

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

RESOLUTION NO. 2013-67

A RESOLUTION concerning

THE CHARLES COUNTY PERSONNEL POLICY & PROCEDURES MANUAL

FOR the purpose of making certain changes to the Charles County Personnel Policy & Procedures Manual.

WHEREAS, the counties personnel policies and procedures are set forth in the County's Personnel Policy & Procedures Manual previously adopted by the County Commissioners; and

WHEREAS, the County Commissioners have reviewed requested amendments to the following sections of the Charles County Personnel Policy & Procedures Manual: Chapter 6: Awards Program; Chapter 14: Overtime Policy; Chapter 17: Leave and Chapter 19: Emergency Situations.

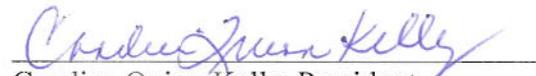
NOW, THEREFORE, BE IT RESOLVED, by the County Commissioners of Charles County, Maryland, that the following attachments reflecting the amendments to the Charles County Personnel Policy & Procedures Manual are hereby adopted:

- 1) Attachment A: Chapter 6 Service Awards;
- 2) Attachment B: Chapter 14 Overtime Policy;
- 3) Attachment C: Chapter 17 Leave; and
- 4) Attachment D: Chapter 19 Emergency Situations.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon adoption.

ADOPTED this 7th day of January, 2014, by the County Commissioners of Charles County, Maryland.

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND


Candice Quinn Kelly, President


Reuben B. Collins, II, Esq., Vice President


Ken Robinson


Debra M. Davis, Esq.


Bobby Rucci

ATTEST:


Denise Ferguson, Clerk

ATTACHMENT A

Chapter 6: AWARDS PROGRAM

Service Awards Program

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

Service awards will be awarded as indicated below:

Administrative Leave Granted

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

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

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

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

Employees must utilize administrative leave within one (1) year from the anniversary date or forfeit the award. Accrued administrative leave will not be paid out at a later date including at retirement or when leaving County service. This is a non-recurring award and has no expiration date.

Annual Incentive Awards

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

Safety Awards Program

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

ATTACHMENT B

Chapter 14: OVERTIME POLICY

General

Department Heads will avoid unnecessary expenditures of premium pay for foreseeable peak workloads by judicious use of part-time employees (See Chapter 27), by establishing appropriate working hours or work week schedules (See Chapter 27), by developing annual work schedules and calendars to accommodate unique situations, and by exercising control, where feasible, over workload peaks and lows. Cost effectiveness is an inherent responsibility of Department Heads which cannot be neglected or delegated, and is a significant criterion of performance. Overtime work will be distributed equitably, commensurate with competence to perform the work required.

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

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

Policy

It is policy of Charles County to comply with the Federal Fair Labor Standards Act as amended effective April 15, 1986. A current listing of exempt and non-exempt positions will be available in the Department of Human Resources.

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

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

According to the Fair Labor Standards Act (FLSA), whenever a non-exempt employee works over 40 hours in a workweek, the employee must be paid for the first 40 hours worked in cash. Non-exempt employees may be paid in cash or compensatory time at the overtime rate

for time worked above 40 hours.

A non-exempt employee who works in excess of their regular schedule (e.g., 25 – 39 hours up to 40 hours in a workweek) must be compensated in either of the following ways:

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

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

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

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

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

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

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

1. Non-Exempt: Employees staffing non-exempt positions will be eligible to receive time and one-half payment or an equivalent accrual of compensatory leave for hours actually worked in response to the emergency, when they are called in ~~or required~~ to work during

scheduled "off" hours.

~~or
required to work when non-essential offices are closed.~~

2. Exempt: Employees staffing exempt positions in grades 16 or below will be eligible to ~~receive additional regular pay or~~ accrue an equivalent hour for hour amount of compensatory time for hours actually worked in response to an emergency, which are outside of the employee's ~~normal weekly regular~~ schedule. ~~Department Heads may recommend and the County Administrator may approve the payment of additional regular pay and per their departmental budget. County funding or emergency response authorization.~~

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

Authority

- ~~1. If approved in the departmental budget, County funding or emergency response authorization. Department Heads may authorize the payment of emergency pay or~~ overtime for non-exempt employees. Pay for overtime worked will be approved in units of not
1. ~~less than fifteen (15) minutes.~~

- ~~2. If approved in the departmental budget, County funding or emergency response authorization. Department Heads may authorize the payment of additional regular pay for exempt employees in grades 16 and below and in support of an emergency.~~

- ~~2. Authorization to work overtime which results in the payment of premium overtime or emergency pay must be given in advance and must subsequently be recorded on the employee's time sheet. The record must present justification and whether unforeseen emergency work was required. Department Heads may prescribe in writing conditions where subsequent approval may be granted. Unauthorized~~
3. ~~overtime work is prohibited and may be cause for disciplinary action.~~

Reporting and Record keeping

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

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

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

~~These records must be maintained in the Department~~ **This record is maintained in the Department.**

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

~~This~~ **These** records ~~is~~ **must be** maintained in the Department.

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

ATTACHMENT C

Leave Policy and Administration

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

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

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

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

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

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

Individual Employee Leave Record: Unless tracked and centralized through the County's automated payroll system, the leave record is recorded by the designated time keeper in each department or work area and is kept by year for each employee. ~~At the end of each month, the record is copied and distributed, one copy to the employee and one copy to the Department of Human Resources. When an employee leaves County Government, the final leave record is submitted to the Department of Human Resources.~~

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

Holidays

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

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

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

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

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

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

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

Personal Days

In addition, effective January 1, 2002, all eligible County employees will receive one personal day per calendar year. Personal days must be taken within the calendar year in which they accrue and must be taken in whole days. They cannot be accrued from year to year. Personal days must be approved in advance by the supervisor in accordance with priorities and schedules. No payment will be made for an unused personal day when an employee leaves County service.

Annual Leave

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

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

Years of Service	Hours Accrued Per Pay Period	Hours Accrued Per Month
0-3	4	8
3-9	5	10
9-14	6	12
Over 14	7	14

Full-time employees may carry over a maximum of 60 days of annual leave (450 hours based upon their normal hours per pay period) into the new calendar year. Annual leave in excess of 450 hours/60 days that is not used will be converted to sick leave for the new calendar year.

An employee leaving County service will receive a lump sum payment at the current rate of pay for any unused accumulated annual leave up to 45 days (337.5 hours) provided that each lump sum payment will be offset by any amount by which the employee is indebted to the County government. Annual leave will not be used to extend the employment period beyond the last day worked, unless approved by the County Administrator.

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

Sick Leave

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

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

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

Effective October 1, 2007, employees hired by Charles County Government may receive credit for up to four hundred (400) hours of accrued, but unpaid, sick leave from their previous employer when they begin employment with Charles County Government. Sick leave rolled into a retirement plan is not eligible for transfer. The credit will be applied for the employee on the employee's personnel records of Charles County Government if the employee provides official documentation and verification, acceptable to the Department of Human Resources, of the accrued sick leave within sixty (60) days of

the employee's first day of employment.

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

No payment will be made for unused sick leave when an employee leaves County service. However, at the time of retirement, accrued unused sick leave may be applied toward an employee's credited years of service. ~~at the rate of 22 days of sick leave equals one (1) month of additional credited service. In no event will accrued unused sick leave hours be used to increase the maximum pension benefit beyond 65%. The maximum amount of unused sick leave which may be applied toward retirement is 1,980 hours which equates to one (1) year of additional credited service. Employees should review their pension's Summary Plan Document (SPD) for additional details.~~

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

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

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

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

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

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

Employee Leave Donation Program

Purpose: To establish a program whereby a County employee may transfer accrued leave (annual, sick or compensatory) directly to another County employee who has exhausted all their accrued annual, ~~and~~

sick and all other leave and is facing an extended absence of three (3) or more days without pay, brought about by the employee's illness, injury or disability. Leave donations may be used to return from an extended absence on a reduced hour basis pending Department Head approval of the schedule or follow-up medical care within ninety (90) days of initially returning to work. Leave donations may also be used for the necessary medical care and attendance of an employee's spouse, child or parent (see page 18-1 for definition of spouse, child or parent). ~~Effective February 9, 2011.~~

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

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

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

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

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

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

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

Procedures

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

All requests must be accompanied by:

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

Donor Employee: Employee donating leave will:

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

2. Forward form to supervisor for approval.

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

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

Overtime Pay and Compensatory Leave Policy

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

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

Accrual:

1. Exempt Employees: Employees staffing positions classified in Grades 17 through 20 will not be eligible to earn compensatory leave or overtime pay. All other exempt employees will accrue compensatory leave for hours worked beyond the normal work schedule at the rate of one hour compensatory leave for every one hour of overtime worked.
2. Non-Exempt Employees: Compensatory leave or overtime pay for hours worked which have not been designated as emergency work, and are less than 40 hours in a standard seven day work week, will be accrued at the rate of one hour of leave for every one hour of overtime worked. (See Chapter 14)

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

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

compensatory leave accruals will be made to exempt employees upon separation from employment.

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

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

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

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

Bereavement Leave

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

Military Leave

1. Any full-time employee who leaves the service of the County to join the military forces of the United States during the time of war or other national emergency will be placed on military leave. Such an employee will be entitled to be restored to the vacated position, or a similar position for which the individual is qualified, provided application for employment is submitted within ninety (90) days of the date of honorable discharge, and the individual is physically and mentally capable of performing the work.
2. Any full-time employee who is a member of the United States Military Reserve or National Guard Unit and has received military orders to engage in annual training exercises will be granted military leave.

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

County pay, and no additional County pay will be due.

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

Jury Service

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

Court Witness

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

This leave provision is not applicable to an employee initiating or defending against legal action, or other legal action which is not associated with either their work assignment or with volunteer fire/rescue work or with volunteer work for other agencies funded in whole or in part by Charles County.

Accident Leave

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

1. The injured employee's department will complete the necessary forms as noted in the Charles County Risk Management and Safety Manual within 24 hours. These include the Employee's First Report of Injury and the Employer's First Report of Injury. A Physical and Functional Evaluation form must be provided to the Safety Office prior to return to work. (These forms are available in the Department of Human Resources or from the Safety Office.) These reports should be submitted to the Safety Officer. Accident leave ends when a physician certifies that an employee is able to return to work in a modified/light or full duty status or the employee has exhausted 30 days of accident leave. An employee recovering from a work related injury or

illness may be considered for assignment to modified/light duty consistent with their physical capacities and medical restrictions. If unable to be placed in a light duty position where the individual previously worked, then other placements will be considered. The employee's Department Head, along with the Department of Human Resources and the Safety Office will determine whether modified duties are available and whether the employee is capable of performing modified duty. Employees performing modified duty will maintain the same rate of pay. A recovering employee may be sequenced through a progressively more demanding work task until they are able to return to full duty. A modified duty assignment may not exceed 12 weeks.

2. If the employee does not return to work, the procedures prescribed in Chapter 12, Non-Disciplinary Separations, will be followed. If the employee has not sufficiently recovered to resume normal duties within three (3) months of the accident, placement in a vacant job and/or termination of employment may be considered, as prescribed in Chapter 12, Non-Disciplinary Separations.
3. If Maryland Workers' Compensation Commission determines the injury to be compensable, the County will provide benefits as listed below:
 - a. The difference between the Workers' Compensation benefit and full pay for 30 days per injury. The Workers' Compensation check(s) covering this 30 day period will be signed by the employee and turned over to the County's Payroll Division. After this 30 day period the injured employee will be placed on either benefit leave or leave without pay and generally will receive only the Workers' Compensation check(s).
 - b. The injured employee will earn annual and sick leave while in County pay status.
 - c. An employee on benefit leave may use Annual or Compensatory Leave up to one-third of their base weekly hours to cover employee contributions to benefits.
 - d. An employee on leave without pay may retain health insurance benefits by continuing to pay their portion of the premium.
4. The Director of Human Resources, upon recommendation of the Department Head, may authorize an employee to use accrued leave if their Workers' Compensation claim is denied or while they are awaiting claim resolution. Employees will be required to sign and turn in any Workers' Compensation checks received for this time.
5. An employee having a work related injury may be required to undergo reasonable suspicion testing as required by the Risk Management and Safety Manual, Section 3.10.

Benefit Leave

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

Administrative Leave

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

Accrued administrative leave does not expire; however No payment will be made for unused administrative leave when an employee leaves County service unless required by employment agreement.

Leave Without Pay

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

1. Duration: The duration of leave will be at the discretion of the approving authority, based on the reason for the request and the effect the leave would have upon the continued provision of County services. In no case will a leave of absence exceed three (3) months, and no leave of any kind can be earned during a period of unpaid leave.
2. Approval: The Department Head will approve or deny unpaid leave for periods not to exceed 20 work days per calendar year. Unpaid leave beyond 20 work days will be submitted by the Department Head with a recommendation to the Director of Human Resources for approval (FMLA qualified absences are exempt from this provision).
3. Status During Absence:
 - a. Health Insurance: If an employee who has been granted a leave of absence without pay wishes to continue coverage under the County health insurance program, they may retain their benefits by continuing to pay their portion of the premium.
 - b. Retirement: No contributions are made to the Plan during any period of unpaid leave.
4. Status Upon Return to Duty: Upon expiration of the approved leave of absence, the employee will be returned to a position in County service as agreed upon in the approval for a leave of absence. An employee who does not notify the Department of Human Resources in writing of their desire to return to duty within three (3) days after the expiration of leave without pay, will be considered resigned from County government.
5. Leave Accruals: No leave of any kind can be earned during a period of unpaid leave.
6. Abandonment of Position: Employees are subject to dismissal if they have been absent from duty for three (3) consecutive work days or work shifts without good cause, and/or without permission from their immediate supervisor, and/or without notifying the immediate supervisor of their absence and intention to return. Such employees are considered to have abandoned their positions.

ATTACHMENT D

Chapter 19: EMERGENCY SITUATIONS

Authority

In the event of an unforeseen emergency situation, the County Administrator may determine that non-essential County offices will be closed or that a liberal leave policy will be placed in effect. In the absence of the County Administrator, the County Commissioners will make that determination. The Order of Succession in the Continuity of Operations Plan will be followed. This decision will be announced publicly on the local radio station, communicated to each Department Head by the County Administrator's Office, and then by each supervisor to the employees reporting directly to the supervisor. Supervisors will advise employees of their non-essential, essential or emergency service status and will also advise them regarding work schedules and pay status. Employees who have questions regarding an emergency situation are expected to contact his or her supervisor for clarification and direction, but it is each employee's responsibility to check the operational status of County offices by checking the official announcement to employees on the Automated Telephone Response System at (301) 645-0600 (and/or other approved systems), as stated in the Inclement Weather Notification Plan (SOP CAD.1.05). These systems will be appropriately updated by the Public Information Officer.

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

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

Liberal Leave

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

Those employees who do not staff essential service positions and are requested to work to maintain operations will be deemed emergency service personnel (see below).

Administrative Leave

If the emergency situation is determined to be severe, non-essential County offices may be closed and full-time employees who were scheduled to work, but are no longer needed, will be

granted administrative leave to ensure normal pay for any scheduled hours which are not worked. Full-time, ~~and full-time reduced hours, or part-time~~ employees who are not scheduled for work during the time administrative leave is authorized will not receive any ~~additional consideration~~ administrative leave (including employees observing flexible and compressed work schedules). Persons on annual, sick or other approved leave status while offices are closed due to an emergency situation will be charged for leave as previously requested and approved.

~~When all non-essential County offices are closed for more than 2 hours, equivalent administrative leave will be granted to essential service personnel, who worked during the closure, and to be used within 6 months. This leave will be tracked by the department.~~

~~When the County closes all non-essential offices on a normal business day (Monday- Friday, excluding holidays) due to an emergency situation, hours of administrative leave will be given to essential service and emergency response personnel who worked at least one-hour of their regular schedule between the hours of 12:00 am to 11:59 pm on that business day. This administrative leave will equate to the hours opening late or closing early (8:00 am to 4:30 pm), or 7.5 hours for 75-hour employees and 8 hours for 80-hour employees for entire day closings. This administrative leave will be recorded in the County's payroll system for use after the emergency and does not expire.~~

Essential Service Personnel

Personnel performing essential services ~~will not be granted administrative leave in emergency situations and~~ are expected ~~and required~~ to report to work as scheduled. Essential service personnel are those employees ~~who are regularly scheduled and~~ employed in County agencies, departments and/or offices whose services are considered necessary at all times under all circumstances (e.g. Dispatchers, Paramedics, EMTs and Water/Wastewater Operators regularly scheduled during the severe emergency situation). Those departments/divisions who have designated ~~Essential~~ ~~essential Service service Personnel-personnel~~ include the Department of Emergency Services, ~~and the Department of Public Works - Utilities Department, and selected operations within the Department of Public Facilities.~~ Department Heads are charged with responsibility of determining the essential nature of services. However, in some cases other employees staffing certain positions may be deemed essential.

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

Emergency Service-Response Personnel

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