

Worcester County Government
PERSONNEL RULES AND REGULATIONS
Employee Handbook
(as amended May 7, 2019)

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SECTION 1 - GENERAL INFORMATION

1.01 PURPOSE AND SCOPE

- A. The Worcester County, hereafter “the County,” Personnel Rules and Regulations, hereafter the “Personnel Rules,” establish procedures to guide administrative actions concerning personnel activities and transactions pursuant to Section 4-301 of the County Government Article of the Code of Public Local Laws of Worcester County, Maryland.
- B. Except where provided, the Human Resources Director, acting under the direction and supervision of the Worcester County Commissioners, hereafter “the Commissioners,” and Chief Administrative Officer shall be responsible for administration and interpretation of the Personnel Rules.
- C. **This manual is a general informational guide to the County’s current employment policies and shall not be construed as a contract, implied or otherwise. The County reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual, as the County deems necessary and appropriate, without advance notice.** Any amendments or changes to the Personnel Rules shall be made by Resolution of the Worcester County Commissioners, hereafter “the Commissioners,” pursuant to the provisions of Section 4-301(b) of the County Government Article of the Code of Public Local Laws of Worcester County. The Human Resources Director and the Chief Administrative Officer, who shall provide a recommendation to the Commissioners, shall first review any proposed amendments.
- D. The County reserves the right to deviate from these policies in emergency situations, in order to achieve its primary mission of providing orderly and cost efficient services to its citizens. No legal cause of action against the Commissioners or the County can be based on these Personnel Rules.
- E. The Personnel Rules apply to all positions funded in whole or in part by or through the Commissioners except those positions covered by other personnel regulations and plans approved by the Commissioners, all elected officials, independent contractors, appointed board members, the Chief Administrative Officer, all attorneys appointed or counsel to various boards, all deputy state’s attorneys and assistant state’s attorneys, employees of the court, the Chief Deputy Sheriff and employees of other legal entities funded by the Commissioners or County such as the School Board, Library Trustees and Health Department unless such employees, as a group, are made subject hereto by appropriate action.
- F. Where provisions of the Law Enforcement Officers’ Bill of Rights, as stated in Article 27 of the Annotated Code of Maryland, apply to those County employees exercising law enforcement responsibilities, those provisions shall be applicable and shall supersede the provisions of the Personnel Rules. In all other cases, these

policies shall govern.

- G. Except as may be provided in Public General or Public Local Laws, the Personnel Rules shall supersede any previously adopted or practiced Personnel Rules.
- H. Each Department Head, with the approval of the Human Resources Director, may develop specific rules regarding particular working conditions and requirements of that department provided those rules are not in conflict with the Personnel Rules. Employees in those departments with additional rules must be given a copy of the rules when hired or when the rule is established. A copy of the department rules must be submitted to the Human Resources Director.
- I. Employees of the court shall be subject to the provisions of Section 2-501 (Employees of court) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, as from time to time amended, and shall be subject to only the provisions hereof as specifically set forth. The Judges of the Circuit Court shall have full and complete authority over Employees of the Court with respect to hiring, firing, disciplinary actions and performance of any establishment of duties and job descriptions. When in conflict, any rule or decision of the Circuit Court shall supersede the provisions of these personnel rules and regulations. If the County Commissioners determine that any type of disciplinary action is appropriate or shall be considered, then before taking final action, the matter will be referred to the Judges of the Circuit Court who may preempt the commissioners and dispose of the matter or may permit the matter to proceed according to these Personnel Rules. Section 2 (Recruiting and Hiring), Section 7 (Hours and Attendance), and Section 9 (Discipline and Termination) of the Personnel Rules specifically do not apply to Employees of the Court except as adopted by the Judges of the Circuit Court. All decisions of hiring, discipline, assignment, disposition and termination of Employees of the Court shall be the responsibility of the Judges of the Circuit Court unless the Judges defer to the County Commissioners. Employees of the Court shall be at-will employees of the Court at the will of the Judges of the Court.
- J. Employees of the Sheriff's Office shall be subject to the provisions of Subtitle 3 of Title 2 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, as from time to time amended, and shall be subject to only the provisions hereof as specifically set forth. The Worcester County Sheriff shall have full and complete authority over employees of the Sheriff's Office with respect to hiring, firing, disciplinary actions, performance of and establishment of duties and job descriptions subject only to the provisions of the law and reasonable application of the Worcester County Personnel Rules & Regulations. When in conflict, any rule or decision of the Sheriff shall supersede the provisions of these personnel rules and regulations. If the County Commissioners determine that any type of disciplinary action is appropriate or shall be considered, then before taking final action, the matter shall be referred to the Sheriff who may preempt the Commissioners and dispose of the matter or may permit the matter to

proceed according to these Personnel Rules. Section 2 (Recruiting and Hiring), Section 7 (Hours and Attendance), and Section 9 (Discipline and Discharge) of the Personnel Rules specifically do not apply to employees of the Sheriff's Office except as adopted by the Sheriff. All decisions of hiring, discipline, assignment, disposition and discharge of employees of the Sheriff's Office shall be the responsibility of the Sheriff unless the Sheriff defers to the County Commissioners. Employees of the Sheriff's Office shall be at-will employees of the Sheriff's Office at the will of the Sheriff.

1.02 DEFINITIONS

A. As used herein, words shall have the following meanings unless clearly otherwise intended:

1. Accident: An incident during which a County employee is operating a County-owned vehicle that results in a fatality, injury of an individual that requires transportation to a medical treatment facility and the County employee receives a traffic citation, one or more vehicles have disabling damage that requires a tow from the site unless the employee can be completely discounted as a contributing factor to the cause of the accident or when a revenue vehicle is removed from revenue service and the employees performance cannot be completely discounted as a contributing factor to the cause of the accident.
2. Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low weight alcohols including methyl and isoprophyl.
3. Alcohol use: The consumption of any beverage, mixture or preparation, including any medication, that contains alcohol.
4. Breath Alcohol Technician (BAT): An individual who instructs and assists individuals in the alcohol testing process and who is certified to operate an Evidential Breath Testing Device (EBT).
5. Applicant: An individual applying for employment with Worcester County.
6. Classified: An employee who is defined by Fair Labor Standards Act (FLSA) as "non-exempt," and eligible for overtime.
7. Commissioners: Board of County Commissioners, Worcester County, Maryland.
8. Confirmation Test: For alcohol testing, a second test following a positive screening test that provides quantitative data of alcohol concentration. For controlled substance or drug testing, a second analytical procedure performed by the laboratory used to identify the presence of a specific drug

or metabolite and provide quantitative data, which is independent of the screening test in order to ensure reliability and accuracy.

9. Controlled Substance: Any controlled dangerous substance as defined by criminal law. Also referred to as "drug" from time to time in this policy.
10. County: Worcester County, Maryland
11. County Employee: A person subject to these Personnel Rules. The terms County employee and employee are sometimes used interchangeably in these personnel rules. Also referred to as "employee" from time to time in this policy.
12. Discharge: Termination of county employment as the result of a disciplinary action.
13. Disciplinary Action: As defined in Section 9.01 hereof.
14. Employees of the Court – Employees of the Court shall be those persons employed by the Circuit Court for Worcester County and shall include without limitation Court Administrators, Assignment Commissioners, Auditors, Masters, Examiners, Court Reporters, Messengers, Bailiff, Court Criers, Librarians, Clerks, Secretaries, Stenographers, Jury Commissioners, Law Clerks, Social Workers, Masters, Coordinators and other employees designated by the Court as necessary to conduct business of the court. Employees of the Court are Court employees, not County employees, but shall be entitled to such County benefits as set forth herein.
15. Employer: The Board of County Commissioners of Worcester County and authorized representatives.
16. Essential Employees: Essential employees are required to report for work as scheduled or requested regardless of weather conditions or County office closings unless otherwise directed by the employee's supervisor or designee.
17. Department Head: An employee who has responsibility for directing one or more departments.
18. Emergency Conditions: As defined by Emergency Services Department Director.
19. Exempted positions: Persons holding the positions of elected official, appointed board member, Chief Administrative Officer, appointed attorneys or counsel to various boards, Deputy State's Attorneys, Assistant State's Attorneys, Court Reporters, Bailiffs, Chief Deputy Sheriff are

exempted from the provisions of Employment, Grievances or Complaint Procedures, Pre-Disciplinary Hearings and Terminations.

20. Leave Balance: accrued unused leave that is eligible for use and appears on the Employee's check stub.
21. Liberal Leave: When an employee is allowed to take vacation, personal or compensatory leave for an unplanned absence due to the closing of County offices ordered by the Commissioners.
22. Non Classified: An employee who is defined by Fair Labor Standards Act (FLSA) as "exempt," and not eligible for overtime for hours worked over 40 per week.
23. Non-essential employees: Non-essential employees are required to report to work only if specifically notified by their supervisor or designee to report when County offices are officially closed.
24. On-call employee: An employee designated by their Department Head and regularly scheduled to be ready and available to report for work when notified.
25. Part-Time Employee: An employee who has completed the probationary period and who regularly works less than 40 hours per pay period on a continuing, unlimited basis.
26. Personnel Rules: Worcester County Personnel Rules and Regulations
27. Regular Part-Time Employee: An employee who has completed the probationary period and who regularly works a minimum of 40 hours but less than 80 hours per pay period for a continuous, unlimited term.
28. Regular Full-Time Employee: An employee who has completed the probationary period and who consistently works 40 to 64 hours per pay period for a budgeted annual total of not less than 1040 hours for a continuous, unlimited term.
29. Safety Sensitive Employee : Any employee who operates a County-owned vehicle on a regular basis or whose duties involve a substantially significant degree of responsibility for the safety of others and the potential that impaired performance of the employee could result in the death of or injury to the employee or others including but not limited to the operation of machinery, use of potentially hazardous chemicals or repair of a County-owned motor vehicle; carrying of a firearm; direct efforts to interdict the flow of narcotics; direct involvement in narcotics law

enforcement; daily contact with prisoners; direct involvement with Public Safety. A list of Safety Sensitive Employees is attached hereto as Appendix D and is subject to revision at any time at the determination of the Human Resources Director with the approval of the County Commissioners. Upon determination that a position is safety sensitive, the Human Resources Director shall, within 24 hours of determination, so inform the employee performing those duties of such determination and of their responsibility for drug and alcohol testing.

30. Standby Employees: An employee who is required to be ready and available for work assignment during emergency conditions and report for work when notified on an occasional or sporadic basis. This does not include regularly scheduled on-call employees.
31. Superintendent: An employee who supervises one or more employees under the direct supervision of a Department Head.
32. Temporary Employees: An employee who hold jobs of limited duration on a part-time or full time schedule arising out of special projects, abnormal work loads or emergencies. Temporary employees are not eligible for County benefits.
33. Termination: Termination of county employment for a reason other than discharge.

- B. Except where such construction would be absurd or unreasonable, the masculine includes both genders throughout these Personnel Rules.

1.03 NATURE OF THE EMPLOYMENT RELATIONSHIP

Employment with the County is at-will and voluntary on the part of both the County and the employee. Either the employee or the County may terminate the employment relationship at any time, with or without cause, as either party may deem appropriate. Nothing contained in these Rules shall prevent the Commissioners from utilizing contractual personnel services when in the best interest of the County.

1.04 EQUAL EMPLOYMENT OPPORTUNITY

- A. The County is an equal employment opportunity employer. The County employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, age, marital status, or disability.

- B. The County will not discriminate against applicants or employees with a sensory, physical or mental impairment, unless the impairment cannot be reasonably accommodated and prevents proper performance of essential duties and responsibilities of the job.
- C. The County will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when a health or safety risk to other County employees or the public exists.
- D. Accommodations may be made in this policy for legitimate, legal reasons.

1.05 EMPLOYEE PERSONNEL RECORDS

- A. A personnel file for each employee is kept in the Human Resources office, and access is limited to the employee's Department Head, the Chief Administrative Officer, Commissioners and the human resources department personnel. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including disciplinary action, and other pertinent information.
- B. An employee may request an appointment to review certain documents in their file in the presence of a human resources department staff member during regular office hours. Certain documents, approved by the Human Resources Director, may be copied but not removed from the file. Work references from prior employers will not be made available to the employee. Information about age, sex, race, marital status or other personal data or vital statistics may be on file for a bona fide occupational or benefit purpose, but in no instance can such information be used in a manner adverse to employment status; such information is strictly protected by the Human Resources Department.
- C. Adverse material may be placed in the file only if the affected employee has reviewed and received a copy of the material or waived his rights to a copy in writing. Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information or by Court Order or legal process.

1.06 REFERENCES

The County, without express written consent of the employee, does not give employment references, other than to confirm the employee's dates of employment, job title(s) and latest salary. Only the Human Resources Director or designee will provide employment references on current or former County

employees.

1.07 SOLICITATION

- A. The County limits access to County employees on the job for purposes of solicitation and distribution on its premises, the Commissioners having determined that such activities interfere with normal operations and pose a threat to security.
- B. Persons except as herein authorized are prohibited from soliciting funds (or signatures), conducting membership drives, distributing literature or gifts, offering to sell merchandise or services or engaging in any other solicitation, distribution or similar activity of County employees while such employees are on the job. Employees are prohibited from participating in such unauthorized activities.
- C. The Commissioners may authorize a limited number of fund drives by employees on behalf of charitable organizations. Employees who wish to volunteer their assistance in these fund drives are encouraged to do so strictly on a voluntary basis. Retaliation or discrimination against employees who choose not to volunteer is strictly prohibited.
- D. The Department Head may permit employees to engage in solicitation only if:
 - 1. Solicitation by employees is indirect so that employee participation is entirely voluntary and in a common area, such as a break room, where all employees are permitted to participate, but only during break or lunch period or before and after work. Direct solicitation, whether verbal or written, is prohibited. County department mail boxes may not be used for solicitation or distribution of notices or goods;
 - 2. Notices of events for non-profit organizations such as schools, churches and charitable organizations and items for sale by an employee are approved for posting on the employee bulletin board in the Employee Break Room by the Human Resources Director. Posting or distribution of other notices or literature is prohibited;
 - 3. Distribution of notices or goods permitted by this policy does not occur during work time or in a work area and does not cause litter on County property;
 - 4. Solicitation and distribution does not occur by off-duty employees returning to the work areas of the County premises; and
 - 5. Solicitation and distribution by non-employees is strictly prohibited.

SECTION 2 - RECRUITING AND HIRING

2.01 RECRUITING

- A. Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, and character, without regard to race, color, religion, national origin, sex, marital status, pregnancy, age, or disability.
- B. When a position becomes vacant and prior to posting or advertising the position, the Department Head will review the job description and need to fill the position. No new position may be created without the approval of the Commissioners. The Department Head will forward a request for a new position through the Human Resources Director to the Commissioners with a job description, recommended pay grade and justification of need for the position requested.
- C. Each applicant shall complete and sign an application form prior to employment. Resumes may supplement, but not replace, the County's official application form.
- D. Any applicant supplying false or misleading information will be immediately disqualified for employment with the County and/or subject to immediate termination, if hired. An applicant may be disqualified from consideration if:
 - 1. Found physically unable to perform the duties of the position and the individual's condition cannot reasonably be accommodated in the workplace;
 - 2. The candidate refuses to submit to a required controlled substance test, alcohol test, medical examination or complete medical history forms;
 - 3. Test results are positive for alcohol and/or controlled substances;
 - 4. The applicant has provided false or misleading information during the application period, or the applicant is not qualified for the vacant position;
 - 5. The applicant's past employment record is unsatisfactory;
 - 6. The applicant does not meet the minimum qualifications for the job;
 - 7. The applicant has made false statements of any material fact; or
 - 8. The applicant has ever been a member of any organization that advocates the overthrow of the government of the United States by force or violence.
- E. Applicants for positions that require operation of a County-owned motor vehicle must be at least 18 years old and will be required to present a valid State driver's license with any necessary endorsements. Operators of County-owned vehicles

and applicants for positions identified by the County as safety-sensitive will be subject to pre-employment testing for alcohol and controlled substances and required to pass such tests after an offer of employment but no later than 7 days from the day work begins. Written authorization to check driving records is required prior to an offer of employment. Any offer of employment for a safety-sensitive position is conditioned on the driving record and results of the pre-employment drug and alcohol test.

- F. Applicants for regular full-time and regular part-time positions must be at least 18 years old.
- G. The County may administer pre-employment examinations to test the qualifications and ability of applicants only when authorized by the Human Resources Director.
- H. Applicants for positions that require possession of a valid commercial driver's license are required to be at least 18 years old and present a valid CDL driver's license with appropriate endorsements and 3-year driving record from the State in which their driver's license is issued at the time of application. Applicants with poor driving records, as determined by the County, may be disqualified for employment with the County in positions that require operation of a County-owned vehicle. Written authorization to check driving records is required to be given by the applicant prior to an offer of employment.
- I. Prior to an offer of employment, the County requires applicants selected for employment in positions requiring a commercial applicant's license to present a recent, valid U. S. Department of Transportation (DOT) physical form completed by a physician certifying the applicant as physically qualified according to the DOT. If the applicant cannot produce the required form, the applicant may be required to successfully pass a medical examination, at the applicant's expense, which includes testing for alcohol and controlled dangerous substances. The purpose of the examination is to determine if the applicant is physically able to perform the job and to ensure their physical condition will not endanger the health, safety or well being of other employees or the public as required by the Department of Transportation. No applicants will be allowed to operate County owned vehicles whose operation requires a CDL prior to obtaining these documents and passing a drug/alcohol test.
- J. All vacancies will be posted in each department allowing qualified employees who wish to be considered for transfer to apply by submitting an Application for Promotion/ Transfer to the Human Resources Director prior to the closing date. Applications on file meeting position qualifications may be reviewed and considered for vacancies. Vacancies may be advertised outside the County if, in the judgment of the Human Resources Director there are not sufficient applications and/or internal applicants to consider.

- K. No consideration will be given to political affiliation for classified positions.

2.02 HIRING

- A. For full-time and regular-part time vacancies, the Department Head together with the Human Resources Director or designee, except where otherwise exempted by the Commissioners, shall interview qualified applicants. After the interviews, the Department Head and Human Resources Director shall provide a recommendation of 3 of the best qualified applicant(s) to the Commissioners, unless they recommend a qualified County employee to fill the vacant position or certify that less than three qualified applicants are available for the position. The Commissioners may make appointments to fill vacancies based on the recommendation, but the recommendation is not binding on the Commissioners. The Commissioners shall make the final and binding hiring decision. Under guidelines set by the Human Resources Director for filling temporary position vacancies, the Department Head has full authority to interview and recommend applicants for hire. The Human Resources Director has full authority to hire temporary employees.
- B. When a non-classified position other than a Department Head, is vacant, the Human Resources Director shall convene an interview board consisting of the Human Resources Director, who shall serve as chairperson, and other individuals deemed appropriate by the Human Resources Director or Chief Administrative Officer
- C. When a Department Head position is vacant, the Human Resources Director shall convene an interview board consisting of the Human Resources Director, who will serve as chairperson, Chief Administrative Officer and other individuals deemed appropriate by the Chief Administrative Officer or the Commissioners.
- D. The County provides specialized training to enable new employees in certain positions to meet the basic requirements for that position. The employee may be required to sign a training agreement to reimburse the County for the training costs if employment is terminated before a certain period of employment with the County.
- E. Only where legally permitted and appropriate, the Commissioners may impose residency requirements based on bona fide occupational qualifications.
- F. The Sheriff shall hire the employees of the Sheriff's Office; the State's Attorney shall hire the employees of the State's Attorney's office and the Judge shall hire the employees of the Circuit Court, but strictly in accordance with the County budget. Such employees shall be employees of those respective offices and not County employees.

- G. Applicants for any vacancy funded in whole or in part by grants shall acknowledge, in writing and as a condition of employment, that the County Commissioners are not obligated to continue funding the position or provide employment if grant funding is discontinued in whole or in part.

2.03 EMPLOYMENT OF RELATIVES AND NEPOTISM

- A. Relatives of County employees will not normally be considered for employment or reassignment by the County under the following circumstances:
1. Where one of the employees would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
 2. Where one employee would be responsible for evaluating or auditing the work of the other;
 3. Other circumstances which might lead to potential conflict among the employees or conflict between the interest of one or both employees and the best interests of the County.
- B. For purposes of Section 2.03.A., “Relatives” include an employee’s parent, child, spouse, brother, sister, in-laws, aunts, uncles and step parent, and step siblings.
- C. In the event any of the circumstances noted in 1-3 above, and in the Commissioners’ judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the County, unless reasonable accommodations, as determined by the Chief Administrative Officer, can be made to eliminate the potential problem. The decision as to which employee will remain with the County must be made by the two employees within 30 calendar days of the date any of the above noted circumstances arise. If no decision has been made during this time, the County reserves the right to terminate either employee.
- D. Relatives of County employees hired, promoted or transferred prior to this rule under circumstances prohibited in paragraph (a) of this section are exempt from the rule only in their current position and may not be transferred or promoted into any position where violation of this section might occur.
- E. The County has a strong policy against nepotism or favoritism based on political affiliation.
- F. The Commissioners may waive the provisions of this rule, upon the recommendation of the Human Resources Director, when:
1. The position to be filled requires a person with specialized training and

experience not generally available in the employment market;

2. There is a vital need to fill the position;
3. Substantial bona fide efforts have been made to locate and employ a person who is not a prohibited relative of an employee;
4. The relationship between the relative and the applicant or employee is unlikely to materially affect their employment; and
5. The Department Head recommends approval of waiver for hire, promotion, retention or transfer.

2.04 TEMPORARY EMPLOYEES

- A. Temporary employees hold jobs of limited duration on a part-time or full time schedule arising out of special projects, abnormal work loads or emergencies. Temporary assignments shall not exceed 1 year unless otherwise specifically authorized by the Commissioners.
- B. Temporary employees may be hired or promoted to regular part-time and full-time positions without competitive recruitment or approval of the County Commissioners. Approval of the Human Resources Director is required.
- C. Temporary employees are eligible for overtime pay as required by law. Temporary employees are not eligible for and shall not receive any benefits.

2.05 PROBATIONARY PERIOD

- A. All newly, rehired, transferred, promoted and demoted employees will enter a probationary period that is considered an integral part of the selection and evaluation process. During the probationary period an employee is required to demonstrate suitability for the position through actual work performance.
- B. The probationary period for law enforcement officers, correctional officers and communications clerks is 18 months. The probationary period for all other employees is 1 year.
- C. During the probationary period the Department Head and Human Resources Director may evaluate the quality of work performed and terminate the employee if performance is unsatisfactory or it is determined that the employee is not suitable for County employment for any reason. In the event of termination during the probationary period, the newly hired or rehired employee will not be entitled to a hearing before the Commissioners.

- D. An employee's probationary period may, but is not required to be, extended up to a maximum of 6 months if the Department Head together with the Human Resources Director determine that proper evaluation of the employee's marginal performance is warranted. The probationary period will not be shortened for any reason.
- E. When a Department Head determines an employee has satisfactorily completed the probationary period, the employee will be transferred to regular employment status.
- F. Employees who are transferred, promoted or demoted to a different position will serve a new probationary period, beginning on the effective date of transfer, promotion or demotion. During this probationary period, the Department Head and Human Resources Director will evaluate the quality of work performed and the employee's suitability for the new position. If the Department Head and Human Resources Director determine the employee is not suitable for the new position, the employee may return to the previously held position, if available, or apply for transfer to any available position for which the employee is qualified. However, if no other position is available, the employee may be terminated from County employment.

2.06 PROMOTIONS AND TRANSFERS

- A. The County encourages current employees to apply for vacant positions for which they are qualified. Promotions, demotions and transfers are based on the Department Head's recommendation, work force requirements, performance evaluations, job descriptions and related County requirements.
- B. Employees are eligible to apply for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed the probationary period, have a satisfactory employment record and possess the qualifications to be considered for the vacant position, unless such requirements are waived by the Chief Administrative Officer in the best interests of the County.
- C. An employee must submit an Application for Promotion/Transfer by the closing date on the job posting to be considered for promotion or transfer.

2.07 REHIRE

- A. A former employee who resigned in good standing and is eligible for reemployment may be rehired within 1 year of the termination date, if a vacancy exists, to the same position from which he resigned at his previous pay grade and step upon approval of the Commissioners.

- B. A former employee who was laid off and is eligible for reemployment may be rehired within 1 year of the termination date, if a vacancy exists, to the same or similar position from which he was laid off, at his previous pay grade and step and vacation accrual rates.
- C. Employees who are terminated for misconduct or resign in lieu of termination for misconduct are not eligible for rehire.

2.08 BACKGROUND CHECKS

- A. Applicants for positions that require work with children and positions in public safety, including sheriff's deputies, correctional officers and communication clerks, recreation program managers and monitors are required to sign a release for a background check which includes fingerprinting prior to employment.
- B. Background checks and fingerprinting will be conducted professionally and confidentially.

SECTION 3 – COMPENSATION AND CLASSIFICATION

3.01 GENERAL

Prior to the beginning of each fiscal year, the County Commissioners will adopt a Classification Plan, a Compensation Plan and an Organization Plan, which may be a part of the annual budget. Jobs within the County are classified as either classified or non-classified in accordance with the Fair Labor Standards Act. For salary purposes, each classified job is considered non-exempt and is assigned a job grade based on job qualifications, level of responsibility, difficulty, working conditions, skill, and hazard. Each classified job is designated a salary range shown on the County's salary and wage schedule, which is approved periodically by the Commissioners. Non-classified jobs are considered exempt and evaluated on all of the above and amount of supervision required for the specific job title, but are not assigned a salary range. There will be a job description for each position.

3.02 CLASSIFIED COMPENSATION PLAN

- A. For each grade there will be a series of steps or increments of increasing rates of pay. The pay scale for classified positions will be based on hourly rates of pay. Classified employees shall be paid within the limits of the salary range to which their positions are assigned.
- B. Unless specifically approved by the County Commissioners, a newly appointed employee shall enter the Compensation Plan at the lowest step in the grade assigned to the job description. Upon the recommendation of the Department Head and the Human Resources Director, the Commissioners may provide entry into the Compensation Plan at a higher step if a new employee has considerable appropriate experience not to exceed step 5 of the salary grade. Employees hired between July 1 and December 31 may be eligible to receive a step increase the next budget year, if approved.
- C. Regular full-time employees may receive a step increase if recommended by the Department Head and approved by the Commissioners. No employee will exceed the highest step for the grade assigned to his job. Regular part-time employees who consistently work 40 to 64 hours per pay period for a budgeted annual total of not less than 1040 hours may receive a step increase for each 2 consecutive year period of regular part-time service, if recommended by the Department Head and approved by the Commissioners. Part-time employees who do not meet the qualifications defined in this section are not eligible to receive a step increase.
- D. Step pay increases are contingent upon the satisfactory performance of each eligible employee. If a classified employee's performance is consistently satisfactory and the employee has been actively at work for more than 6 months of

the fiscal year, the Department Head may recommend a step increase. If a classified employee's performance is consistently unsatisfactory or disciplinary action was imposed against the employee, the Department Head may recommend denial of a step increase or deferral of a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory, if approved. Employees who are not in active status on the first day of the fiscal year will not receive a step increase until they return to active status. In any case, the Commissioners may or may not grant a scheduled pay increase in any amount.

- E. The Commissioners may grant an across-the-board pay adjustment from time to time, raising the salaries of all positions by a specified amount or within a defined group of classifications. Such adjustments, if any, will not change an employee's anniversary date.
- F. The Department Head may recommend a pay increase for a non-classified employee based on the performance of each non-classified employee who has been actively at work for more than 6 months of the fiscal year. If the non-classified employee's performance is unsatisfactory, the Department Head may recommend denial of a pay increase or deferral of a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory, if approved. The Chief Administrative Officer will make recommendations regarding pay increases for Department Heads. Non-classified employees who are not in active status on the first day of the fiscal year will not receive a pay increase until they return to active status.

3.03 OVERTIME

- A. For the purpose of determining overtime eligibility and in accordance with the Fair Labor Standards Act (FLSA) regulations, all County positions are designated as either "non-classified" (exempt) or "classified" (non-exempt).
- B. Regular full-time classified employees except law enforcement officers and correctional officers, are entitled to overtime compensation for hours worked over 40 hours paid per week. Regular full-time, classified law enforcement officers and correctional officers are entitled to overtime compensation for hours worked over 80 hours paid in a 14-day period concurrent with the pay period. Regular part-time, part-time and temporary classified employees are entitled to overtime compensation for hours worked over 40 per week. When computing overtime, vacation, sick, holiday, personal and miscellaneous leave will count toward calculation of overtime eligibility. Compensatory time taken off will not count toward calculation of overtime eligibility.
- C. All overtime must be authorized in advance by the employee's Department Head. Employees who work unauthorized overtime may be subject to disciplinary action. It is the Department Head's responsibility to minimize overtime by

granting time off in lieu of potential overtime prior to the end of the work period defined in Subsection B. above.

- D. Overtime compensation is calculated at one and one-half times the employee's regular rate of pay. With the approval of the Department Head, employees entitled to overtime compensation may request to receive compensatory time or overtime payment in cash subject to annual budgetary constraints. **Once budgetary limits are reached, all overtime may be compensated in compensatory time unless approved in advance by the Commissioners. Any employee who is unwilling to accept compensatory time for overtime compensation shall not work overtime.**
- E. Non-classified employees and elected or appointed officials are not covered by the FLSA overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay.
- F. In cases only where grant funding reimburses the County at 100% of the cost for overtime paid, where the County does not incur any expense whatsoever, an employee may count compensatory time used toward calculation of overtime. Grant-funded overtime must be paid in the pay period the overtime was earned and cannot be converted to compensatory time. It is the Department Head's responsibility to ensure that the grant funds are reimbursable at 100%, available for payment of overtime.

3.04 COMPENSATORY TIME

- A. Employees entitled to overtime pay may request to receive compensatory time off instead of cash payment with the approval of the Department Head. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Cash overtime compensation shall be paid for overtime hours that exceed the maximum limit of compensatory time allowable by law (see Subsection B. below).
- B. Maximum accruals of compensatory time shall be limited to 240 hours for all classified employees except law enforcement officers, correctional officers and communication clerks, who may accrue up to 480 hours.
- C. Requests to use compensatory time which are submitted with sufficient advanced notice shall be approved by the Department Head unless the Department Head determines that doing so would unduly disrupt the department. Department Heads may require an employee to take compensatory time off to reduce balances.
- D. It is the responsibility of the Department Head to schedule compensatory time off, whenever the department's schedule permits, to reduce compensatory time balances by granting an employee's request to take accrued compensatory time off

or by requiring compensatory time to be taken off.

- E. Upon termination of employment, employees will be compensated for unused compensatory time at the employee's rate of pay current with the termination.

3.05. SHIFT DIFFERENTIAL

- A. Shift differential pay shall be set by resolution of the County Commissioners at a percentage of an eligible employee's budgeted annual salary. Shift differential of the eligible employee's budgeted annual salary, including paid time off, shall be paid to classified employees whose regularly assigned work shift begins before 6:00 a.m. or ends after 6:00 p.m. Shift differential shall also apply to overtime pay.
- B. Shift differential will not be paid to day shift employees for temporary transfers to an evening or night shift of less than 5 consecutive days, when the regular day shift is extended or when the employee is called back or volunteers to work overtime during a shift other than the day shift. While shift differential will not be paid under these circumstances, such employees are eligible to receive overtime pay as appropriate.
- C. It is the responsibility of the Department Head to notify the Human Resources Department, in writing, prior to the transfer of an employee to or from a shift that requires shift differential pay, which should coincide with the pay period if at all possible.

3.06 CALL-BACK

- A. All employees are subject to call back in emergencies or as needed by the County to provide necessary services to the public. A refusal to respond to a call back may be considered grounds for disciplinary action.
- B. Classified employees who report back to duty when called back will be paid a minimum of 2 hours beginning with the time the call back is made to the estimated time of arrival at home after work is completed. This rule does not apply to time worked that adjoins the normal work schedule.

3.07 PAYDAYS

- A. Employees are paid on a biweekly basis, every other Friday, 26 times a year. If a regularly scheduled payday falls on a holiday, paychecks will be distributed the day before the scheduled payday.

- B. Paychecks will only be released to the employee unless the employees have provided a written, signed request to release the check to another person. Before the check is released, the person receiving the check will be required to present a photo I.D. and sign for the paycheck.

3.08 PAY PERIODS

The pay period will begin at 12:00 a.m. midnight every other Monday morning and end at 11:59 p.m. on the following second Sunday.

3.09 DEDUCTIONS

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The County will withhold from the employee's paycheck those deductions required by law and pension plan contributions. Voluntary deductions authorized by the employee and deemed appropriate by the County including but not limited to, insurance premium payments, Section 125 contributions, or credit union payments may be withheld.

3.10 TRAVEL EXPENSE REIMBURSEMENT

- A. All travel out of the County must be approved in advance by the Department Head. All travel out of the State must be approved in advance by the County Commissioners. Requests for such approvals shall identify the location, purpose and estimated cost of the trip. If private automobiles are used, employees will be reimbursed at rates established and modified from time to time by the County for automobile use.
- B. County employees will be reimbursed for approved reasonable and customary expenses actually incurred in connection with the business of the County, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages. Tips, not to exceed 15%, for meals, taxis, or baggage handling are reimbursable.
- C. Requests for reimbursement which must include sufficient documentation shall be submitted to the Department Head or Chief Administrative Officer on an expense report form signed by the employee and the Department Head.
- D. If cash advancement is authorized by the Department Head, the employee shall submit to the Department Head an itemized report of the expenses, which must include receipts, and return any portion of the unused cash within 5 business days of completion of the trip. Cash advances should be avoided whenever possible.

- E. The settlement of any fine or penalty imposed for traffic or other violations with respect to use or operation of a County-owned vehicle or an employee's personal vehicle during use for County business is the responsibility of the operator. The County will not pay or reimburse the employee for any cost involved or take any action for the abatement of the fine or penalty.
- F. When a classified employee is required to travel out of County, the actual time spent traveling to and from the office to the meeting will be considered hours worked. Employees who voluntarily travel out of County will not be compensated for travel time beyond the normal daily schedule.

3.11 TRANSFER, PROMOTION, DEMOTION AND RECLASSIFICATION

- A. Pay rate changes as a result of transfer, promotion or demotion will be handled as follows:
 - 1. Lateral Transfer. When an employee makes a lateral transfer from one position to another within the same pay grade, there will be no increase or decrease in pay associated with the transfer.
 - 2. Promotion. When an employee is promoted to a job in a higher classified pay grade during the fiscal year, the employee's new grade will be the pay grade assigned to the new job. The new step shall reflect a salary nearest to an increase of 5% per pay grade up to 10%, or step 0 of the new pay grade, whichever is greater. When an employee is promoted to a job in a higher pay grade concurrent with the upcoming fiscal year budget, the employee's new grade will be the pay grade assigned to the new job. If a step-increase is awarded, the new pay step shall reflect a salary nearest to an increase of 5% per pay grade up to 10% or step 0 of the new pay grade, whichever is greater, plus 1 step in the new pay grade.
 - 3. Demotion. When an employee is demoted to a job in a lower pay grade, the employee's pay will be decreased to the employee's current step of the new lower pay grade.
 - 4. Reclassification. When the duties and responsibilities of a job increase significantly, the Department Head along with the Human Resources Director may submit a new job description and detailed explanation to the Commissioners requesting consideration for reclassification of the job. The employee currently serving in the position being reclassified must meet the requirements of the new classification and perform the duties and responsibilities of the newly reclassified position to retain the position. If the employee is qualified and retains the current position, the employee's new pay grade and step will reflect the same step in the new pay grade. Comparable market value of specific jobs, as determined by the Human

Resources Director, may also be a consideration for reclassification.

- B. Exceptions to this rule are prohibited except when determined to be in the best interest of the County by the County Commissioners.

3.12 LONGEVITY BONUS

- A. Regular full-time employees who have completed at least 20 years of County service by December 1st of the award year and meet the following qualifications are eligible to receive a longevity bonus:

1. The employee must have been in pay status throughout the current bonus year to be eligible for a bonus.
2. The bonus shall be paid independent of the County pay schedule based on the following schedule:

20 - 24 years of service:	\$ 500
25 – 29 years of service:	\$1,000
30 - 34 years of service:	\$1,500
35+ years of service:	\$2,000
3. Longevity bonuses will be paid in December as approved in the fiscal budget.

3.13 COMPENSATION FOR MULTIPLE COUNTY JOBS

- A. Regular full-time County employees shall normally be ineligible for selection to work a second County job unless approved by the Human Resources Director and:
1. The total hours worked within the different jobs are added together to determine the overtime entitlement in accordance with Section 3.03;
 2. The employee's agreement prior to the performance of the work that the employee will be compensated for overtime or compensatory time based on either the weighted average hourly rate earned during the week or the type of work performed during the overtime hours worked; or
 3. The employee freely and voluntarily works occasionally and sporadically on a part-time temporary basis in a capacity significantly different from the normal paid work duties in which case the hours do not have to be combined for determination of overtime.

3.14 COMPENSATION UPON TERMINATION

- A. When employment with the County is terminated, the employee will receive the following compensation:
 - 1. Regular wages for all hours worked up to the time of termination which have not already been paid.
 - 2. Any overtime or holiday pay due.
 - 3. Lump sum payment of any accrued but unused vacation up to a maximum of 360 hours and compensatory time up to the allowable maximum.
- B. Employees will not be paid for remaining unused personal leave or accrued sick leave.
- C. Personal leave may not be substituted for the required working notice.

SECTION 4 - TRAINING

4.01 TRAINING POLICY

- A. The County seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge and abilities directly related to County employment, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to, on-the-job training, in-house workshops and seminars sponsored by other agencies or organizations.

- B. When the County provides specialized training to an employee to enable him to meet the basic qualifications for a position, the employee will be required to sign a training agreement requiring the employee to reimburse the County for all training expenses if the employment is terminated within 1 year of the completed training.

- C. Employees may apply for reimbursement of funds for additional training to enhance their job skills for their present positions with the approval of the Department Head. Application must be made in writing and approved by the Commissioners prior to the training and conditioned on satisfactory completion of the course (C or better), if graded, or certification of completion. The employee will be required to sign a training agreement requiring the employee to reimburse the County for all training expenses paid if employment is terminated within 1 year of the completed training.

SECTION 5 - BENEFITS

5.01 ELIGIBILITY

- A. Except as may be provided by law, employees are eligible to receive benefits described below:
1. Regular Full-Time Employees will receive retirement benefits, workers' compensation, social security, medical insurance, life insurance, long term disability insurance, Section 125 Cafeteria Plan benefits, deferred compensation, paid leave and other benefits as may be offered from time to time.
 2. Regular Part-Time and part-time employees will receive retirement benefits, workers' compensation, and social security. Medical insurance may be elected at a cost of 100% of the required premium.
 3. Temporary employees will receive workers' compensation and social security as required by law. Temporary employees will not receive any other benefits.
 4. Employees who transfer from part-time to regular full-time status will be eligible to participate in the health insurance plan on the first day of the month following the transfer and all other full-time benefit plans on the first of the month following completion of 6 months of County employment.

5.02 RETIREMENT BENEFITS

- A. The County makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.
- B. All qualified employees employed on or after July 1, 1998 are enrolled in the Maryland State Retirement and Pension System in either the Contributory Pension Plan, Law Enforcement Officers Pension System (LEOPS), or the Correctional Officers Retirement System (CORS), and the employee contribution will be established by Maryland State Retirement for the system the employee enters. All other qualified employees are enrolled in the appropriate retirement or pension plan. Benefit levels and contribution rates are set by the applicable agency.
- C. Employees should notify their Department Head and the Human Resources Department of their intent to retire at least six months prior to the date of retirement.

- D. Employees on leave of absence should make application to the State Retirement and Pension System for an approved leave of absence.

5.03 MEDICAL INSURANCE BENEFITS

- A. Regular full-time employees are eligible to participate in the County's cost-share insurance programs by paying a percentage of the required insurance premium set by resolution of the County Commissioners. The Commissioners shall pay the remainder of the required premium. Regular part-time and part-time employees are eligible to participate by paying 100% of the insurance premium. Temporary employees are not eligible to participate in the County's insurance program. The program and criteria for eligibility will be explained in detail at the time the employee becomes eligible to join. The County reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable. In the case of a retired employee, dependents may be added after retirement only in case of marriage, birth or adoption. The spouse and dependent children of the retiree enrolled as of the date of retirement are eligible to continue on the group plan after the retiree is deceased.
- B. Employees hired before November 1, 2007, who retire with a minimum of 5 years of Worcester County service and employees hired on or after November 1, 2007, who retire with a minimum of 15 years of Worcester County service under the Maryland State Retirement and Pension System or Worcester County Pension Plan, immediately upon leaving County Service are eligible to continue participation in the health insurance plan by paying a percentage of the required insurance premium set by resolution of the County Commissioners. Employees who are not enrolled in the County's health and prescription drug insurance plan on their last day of County employment are not eligible to enroll after retirement.

Once a retiree leaves the County's health and prescription drug insurance plan for any reason, the retiree and/or the retiree's dependents cannot re-enroll in the County's health and prescription drug insurance plan. As long as prescription drug benefits of the Worcester County health and prescription drug insurance plan for retirees over 65 has a greater benefit at a lower cost than Medicare part D, retirees who enroll in Medicare Part D and their dependents are not eligible to participate in the Worcester County health and prescription drug insurance plan.

Effective July 1, 2015, any employee who as of August 31, 2013 or thereafter, has applied for disability retirement and has the minimum number of years, may remain on the County health insurance on a cost share basis, until a final determination is made on their disability retirement request by the Maryland State Retirement System or Worcester County Pension Plan, as applicable. If the disability retirement request is approved, then the employee is eligible to continue participation in the health insurance plan by paying a percentage of the required insurance premium set by resolution of the County Commissioners. If the

employee's disability retirement is denied, then the insurance will terminate on the first day of the month immediately following the date of final denial.

(Added 6/2/15, by Resolution No. 15-8)

- C. Upon mutual agreement between the employee and the County, and in accordance with the terms and conditions of the insurance policy, the County may continue health insurance coverage at the employee's expense during an approved unpaid leave of absence other than FMLA leave. COBRA continuation rights may apply in the event coverage is not extended through the County.
- D. Upon an employee's termination from County employment, at the employee's option and expense, the employee may elect to continue County health insurance benefits to the extent provided under COBRA. Continuation rights are not available if an employee is terminated for "gross misconduct." An administrative handling fee over and above the cost of the insurance premium may be charged the employee or their dependents that elect to exercise their COBRA continuation rights.
- E. County elected officials shall be eligible for cost sharing during the term of their office. Upon leaving office, elected officials may remain in the group plan and qualify for cost-sharing provided (1) they meet any of the criteria established for full-time employees, or (2) they have completed 3 full terms of elected service regardless of age or retirement status. Elected officials who have completed at least one full term of elected office may remain on the group plan for an additional period not to exceed the number of years of elected service provided they pay 100% of premiums.
- F. Transitional Provisions: Members of the Board of License Commissioners, Bingo Board, and Board of Election Supervisors who were appointed to their positions prior to October 1, 1987 shall be eligible for cost-sharing during their term of appointment. Upon expiration of their appointment said officials may continue to be eligible for cost-sharing provided they meet any of the criteria established for regular employees. Should such appointed officials not be eligible they may continue to remain on the group plan for an additional period not to exceed their number of years of appointed service provided they pay 100% of premiums. Any other current, retired or terminated County official or employee who was eligible for participation in any cost-sharing for medical benefits based upon any previous official policy or standard and who is receiving such benefit as of September 1, 1998 may continue to remain on the group plan and be entitled to his present cost-sharing arrangement on a case-by-case basis upon the determination of the County Commissioners that such participation is in accordance with the intent of this Section.
- G. All County retiree and retiree dependent(s) insurance payments are due on the 15th of the calendar month for the next calendar month's coverage. If payments are not received in the Worcester County Human Resources Office by 4:30 pm at

the end of that calendar month, a written warning of potential cancellation will be mailed to the last known address of the retiree at the end of each calendar month that payments are delinquent (for a total of up to 3 letters). If payments are not received in the Human Resources Office by 4:30 pm within ninety (90) calendar days of the due date, the insurance will be cancelled permanently. If the insurance is cancelled due to non-payment of premiums, the retiree/dependent(s) will not be allowed to rejoin the insurance. Those retiree/dependent(s) will instead be offered COBRA benefits at their own cost.

- H. Beginning July 1, 2019, insurance premiums will automatically be deducted from Maryland State Retirement System (MSRS) checks for those eligible retirees and retiree dependent(s) receiving MSRS retirement checks. The current manual process of collecting insurance premiums by the Human Resources Office will continue for dependents of deceased retirees that do not receive monthly Maryland State Retirement System (MSRS) retirement checks as well as retirees and their dependents covered by the Nationwide retirement program.

5.04 TERM LIFE INSURANCE

Life insurance coverage may be provided for all regular full-time employees on the first of the month following 6 months of employment until termination of employment or transfer to less than full-time status. Details of the life insurance plan will be provided upon eligibility.

5.05 LONG-TERM DISABILITY INSURANCE

Long-term disability insurance may be provided to regular full-time employees on the first of the month following 6 months of employment until termination of employment or transfer to less than full-time status. Details of the long-term disability plan will be provided upon eligibility.

5.06 SECTION 125 CAFETERIA BENEFITS PLAN

On the first of the month following 6 months of employment and every open enrollment period designated by the Human Resources Director for Section 125 benefits, regular full-time employees are eligible to elect to participate in the health care savings and child care savings plans of the Section 125 Cafeteria Benefits Plan. Regular part-time employees with 6 months of employment are eligible to elect to participate in the health care and day care savings during open enrollment for the plan year beginning January 1, 2002. Deductions made for premium payments and savings will be made on a pre-tax basis. Details will be provided upon eligibility.

5.07 SECTION 457 DEFERRED COMPENSATION

On the first of the month following 6 months of employment, regular full-time employees are eligible to voluntarily enroll in the Section 457 Deferred Compensation Plan through payroll deduction to supplement their retirement income. This tax-deferred income is deposited and invested according to the investment choice selected by the employee through deferred compensation financial advisors approved by resolution of the Commissioners. Once deposited, contributions may be withdrawn only upon termination of employment, retirement, death or severe financial hardship as approved by the Commissioners). The amount of contribution is limited to an annual maximum determined by the Internal Revenue Service. Details will be provided upon eligibility.

5.08 UNEMPLOYMENT COMPENSATION

County employees may apply for State Unemployment Compensation after termination from County employment.

5.09 DEPARTMENT OF TRANSPORTATION (D.O.T.) PHYSICAL EXAMINATION

County employees required to possess a commercial driver's license will be provided physical examinations required by federal and state transportation laws by a health care professional of the County's choice, at no cost to the employee. County employees will not be reimbursed for examinations by a different health care professional.

SECTION 6 - LEAVES OF ABSENCE AND TIME OFF

6.01 TYPES OF LEAVE

- A. The County has specific rules for the following types of leave:
 - 1. Vacation leave
 - 2. Sick leave
 - 3. Personal leave
 - 4. Leave of absence, with or without pay
 - 5. FMLA (Family and Medical Leave Act)
 - 6. Jury and Witness leave
 - 7. Administrative Leave
 - 8. Military leave
 - 9. Funeral Leave
 - 10. Educational Leave
 - 11. Leave for Election Judges
- B. No County employee shall be compensated by paid leave while incarcerated.
- C. No leave shall be taken in increments of less than 30 minutes.
- D. A regular full-time employee must be in 100% pay status of the 80 hours per pay period to accrue vacation and sick leave. Employees with less than 80 hours paid will not accrue vacation or sick leave for that pay period.
- E. Employees receiving payment from a Sick Leave Bank grant shall not accrue leave until return to active status.
- F. It is the responsibility of each employee to monitor available paid leave and not to enter leave without pay status except in case of emergency. Vacation, personal or non-emergency sick leave recorded on the employees' time sheet that exceeds the employee's available paid leave balance shall be considered unauthorized leave without pay and result in disciplinary action.

6.02 VACATION LEAVE

A. Effective with the first pay period following 6 consecutive months of employment, regular full-time employees will accrue vacation leave based on the following schedule:

<u>Years of Employment</u>	<u>Hours Accrued Per Pay Period</u>	<u>Maximum Hours Accrued Per Year</u>
6 mos-5 years	3.08	80
6-10 years	4.62	120
11+	6.16	160

- B. No vacation leave will be paid in advance of accrual. Accrued vacation balances available for use appear on the employee’s paycheck stub.
- C. Each department is responsible for scheduling employee vacations without undue disruption of department operations. Leave requests shall be submitted at least two weeks prior to taking vacation leave or according to the specific department rules. Vacation requests may be denied if the proposed schedule will disrupt department operation.
- D. A maximum of 45 vacation days (360 hours) may be carried over from one fiscal year to the next. Any hours in excess of the 45-day maximum not used by the last pay period in June will be forfeited the following July 1. In cases where the Department Head certifies to the County Commissioners that the workload of the department has been such that the department could not operate without the individual and that the Department Head was unable to schedule sufficient vacation leave for that employee, Department Head may request, in writing, the approval of the Commissioners for authorization of payment for time beyond 45 days.
- E. Requests for vacation leave exceeding 2 consecutive weeks must be approved by both the Department Head and the Human Resources Director.
- F. Employees hired before February 5, 1985 with 20 or more years of service shall accrue 7.70 hours per pay period up to a maximum of 200 hours per year.
- G. Upon termination of employment, employees who have completed their probationary period will be paid for accrued, unused vacation time up to a maximum of 45 days.

6.03 SICK LEAVE

A. Sick leave is granted by the Commissioners to prevent financial hardship in case of serious illness of the employee or the need for the employee to care for the employee's parent, spouse or dependent child due to a serious illness or disability. All regular full-time employees accrue sick leave benefits at the rate of 4.62 hours per pay period

beginning with the first complete pay period. Regular part-time, part-time and temporary employees do not earn sick leave benefits.

- B. Sick leave will not be advanced before accrual. Accrued sick leave balances available for use appear on the employee's paycheck stub.
- C. Sick leave covers those situations in which an employee is absent from work due to:
 - 1. The employee's own inability to work due to physical injury or illness or quarantine;
 - 2. The need to care for the employee's spouse or dependent children due to serious illness or disability. This does not include care for a spouse during the normal postpartum period associated with pregnancy.
 - 3. Medical or dental appointments for the employee, dependent child or spouse, provided that the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the work day.
 - 4. Use of a prescription drug that impairs job performance or safety;
 - 5. Actual periods of temporary disability associated with pregnancy or childbirth substantiated by a medical certificate. Employees may request additional time off beyond the actual period of disability and use vacation leave, personal leave, compensatory time, or leave without pay.
- D. A doctor's certificate is required when an employee is absent for 3 or more consecutive days. In addition, an employee may be required to submit a doctor's certificate that authenticates an inability to work for any absence if the employee's sick leave record shows absences of 5 days without a medical certificate in the prior 12 months. A sick day is considered to be 24 hours in duration. Employees who are habitually absent due to illness may be terminated if their absenteeism prevents orderly and efficient completion of assigned duties. The County may also request the opinion of a second doctor at the County's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs their ability to perform the job.
- E. Employees who require time off work due to illness or injury may apply for leave without pay only if they have exhausted all appropriate paid leave balances.
- F. All County employees are encouraged to join the Sick Leave Bank (Bank). The purpose of the Bank is to provide sick leave to members of the Bank after the member's sick leave has been exhausted. Provisions of the procedures of the Bank shall be prescribed by Resolution of the Commissioners
 - 1. All regular full-time employees who (1) are in active pay status, and (2) have a balance of 120 or more hours of accrued unused leave are eligible to apply for

membership during open enrollment which is held during the month of November of each year, to be eligible for benefits as of January 1st following enrollment. Vacation and personal leave may be converted to sick leave to qualify only to fulfill the initial requirement.

2. Each member must contribute 2 days of sick leave per fiscal year. Authorization for contribution will be continued year to year until canceled in writing by the member. Contributions will not be credited to the member's accrued sick leave when membership is canceled for any reason. Rates for contribution will be set by the Commissioners but will not exceed 2 days per fiscal year. Members who do not have enough accrued sick leave for annual contribution and wish to remain an active member will contribute their sick leave accrual until their contribution obligation is fulfilled.
3. Members returning from paid leave under a sick leave grant must contribute 2 days within the first 60 calendar days of return to work.
4. Active members may apply for a grant from the Bank in the event of temporary but prolonged, catastrophic, incapacitating personal illness, injury or quarantine of the employee during regularly scheduled workdays. To be eligible for a grant, a member must have an available balance of 120 hours or more of accrued, unused sick leave, at the commencement of the period requiring the leave. All accrued unused sick leave, and compensatory leave must be exhausted before a grant is awarded. Personal leave may be reserved until the employee returns to work or the last pay period of the fiscal year the loan is granted, whichever comes first. Grant requests must be accompanied by a doctor's statement confirming the cause of the absence or confinement.
5. Grants will not be approved for maternity, pregnancy or elective treatment except when the condition meets the above-mentioned requirements due to complications.
6. The Human Resources Director may approve or deny grant requests, in accordance with the provisions of this section, within 16 working days of receipt of a completed Sick Leave Bank Grant Application (the application) and Sick Leave Bank Health Care Provider Statement, or the application and the FMLA (Family & Medical Leave Act) Health Care Provider's Statement. Denials may be appealed for consideration by the Commissioners.
7. Bank rules will be developed by the committee and distributed after approval by the Commissioners.
8. Bank grants will not be carried over from one fiscal year to the next. A new application must be submitted and approved by the Bank committee to continue a grant.

9. If a member does not use all granted days, unused days will be returned to the Bank.
10. The County may request, at the County's expense, a second medical opinion of the reason and need for leave when application is made.
11. Grant records will be kept in the personnel office.
12. All leave accruals will cease throughout the duration of the grant paid leave and resume upon return to full pay status other than grant days.
13. Members may be eligible for a grant up to 100% of their average workdays during a work year, up to lifetime maximum of 260 workdays.
14. When the committee has reason to believe that a member may be eligible for long-term disability benefits and/or retirement benefits from the Maryland State Retirement System and/or Social Security Administration, the committee may deny the grant request and suggest the applicant apply for those benefits.
15. Grants will not be distributed until the accrued sick leave balance is exhausted.

6.04 PERSONAL LEAVE

- A. Full-time employees shall be awarded 6 days of personal leave per fiscal year for personal reasons such as family emergencies. Personal leave shall be awarded during the first pay period of the fiscal year and authorized for use by the employee July 1st of the fiscal year. New employees hired after the beginning of the fiscal year shall receive a prorated amount of personal leave computed at 1.84 hours per pay period remaining in the fiscal year.
- B. Authorization for use of personal leave must be granted by the Department Head. No personal leave will be advanced before awarded. Personal leave available for use appears on the employee's paycheck stub.
- C. Employees will forfeit and will not be paid for any personal leave balance remaining after the last pay period in June.
- D. Employees will forfeit and will not be paid for any unused personal leave upon termination. Personal leave may not be substituted for a required notice following an employee's resignation.
- E. Employees who are on leave without pay, other than FMLA approved leave, shall not be awarded personal leave until the employee returns to active status.

6.05 LEAVE OF ABSENCE

- A. A request for leave of absence must be made in writing to the Human Resources Director, for any absence, paid or unpaid, exceeding 2 consecutive weeks.
- B. The Commissioners may grant a leave of absence for up to a maximum of one-year for employees with one or more years continuous full-time service unless otherwise specifically approved by the Commissioners. Employees with less than 1 year service may be granted a leave of absence for up to a maximum of 12 weeks unless otherwise specifically approved by the Commissioners.
- C. If an extension of leave is required beyond the original expected date of return to work, the request for extension of leave must be made in writing to the Human Resources Director prior to the end of the approved leave.
- D. In certain circumstances, self-payment of benefits may apply. See Section 5.03 - Medical Insurance Benefits.
- E. An employee who fails to report promptly at the end of the approved leave may be presumed to have resigned unless documentation is presented to prove request was impracticable.
- F. If the leave is due to an illness, the County will require a doctor's certificate stating that the employee is capable of returning to full-duty and performing the work, duties and responsibilities of the employee's position before the employee returns to work.
- G. The Commissioners may authorize employment of a temporary employee to fill a temporary vacancy created by a leave of absence not to exceed the return to work. Employees returning from a leave of absence within 12 weeks will be returned to their same position and pay. After 12 weeks of leave has been exhausted, every effort will be made to return an employee to a vacant position of the same or similar status and pay, however, no guarantee of return to work can be made except in the case of military leave stated in Section 6.10 - Military Leave.
- H. Leaves of absence, paid or unpaid, will not be granted to work at another job or to serve any period of incarceration.

6.06 LEAVE WITHOUT PAY

- A. Leave without pay for reasons defined by the Family and Medical Leave Act (FMLA) shall be granted by the Human Resources Director only after accrued unused balances of vacation leave and sick leave, if appropriate, is exhausted. Leave without pay for reasons other than those defined by the FMLA may be granted after accrued unused vacation, sick and compensatory leave balances are exhausted. Examples of situations for which leave without pay may be granted, include but are not limited to time off work for personal

reasons, such as prolonged illness, parenting or caring for an ill relative, pursuing an education, or military leave.

- B. Personal leave may be reserved until the end of return from leave without pay or the end of the fiscal year in which the leave begins, whichever comes first.
- C. Vacation, sick leave and any other leave benefits do not accrue while an employee is on leave without pay.
- D. Prior to the leave without pay, a request for leave must be made in writing to the Department Head and forwarded to the Human Resources Director. The Department Head may grant up to 10 consecutive days of leave without pay. Requests for leave without pay for reasons not defined by the Family and Medical Leave Act in excess of 10 days must be approved by the Human Resources Director..

6.07 FAMILY AND MEDICAL LEAVE

- A. As provided by the 1993 Family and Medical Leave Act (FMLA), eligible employees shall be entitled, with the approval of the Human Resources Director, to take up to 12 weeks of job-protected leave during any 12 month period for specific family or medical reasons even if accrued leave is exhausted and the leave must be unpaid, for the following reasons:
 - 1. Birth of a child, and to care for a newborn;
 - 2. Placement with the employee of a child for adoption or foster care;
 - 3. To care for the employee's spouse, child or parent with a serious health condition as defined by the FMLA; or
 - 4. A serious health condition as defined by the FMLA that makes the employee unable to perform job functions.
- B. To be eligible, an employee must have:
 - 1. Completed at least one year of County employment, and
 - 2. Worked at least 1,250 hours in the 12 months preceding the leave date.
- C. Worcester County has chosen the "rolling" 12-month period measured backward from the date an employee begins a FMLA leave.
- D. Employees who request leave due to their own personal illness or to care for an ill family member must submit a completed Health Care Provider Statement before the leave is approved.

- E. In certain cases, intermittent use of the 12 weeks entitlement or a part of the reduced workweek may be allowed by the County. Application for an intermittent leave or reduced work schedule must be made in writing to the Human Resources Director. Employees who request an intermittent leave or a reduced work schedule due to planned medical treatment must make a reasonable effort to schedule the treatment to minimize work schedule disruption.
- F. During the FMLA leave, employees shall be entitled to maintain group health insurance coverage on the same basis as if continuing to work provided the employee continues to pay his share of the required premium payments.
- G. If the employee has accrued leave of less than 12 weeks, the employee must use all accrued vacation and, if appropriate, sick leave before taking the remainder as unpaid leave. Paid leave substituted for unpaid FMLA leave will not extend the 12- week FMLA leave entitlement maximum of 12 weeks.
- H. An employee who uses leave due to pregnancy or the birth of a child may use aid sick leave for any period of disability documented on a Health Care Provider Statement.
- I. Employees who utilize FMLA under this policy will be restored to the same or equivalent job, pay, benefits and other conditions of employment upon return to full-duty within the maximum 12 weeks allowed per 12-month period. Employees who do not return to work or request an extension of leave in writing on or before the expected date of return will be considered to have resigned their employment.
- J. At the County's expense, the County may request a second medical opinion, by a physician of the County's choice, of any alleged medical condition or ability to work before or during the leave.
- K. A husband and wife who are both employed by the County and eligible for FMLA leave may be limited to a combined total of 12 weeks of leave during the 12 month period if the leave is taken for the birth of a child or placement of a child for adoption or foster care.

6.08 JURY AND WITNESS LEAVE

- A. Employees shall be granted time off with pay to serve on a jury, as a court witness or under subpoena. If an employee is summoned during a critical work period, the County may ask the employee to request to be excused from duty. However, no disciplinary action will be taken if the request is not made or is denied.
- B. Employees who serve on a jury or as a court witness will be paid up to 40 hours per week at the employee's regular hourly pay rate provided the employee reimburses the County in the amount of any pay received as jury compensation while serving as a juror or witness.

6.09 ADMINISTRATIVE LEAVE

On a case-by-case basis, the County may place an employee on administrative leave with pay for an indefinite period of time, as determined by the Commissioners to be in the best interests of the County, pending results of an investigation or other administrative proceeding.

6.10 MILITARY LEAVE

- A. In accordance with the Uniformed Services Employment and Reemployment Rights Act, any regular full or part-time employee who leaves the service of the County to join military forces of the United States shall be placed on military leave without pay up to a maximum of 5 cumulative years except in times of war or national emergency in which case there shall be no limit. Periodic and special Reserve and National Guard training and service, and service in time of war or emergency will not count toward the 5 year limit. Military leave will be recorded for the year October 1 through September 30.
- B. Employees requiring military leave are required to give notice as soon as practicable, unless they are under orders not to provide notice or they are called up too rapidly to do so.
- C. Such an employee shall be reinstated, as if the employee had been continuously employed, to the same employment status, for which the employee is qualified provided the employee makes application to the Human Resources Director within 90 days of honorable discharge, provides documentation establishing the application for reemployment is timely, gave timely notice of need for military leave, the period of uniformed service has not exceeded the limit stated in A. of this section and the employee is physically and mentally capable of performing the work of the position.
- D. Any employee who is a member of the United States Military Reserve, National Guard and is required to engage in annual training exercises will be granted military leave with pay when they are performing military duty. Paid military leave may only be granted for annual exercises for up to a maximum of 15 days annually. Leave for annual training will not be deducted from other leave earned by the employee.
- E. Employees will be granted leave without pay to attend weekend drill periods. Employees who wish to be paid for these periods may use compensatory time, accrued vacation or personal leave.

6.11 HOLIDAYS

- A. Paid holidays shall be granted to eligible regular full-time employees on the following days as designated by the County Commissioners:

New Years Day	(January 1)
Dr. Martin Luther King's Birthday	(January 15*)
Presidents' Day	(3rd Monday in February)
Good Friday	(Friday before Easter Sunday)
Memorial Day	(May 30*)
Independence Day	(July 4)
Labor Day	(1 st Monday in September)
Columbus Day	(October 12*)
Veteran's Day	(November 11)
Thanksgiving Day	(4 th Thursday in November)
Friday After Thanksgiving	(Day after 4 th Thursday in November)
Christmas Eve	(December 24**)
Christmas Day	(December 25)
Each Statewide General Election Day	
Each other day that the County Commissioners designate as a holiday	

*unless the United States Congress designates another day for observance of that legal holiday, in which case the day designated by the United States Congress.

**the Christmas Eve holiday shall only be granted when such day falls on a regular workday, Monday through Thursday.

- B. A holiday schedule of closing dates and dates observed will be published on or before the first of each year.
- C. Regular full-time employees are eligible for holiday pay equal to the number of daily hours normally worked on a regular basis. Regular full-time employees who work the holiday will be granted an alternate holiday, in lieu of the actual holiday. Alternate holidays taken off other than on the day of the official observance must be scheduled and authorized in advance by the Department Head.
- D. Regular part-time, part-time and temporary employees are not eligible for holiday pay and will be paid under normal compensation methods for hours worked on a holiday.
- E. To be eligible for holiday pay, a regular full-time employee must:
1. Be at work as scheduled on the day before and after the holiday; or
 2. Be scheduled off for paid leave on the day before or the day after the holiday by the employee's supervisor prior to the holiday; or
 3. Present a doctor's note for sick leave claimed on the day before or after the

holiday, with supporting dates and diagnosis; or

4. Be out of work on an approved paid leave of absence.
- F. Regular full-time employees who work a full shift on Thanksgiving Day and/or Christmas Day shall receive 2 alternate holidays in lieu of the actual holiday. Full-time employees who are called back to work for less than a full shift on Thanksgiving Day and/or Christmas Day shall receive paid time off equal to twice the number of hours actually worked on the holiday

6.12 RELIGIOUS HOLIDAYS

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with the Department Head's approval, take the day off using vacation, personal leave, compensatory time, alternate holiday or leave without pay, if paid leave is exhausted. Alternate holidays must be scheduled with the Department Head 2 weeks prior to the day off.

6.13 FUNERAL LEAVE

- A. Funeral leave for up to 3 days may be taken for the death of the employee's parents, spouse, siblings, children, mother-in-law, father-in-law, grandparents or grandchildren, and shall not be deducted from other leave earned by the employee.
- B. An employee may charge an absence of up to 3 days to sick leave due to the death of a family member not named above with the approval of the Department Head and Human Resources Director.

6.14 EDUCATIONAL LEAVE

A regular full-time employee may request an educational leave without pay for the purpose of taking courses directly related to his work. Request for such leave will be considered on a case-by-case basis and must be approved in advance by the County Commissioners.

6.15 LEAVE FOR ELECTION JUDGES

County employees scheduled off for the Statewide General Election Day holiday, who work as an Election Judge shall be paid their regularly scheduled hours and will be granted an alternate holiday in lieu of the actual holiday. The alternate holiday must be scheduled and authorized at least two weeks in advance of the day off by the Department Head and must be taken before the end of the fiscal year during which the service occurs.

Time served as an Election Judge will not count toward overtime calculation. Training for service as an Election Judge will be provided by the Board of Elections on the employee's own time.

6.16 PREGNANCY ACCOMMODATIONS AND LEAVE

(Added 3/17/15, by Resolution No. 15-3)

- A. County employees who experience temporary disability caused or contributed to by pregnancy or childbirth may request a reasonable accommodation. Upon request, the County shall explore with the employee all possible means of providing the reasonable accommodation, including: changing the employee's job duties; changing the employee's work hours; relocating the employee's work area; providing mechanical or electrical aids; transferring the employee to a less strenuous or less hazardous position; or providing leave.
- B. Prior to considering a request for a reasonable accommodation, the employee shall provide a written certification from his or her health care provider concerning the medical advisability of a reasonable accommodation which shall include: the date the reasonable accommodation became medically advisable; the probable duration of the reasonable accommodation; and an explanatory statement as to the medical advisability of the reasonable accommodation.

SECTION 7 - HOURS AND ATTENDANCE

7.01 WORKING HOURS

Each Department Head will establish working hours for each department in accordance with requirements of the Commissioners. The Department Head will advise the employee regarding their specific working hours and schedule necessary to meet job assignments and provide necessary County services.

7.02 ATTENDANCE

- A. Punctual and consistent attendance is a condition of employment. Each employee shall carefully consider the impact of his absence on other employees before making the decision not to attend work. Each Department Head is responsible for maintaining an accurate attendance record for each employee. Each employee is responsible for maintaining a satisfactory attendance record.
- B. Employees unable to work or unable to report to work on time should notify their supervisor as soon as possible, but no later than 1 hour before the employee's usual starting time unless otherwise permitted by department rules. Absences not reported properly will be considered unauthorized. If an absence continues beyond one day, the employee is responsible for reporting in as directed by the Department Head.
- C. Employees who report to work late and have not made prior arrangements with their supervisor must make up their late time with compensatory time, vacation leave or personal leave in 30-minute increments. Employees who report late and do not have sufficient leave time to make up late time will be docked for work time they missed. Employees who are habitually late reporting to work, whether at the beginning of the shift or after break, are be subject to disciplinary action.
- D. Employees who abuse leave policies by providing false or misleading information about reasons for absence are subject to disciplinary action.

7.03 BREAKS AND MEAL PERIODS

- A. All breaks from work including meal periods shall be scheduled by the Department Head so that they do not interfere with County business or service to the public. The scheduling of meal periods may vary depending on department workloads. Meal periods of 30 minutes or more are unpaid. Employees required to remain on the job or remain at their post during the meal period or granted a meal period of less than 30 minutes will be compensated for the meal period.
- B. Breaks from work other than meal periods may not be used to shorten the work day, lengthen the meal period or exceed 20 minutes per day.

7.04 LIGHT DUTY

- A. Light or restricted duty may be provided, if available, when an employee who has been injured or ill is released to return to work with specific work restrictions by a physician. The County reserves the right to require examination by a physician of the County's choice, at the County's expense, to determine the ability of the employee to return to work after an on-the- job injury or illness.
- B. Absent extraordinary circumstances, light duty work, if available, may be provided for up to a maximum of 6 months unless specifically authorized by the Commissioners. If the light duty assignment expires and the employee is not released to return to full duty, the employee may request a leave of absence in accordance with Section 6., or transfer to an available job that meets the job restrictions. If the employee transfers to a job assigned to a different pay grade, the pay change for the transfer will occur in accordance with Section 3.11. If the employee is not eligible for leave or a leave request is denied, and no job is available for transfer, the employee may resign from County employment or be terminated.
- C. An employee who refuses available light duty that complies with restrictions set forth by a physician is not eligible to receive compensation under workers' compensation or any other paid leave and is subject to disciplinary action.

7.05 PAYROLL RECORDS

The official payroll records are kept by the Treasurer's Office. Each Department Head shall submit a signed time record, including compensatory time, for each employee within their department, noting hours worked, leave taken and overtime worked during the pay period by 10:00 a.m. on the Tuesday after the Sunday ending the pay period before a payroll check is issued.

7.06 INCLEMENT WEATHER AND EMERGENCY CONDITIONS

- A. In case of inclement weather or emergency conditions, employees are expected to report to work unless otherwise notified by a public announcement or the Chief Administrative Officer or designee that County offices are closed or that the liberal leave policy is in effect. Essential, standby and non-essential employees are designated by the Department Head. Essential employees are required to report to work regardless of conditions or closings. Standby employees are required to be ready and available to report upon being notified to do so regardless of conditions or closings. Non-essential employees are not required to report for work or remain on standby unless otherwise advised by their supervisor or designee. Public Works Department Director and Superintendents, Emergency Services Director, the Sheriff, and the Warden are considered essential employees; all other Department Heads are considered stand-by. Employees who work as

required during emergencies will be compensated for time worked under normal compensation rules.

- B. If County offices are closed due to inclement weather or emergency conditions Monday-Friday, and the liberal leave policy is not in effect, full-time employees who could not work due to the closing will be paid for normal daily scheduled work hours. Employees who work or are scheduled off work on the day offices were closed will be paid for the number of hours that County offices were closed between 8:00 a.m. – 4:30 p.m., Monday through Friday, in addition to hours worked. Hours paid due to an emergency closing will be paid at straight time and will not count toward overtime. Part-time employees will be paid for hours worked. Employees using accrued leave the day offices were closed may be paid the hours for the closing in lieu of paid leave not to exceed the regular daily scheduled hours.
- C. If County offices are open and the liberal leave policy is in effect, it is the responsibility of the non-essential and stand-by employee to determine whether to report for or remain at work unless otherwise directed. If an employee elects not to report for work, reports late or leaves early, it is the employee's responsibility to advise the Department Head as early as possible of the decision. Employees who do not report, report late or leave early may charge the absence to personal, compensatory or vacation leave. If all vacation, personal, and compensatory leave balances have been exhausted, the employee may elect leave without pay. It is the Department Head's responsibility to maintain minimum staffing to provide essential services.
- D. In the event of a disaster specific to Worcester County declared by local, state or federal officials, all employees are designated essential and must follow reporting directives set forth in the Emergency Operation Plan for the department.

SECTION 8 - EMPLOYEE CONDUCT AND RESPONSIBILITIES

8.01 GENERAL POLICY

- A. The safety and welfare of the County's citizens shall at all times be held as a central mission of government. All County employees are expected to represent the County to the public in a professional manner that is courteous, efficient and helpful. Employees should use good personal hygiene and maintain a clean and neat appearance appropriate to their work assignment.
- B. Since the proper working relationship between employees and the County depends on each employee's on-going job performance, professional conduct and behavior, the County has established certain minimum standards of personal conduct. Among the County's expectations are:
1. Basic tact and courtesy towards the public and coworkers,
 2. Adherence to County policies, procedures, safety rules and safe work practices,
 3. Compliance with directions from supervisors,
 4. Preserving and protecting the County's equipment, grounds, facilities and resources,
 5. Providing orderly and cost efficient services to its citizens and
 6. Maintain a professional appearance and demeanor.
- C. Employees shall refrain from use of profanity, denigration of a coworker or citizen or any other disrespectful behavior toward another employee or citizen. Violent or threatening behavior toward a coworker will not be tolerated and may result in immediate suspension followed by disciplinary action.
- D. Employees are encouraged to suggest recommended improvements to County laws, regulations and policies to their immediate supervisor for consideration. Employees shall, in the course of their duties, refrain from denigrating, maligning or questioning County laws, regulations and policies to members of the general public.
- E. Employees who exhibit inappropriate or disruptive behavior at work, including but not limited to a change in job performance quality or quantity, excessive or patterned absence, violence or threat of violence, physical appearance or behavior that indicates substance abuse such as impaired speech or mobility, may be referred by the Human Resources Director for a fitness for duty examination by a health care provider of the County's choice at the County's expense. Employees who are found to be unfit for duty and eligible to continue County employment, shall be evaluated and prescribed treatment determined necessary by a health care professional of the County's choice. If treatment is

prescribed, the employee shall, at the employee's own expense, complete the prescribed treatment as a condition of continued employment. The employee may not return to work until release by the health care professional.

8.02 MANAGEMENT STANDARDS OF BEHAVIOR

- A. The County has no interest in interfering with personal relationships between coworkers other than to ensure the relationship does not affect employee morale, productivity or result in violation of another rule such as harassment or preferential treatment.
- B. Department Heads and supervisors may not date or otherwise engage in intimate relationships with anyone under their supervision. Should this occur every effort will be made to transfer one of the involved employees to another department if a vacancy exists. No employee will be displaced to accommodate the transfer. If no vacancy occurs within 30 days and the relationship continues, one of the employees will be required to resign or risk termination.
- C. Department Heads/supervisors will treat all employees with dignity and respect and will not engage in any behavior that may be interpreted as harassing.
- D. Department Heads/supervisors will ensure that the work environment in their department(s) is free from known or reported discrimination and harassment.

8.03 HARASSMENT

- A. It is the County's policy to provide a work environment for its employees, which is free from discrimination and intimidation. The County will not tolerate any form of harassment. Prompt investigation of complaints will be made as confidentially as practicable. Appropriate disciplinary action, will be taken against an employee who commits or participates in any form of harassment.
- B. Harassment is unwarranted and unwanted verbal or nonverbal conduct, which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance. Harassment does not include the appropriate conduct or actions of management intended to provide employee discipline.
- C. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical advances of a sexual nature. Sexual harassment is prohibited.
- D. Any employee who believes he or she is being harassed in the workplace should immediately notify a Department Head, Human Resources Director or Chief Administrative Officer. Any employee who receives a complaint of harassment is required to immediately notify the Human Resources Director or Chief Administrative

Officer. Employees are encouraged to exhaust the County's Administrative remedies before consulting outside agencies.

- E. Retaliation against an employee who complains of harassment or participates in an investigation is strictly prohibited and may result in disciplinary action.
- F. Any employee who files a false or frivolous harassment complaint is subject to disciplinary action.

8.04 EMPLOYEE ETHICS AND INDEMNIFICATION

- A. Employees are subject to the Worcester County Ethics Law and may seek advisory opinions thereunder.
- B. Employees shall not, directly or indirectly, engage in any activity or conduct, including outside employment, prohibited by the County Ethics Law (Appendix A).
- C. Employees are indemnified as indicated by the County Indemnification Provisions (Appendix B).

8.05 POLITICAL ACTIVITIES

- A. County employees may participate in political or partisan activities of their choosing provided that County resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on County time or in a County uniform or while representing the County in any way. Employees may not allow others to use County facilities or funds for political activities.
- B. Any County employee who meets with or may be observed by the public or otherwise represents the County to the public, while performing the regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on County property or County time, a contribution for a partisan political cause.

8.06 USE OF TOBACCO

For health and safety considerations and in accordance with the law of the State of Maryland regarding smoking in public buildings, the County prohibits tobacco use by employees in all County facilities, including County-owned buildings, offices or other facilities rented or leased by the County, including individual employee offices. Smoking is prohibited in County-owned vehicles except when occupied by only one individual. A person may not use within County buildings, an electronic device that can be used to

deliver nicotine to the individual inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.

8.07 DRESS CODE

Employees who work in a department where uniforms are supplied must adhere to the department's uniform policy. Employees who are issued County uniforms are prohibited from wearing uniforms while off duty except when commuting to and from work. Employees who are not required to wear uniforms are required to dress in a clean, professional manner appropriate for their job description as determined by their Department Head. Employees are prohibited from reporting for work dressed in a manner that may be perceived as inappropriate, provocative or indecent. Employees are prohibited from wearing clothing displaying lewd, provocative or profane messages. Blue jeans are never appropriate attire for office personnel except on Casual Day, which shall be authorized only by the Chief Administrative Officer or designee.

8.08 BULLETIN BOARDS

It is every County employee's responsibility to read notices posted on department bulletin boards. Bulletin boards are a primary source of information for employees. Information of special interest and importance, such as policy changes, meeting notices, etc. is posted regularly. Employees may not post any information on these bulletin boards except boards specifically designated for employee use by the Department Head.

8.09 CONTACT WITH NEWS MEDIA

The Chief Administrative Officer, Assistant Chief Administrative Officer or Department Heads designated by the Chief Administrative Officer, shall have responsibility for all official contacts with the news media during working hours, including answering of questions from the media. The Chief Administrative Officer or designee may designate specific employees to give out procedural, factual or historical information on particular subjects.

8.10 USE OF COUNTY-OWNED EQUIPMENT AND VEHICLES

- A. County equipment, including vehicles, shall be used by employees for County business only. Misuse of County services, telephones, vehicles, equipment or supplies by a County employee may result in disciplinary action up to and including termination.
- B. Use of County phones for local personal phone calls shall be kept to a minimum. Long distance personal calls charged to the County are prohibited.

- C. Occupants of County vehicles must wear seat belts at all times.
- D. Minimal personal use of County vehicles, such as commuting to and from work, will be considered taxable income, in an amount per workday as determined by the Commissioners, except for law enforcement officers who are authorized for off-duty use of patrol cars.
- E. As part of the requirements for certain specific County positions and/or to operate a County-owned vehicle, an employee is required to hold a valid State Driver's license appropriate for the vehicle operated.
- F. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall notify the Department Head of action no later than the first of the next business day and will be immediately suspended from driving duties and privileges. The employee may not resume driving until proof of a valid, current license is provided to the Department Head. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, up to and including termination.
- G. It is the responsibility of the operator to schedule required vehicle maintenance as notified.
- H. The County reserves the right to inspect all County property including, but not limited to, offices, desks, lockers, vehicles, computers, files, etc.
- I. All employees authorized to operate County vehicles shall give written, continuing authorization to the County for the purpose of obtaining and reviewing the employee's motor vehicle record. Employees determined to have an unsatisfactory record shall have driving privileges suspended.
- J. The settlement of any fine or penalty imposed for traffic or other violations with respect to use or operation of a County vehicle is the sole responsibility of the operator. The County will not pay or reimburse the operator for any cost involved or take any action for the abatement of the fine or penalty. In case of a Repair Order for a violation(s) normally considered the responsibility of the County, payment of the fine or violation will be considered by the County.
- K. Any employee who operates a County-owned vehicle must report, as a condition of continued employment, any on-duty or off-duty traffic violation, conviction or probation before judgment (PBJ) for any substance impairment charges related to motor vehicle operation, including but not limited to driving under the influence (DUI) or driving while intoxicated (DWI) to the employee's supervisor no later than 5 working days after the occurrence.
- L. Employees authorized to operate County-owned vehicles are considered safety-sensitive and required to comply with the Drug and Alcohol Testing Policy for Safety-Sensitive

Employees in Section 8.14.

8.11 SAFETY

- A. Every employee is responsible for maintaining a safe work environment and following the County's safety rules. Negligence in adherence to on-the-job safety standards will be considered grounds for discipline and/or termination. Each employee shall promptly report all unsafe or potentially hazardous conditions to the Department Head.
- B. Every Department Head is responsible for the safety and well-being of employees by eliminating known or reported hazardous conditions and/or acts as soon as practicable.
- C. In case of an accident involving a physical injury, regardless of how serious or slight, employees shall immediately notify their supervisor.
- D. Each department may have its own safety rules specific to its operation posted at all times in clear view. A copy of the department safety rules must be presented to employees in writing on the first day of work in the department or when published, whichever comes first. The Department Head will furnish a copy of the department rules to the Human Resources Director.

8.12 ON THE JOB INJURIES

- A. Prompt, quality treatment is a top priority when an employee is accidentally injured on the job. To ensure a high level of care with minimum inconvenience, employees are encouraged to follow these guidelines:
 - 1. Any on-the-job injury involving loss of consciousness, inability to stand on your own, severe blood loss, penetrating chest or abdominal wounds, severely deformed limb(s), or any condition that appears to need emergency treatment should be transported by ambulance to the nearest Emergency Room.
 - 2. Employees with injuries that do not require emergency treatment may report to the physician of their choice or to a health care provider designated by the County. Pre-authorized initial treatment at the County's designated health care provider will not require payment at the time of treatment. The County's workers' compensation insurance company may reimburse bills incurred for treatment at any facility other than the designated provider if the case is found compensable.
 - 3. All job-related injuries, no matter how slight, must be reported immediately to the employee's immediate supervisor. Every employee injured on the job is required to complete an Employee's First Report of Injury no later than the day following the accident. Failure to report an injury or complete a Report of Injury may delay benefits and result in disciplinary action.

4. The Department Head of an injured employee is required to complete a Supervisor's Report of Injury. In addition, the Department Head is responsible to ensure that witness and employee statements are completed in a timely manner.
5. All reports of injury will be investigated by the County's workers' compensation insurance carrier to determine if an injury is compensable. A compensable case is one that the insurance company determines was the result of an accidental, job-related injury. If the case is found compensable, medical bills will be submitted to the workers' compensation insurance company for payment consideration. If the case is denied and found non-compensable, the employee may submit medical bills to the County's health insurance carrier, if enrolled.
6. Employees who lose time from work as the result of an on the job injury must report to their supervisor or Department Head on the first day of absence from work and at least weekly thereafter until the return to work. Doctors' notes requiring absence from work or restricted work orders must be presented as soon as practicable to the Human Resources Department. Benefit for time lost from work will be determined by the workers' compensation insurance carrier in accordance with regulations set forth by the Maryland Workers' Compensation Commission.
7. Employees may request payment of accrued sick leave for compensation during the absence due to injury. When the employee receives Worker's Compensation benefits, the employee is required to repay to the County the amount covered by Worker's Compensation and previously advanced by the County. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than the employee would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave equal to the workers' compensation benefit amount reimbursed to the County (2/3) shall be restored to the employee's account.
8. The County may require an examination at its expense, performed by a physician of the County's choice, to determine when the employee can return to work and if the employee will be capable of performing the duties and responsibilities of the position.
9. Employees who knowingly attempt to obtain benefits to which they are not entitled shall be subject to disciplinary action.

8.13 DRUG & ALCOHOL-FREE WORKPLACE POLICY

- A. The purpose of this policy is to maintain a workplace free from substance abuse in an effort to protect the health and safety of the employees and citizens of Worcester County and covers all County employees. It is the responsibility of the County to make every

effort to maintain a workplace free from alcohol and drug abuse.

1. Manufacturing, distributing, dispensing, possessing and using unlawful drugs or alcohol or misusing legal drugs on County premises, in a County-owned vehicle or during work hours by County employees is strictly prohibited. Employees are strictly prohibited from possessing, consuming, controlling, selling, using or being under the influence of alcohol, drugs or other controlled substances during work hours or on County property. It is the responsibility of every employee to report for work fit for duty and free from alcohol, illegal drugs and legal drugs that impair the employee's ability to perform work in a safe, effective manner. Employees who exhibit an on-going dependence on alcohol, drugs or other controlled substances which, in the County's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the County or others are subject to disciplinary action.
 2. While this policy shall apply to all County employees, additional requirements shall also apply to safety sensitive employees which include those positions named in Appendix D by the Human Resources Director. Safety sensitive positions shall generally comprise positions that require operation of a revenue vehicle, vehicle maintenance, operation of a County-owned vehicle, possession of a commercial driver's license or other safety sensitive jobs.
 3. The Human Resources Director, or designee named in Appendix C, shall serve as program administrator of the substance abuse program.
 4. Drug and alcohol testing shall be conducted in accordance with applicable federal, state and local laws and this policy.
- B. Employees must notify the County within 24 hours of any conviction for a drug or alcohol violation.
- C. Employees are prohibited from reporting to work when using over-the-counter or prescription drugs that could reasonably impair their ability to safely perform safety-sensitive duties (such as driving) or endanger the employee or another person or County property. When using a prescription drug with such a warning on the label, the employee must present a doctor's note stating that the employee's ability to perform required safety sensitive duties will not be impaired. If the employee is not released to full duty, the employee may be placed on leave of absence, with or without pay, until the medication period is over. All employees should avoid using an over-the-counter medication that could impair their ability to work safely and are prohibited from reporting to work when doing so.
- D. Employees who voluntarily report an alcohol, drug or controlled substance dependency problem, prior to being selected for testing under this or any County policy, will not be subject to retaliation or discrimination. Employees who voluntarily seek treatment prior to testing positive may, upon authorization or referral by a physician or substance abuse

professional, request a leave of absence to attend a bona fide treatment or counseling program. The County may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs or other controlled substances. Prior to return to work after treatment, the employee must test negative for controlled substances and alcohol tests performed by the County.

- E. Participation in a treatment program, whether voluntary or required, does not exempt an employee from job performance requirements or disciplinary action.
- F. Volunteers who violate these drug policies are subject to dismissal.
- G. In accordance with the Drug Free Work Place Act of 1988, any employee who is engaged in the administration of or performance of a job funded by a federal grant and is convicted of a drug statute violation will be reported to the funding agency within 10 days of the conviction.
- H. Pre-Employment Testing of Safety Sensitive Employees
 - 1. Negative results from drug tests must be received prior to the performance of safety sensitive duties by a new employee or any safety sensitive employee who has been absent for 90 or more calendar days.
 - 2. Applicants for hire or transfer to a safety sensitive position will be notified in writing of the requirement for testing prior to the test.
 - 3. Test results by a previous employer will not be accepted.
- I. Random Testing of Safety Sensitive Employees
 - 1. Selection for random drug and alcohol testing will be conducted in a scientifically valid method that ensures each covered employee has an equal chance of being selected.
 - 2. Random test pools for drug and alcohol testing of employees required to possess a commercial driver's license will be separate from all other safety-sensitive employees.
 - 3. Random drug testing and alcohol testing shall be conducted quarterly at a rate in accordance with the minimum required by the Department of Transportation. Due to the nature of random test selection, some employees may be selected for testing more than once per year while others may not be selected at all.
 - 4. Random testing will be conducted immediately before, during or immediately after the period safety sensitive functions are performed.

5. Employees selected for random testing will be notified with no advance warning and directed to report immediately to the collection site. Employees who delay reporting for a period longer than required to reach the site from the workplace may be considered to have refused a test unless the employee is determined not at fault for the delay by the Human Resources Director.

J. Reasonable Suspicion Testing of All County Employees

1. Reasonable suspicion testing may only be recommended by a Department Head who has completed training on the facts, circumstances, physical evidence, physical signs and symptoms, or patterns of performance and/or behavior associated with drug use and alcohol misuse.
2. After the employee's supervisor has observed the suspicious behavior and prior to testing, the behavior must be confirmed by another Department Head, Human Resources Director, Assistant Chief Administrative Officer or Chief Administrative Officer. The behavior must be consistent with possible drug or alcohol use and specifically documented on an Observation Check List (Appendix E), such as:
 - a. Specific behaviors such as the employee's impaired speech that may indicate prohibited drug or alcohol use; or
 - b. Job performance problems that may indicate prohibited drug or alcohol use; or
 - c. Physical indications such as the employee's appearance or body odors that prohibited drug or alcohol use may be occurring.
3. Upon completion, the forms will be forwarded to the Human Resources Director for confidential storage separate from the employee's personnel file. Copies of the Observation Check List are strictly prohibited except as authorized by the Human Resources Director.
4. The employee to be tested shall be transported to the test site.
5. No employee shall be tested for reasonable suspicion based solely on a report by a third party.

K. Post-Accident Testing of Safety Sensitive Employees

1. Safety sensitive employees will be subject to post-accident drug and alcohol testing when a covered employee is operating a County-owned vehicle and meets any one of the following criteria:
 - a. A County-owned vehicle is involved in an accident with another vehicle,

regardless of the resulting damage; or

- b. A County-owned vehicle is involved in an accident causing property damage totaling \$2,500 or more to the vehicle(s) and/or the property;
 - c. A County-owned vehicle is involved in an accident causing bodily injury to anyone.
2. The Department Head together with the Risk Manager, program administrator or designee will determine who is subject to testing, using the best available information at the time of determination.
 3. It is the responsibility of the employee to be drug tested as soon as possible after the accident, but no later than 32 hours following the accident at a collection site referenced in Subsection I of this section. Employees who delay testing for a period longer than 32 hours may be considered to have refused a test unless the employee is determined not at fault for the delay by the program administrator.
 4. It is the responsibility of the employee to be alcohol tested within 2 hours following the accident or as soon as possible, but no later than eight (8) hours following the accident, at a collection site referenced in Subsection I of this section. If the alcohol test cannot be performed within two (2) hours of the accident, the reason for delay must be documented. If the test cannot be performed within eight (8) hours, the reason for failure to test must be documented. Employees who delay testing for a period longer than two (2) hours may be considered to have refused a test unless the employee is determined not at fault for the delay by the program administrator.
 5. In the event the employee is not physically capable of participation in the required testing process following the accident, the results of a test performed by a Federal, State or local official may be accepted.
 6. The employee is prohibited from consuming alcohol following the accident until alcohol testing is complete except as may be administered by appropriate medical/emergency personnel.

L. Return to Duty Testing of All County Employees

Following a positive alcohol test and/or return to work after treatment of substance abuse, an employee shall not be allowed to return to work until the employee has completed a return to duty test with a negative test result and been released to return to work and/or safety sensitive duties by the Substance Abuse Professional (SAP).

M. Follow-up Testing of All Employees

1. Follow-up testing will be conducted in an effort to motivate employees to remain

drug and alcohol free after return to duty following a positive alcohol test and/or rehabilitation or treatment for substance abuse, and to ensure that the employee has not resumed drug use or alcohol misuse.

2. Testing shall be conducted at the County's discretion at a minimum of six (6) times per twelve (12) month period after return to duty for a period of up to eighteen (18) months and shall be performed by either the County's Breath Alcohol Technician (B.A.T.) or a B.A.T. of the County's choice.
 3. Employees shall be notified of follow-up testing immediately before, during or after performing safety sensitive duties, with no advance warning and directed to report immediately to the collection site. Employees who delay reporting for a period longer than required to reach the site from the workplace may be considered to have refused a test unless the employee is determined not at fault for the delay by the Human Resources Director.
 4. Safety sensitive employees subject to follow-up testing will concurrently participate in random testing.
- N. Employees shall be informed of the testing site designated by the Risk Manager or Substance Abuse Professional prior to testing.
- O. Drug Test Procedures and Requirements
1. Drug tests shall be conducted in accordance with federal and state laws and performed by split-specimen urinalysis. Drugs tested for will be marijuana, cocaine, opiates, phencyclidine, amphetamines and methamphetamines.
 2. Collection Site Requirements shall include a privacy enclosure for toilet or void receptacle with water colored by a bluing agent, water source for hand washing outside the privacy enclosure, visual inspection of the secure area prior to specimen collection, restricted access to the secure area during collection, instructions for employee responsibility in collection and secure storage for collected specimens.
 3. Collection Site Personnel (collectors) shall be trained in and conduct proper collection procedures, conduct themselves professionally at all times, preserve the privacy of the employee and integrity of the specimen collection and confidential reporting procedure, verify the employee's identity before proceeding with collection by viewing a photo I.D. or verify the employee's identity with the employee's Department Head.
 4. If the collector determines that specimen has been tampered with or adulterated, the employee will be required to comply with the instructions for retesting according to the Medical Review Officer (MRO).

P. Positive Drug Test Result

1. All positive drug test results will be reviewed and interpreted by the medical review officer (MRO) before they are reported to the County. If the laboratory reports a positive result to the MRO, the MRO will attempt to contact the employee at least twice in a 24-hour period to conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the specimen. If the driver provides to the MRO a legitimate medical use of a prohibited drug, the MRO will report the drug test result as negative to the County. If the MRO is unable to reach the employee within a reasonable amount of time, but no more than 48-hours from the positive result notice, the MRO will contact the County to report the positive test result. Upon notification and prior to disciplinary action, the County will attempt to contact the employee 24-hours to inform the employee to contact the MRO. If the employee cannot be reached within 24-hours, disciplinary action will proceed. Adulteration of a urine specimen will be reported directly to the County by the MRO without contact with the employee.
2. Upon notice to the employee of a confirmed positive test result, the MRO will inform the employee of the right to request a second test of the split specimen at the employee's expense, the cost of the procedure, and how to proceed. The employee must request the second test within 72-hours of notice by the MRO unless the MRO concludes the failure for timely request was legitimate.
3. The MRO will report the results of the second test to the County. Upon notice by the MRO of a positive test result, the employee will be furnished a copy of the laboratory report of test results with a letter stating the consequences of the positive test result and referral to a certified substance abuse professional (SAP) for evaluation.
4. Immediately upon notice of a positive drug test result, the employee who tests positive may either resign or shall be discharged without a hearing before the County Commissioners.
5. Refusal to test will be considered a positive test result in consideration of disciplinary measures.

Q. Alcohol Testing Procedures and Requirements

1. Alcohol testing will be performed by breath analysis. Initial screening may be conducted by a screen testing technician (STT) operating a non-evidential breath test device or by a certified breath alcohol technician (BAT) operating an evidential breath testing device (EBT). If the initial screening is positive, confirmatory testing will be conducted by a BAT operating an EBT.
2. Collection of the breath sample will be made in a secure, private location.

3. The BAT or STT shall be trained and certified in proper collection and reporting procedures, conduct themselves professionally at all times, preserve the privacy of the employee and integrity of the specimen collected and confidential reporting procedure, verify the employee's identity before proceeding with collection by viewing a photo I.D. or verify the employee's identity with the employee's Department Head.

R. Positive Alcohol Test Results

1. If the confirmatory screening is positive with a result of .019 or less, the test shall be considered a negative result.
2. If the confirmatory screening is positive with a result of .02 or higher, the employee shall be suspended from work until the employee has, at the employee's own expense, been evaluated by a Substance Abuse Professional (SAP) of the County's choice, complied with the recommended treatment, and has received a .000 negative test result on a return-to-duty alcohol test and negative drug test. The employee shall not return to safety sensitive duties for a minimum of 24 hours, except public safety employees who may not return to work until a hearing before the County Commissioners.
3. Employees who test positive are subject to disciplinary action in accordance with this section and Section 9 of the Worcester County Personnel Rules and Regulations, except for probationary period employees and employees who have a prior positive test result for alcohol or a controlled substance who may either immediately resign or shall be discharged without the right to a hearing before the County Commissioners.
4. Upon return to work and prior to performing duties after the first positive alcohol test, the employee shall, as a condition of continued employment, be placed on probation for 18 months or until successful completion of treatment prescribed by the SAP, whichever comes later, during which time:
 - a. Periodic drug and/or alcohol testing shall be conducted at the County's discretion;
 - b. The employee shall not be eligible for promotion, transfer or pay increase other than an increase applied to the entire pay schedule; and
 - c. The employee may either immediately resign or shall be discharged from employment if recommended treatment is not successfully completed by the required time.

S. Other Prohibited Behavior

1. Refusal to test - Any of the following behaviors will be considered refusal to test:

- a. Refusal to sign any form that requires the employee's signature;
 - b. Refusal to provide a urine specimen for drug testing or breath sample for alcohol testing without a valid medical reason documented by a physician of the County's choice;
 - c. Adulteration of a urine specimen; or
 - d. Direct refusal to test or provide the required specimen.
2. Reporting for duty or remaining on duty to perform safety sensitive functions while having an alcohol concentration of .02 or greater or consuming alcohol within 8 hours prior to reporting for duty.
 3. Reporting for duty, remaining on duty or performing safety sensitive functions while possessing alcohol including prescription or over-the-counter medication.
 4. Reporting for duty, remaining on duty or performing safety-sensitive functions while using any controlled substance except when the employee has provided documentation from the prescribing physician stating the substance will not adversely affect the employee's ability to perform safety sensitive functions.
 5. Discussion or release of the positive test results to anyone other than on a need to know basis as determined by the Human Resources Director without the express written consent of the employee is strictly prohibited.

8.14 SALE OF PUBLIC INFORMATION

No County employee, officer or agent may sell, offer for sale, or solicit or receive any payment for public information, County record, official or unofficial data or documents regardless of whether said information is in its original form, has been aggregated or desegregated, or summarized or otherwise altered; nor participate in any such activity on behalf of a third party (other than as part of such employee's job). This prohibition shall not affect the sale of certain official published documents offered for sale by the County or normal charges for reproduction expenses where said charges are to be deposited to the credit of the County Commissioners.

8.15 USE OF COUNTY POSITION FOR PROMOTIONAL PURPOSES

No County employee, officer, or agent may use his position for the promotion of any activity or the raising of funds for any activity not previously designated by the County Commissioners as a County activity. County employees, officials and agents, in addition to not engaging in such activities, shall make every effort not to create the appearance of using their position in such a way; being particularly cognizant that one is under continual

public scrutiny especially while in County vehicles, on County property, on County assignment or in County uniform.

8.16 USE OF COUNTY-OWNED PERSONAL COMPUTERS

- A. Use of personal computers and networks owned or controlled by Worcester County is a privilege that requires each user act responsibly and ethically. Because electronic information is volatile and easily reproduced, users must exercise care in acknowledging and respecting the work of others through strict adherence to software licensing agreements, copyright laws and County policy including those that may also apply to personal conduct.
- B. Users do not own accounts on County Office computers but are granted the privilege of exclusive use. Under the Electronic Communications Privacy Act of 1986 (Title 18 U.S.C. section 2510 et.seq., as from time to time amended), users are entitled to privacy regarding information contained on these accounts. However, system administrators or other County employees are allowed to access user files in the normal course of their employment when necessary to protect the integrity of the system or rights or property of the County. User files are subject to search by law enforcement agencies under court order if such files contain information which may be used as evidence in a court of law or in conjunction with a law enforcement investigation.
- C. Misuse of computing, networking or information resources may result in the loss of computing and/or network access. Additionally, misuse can be prosecuted under applicable statutes. Users may be held accountable for their conduct under any applicable County regulation. Illegal production of software and other intellectual property protected by U.S. copyright law is subject to civil damages and criminal punishment including fines and imprisonment. Other organizations operating computing network facilities that are reachable via the County network may have their own policies governing the use of those resources. When accessing remote resources from County computers, users are responsible for obeying both the policies set forth in this document and the policies of the other organizations.
- D. The following actions are prohibited:
 - 1. Unauthorized use of a computer account.
 - 2. Using the County network to gain unauthorized access to any computer system.
 - 3. Connecting unauthorized equipment to the County network, which includes all personally-owned equipment or installing unauthorized software programs. All equipment and software must be authorized by the County Computer Specialist prior to installation or connection.
 - 4. Unauthorized attempts to circumvent data protection schemes or uncover security

loopholes. This includes creating and/or running programs that are designed to identify security loopholes and/or decrypt intentionally secure data.

5. Knowingly or carelessly performing an act that will interfere with the normal operation of computers, terminals, peripherals, or networks.
6. Knowingly or carelessly running or installing on any computer system or network, or giving to another user a program intended to damage or to place excessive load on a computers system or network, This includes, but is not limited to, programs known as computer viruses, Trojan Horses, and worms.
7. Deliberately wasting/overloading computing resources, such as printing too many copies of a document.
8. Violating terms of applicable software licensing agreements or copyright laws.
9. Violating copyright laws and their fair use provisions through inappropriate reproduction or dissemination of copyrighted test, images, etc.
10. Using County resources for commercial activity such as creating products, services for sale or any type of solicitation.
11. Using electronic mail to harass or threaten others. This includes sending any repeated, unwanted e-mail to another user.
12. Initiating or propagating electronic chain letters.
13. Inappropriate mass mailing. This includes multiple mailings to newsgroups, mailing lists, or individuals, e.g. "spamming, flooding or bombing."
14. Forging the identity of a user or machine in an electronic communication.
15. Transmitting or reproducing materials that are slanderous or defamatory in nature or that otherwise violate existing laws or County regulations.
16. Display or accessing obscene, lewd, or sexually harassing images or text on a County-owned or controlled computer or network.
17. Attempting to monitor or tamper with another user's electronic communications, or reading, changing, or deleting another user's files or software without the explicit agreement of the owner.

8.17 COMPLAINT PROCEDURES

A. The County recognizes that sometimes situations arise in which an employee feels that they have not been treated fairly or in accordance with County rules and procedures. For this reason the County provides its employees with procedures for resolving complaints.

1. Step 1: An employee shall first try to resolve any problem or complaint with the Department Head. Employees are not required to report claims of discrimination and/or harassment claims to the Department Head. Complaints of discrimination shall be directly and immediately reported of the Human Resources Director or Chief Administrative Officer. The complaint must be provided in writing by completing an Employee Complaint Procedure Form within 10 working days of the occurrence leading to the complaint or 10 working days after the employee becomes aware of the circumstances leading to the complaint. At a minimum the complaint must contain:

- a. A description of the problem;
- b. A specific policy or procedure that the employee believes has been violated or misapplied;
- c. The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances; and
- d. How the employee proposes the complaint be resolved;

The Department Head shall respond to the complaint in writing within 5 business days, unless impracticable. If the complaint involves the Department Head, the employee should report the complaint directly to the Human Resources Director or Chief Administrative Officer.

2. Step 2: If an employee believes, Step 1 was not successful or when an employee disagrees with the application of County policies and procedures, the employee should attempt to resolve the problem or complaint with the Human Resources Director. The Human Resources Director after consulting with the Chief Administrative Officer, will respond to the complaint in writing within 5 business days, unless impracticable.
3. Step 3: If the employee is not satisfied with the response from the Human Resources Director, the employee may request a hearing before the Commissioners by submitting the problem, in writing, to the Commissioners.
4. The Commissioners shall meet with the employee at a hearing scheduled by the Chief Administrative Officer and shall respond in writing to the aggrieved employee. The Commissioners' response and decision shall be final and binding. Hearings shall be closed to the public unless the employee requests that it be open

and the request is approved by the Commissioners.

8.18 VOLUNTEER SERVICE BY COUNTY EMPLOYEES

- A. No employee may be required to perform volunteer services for the County.
- B. No employee may provide volunteer service to the County unless the service performed is significantly different from the functions or tasks of the employee's regular paid job and the service is provided on an irregular, sporadic, intermittent and temporary basis.

8.19 EMPLOYEE VOLUNTEERS FOR WORCESTER COUNTY FIRE AND AMBULANCE COMPANIES

- A. This policy defines the guidelines and responsibilities of Worcester County Government employees who serve as voluntary members of bona fide County volunteer Fire and Emergency Medical Services Departments, except for public safety employees, who may, from time to time, be called upon to assist in an emergency.
 - 1. Every employee volunteer shall use good judgment when deciding whether to request permission to respond and how it may effect their County employment with County employment being their first priority.
 - 2. Employee volunteers whose work assignment or schedule will be affected by their response shall make every effort to obtain permission from the supervisor or designee and advise the supervisor or designee of the situation and estimated time of return to work prior to leaving work or by the scheduled start time if reporting late. If permission is not attainable, the employee volunteer shall, at a minimum, advise the supervisor or designee of the required information by leaving a voice mail message at the workplace or mobile telephone number.
 - 3. Time away from work, not exceeding the regular scheduled daily hours, to respond to emergencies in the member company first due response area within close proximity to the employee volunteer's assigned work place may be authorized by the supervisor as miscellaneous leave. Paid leave for time away from work may be denied to an employee volunteer who violates any of these rules.
 - 4. Employee volunteers shall use discretion when deciding whether to request permission to respond to an automatic alarm, a bona fide request for additional manpower, mutual aid outside their member company's first due response area, a second due response or a request for their member company to "Stand-by, Move-up of Fill-in"
 - 5. When reporting to the scene of an emergency, the employee volunteer shall,

whenever possible, request an assignment that will not interfere with their County employment, especially in cases where the employee volunteer holds a County position that is considered safety sensitive, subject to call-back, and /or regulated by law, i.e., Department of Transportation.

6. Employee volunteers who respond during work hours shall return to work immediately after their release from duty by the incident commander if the work shift has not ended.
7. Employee volunteers who respond and are released from duty by the incident commander during non-work hours shall report for work as scheduled.
8. Employee volunteers who respond during non-work hours shall notify the supervisor by the start time if the incident continues past the start of work and report for work within 2 hours of their release from duty by the incident commander.
9. Employee volunteers may use accrued vacation, personal or compensatory leave in accordance with Personnel Rules to serve during non-emergency functions including but not limited to drills, training, meetings, and parades. No miscellaneous leave will be authorized for non-emergency duties.
10. Response to call for volunteers to staff an ambulance shall only be permitted when multiple ambulances are required or when a second due alert is dispatched.
11. Employee volunteers shall not respond to their member company or any other request for volunteers during a County emergency or if leaving their County position would create a safety hazard.
12. Employee volunteers shall respond in their personal vehicle whenever practical. County policy regarding use of County-owned equipment shall be observed in the event response to the scene in a County vehicle is required.
13. Once notified of a call-back, essential employees, stand-by employees and employees on-call shall report to work as required by County policy regardless of their function as a volunteer unless the employee volunteer has obtained permission from the supervisor prior to reporting.
14. Employee volunteers whose response to their member company results in exhaustion may request permission from their supervisor to use personal or vacation time in lieu of reporting to work as scheduled, which may be denied if their absence would duly disrupt the department.
15. Employee volunteers who suffer an injury at the scene of the emergency may request use of accrued sick leave upon completion of a First Report of Injury.

16. The County reserves the right to deny any request for leave, paid or unpaid, if the employee volunteer's absence will cause undue hardship or duly disrupt County operations or the employee volunteer has violated any of these rules or abuses the privilege to report.
17. Volunteer acts performed by employees are not considered to be County business.

8.20 PERFORMANCE REVIEWS

- A. A formal performance review will be conducted by the employee's Department Head or non-classified supervisor for all full-time and regular part-time employees after completion of one-half of the employee's probationary period, whether newly hired, transferred, promoted or demoted, and annually thereafter, on or about the employee's anniversary date, in accordance with procedures outlined by the Human Resources Director.
- B. Performance reviews and management decisions based on performance reviews are not subject to the complaint procedure as referenced in Section 8.17 hereof.

SECTION 9 – DISCIPLINE AND TERMINATION

9.01 DISCIPLINARY ACTION

- A. All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the County.
- B. Employment with the County is at-will and conditioned upon the employee's willingness and ability to comply with the Worcester County Personnel Rules and Regulations as from time to time amended and adopted by resolution of the Commissioners. Any employee who does not comply with these rules is subject to disciplinary action including discharge. Acts, errors, or omissions, which discredit the public service or impair the provision of orderly services to the citizens of the County may result in corrective action or discipline, up to and including discharge. All County employees, including probationary period employees, are subject to disciplinary action.
- C. Disciplinary action taken against an employee shall be initiated promptly when such action is necessary in order to ensure compliance with these rules and maintain an orderly and productive work environment. Except in cases of criminal conduct or gross misconduct, disciplinary actions shall be progressive in severity. The severity of the disciplinary action shall be determined after consideration of the nature and gravity of the offense, its relationship to the employee's assigned duties and responsibilities, the employee's overall job performance, the entire employee work record, the harm or risk to other employees or the public, and other relevant factors.
 - 1. The Department Head has full authority to impose disciplinary action in the form of written counseling and final written warning for an initial or minor rule violation. Written counselings and final written warnings shall be presented to the employee in the form of a contact plan. If the employee refuses to sign the contact plan, the refusal shall be witnessed and noted on the form. The completed contact plan shall be forwarded to Human Resources to be placed in the employee's personnel file.
 - 2. For repeated and/or serious violations, the Department Head may submit a written recommendation to the Human Resources Director for disciplinary action in the form of suspension without pay or at reduced pay, demotion, loss of pay step(s), job reassignment, forfeiture of pay, reduced leave accrual, performance of rehabilitative measures or discharge. The Human Resources Director shall meet with the Department Head and the employee to discuss the rule violation as well as any related personnel matters. Once an agreement is reached between the Department Head and Human Resources Director on the disciplinary action to be imposed, the Department Head shall meet with the employee to present the contact plan. If the employee refuses to sign the contact plan, the refusal shall be witnessed and noted on the form. The completed contact plan shall be forwarded

to the Human Resources Director to be placed in the personnel file. The Human Resources Director shall forward a copy to the Chief Administrative Officer. The Human Resources Director has full authority to impose the disciplinary action, except for discharge. Disciplinary action in the form of discharge shall only be imposed by the County Commissioners.

3. If discharge is recommended by the Department Head and the findings of the Human Resources Director support the recommendation to discharge, Human Resources Director shall provide written notice to the employee of the employee's right to appear before the County Commissioners at a discharge hearing. The Chief Administrative Officer may place the employee on administrative leave until the scheduled hearing date.
 4. Upon notice of the recommendation to be discharged, the employee may either:
 - a. Within 48 hours, submit a written request to the Human Resources Director to appear at the discharge hearing before the County Commissioners on a date determined by the Chief Administrative Officer. The request to appear at a hearing shall include witnesses, if any, the employee requests to present at the hearing who will testify to the behavior that resulted in the hearing, as well as any observers requested to be present at the hearing. The Commissioners shall decide whom, if anyone, shall be present and/or participate in the hearing. The Chief Administrative Officer shall provide written notice to the employee of the scheduled date and time of the hearing; or
 - b. Waive the right to appear at the discharge hearing, in which case the discharge hearing shall proceed and the Commissioners shall issue a final and binding decision regarding discharge; or
 - c. Resign from employment in which case no hearing will be held.
- D. The following are examples of the types of behavior which may be considered misconduct:
1. Incompetent or unfit for duty
 2. Violation of a lawful duty or neglect of duties
 3. Substandard performance, as determined by the Department Head
 4. Inability or failure to perform duties or job descriptions
 5. Flagrant or habitual lateness, absenteeism, or failure to be at one's place of assignment

6. Violation of a County personnel rule or other County law or regulation or resolution or administrative order or established safety rule or practice
 7. Unreasonable and/or repeated use of County or personal telephones for personal calls
 8. Sleeping on the job
 9. Unauthorized absence from work, abuse of leave, or unauthorized extension of break or meal periods
 10. Violation of the County Ethics Code
 11. Unauthorized, careless or reckless use or misuse of County property, vehicles or equipment
 12. Conduct unbecoming a County employee tending to bring discredit to the County Government
 13. Providing false or misleading information
 14. Acceptance of fees, gifts, gratuities or other valuable items or benefits in the performance of the employee's official duties for the County which places or appears to place the employee under obligation to the vendor, customer or individual
- E. The following are examples of the types of behavior which may be considered gross misconduct:
1. Violation of a lawful duty or neglect of duties
 2. Theft of County property or property of others
 3. Violation of a County personnel rule or other County law or regulation or resolution or administrative order or established safety rule or practice
 4. Sleeping on the job
 5. Unauthorized or excessive absence from work, abuse of leave, unauthorized extension of break or meal periods or leaving work without permission
 6. Violation of the County Ethics Code.
 7. Insubordination or failure to carry out a directive issued by a supervisor, superintendent or Department Head

8. Unauthorized, careless or reckless use or misuse of County property, vehicles or equipment
 9. Commission of a crime
 10. Conduct unbecoming a County employee tending to bring discredit to the County Government
 11. Violation of established safety rules or failure to use safety equipment through gross negligence or an intentional act
 12. Abuse of non-prescription or prescription drugs on the job or on County property; use, abuse, possession, sale, purchase creation or distribution of illegal drugs or alcohol on the job; arriving on the job or performing duties under the influence of alcohol or drugs that impair the employee's ability to perform work in a safe or effective manner.
 13. Threatening, intimidating, coercing, rude, disrespectful or harassing behavior that interferes with work or results in a hostile environment or unauthorized possession and/or use of a weapon toward any person while on duty or on County property
 14. Harassment
 15. Breach of Confidentiality
 16. Intentionally providing false or misleading information on a County document or record, including but not limited to time sheets and applications for employment
 17. Immoral or indecent conduct
 18. Failure to disclose a private interest or to disqualify oneself from participation in any decision or action in which there is or may be perceived to be a conflict between official duties and private interest
 19. Commission of fraud or participation in fraudulent activities
 20. Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the County which places or appears to place the employee under obligation to the vendor, customer or individual
- F. The lists included in Subsections D and E above are not all-inclusive, but only serve as a general guide. The County may discipline or discharge employees for other reasons not stated above. Failure to impose disciplinary action in a particular instance or manner shall not be construed as a waiver or precedent with respect to the same or similar situation arising in the future. The County may take into account extenuating

circumstances, if they exist and are known to the decision makers.

- G. In the event that discipline is necessary, the following types of corrective or disciplinary actions may be used, separately or in combination, depending on the particular factors and seriousness of each situation:
1. **Written Counseling:** A written counseling is a session between the employee's supervisor and the employee on the subject of the employee's conduct and performance, use of poor judgment, or failure to observe a minor rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the County by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session the supervisor shall document the warning to be placed in the personnel file.
 2. **Final Written Warning.** A final written warning is a disciplinary action for repeated minor infractions previously addressed by written counseling or infractions of a more serious nature such as misconduct and shall be placed in the employee's personnel file.
 3. **Probation**
 4. **Reassignment**
 5. **Reduction of leave accrual rate or loss of personal leave**
 6. **Required performance of rehabilitative measures including, without limitations, retraining, counseling or medical intervention, At the employee's own expense.**
 7. **Suspension without pay or at reduced pay.** A suspension is a temporary, unpaid absence from duty.
 8. **Demotion**
 9. **Loss of pay step(s)**
 10. **Forfeiture of pay not to exceed 30% of one net paycheck.**
 11. **Discharge from County employment**
- H. **Emergency Suspension:** The Department Head together with the Human Resources Director, Chief Administrative Officer or designee, may suspend an employee from work on an emergency basis when it is determined that life or property is in danger, or in a case of gross misconduct as defined in Section 9.01.E and F hereof. In the rare instance that the Chief Administrative Officer, Assistant Chief Administrative Officer, or Human Resources Director are not available to concur with the recommendation of the Department Head, the Department Head may make an independent decision for

emergency suspension provided he notifies the parties required above as soon as practical.

1. In such cases, an employee may be suspended immediately from work without notice, with pay, prior to the disciplinary action.
 2. Suspensions with pay, where the employee is placed on administrative leave, may be utilized by the Chief Administrative Officer pending the results of an investigation or disciplinary action where factors such as public confidence, the safety of the employee or the efficient functioning of the County call for such a suspension. The Chief Administrative Officer or the Human Resources Director may require the employee to return to work at any time.
 3. Probationary period employees may be disciplined or discharged by the Department Head together with the Human Resources Director and are not entitled to a discharge hearing before the Commissioners.
- I. In addition to disciplinary action, an employee who is charged with committing a criminal offense while on duty may be suspended without pay at the discretion of the Chief Administrative Officer until final disposition of the case. Benefits shall continue to accrue and the salary due the employee shall be withheld, pending the final disposition. Employees who are acquitted shall have any amounts of salary which had been withheld returned to them. In the event the employee is found guilty of the offense, any salary which has been withheld shall be forfeited by the employee.

9.02 DISCHARGE

- A. Any employee who has not successfully completed the probationary period may be discharged by the Department Head and Human Resources Director.
- B. Any employee who has successfully completed the probationary period may be discharged after a discharge hearing held by the County Commissioners. . If the employee waives his right to hearing or fails to appear, the disciplinary hearing shall proceed.
 1. The Discharge hearing shall be presided over by the Commissioners' President or the President's designee.
 2. At the hearing, the employee may explain why he or she should not be discharged. The Commissioners shall determine whom, if anyone, may be present and/or participate in the hearing, and how the hearing shall be conducted.
 3. The Commissioners shall issue a final and binding decision, on discharge. The Chief Administrative Officer shall advise the employee of the Commissioners' decision in writing.

4. Discharge hearings shall be held in a closed session unless the employee requests that the hearing be held in open session.
5. If the Commissioners find that discharge is not warranted, the alternative disciplinary action to be taken shall be determined by the Department Head and the Human Resources Director under the provisions of Section 9.01 hereof.

9.03 TERMINATION

- A. Voluntary Termination: Voluntary termination from County employment shall be defined as:
 1. Voluntary Resignation: 2 weeks notice of resignation shall be given and worked.
 2. Voluntary Quit: Employees, who quit without notice, walk off the job or are absent from work for 3 or more consecutive days without appropriate notice will be considered to have voluntarily quit their job and will not be eligible for rehiring except in cases of extenuating circumstances approved by the County Commissioners.
- B. Discharge: An employee may be discharged from County employment for any of the reasons listed below:
 1. During or at the end of the employee's probationary period, the employee may be discharged when the Department Head and Human Resources Director agree that the employee is not suitable for County employment.
 2. As a result of disciplinary action.
 3. Due to loss of skills, certifications or other conditions which would make the employee unqualified or unfit for service.
 4. When the Commissioners have made a determination that a lack of work or funding exists with respect to the employee's position.
 5. If the employee has a physical or mental impairment that prevents the employee from performing the required duties of the employee's position and the employee cannot be reasonably accommodated. Termination must be supported by medical evidence which establishes that the individual is unable to perform bona fide job requirements. The County may require an examination at its expense performed by a physician of its choice. Failure to submit to such request may result in termination.
 6. Whenever the Commissioners determine to make changes deemed to be in the best interest of the County.

- C. Layoff: The Commissioners may lay off employees for lack of work, budgetary restrictions or other changes that have taken place.
 - 1. Temporary employees or employees who have not completed their probationary period will be laid off before regular employees are affected.
 - 2. In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal.
 - 3. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.
- D. Retirement: The applicable provisions of the Maryland State Retirement & Pension System or Worcester County Pension Plan shall apply.
- E. Death: Upon the death of an active regular full-time employee, all compensation due plus an additional 2 weeks of pay shall be paid to the surviving spouse or the estate of the employee and any other benefits due.
- F. Employees leaving County service must return all County property including keys, badges, equipment, uniforms, etc. prior to the last day of work. It is the employee's responsibility to schedule an exit interview with the Human Resources Director or designee prior to the last day of work.
- G. Upon termination, employees who have successfully completed the probationary period may request, in writing, an exit interview before the County Commissioners.
- H. Employees who are discharged for misconduct or resign in lieu of termination are not eligible for rehire.

APPENDIX A
Title 5

ETHICS

[HISTORY: Adopted by the Board of County Commissioners of Worcester County 9-20-2011 as Bill No. 11-4. Amendments noted where applicable.]

SUBTITLE I
County Ethics Law ¹

§ CG 5-101. Short title. This Subtitle may be cited as the Worcester County Public Ethics Law.

§ CG 5-102. Applicability. The provisions of this Subtitle apply to all Worcester County elected officials, employees, and appointees to boards and commissions of Worcester County.

§ CG 5-103. Ethics Board.

- (a) Appointment. There is a Worcester County Ethics Board that consists of seven members appointed by the County Commissioners.
- (b) Duties. The Ethics Board shall:
 - (1) Devise, receive, and maintain all forms required by this Subtitle;
 - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this Subtitle regarding the applicability of the provisions of this Subtitle to them;
 - (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this Subtitle; and
 - (4) Conduct a public information program regarding the purposes and application of this Subtitle.

¹ Editor's Note: This bill also repealed former Title CG5, Ethics, adopted 3-9-1982 by Bill No. 82-1, as amended

The provisions of this Subtitle have been reviewed by the State Ethics Commission and approved as at least equivalent to the State Ethics Law. A letter from Jennifer K. Allgair, General Counsel of the State Ethics Commission, dated September 20, 2011, and addressed to John E. Bloxom, County Attorney, states such approval. A copy thereof is included as Appendix O of the Code of Public Local Laws of Worcester County, Maryland or may be found on file in the Office of the County Commissioners.

- (c) Other duties and responsibilities. The Ethics Board shall have other duties and responsibilities as follows:
- (1) The Ethics Board shall certify to the State Ethics Commission on or before October 1 of each year that the County is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, as from time to time amended, for elected local officials.
 - (2) The Ethics Board shall determine if changes to this Subtitle are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, as from time to time amended, and shall forward any recommended changes and amendments to the Worcester County Commissioners for enactment.
 - (3) The Ethics Board may adopt other policies and procedures to assist in the implementation of the Ethics Board's programs established in this Subtitle.
- (d) Staff support. The Worcester County Attorney shall advise the Ethics Board.

§ CG 5-104. Conflicts of interest.

- (a) Qualified relative. In this section, "qualified relative" means a spouse, parent, child, or sibling.
- (b) Applicability. All Worcester County elected officials, officials appointed to Worcester County boards and commissions subject to this Subtitle, and employees are subject to this section.
- (c) Participation prohibitions. Except as permitted by Ethics Board regulation or opinion, an official or employee may not participate in:
- (1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.
 - (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - A. A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
 - B. A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - C. A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment.
 - D. If the contract reasonably could be expected to result in a conflict between the

private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

E. An entity, doing business with Worcester County, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

F. A business entity that:

1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(3) A person who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

A. The disqualification leaves a body with less than a quorum capable of acting;

B. The disqualified official or employee is required by law to act; or

C. The disqualified official or employee is the only person authorized to act.

(4) The prohibitions of paragraph 1 and 2 of this subsection do not apply if participation is allowed by regulation or opinion of the Ethics Board.

(d) Employment and financial interest restrictions.

(1) Except as permitted by regulation of the Ethics Board when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

A. Be employed by or have a financial interest in any entity:

1. Subject to the authority of the official or employee or the Worcester County agency, board, commission with which the official or employee is affiliated; or

2. That is negotiating or has entered into a contract with the agency, board, or commission with which the official or employee is affiliated; or

B. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

- (2) This prohibition does not apply to:
 - A. An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
 - B. Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Ethics Board;
 - C. An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Ethics Board; or
 - D. Employment or financial interests allowed by regulation of the Ethics Board if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- (e) Post-employment limitations and restrictions.
 - (1) A former official or employee may not assist or represent any party other than Worcester County for compensation in a case, contract, or other specific matter involving Worcester County if that matter is one in which the former official or employee significantly participated as an official or employee.
 - (2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the Worcester County Commissioners may not assist or represent another party for compensation in a matter that is the subject of legislative action.
- (f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving Worcester County.
- (g) Use of prestige of office.
 - (1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.
 - (2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.
- (h) Solicitation and acceptance of gifts.
 - (1) An official or employee may not solicit any gift.
 - (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

- (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
 - A. Is doing business with or seeking to do business with the Worcester County office, agency, board, or commission with which the official or employee is affiliated;
 - B. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - C. Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
 - D. Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

- (4) Paragraph (5) of this subsection does not apply to a gift:
 - A. That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - B. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - C. Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

- (5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:
 - A. Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - B. Ceremonial gifts or awards that have insignificant monetary value;
 - C. Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
 - D. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - E. Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - F. A specific gift or class of gifts that the Ethics Board exempts from the operation

of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of Worcester County and that the gift is purely personal and private in nature;

- G. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
- H. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.

- (i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
- (j) Participation in procurement.
 - (1) An individual or a person that employs an individual who assists a Worcester County agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
 - (2) The Ethics Board may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

§ CG 5-105. Financial disclosure — local elected officials and candidates to be local elected officials.

- (a) Financial disclosure statements.
 - (1) This section applies to all local elected officials and candidates to be local elected officials.
 - (2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 - A. On a form provided by the Ethics Board;
 - B. Under oath or affirmation; and
 - C. With the Ethics Board.

- (3) Deadlines for filing statements.
- A. An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - B. An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
 - C. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.
 - 1. The statement shall cover:
 - (i) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - (ii) The portion of the current calendar year during which the individual held the office.

(b) Candidates to be local elected officials.

- (1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file under a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) A candidate to be an elected local official shall file a statement required under this section:
 - A. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - B. In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - C. In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be an elected official:
 - A. May file the statement required under §CG 5-105(b)(2)(A) hereof with the Worcester County Board of Election Supervisors with the certificate of candidacy or with the Ethics Board prior to filing the certificate of candidacy; and
 - B. Shall file the statements required under §CG 5-105(b)(2)(B) and (C) hereof with the Ethics Board.

- (4) If a candidate fails to file a statement required by this section after written notice is provided by the Ethics Board or Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
 - (5) The Ethics Board or Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.
 - (6) Within 30 days of the receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the Ethics Board or the office designated by the Ethics Board.
- (c) Public record.
- (1) The Ethics Board or office designated by the Ethics Board shall maintain all financial disclosure statements filed under this section.
 - (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Ethics Board.
 - (3) If an individual examines or copies a financial disclosure statement, the Ethics Board or the office designated by the Ethics Board shall record:
 - A. The name and home address of the individual reviewing or copying the statement; and
 - B. The name of the person whose financial disclosure statement was examined or copied.
 - (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Ethics Board or the office designated by the Ethics Board shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
- (d) Retention requirements. The Ethics Board or the office designated by the Ethics Board shall retain financial disclosure statements for four years from the date of receipt.
- (e) Contents of statement.
- (1) Interests in real property.
 - A. A statement filed under this section shall include a schedule of all interests in real property wherever located.
 - B. For each interest in real property, the schedule shall include:
 1. The nature of the property and the location by street address, mailing address, or legal description of the property;

2. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 3. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 4. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 5. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 6. The identity of any other person with an interest in the property.
- (2) Interests in corporations and partnerships.
- A. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with Worcester County.
 - B. For each interest reported under this paragraph, the schedule shall include:
 1. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 2. The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 4. With respect to any interest acquired during the reporting period:
 - (i) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - (ii) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
 - C. An individual may satisfy the requirement to report the amount of the interest held under item (B)(2) of this paragraph by reporting, instead of a dollar amount:

1. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 2. For an equity interest in a partnership, the percentage of equity interest held.
- (3) Interests in business entities doing business with Worcester County.
- A. A statement filed under this section shall include a schedule of all interests in any business entity that does business with Worcester County, other than interests reported under paragraph (2) of this subsection.
 - B. For each interest reported under this paragraph, the schedule shall include:
 1. The name and address of the principal office of the business entity;
 2. The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 4. With respect to any interest acquired during the reporting period:
 - (i) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - (ii) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (4) Gifts.
- A. A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by Worcester County.
 - B. For each gift reported, the schedule shall include:
 1. A description of the nature and value of the gift; and
 2. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

- (5) Employment with or interests in entities doing business with Worcester County.
 - A. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with Worcester County.
 - B. For each position reported under this paragraph, the schedule shall include:
 - 1. The name and address of the principal office of the business entity;
 - 2. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - 3. The name of each Worcester County agency with which the entity is involved.

- (6) Indebtedness to entities doing business with Worcester County.
 - A. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with Worcester County owed at any time during the reporting period:
 - 1. By the individual; or
 - 2. By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
 - B. For each liability reported under this paragraph, the schedule shall include:
 - 1. The identity of the person to whom the liability was owed and the date the liability was incurred;
 - 2. The amount of the liability owed as of the end of the reporting period;
 - 3. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - 4. The security given, if any, for the liability.

- (7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by Worcester County in any capacity at any time during the reporting period.

- (8) Sources of earned income.
 - A. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial

owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

- B. A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- (9) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
- (f) Interests. For the purposes of §CG 5-105(e)(1), (2), and (3) hereof, the following interests are considered to be the interests of the individual making the statement:
- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - (2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.
 - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
 - A. The individual held a reversionary interest or was a beneficiary; or
 - B. If a revocable trust, the individual was a settlor.
- (g) Ethics board review.
- (1) The Ethics Board shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
 - (2) The Worcester County Ethics Board may take appropriate enforcement action to ensure compliance with this section.

§ CG 5-106. Financial disclosure — employees and appointed officials.

- (a) Applicability. This section only applies to the following appointed officials and employees: Chief Administrative Officer, Assistant Chief Administrative Officer, County Attorney, all Department Heads, all members of the Planning Commission, Board of Zoning Appeals, Shoreline Commission, Board of Electrical Examiners and any other board, commission or agency that the County Commissioners may designate by future resolution.
- (b) Filing requirements. A statement filed under this section shall be filed with the Ethics Board under oath or affirmation.
- (c) Deadline for filing. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Worcester County, including the name of the donor of the gift and the approximate retail value at the time of receipt.

- (d) Disclosure of conflicts of interest. An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
- (e) Maintenance of records. The Ethics Board shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §CG 5-105(c) and (d) (Financial disclosure - local elected officials and candidates to be local elected officials) of this Subtitle, as from time to time amended.

§ CG 5-107. Lobbying.

- (a) Applicability. A person shall file a lobbying registration statement with the Ethics Board if the person:
 - (1) Personally appears before a Worcester County official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
 - (2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$350.00 on food, entertainment, or other gifts for officials or employees of Worcester County.
- (b) Deadline for filing. A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.
- (c) Registration statement.
 - (1) The registration statement shall identify:
 - A. The registrant;
 - B. Any other person on whose behalf the registrant acts; and
 - C. The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.
 - (2) The registration statement shall cover a defined registration period not to exceed one calendar year.
- (d) Annual report. Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Ethics Board disclosing:
 - (1) The value, date, and nature of any food, entertainment, or other gift provided to a Worcester County official or employee; and
 - (2) If a gift or series of gifts to a single official or employee exceeds \$50.00 in value, the identity of the official or employee.

- (e) Maintenance of records. The Ethics Board shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Ethics Board.

§ CG 5-108. Exemptions and modifications.

- (a) Exemptions and modifications. The Ethics Board may grant exemptions and modifications to the provisions of §§CG 5-104 (Conflicts of interest) and CG 5-106 (Financial disclosure - employees and appointed officials) of this Subtitle, as from time to time amended, to employees and to appointed members of Worcester County Boards and Commissions, when the Ethics Board finds that an exemption or modification would not be contrary to the purposes of this Subtitle, and the application of this Subtitle would:
 - (1) Constitute an unreasonable invasion of privacy; and
 - (2) Significantly reduce the availability of qualified persons for public service.

§ CG 5-109. Enforcement.

- (a) Late fees; cease and desist orders. The Ethics Board may:
 - (1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under §CG 5-105 (Financial disclosure - local elected officials and candidates to be local elected officials) or CG 5-106 (Financial disclosure - employees and appointed officials) of this Subtitle, as from time to time amended;
 - (2) Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under §CG 5-107 (Lobbying) of this Subtitle, as from time to time amended; and
 - (3) Issue a cease and desist order against any person found to be in violation of this Subtitle.
- (b) Actions on violations.
 - (1) Upon a finding of a violation of any provision of this Subtitle, the Ethics Board may:
 - A. Issue an order of compliance directing the respondent to cease and desist from the violation;
 - B. Issue a reprimand; or
 - C. Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
 - (2) If the Ethics Board finds that a respondent has violated §CG 5-107 (Lobbying) of this Subtitle, as from time to time amended, the Ethics Board may:

- A. Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under §CG 5-107 (Lobbying) of this Subtitle, as from time to time amended;
- B. Impose a fine not exceeding \$5,000 for each violation; and
- C. Suspend the registration of an individual registered lobbyist if the Ethics Board finds that the lobbyist has knowingly and willfully violated §CG 5-107 (Lobbying) of this Subtitle, as from time to time amended, or has been convicted of a criminal offense arising from lobbying activities.

(c) Judicial actions.

- (1) Upon request by the Ethics Board, the Worcester County Attorney may file a petition for injunctive or other relief in the circuit court of Worcester County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this Subtitle.
- (2) Actions by the court.
 - A. The court may:
 - 1. Issue an order to cease and desist from the violation;
 - 2. Except as provided in subparagraph (B) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this Subtitle when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
 - 3. Impose a fine of up to \$5,000 for any violation of the provisions of this Subtitle, with each day upon which the violation occurs constituting a separate offense.
 - B. A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(d) Other enforcement actions. In addition to any other enforcement provisions in this Subtitle, a person who the Ethics Board or a court finds has violated this Subtitle:

- (1) Is subject to termination or other disciplinary action; and
- (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Ethics Board or a court.

(e) Disciplinary action. A Worcester County official or employee found to have violated this Subtitle is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

- (f) Lobbying violations. Violation of §CG 5-107 (Lobbying) of this Subtitle, as from time to time amended, shall be a misdemeanor subject to a fine of up to \$10,000 and/or imprisonment of up to one year.
- (g) Public information. A finding of a violation of this Subtitle by the Ethics Board is public information.

§ CG 5-101. Applicability; definitions.

- (a) Applicability. The provisions of this Subtitle apply to the employees and officials listed herein.
- (b) Definitions. For the purposes of this Subtitle, the following terms shall have the meanings indicated:

COUNTY -- Refers to any County agency, department, board or commission provided for herein, including (1) officials and employees of the County government; (2) officials, employees or members of any board, committee or commission created or established by ordinance, resolution or Public Local Law of the County Commissioners; and (3) officials, employees or members of any of the following: County Boards of Education, Liquor Control Board, Board of Library Trustees, Liquor Licenses Commissioners, Soil Conservation District and Commission on Aging. [Amended 9-21-1982 by Bill No. 82-7]

DOING BUSINESS -- Includes any transaction involving one hundred dollars or more or the negotiation thereof between the person involved and the County. It shall not include such transactions if less than one hundred dollars but shall include all transactions of over one hundred dollars generally accepted as business transactions.

GIFT -- Includes the transfer of anything of value without adequate and lawful consideration. [Added 9-21-1982 by Bill No. 82-7]

TRANSFER -- Includes any loan or granting of beneficial use. [Added 9-21-1982 by Bill No. 82-7]

§ CG 5-102. Ethics Board.

- (a) Appointment and duties. There shall be a County Ethics Board, which shall be composed of five members appointed by the County Commissioners for four-year staggered terms or until a successor takes office. Terms of members appointed as of January 1, 1991, may be less than four years in order to create staggered terms. Such members shall serve without compensation but may receive reimbursement for expenses incurred during the performance of duties while serving on said Board. The Board shall be advised by the County Attorney and shall have the following responsibilities:
 - (1) To adopt rules and regulations for the administration of this Subtitle, including rules and regulations regarding disclosures, exemptions and enforcement. Any

rule, regulation or policy of the Ethics Board shall first be approved by the County Commissioners.

- (2) To render advisory opinions to persons subject to the Subtitle as to the applicability of the provisions of this Subtitle to them.
 - (3) To process and make determinations as to complaints filed by any person alleging violations of this Subtitle.
 - (4) To devise, receive and maintain all forms generated by this Subtitle.
 - (5) To conduct a public information program regarding the purposes and application of this Subtitle. [Amended 2-12-1990 by Bill No. 91-2]
- (b) Staff support. The County Commissioners may appoint a Secretary to the Ethics Board.

§ CG 5-103. Conflicts of interest.

- (a) Participation in decision-making process. Persons who are subject to this Subtitle shall not participate in the decision-making process on behalf of the County or in the public interest:
- (1) In any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse or dependent child or a business entity with which they are affiliated.
 - (2) In any matter involving a business entity in which they hold an interest of either one thousand dollars or ten percent or greater where the matter involves a financial transaction of five thousand dollars or more or where the matter is subject to County regulation.
 - (3) In any matter involving a business entity by which they are employed where the matter involves the sum of fifty thousand dollars or more or where the matter is subject to County regulation.
 - (4) In any matter in which their outside employment or business relationship would impair their impartiality or independence of judgment.
- (b) Other conflicts. Persons who are subject to this Subtitle shall not:
- (1) Represent any party, for a contingent fee, before any County body.
 - (2) Within one year following termination of County service, act as a compensated representative of another in connection with any specific matter in which they participated substantially as a County official or employee.

- (3) Accept or have accepted on their behalf any gift or gifts with an aggregate value in one year of greater than fifty dollars in value from any person that has or is doing business with or is regulated by their County agency, department or board. [Amended 9-21-1982 by Bill No. 82-7]
- (4) Use their position for their own benefit or that of another.
- (5) Receive any payment, fee or wage, other than such salary as may be authorized by law or resolution, from any person in return for County governmental services for which they are being paid a County salary.
- (6) Solicit any gift; provided, however, that this shall not prohibit candidates for elective office from soliciting campaign contributions as may be permitted by state election laws. [Added 9-21-1982 by Bill No. 82-7; amended 2-12-1990 by Bill No. 91-2]
- (7) Use for private use or disclose any confidential information obtained in the course of their official duties. [Added 9-21-1982 by Bill No. 82-7]
- (8) Hold any outside employment or position, by a full-time employee/supervisor, which would conflict with the persons County employment as determined by the Ethics Board. [Added 9-21-1982 by Bill No. 82-7]

§ CG 5-104. Disclosure of conflicts.

- (a) Disclosure of conflicts. Persons subject to this Subtitle shall immediately, upon becoming aware of a conflict of interest or potential conflict of interest, disclose such conflict and the nature thereof to their supervisor and other members of their board, committee or commission and shall directly disqualify themselves from any action with respect to the matter. Such conflicts shall be made public forthwith in such manner as the Ethics Board may from time to time prescribe sufficiently in advance to provide adequate notice to the public. [Amended 9-21-1982 by Bill No. 82-7]
- (b) Disclosure of disqualification and gifts. Persons subject to this Subtitle shall promptly disclose, in writing, the following in such a manner as the Ethics Board may prescribe:
 - (1) Any matter in which the person has disqualified himself pursuant to § CG 5-103(a)(1), (2) or (3).
 - (2) The receipt of a gift allowed under § CG 5-103(b)(3) by a person regulated by that section, except that it shall not be necessary to report any gift whose value is less than twenty-five dollars; provided, however, that where more than one gift of less than twenty-five dollars in value has been received from the same source so that the total value of these gifts exceed twenty-five dollars, these gifts shall be reported.

- (c) Candidates reports. All candidates, including incumbents, for any elected office shall file a statement with the Ethics Board within twenty-four hours of their filing disclosing any conflict or potential conflict which they may have if elected, including disclosure of any gift in excess of fifty dollars from any person doing business with the County or whose business is regulated by any County agency. If elected, such candidate shall file a second statement with the Board within thirty days of his election with respect to matters occurring between his first statement and the date of his second statement. [Amended 9-21-1982 by Bill No. 82-7; 2-8-1983 by Bill No. 83-2]
- (d) Maintenance of records. Statements filed with the Board will be maintained by the Secretary to the Board and shall be available for public inspection and copying.

§ CG 5-105. Lobbying disclosure.

- (a) Registration of lobbyists. Any person who personally appears before any County official or employee with the intent to influence that person in performance of his official duties and who, in connection with such intent, expends or reasonably expects to expend in a given calendar year in excess of one hundred dollars on food, entertainment or other gifts for such officials shall file a registration statement with the Board not later than January 15 of the calendar year or within five days after first making his appearances.
- (b) Registration statement. The registration statement shall include complete identification of the registrant and of any person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances.
- (c) Report of expenses and gifts. Registrants under this subsection shall file a report within thirty days after the end of the calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gift provided to a County official or employee. When a gift or series of gifts to a single official or employee exceeds one hundred dollars in value, the official or employee shall also be identified.
- (d) Maintenance of records. The registrations and reports filed pursuant to this section shall be maintained by the Board as public record available for public inspection and copying.

§ CG 5-106. Exemptions and modifications.

- (a) Exemptions. The Board may grant exemptions and modifications, in writing, to the provisions of §§ CG 5-103 and 5-104 of this Subtitle if it determines that the application of those provisions should:
 - (1) Constitute an unreasonable invasion of privacy;
 - (2) Significantly reduce the availability of qualified persons for public service; and/or
 - (3) Not be required to preserve the purposes of this Subtitle.

- (b) Definition of gifts. The Board may, by rule or regulation, provide for a detailed definition of those gifts which shall be included within the meaning of this Subtitle and of those gifts which may be generally exempted.

§ CG 5-107. Enforcement.

- (a) Cease and desist order. The Board may issue a cease and desist order against any person found to be in violation of this Subtitle and may seek enforcement of this order in the Circuit Court for Worcester County, Maryland.
- (b) Disciplinary action. The County official or employee found to have violated this Subtitle may be subject to disciplinary or other appropriate personnel action, including suspension of County salary or other compensation.
- (c) Violations. Any person who violates the provisions of this Subtitle shall be guilty of a civil infraction. [Amended 11-10-1987 by Bill No. 87-5].

APPENDIX B

SUBTITLE V

Indemnification Provisions

§ CG 4-501. Indemnification of certain officers and employees for official acts. [Added 12-9-1986 by Bill No. 86-9; amended 9-26-1989 by Bill No. 39-16; 3-18-2003 by Bill No. 03-6]

§ CG 4-501 Indemnification of certain officers and employees for official acts.

- (a) Indemnification. The County Commissioners of Worcester County, Maryland, shall indemnify those persons listed in Subsection (b) hereof with respect to any official act taken by such persons in the course of their official duties on behalf of the County Commissioners, subject to the limitations set forth in this section hereof. The indemnification shall, except as limited hereby, extend to the cost of defense and any award that may be realized against any such person. The County Commissioners shall have the right in all cases of indemnification to undertake and control the defense, including the selection of counsel, and any person indemnified hereunder shall cooperate in all respects with such defense and shall in no way act to prejudice such defense except as required by law.
- (b) Applicability. The indemnity afforded by this Subtitle shall apply to the individual County Commissioners, all employees of the County Commissioners and all individual members of County boards and agencies which are appointed by the County Commissioners as well as volunteers, who at the request of the County Commissioners and under the control and direction of the County Commissioners were at the time of the incident providing services or performing duties for the County Government.
- (c) Exceptions. The indemnification afforded by this Subtitle shall not apply to any of the following:
- (1) Criminal acts.
 - (2) Willful, malicious misconduct.
 - (3) Any act taken contrary to and against the previously, directly and clearly communicated advice of legal counsel for the County.
 - (4) Any act taken in bad faith.
 - (5) Any act taken under the influence of alcohol or any other drug which is not individually and specifically prescribed for the person and taken in accordance with prescription instructions, unless insurance coverage is provided and required by law and then only to the extent of such coverage.
 - (6) Any act taken outside the scope of County duty or employment not in the course of County business.

- (7) Any act in violation of any law, statute or regulation where the person acting knew or should have known of the existence and import of the law, statute or regulation.
 - (8) Any act taken in bad faith with malice and without justification for the benefit of or in the interest of the employee or official and not the County.
 - (9) Any punitive or exemplary damages.
- (d) Reservation of rights. In the case of any indemnity hereunder, the County Commissioners may require and have the right to a reservation of rights signed by the person claiming to be indemnified upon the commencement of defense. The reservation of rights shall contain such terms and provisions as the County may deem necessary and appropriate and shall protect the County Commissioners in the event that the facts of the claim develop to the extent that they indicate that the act is not subject to indemnification pursuant to this Subtitle. The reservation of rights shall provide that any costs or expenses advanced shall be repaid to the County Commissioners should it be determined that the act is not subject to the indemnification pursuant to this Subtitle.
- (e) Notification and cooperation. In order to avail oneself of the indemnity provided under this Subtitle, the employee or official must follow all prescribed procedures, immediately notify the County Commissioners of any pending claim and must file or provide all such reports and other documents or tangible evidence and perform such acts as the Commissioners may reasonably require and fully cooperate with the defense. The County Commissioners must be kept advised at all times of any claim and the progress thereof for which any indemnity under this Subtitle may apply.
- (f) Insurance. The County Commissioners may provide insurance to cover acts indemnified hereunder, but such insurance shall not limit the indemnity. Where the incident is covered by insurance obtained by the employee or the official, such insurance shall have primary liability to cover any act indemnified hereunder. This indemnity shall not be construed to indemnify any insurance company. Any claim required to be paid shall first be paid from any available insurance, other than that obtained by the County including County self-insurance. Any insurer having primary coverage hereunder shall have no right of subrogation or contribution against the County or its insurer on account of this section. The County Commissioners may assign its rights to notification and cooperation as well as administrative provisions of this Subtitle to its insurer.
- (g) Immunity. Nothing in this Subtitle shall constitute or amount to a waiver or partial waiver, whatsoever, on behalf of the County or anyone subject to the provisions hereof, of any immunity or defense of any kind, whether statutory or at common law, either limited or absolute.
- (h) Limitation of liability. Nothing in this Subtitle shall be construed to negate, lessen or affect any limitation of liability afforded under any other law, regulation or decision in any way or preclude or limit any defenses available. Any indemnity shall be limited by any applicable State or Federal law.
- (i) Punitive damages. Nothing in this Subtitle shall Permit the County to be liable for or to indemnify against punitive or exemplary damages unless such damages are covered by

insurance and then only where specifically permitted by the County Commissioners.

- (j) Local Government Tort Claims Act. The provisions of the Local Government Tort Claims Act (Courts and Judicial Proceedings) Title 5, Subtitle 3 of the Annotated Code of Maryland, as from time to time amended, shall supercede and govern this Subtitle.

APPENDIX C

Worcester County Government

Drug and Alcohol Testing Policy for Safety-Sensitive Employees

List of Authorized Personnel

Program Administrator	Stacey Norton, Human Resources Director (410) 632-0090 (work) (443) 783-6463 (cell)
Program Administrator Designee	Eddie Carman, Risk Manager (410) 632-0090 (work) (443) 614-3149 (cell)
Roads Superintendent	Frank Adkins, Roads Superintendent (410) 632-2244 (work) (443) 880-6930 (cell)
Substance Abuse Professional	Michael B. Finegan, PhD Peninsula Mental Health Services (410) 860-2673

APPENDIX D

**Worcester County Government
Drug and Alcohol Testing Policy for Safety-Sensitive Employees
List of Safety-Sensitive Employees**

<u>Position Title</u>	<u>Reason for Test</u>
Animal Control Officer & Chief	Operation of County-owned vehicle
BHZ Inspector/Plans Rev (all levels)	Operation of County-owned vehicle
Building Maintenance Mechanic	Operation of County-owned vehicle
Chief Administrative Officer	Operation of County-owned vehicle
Chief Custodian	Operation of County-owned vehicle
Collection System Supervisor	Operation of County-owned vehicle
Communications Clerk (all levels)	Public Safety Employee
Comprehensive Planning Director	Operation of County-owned vehicle
Construction Crew Leader, Supervisor	Operation of County-owned vehicle
Construction Technician	Operation of County-owned vehicle
Critical Areas Inspector	Operation of County-owned vehicle
Custodial Worker I	Operation of County -owned vehicle
DRP Director & Deputy Director	Operation of County-owned vehicle
Economic Development Director	Operation of County-owned vehicle
Emergency Services Director & Asst.	Public Safety Employee
Environmental Inspector (all levels)	Operation of County-owned vehicle
Environmental Sanitarian (all levels)	Operation of County-owned vehicle
Equipment Operator	Operation of County-owned vehicle
Fire Marshal & Deputies (all levels)	Public Safety Employee
Grounds Crew Leader	Operation of County-owned vehicle
Heavy Equipment Operator	Operation of County-owned vehicle
Human Resources Director	Operation of County-owned vehicle
Instrument Technician	Operation of County-owned vehicle
Investigator	Public Safety Employee
Jail Employees (all)	Public Safety Employees/sensitive job duties
Landfill Equipment Operator	Operation of County-owned vehicle
Landfill Operations Foreman	Operation of County-owned vehicle
Landfill Superintendent	Operation of County-owned vehicle
License Inspector (all levels)	Operation of County-owned vehicle
L.P.N./Jail	Safety sensitive job duties
Maintenance Superintendent	Operation of County-owned vehicle
Maintenance Worker (all levels)	Operation of County-owned vehicle
Mosquito Control Technician	Operation of County-owned vehicle
Natural Resources Administrator	Operation of County-owned vehicle
Ocean Pines WWW Supervisor	Operation of County-owned vehicle
Plumbing Inspector (all levels)	Operation of County-owned vehicle
Parks Manager & Worker (all levels)	Operation of County-owned vehicle
Plant Operator (all levels) & Chief	Safety sensitive job duties

Worcester County Government - Personnel Rules and Regulations

<u>Position Title</u>	<u>Reason for Test</u>
PSAP Supervisor	Safety Sensitive job duties
Public Works Director & Deputy	Operation of County-owned vehicle
Recreation & Parks Director	Operation of County-owned vehicle
Recreation Program Manager I & II	Safety Sensitive job duties
Recycle Coordinator	Operation of County-owned vehicle
Recycle Foreman	Operation of County-owned vehicle
Risk Manager	Operation of County-owned vehicle
R.N./Jail	Safety sensitive job duties
Roads Superintendent, Foreman, Supervisor	Operation of County-owned vehicle
SEC Inspector	Operation of County-owned vehicle
Service Area Supervisor	Operation of County-owned vehicle
Shared Facilities Supervisor	Operation of County-owned vehicle
Sheriff's Office Employees (all)	Public Safety Employee
Risk Manager	Operation of County-owned vehicle
Tourism Director	Operation of County-owned vehicle
Traffic Control Foreman	Operation of County-owned vehicle
Utility Mechanic (all levels)	Operation of County-owned vehicle
Vehicle & Equipment Mechanic Supervisor & Mechanics (all levels)	Operation of County-owned vehicle
Water System Supervisor	Operation of County-owned vehicles
Zoning Administrator	Operation of County-owned vehicle

APPENDIX E

**Worcester County Government Drug and Alcohol Testing Policy
for Safety Sensitive Employees
Observation Check List for Reasonable Suspicion Test Documentation**

Instructions: The Department Head or Superintendent who observes the suspicious behavior must have the alleged behavior observed and confirmed by another Department Head, Human Resources Director, Program Administrator Designee, Chief Administrative Officer or Asst. Chief Administrative Officer. This completed form must be presented to the Program Administrator or designee **PRIOR TO** sending the employee for testing.

Today's Date: _____ Time: _____ am/pm
 Employee's Name: _____ SSN: _____
 Job Title: _____ Dept: _____
 Location of Observation: _____
 Does the employee have a CDL? _____ Perform safety-sensitive duties? _____

OBSERVATIONS: (Check yes or no for EACH behavior)

		Quality and Quantity of Work	
Yes	No		
___	___	1.	Clear refusal to do assigned task(s)
___	___	2.	Significant increase in errors
___	___	3.	Repeated errors in spite of increased guidance
___	___	4.	Reduced quality of work
___	___	5.	Inconsistent "up and down" quality of work
___	___	6.	Behavior that disrupts self or others work flow
___	___	7.	Procrastination on significant tasks or decisions
___	___	8.	More than usual supervision necessary
___	___	9.	Frequent, unsupported explanations for poor work performance
___	___	10.	Noticeable change in written or verbal communication

		Interpersonal Work Relationships	
Yes	No		
___	___	1.	Significant change in relations with coworkers, supervisors, others
___	___	2.	Frequent or intense arguments
___	___	3.	Verbal abusiveness
___	___	4.	Physical abusiveness
___	___	5.	Persistently withdrawn or less involved with people
___	___	6.	Intentional avoidance of supervisor
___	___	7.	Expressions of frustration or discomfort
___	___	8.	Change in frequency or nature of complaints
___	___	9.	Complaints by coworkers or subordinates
___	___	10.	Cynical, "distrustful of human nature" comments
___	___	11.	Unusual sensitivity to criticism or advice, unpredictable response to supervision
___	___	12.	Passive-aggressive attitude or behavior, doing things "behind your back"

General Job Performance		
Yes	No	
___	___	1. Excessive unauthorized absences - number in last 12 months:_____
___	___	2. Excessive authorized absences - number in last 12 months:_____
___	___	3. Excessive use of sick leave - number in last 12 months:_____
___	___	4. Frequent Monday or Friday absence or other pattern:_____
___	___	5. Frequent unexplained disappearances
___	___	6. Excessive "extension" of breaks or lunch
___	___	7. Frequently leaves work early - number of days per week or month:_____
___	___	8. Increased concern about or actual incidents of safety offenses: _____
___	___	9. Experiences or causes job accidents
___	___	10. Major changes in duties or responsibilities
___	___	11. Interferes with or ignores established procedures
___	___	12. Inability to follow through on supervisor's recommendation or counseling

Personal Behavior		
Yes	No	
___	___	1. Unusual changes in appearance (dress, hygiene)
___	___	2. Unusual changes personal speech (incoherent, stuttering, loud)
___	___	3. Unusual changes in physical mannerisms (gesture, posture)
___	___	4. Changes in level of activity - much reduced____much increased____
___	___	5. Unusual changes in topics of conversation (death, suicide, harming someone)
___	___	6. Increasingly irritable or tearful
___	___	7. Persistently boisterous or rambunctious
___	___	8. Unpredictable or out-of-context displays of emotion
___	___	9. Unusual fears
___	___	10. Detailed conversation about obtaining or using drugs/alcohol
___	___	11. Makes unfounded accusations toward others
___	___	12. Secretive or sneaky
___	___	13. Difficulty recalling instructions, past behaviors
___	___	14. Frequent colds, flu or other illness
___	___	15. Alcohol on breath
___	___	16. Excessive fatigue
___	___	17. Makes unreliable or false statements
___	___	18. Unrealistic self-appraisal or grandiose statements
___	___	19. Temper tantrums or angry outbursts
___	___	20. Demanding, rigid, inflexible
___	___	21. Major change in physical health.

Other pertinent information: _____

Signature of Reporting Supervisor

Confirming Witness

APPENDIX F

EMPLOYEE /COMPLAINT PROCEDURE FORM

An employee shall try to resolve any problem or complaint with the Department Head. Complaints of discrimination and/or harassment shall be made directly and immediately to the Human Resources Director or Chief Administrative Officer. The complaint must be provided in writing within 10 days after the employee becomes aware of the circumstances leading to the complaint by completing this form. If additional space is required, please attach another sheet.

I. Date and time the violation occurred:_____

II. Description of the problem - Please be as thorough and accurate as possible by including dates, times, locations and witnesses of the circumstances leading to the complaint. If additional space is needed, attach another sheet.

III. Policy or procedure you believe has been violated - Please reference the rule stated in the Handbook with section number.

IV. How do you believe this complaint could be resolved?

By my signature below, I hereby verify, to my knowledge, the above-stated information to be true and correct. Further, I understand that knowingly providing false information may result in disciplinary action.

Employee Name (Print):_____ SSN:_____

Employee Signature:_____ Date:_____

Date Received by Human Resources Director or Chief Administrative Officer:_____

Signature:_____

APPENDIX G

POST ACCIDENT PROCEDURE

1. **STAY CALM. PROTECT YOUR PASSENGERS AND VEHICLE.**
Set flares if you carry them
DO NOT LEAVE THE SCENE OF THE ACCIDENT
DO NOT DISCUSS THE ACCIDENT OR BLAME ANYONE, including yourself.

2. **CALL 911 TO REPORT ANY ACCIDENT INVOLVING A COUNTY VEHICLE. IF THE ACCIDENT OCCURS OUTSIDE THE COUNTY, CALL (410) 632-1312.**
Any accident involving a County vehicle may be investigated by the Sheriff's Office.

GIVE: a. Employee's Name
 b. Location of Accident

DRUG & ALCOHOL TESTING IS REQUIRED IF ANY COUNTY VEHICLE IS INVOLVED IN AN ACCIDENT:

- **with another vehicle, regardless of the damage; or**
- **causing property damage totaling \$2,500 or more to vehicle and/or property; or**
- **resulting in bodily injury to anyone.**

911 WILL CONTACT THE RISK MANAGER and report the information above:

Eddie Carman	Office	410 632-0090
	Home	410-632-2409
	Mobile	443-614-3149

The Risk Manager will advise Emergency Services where the Employee is to report for testing.

IF THE RISK MANAGER IS NOT AVAILABLE, 911 will contact the appropriate testing agency:

IN THE STATE OF MARYLAND	
Chesapeake Advanced Testing & Training*	410-896-9700
OUTSIDE MARYLAND	
DAC Services*	1-800-288-8504

*The Agency will advise 911 where the Employee is to report for testing.

911 WILL ADVISE THE EMPLOYEE OR DEPUTY ON THE SCENE where the Employee is to report for testing.

REMINDER TO EMPLOYEE: It is the Employee's responsibility to report for drug & alcohol testing as required . If required, alcohol testing must be conducted within 2 hours of accident, drug testing within 32 hours. Failure to do so may result in disciplinary action.

3. **FACTS TO GIVE & GET** (The Driver may not be the Owner of the vehicle – get information for both)

Driver's name, address, telephone numbers (day & night) license number, State of license, sex

Vehicle Owner's name, address, telephone numbers

Worcester County Commissioners

1 W. Market St., Snow Hill, MD 21863

410 632-1194

Vehicle Make, Model & Type (i.e., 1999 Ford Taurus)

Name of Other Vehicle Insurance Company

County's Insurance Company: Local Government Insurance Trust (LGIT)

Vehicle registration and motor vehicle identification numbers

4. **INJURIES** – Seek information from police on scene for all injured parties including name, address, gender and type of injury.
5. **WITNESSES** – If any witnesses are present, ASK them to complete the witness card in your packet. Passengers in the accident are not witnesses.
6. **VEHICLE/PROPERTY DAMAGE** – Make a note of the location of the damage on the vehicle in as much detail as possible.
7. **DRAW A DIAGRAM** – Note how the accident occurred showing direction of vehicles and turns. If no street address is available, be as specific as possible. Example: Rt 113 North approx. ½ mile south of Washington St. intersection.
8. **REPORT FOR DRUG & ALCOHOL TESTING IF REQUIRED.**
9. **REPORT YOUR ACCIDENT TO YOUR SUPERVISOR as soon as possible.**
10. **Complete all accident reports and send to Risk Manager the next business day.**

IMPORTANT: Nothing in this procedure will supersede or interfere with the normal investigation of the accident or application of law or required testing (alcohol, etc.) as mandated by Federal, State or County laws.

Rev. 6/05, 12/15

APPENDIX H

**RECEIPT FOR
WORCESTER COUNTY PERSONNEL RULES AND REGULATIONS**

BY MY SIGNATURE BELOW:

I hereby certify that I have personally received a copy of the Worcester County Personnel Rules and Regulations,

As a condition of my continued employment with Worcester County, I will :

- personally read and become familiar with the contents,
- comply fully with the rules set forth in this document,
- read postings made available to me about rule changes,
- immediately contact my Department Head or the Human Resources Director with any questions I may have about these rules.

Further, I understand that this manual is a general informational guide to the County's current employment policies and shall not be construed as a contract, implied or otherwise, or to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely.

The County reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual, as the County deems necessary and appropriate, without advance notice and shall be made by Resolution of the Worcester County Commissioners, hereafter "the Commissioners," pursuant to the provisions of Section 4-301(b) of the County Government Article of the Code of Public Local Laws of Worcester County.

The County also reserves the right to deviate from these policies in emergency situations, in order to achieve its primary mission of providing orderly and cost efficient services to its citizens.

Employment with the County is at-will and voluntary on the part of both parties. Either the employee or the County may terminate the employment relationship at any time, with or without cause, as either party may deem appropriate.

I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE RULES AND REGULATIONS MAY RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION OF MY EMPLOYMENT.

Employee Name (print): _____ Date: _____

Employee Signature

Witness to Signature