
    - e. the driver's prior driving record, including any prior accidents or incidents of the driver while operating a County vehicle and the driver's recent MVA record, including off-duty offenses;
    - f. whether, based upon the facts of the accident, similar or other accidents are likely to recur;
    - g. any other considerations appropriate to the particular situation.
  - v. In conformance with state law, including Law Enforcement Officers' Bill of Rights (LEOBR), the Director or his/her designee shall document his/her review of the accident and shall notify the Risk Management Administrator of corrective action taken.
4. The Risk Management Administrator shall report to the Director of the department in which an employee works any traffic violations, license suspensions and revocations of an employee who is designated as a regular or occasional driver, as reported to the Risk Management Administrator by the Motor Vehicle Administration (MVA) and shall report all license suspensions and revocations to the head of Central Fleet.

- i. If an employee has a suspended or revoked license, as reported by MVA, the Director shall notify the employee of the information and suspend the employee's use of County vehicles and the use of any private vehicle for County business.
- ii. The Director shall also determine whether the employee has knowingly driven a County vehicle on a suspended or revoked license and, if so, take appropriate disciplinary action.
- iii. If an employee has been convicted of any offense(s) but has retained his/her driving privileges, the Director shall consider whether corrective action is necessary to assure the safe operation of vehicles in the conduct of County business.
- iv. In determining what corrective action may be appropriate, the Director may consider any or all of the following as applicable to the particular case:
  - a. the nature and severity of the offense, including the potential impact of the offense on the employee's performance of his/her job with the County;
  - b. the number of similar offenses of the employee, according to the employee's history with the County and/or on the employee's driving record.

## ACCIDENTS INVOLVING COUNTY VEHICLES OR PERSONNEL

### 1. Procedures at the scene of an accident:

As contained in Policy & Procedure 200.1, Risk Management Program, the following steps should be followed in case of an accident:

- i. Stop at once. Do not admit fault.
- ii. Find out if anyone is injured or claims to be injured. If aid is necessary, assist in obtaining aid.
- iii. Notify County police or other local police, your supervisor and, if towing or mechanical intervention is needed, Central Fleet.
- iv. Provide police with a copy of the vehicle registration card, which is found in the vehicle's glove compartment.
- v. Do not discuss the accident with, take directions from, or give a signed statement to anyone except police or other appropriate County representatives. Appropriate County representatives are the following: your supervisor; anyone who is in the chain of command for your Department, up to and including your Director; the Office of Law; the Risk Management Administrator; or any person designated by the Risk Management Administrator to investigate on the Administrator's behalf. If you have any questions whether someone is so designated, contact the office of Risk Management prior to talking with the person.  
**NOTE:** County employees should be aware that what they say and do at the scene may affect the public's impression of County employees. Employees should remain calm. Employees should render assistance to the other party only if they have the proper skills necessary to render such assistance.
- vi. In all collisions involving County vehicles except single vehicle collisions with deer, a police report is required for insurance purposes. Obtain the number of the police report, the name of the investigating officer and all the information requested on the yellow On-The-Scene Accident Report Form found in the Howard County Driver's Accident Report Kit located in the glove compartment of the County vehicle.
  - a. An employee involved in an accident shall complete the On-The-Scene Vehicle/Equipment Accident Report as soon after the accident as practicable but in no event longer than the next business day after the accident. The employee shall submit the report to the employee's supervisor for the supervisor's review and signature. A copy of the report shall be submitted to Risk Management by the next business day. For accidents involving Police vehicles for which a

MAARS report is prepared, the MAARS report may be substituted for the On-The-Scene Accident Report Form. Police vehicle collisions with deer or single police vehicle collisions with no damage to persons or property of private citizens require only a Property Loss/Damage Form (RM-2).

- b. The employee shall cooperate fully in the police investigation of the incident and shall provide whatever information the police may need to complete their accident investigation and police report.
  - c. Injuries to employees resulting from any vehicle or equipment accident will be reported to Risk Management as detailed in Risk Management Policy and Procedure Number 200.1.
- vii. If an employee receives a request from anyone other than a law enforcement officer to be interviewed or to give an account of the accident after it has occurred, the employee should consult with their supervisor and refer the caller to the Risk Management Administrator. No employee involved in an accident should discuss the accident with representatives of insurance companies or others without coordination with the Risk Management Administrator.

## INCOME TAXES

1. The value of the non-business use of a County Vehicle assigned to an employee is includible in the employee's income. Non-business use includes the use of the County Vehicle to commute from an employee's home to the office and from the office and back home.
2. For those employees who are required to bring their car home with them, personal use by the employee (or the family of the employee) is prohibited, other than for commuting and for occasional, brief personal purposes (such as a stop for a personal errand on the way home from County business).
3. All employees shall comply with the record keeping requirements contained in this Policy. If an employee has been exempted from the requirements by the CAO, the employee shall keep records of the employee's personal miles and commuting use of the County Vehicle and shall provide such information to the County upon request. For employees whose use is valued based on the number of commutes, the County calculates the value as if the employee worked 225 days in a taxable year and commuted two times each day. The number of days was determined by taking into consideration the number of holidays, vacation days and sick days of employees.
4. The provisions of this section shall not apply to qualified non-personal use vehicles driven by employees. Qualified non-personal use vehicles include:
  - i. clearly marked police or fire vehicles;
  - ii. unmarked law enforcement vehicles owned by the County which may only be used by law enforcement officers and the personal use of which must be specifically authorized. Law enforcement officers include employees who carry firearms, make arrests and execute search warrants;
  - iii. such other vehicles the use of which is not likely to be more than minimally for personal purposes because of its design, such as school buses, farm tractors, ambulances, etc.

# VIOLENCE

It is the policy of the County that all employees shall have the right to work in an environment which is free of harassment, threats, intimidation or violence. Such behavior, in any form, will not be tolerated in the workplace. This policy describes unacceptable employee behavior and establishes guidelines for reporting, investigating and addressing situations in the workplace which involve threatening acts, or acts of harassment and violence from employees, members of the public, or family members.

## PROHIBITED ACTIVITIES

During the course of his or her employment with the County, no employee shall:

- Harass, threaten or commit any violent act against another person or employee.
- Intentionally or maliciously damage or destroy the property of another person or employee.
- Bring weapons of any kind onto County property without written permission from an Appointing Authority, except that law enforcement personnel may possess weapons which are legally authorized.

## PRACTICE

### MANAGING THE VIOLENT SITUATION

- **Contacting Law Enforcement Personnel**  
Employees are encouraged to seek the assistance of Law Enforcement Personnel when confronted with situations which are violent, or which have the potential of becoming violent. If a telephone can be safely accessed, an employee should dial "9-1-1", should describe the location where the incident is occurring, and should maintain telephone contact with the "9-1-1" dispatcher until the police arrive, or until the "9-1-1" dispatcher indicates the call may be ended.
- **Other Actions**
  - **When** confronted by verbally abusive or harassing persons, if the following actions can be safely undertaken, an employee should:
    1. Attempt to restore calm by courteously asking the person(s) to cease their verbally abusing or harassing actions;
    2. Notify a supervisory employee of the situation as soon as possible; and
    3. Request the assistance and aid of co-employees.
  - **When** confronted by persons threatening bodily harm, if the following actions can be safely undertaken, an employee should:
    1. Leave the presence of the threatening person;
    2. Notify a supervisory employee of the situation as soon as possible; or, if no supervisory employee is present
    3. Call 9-1-1- to contact Law Enforcement Personnel.
  - **When** an employee observes a person, other than Law Enforcement Personnel, possessing a weapon while on County property, an employee should immediately call 9-1-1 to notify Law Enforcement Personnel.

## REPORTING THE VIOLENT ACT OR SITUATION

- An employee who has witnessed a violent act in a County workplace, or who has knowledge of facts causing the employee to reasonably believe a violent situation is presented in a County workplace, shall immediately report the act or situation to:
  1. The employee's immediate supervisor;
  2. The Appointing Authority; or
  3. The Human Resources Administrator or his/her designee.
- A supervisor who has witnessed a violent act in a County workplace, who has knowledge of facts reasonably causing him/her to believe a violent situation is presented in a County workplace, or who has received a report from an employee that a violent act occurred or that a violent situation exists in a County workplace, shall immediately report the act or situation to:
  1. The employee's Appointing Authority; or
  2. The Human Resources Administrator or his/her designee.
- After receiving a report that a violent act has occurred, or that a violent situation exists in a County workplace, an Appointing Authority or the Human Resources Administrator or his/her designee shall immediately report the act or situation to the Chief Administrative Officer both orally and in writing.
- Should an employee, supervisor, or an appointing authority who has reported that he/she reasonably believes a violent situation is presented in a County workplace feel or believe that the situation has not been appropriately or adequately addressed, he/she shall report the situation directly to the Chief Administrative Officer.
- In making reports under this policy an employee shall provide as much factual information and detail as possible and shall, when requested by a supervisor, an Appointing Authority, or the Human Resources Administrator or his/her designee, reduce their report to writing.

## INVESTIGATION

1. **Confidentiality**  
Confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.
2. **Investigators**  
Unless the Chief Administrative Officer determines that the Threat Assessment Team or another person should be the investigator, investigations conducted under this policy shall be conducted by the Human Resources Administrator or his/her designee.
3. **Investigation Process**  
The Chief Administrative Officer shall determine the scope and methodology of the investigation based on the unique circumstances of the event.
4. **Duty of Cooperation**  
All employees shall cooperate fully in any investigation conducted under this policy.

## THREAT ASSESSMENT TEAM

The Chief Administrative Officer may appoint a Threat Assessment Team to review and evaluate an incident of violence occurring or threatened in a County workplace. The composition and responsibilities of the Threat Assessment Team shall be determined by the Chief Administrative Officer. At a minimum, the team shall have representatives of County Administration, Office of Human Resources, Office of Risk Management, Police Department, Office of Law, and Bureau of Facilities (Department of Public Works).

The Chief Administrative Office or designee shall convene the Threat Assessment Team on a regular basis in order to proactively address areas of employee safety.

## **DISCIPLINE**

### **Discipline for Employees Engaging in Prohibited Conduct**

An employee engaging in conduct prohibited by this policy shall be disciplined. Appropriate sanctions will be determined by the Chief Administrative Officer after consultation with the employee's Appointing Authority and may include: reprimand; demotion; reassignment; suspension; suspension of leave accrual; or discharge.

### **Discipline for Other Violations of this Policy**

An employee failing to report violent acts or situations as required by this policy, or failing to cooperate with investigations conducted under this policy shall be disciplined. Appropriate sanctions will be determined by the Chief Administrative Officer after consultation with the employee's Appointing Authority and may include: counseling; reprimand; demotion; reassignment; suspension of leave accrual or discharge.

## **GENERAL PROVISIONS**

- Employee Assistance, which includes counseling and referral services, is available to all employees, and should be used both to prevent and deal with violent acts and situations occurring in the workplace.
- Recommendations and suggestions from employees for improving security and reducing the risk of violence in the workplace are encouraged, and should be forwarded by employees to Appointing Authorities, the Human Resources Administrator, or the Office of Risk Management. Any of these offices receiving suggestions shall forward them to the Threat Assessment Team for evaluation and implementation, where feasible and practicable. Because the County will not tolerate harassment, threats, intimidation or violence in its workplaces, the County will, to the extent practicable, investigate any incident involving a non-employee and will take any action necessary to remove threats posed by non-employees. The County thus encourages the reporting of all incidents covered by the terms of this policy, regardless of whom the offender may be, in accordance with the procedures established in this policy.

**END**