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DIVISION 1. GENERAL PROVISIONS.**Sec. 16-101. Legislative purposes and policies.**

(a) The provisions of this Subtitle shall be broadly construed and applied to promote its underlying purposes and policies.

(b) The underlying purposes and policies of this Subtitle are:

(1) To effectuate the mandate set forth in Sections 901 and 904 of Article IX of County Charter so as to provide by law for a County personnel system governing the appointment and removal of employees, and other personnel policies and procedures for employees in the County government, said policies and procedures to govern but not be limited to: classification and pay plans including the allocation of positions; the construction, maintenance, and expiration of eligibility lists; certification and appointment procedures; probationary requirements; promotion, transfer, and separation procedures; disciplinary procedures; career development plans; and special rules relating to the police and fire services; and,

(2) To insure that said personnel system is administered and maintained in a manner consistent with the following principles:

(A) That all human resources actions, including the appointment and promotion of employees, are based upon the merit and fitness procedures as set forth in this Subtitle;

(B) That all employees and applicants for employment shall receive fair and equitable treatment in all aspects of human resources administration, including an expeditious resolution of their grievances and appeals, without regard to race, sex, sexual orientation, color, religion, creed, country of national origin, political opinion, marital status, age, physical or mental handicap, physical appearance, or membership or nonmembership in a labor organization insofar as the aforesaid parties' employment rights are protected with respect to the foregoing characteristics in accordance with the provisions of this Subtitle;

(C) That the same grade, the same qualification requirements, and substantially the same salary ranges be established and maintained for all employees occupying positions within the same class of work;

(D) That appointing authorities are able to effectively and efficiently implement the missions and objectives of their agencies or departments by clarifying the rights and responsibilities of such appointing authorities to assign and direct the work of employees, to discipline employees, and to adjust their grievances;

(E) That appointing authorities retain employees on the basis of the adequacy of their performance and conduct, attempt to correct inadequate employee performance or misconduct, and discipline employees whose inadequate performance or misconduct cannot be corrected or condoned; and,

(F) That the provisions of this Subtitle shall be presumed to be County-wide in nature and, as such, shall be uniform in their application to all employees so as to insure that all employees are guaranteed certain basic rights and benefits and that the personnel system established by this Subtitle is susceptible to proper manageability, stability and accountability as dictated by the public interest, except as specifically provided otherwise under the provisions of this Subtitle.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-102. Definitions.

(a) For purposes of this Subtitle, the following words and phrases shall have the meanings respectively ascribed to them by this Section, except where the context clearly requires otherwise:

(1) **Adverse Action** means certain actions authorized and effectuated in writing by any appointing authority or the Director of Human Resources Management which adversely affect an employee by virtue of a reduction in the employee's pay and/or employment status. As used herein, the term "adverse action" shall only mean and include any dismissal, suspension, demotion, forfeiture of annual leave as a disciplinary action, a step rate reduction as a disciplinary action, the imposition of a fine as a disciplinary action, a separation from County employment under a reduction-in-force action, and a termination under separation-disability action.

(2) **Allocation** means the human resources action by which the Director of Human Resources Management creates a position and assigns it to a class of work established in the Classification Plan.

(3) **Anniversary Date** means that date one (1) calendar year from the effective date of an employee's initial appointment, competitive or noncompetitive promotion, reemployment, demotion, and reappointment to a vacant position in the classified service, or such other date established in the Salary Plan, as well as the same respective dates, where applicable, each succeeding calendar year, for the duration of an employee's County employment in the classified service. As defined herein, the term "anniversary date" shall not apply to any employee occupying a position in the classified service under the terms of a temporary/provisional, temporary/emergency or limited-term appointment.

(4) **Appointment** means the human resources action by which an appointing authority considers and selects an eligible for entry into a position in the classified service as a probationary status employee, a temporary/provisional status employee or a temporary/emergency status employee.

(5) **Appointing Authority** means a person or persons authorized by law to select, remove, and otherwise discipline and direct employees and shall include the County Executive; the Chief Administrative Officer; the heads of agencies, departments, and offices in the Executive Branch; the individual members of the County Council and the County Council as a body; the Clerk of the County Council; the County Auditor; and the Chief Zoning Hearing Examiner. As defined herein, the term "appointing authority" shall also mean any employee under the jurisdiction of any of the aforementioned parties who has been delegated authority, in writing, to select employees by any of the aforementioned parties.

(6) **Certification** means the human resources action by which the Director of Human Resources Management prepares and refers a certification list to an appointing authority for consideration of eligibles thereon for appointment or promotion, as appropriate, to a vacant position or positions in a given class of work within the classified service.

(7) **Certification List** means a listing of the names of eligibles certified from the top of the appropriate eligibility register by the Director of Human Resources Management and referred to an appointing authority for consideration for appointment or promotion, as appropriate, to a vacant position or positions in a given class of work within the classified service.

(8) **Class or Class of Work** means a group of positions, or one position, that:
(A) Have similar duties, tasks, and responsibilities;

- (B) Require the same minimum qualifications;
- (C) Have been assigned the same grade;
- (D) Can be compensated by salary ranges which are substantially the same; and
- (E) Can be identified by the same title.

(9) **Class Series** means a grouping of two (2) or more classes within the same occupational group, as designated in the Classification Plan, based on the similarity of the nature and type of work and representing ascending levels of responsibility and qualifications which reflect normal promotional lines.

(10) **Class Specification** means a written description of a typical and representative position for each class of work established in the Classification Plan which specifies the typical duties, tasks, and responsibilities associated with each such class.

(11) **Class Title** means the official designation or name assigned to each class established in the Classification Plan.

(12) **Classification** means the legislative action of adopting or amending the Classification Plan so as to establish a new class of work in the classified or exempt service, assign a class title and, where applicable, assign an appropriate grade thereto.

(13) **Classification Plan** means a law setting forth, by schematic listings, each established class of work in the classified and exempt services and the grade, except as otherwise provided by law, assigned to each established class of work. As defined herein, the term "Classification Plan" shall not be construed to include any position governed by an approved Executive Pay Plan or any elective position otherwise established by County Charter or State statute.

(14) **Classified Service** means all positions not specifically defined under Section 902 of Article IX of County Charter which are required to be governed by the provisions of this Subtitle pursuant to the provisions of Section 901 of Article IX of County Charter.

(15) **Competitive Examination** means a promotional examination or a recruitment examination, wherein the Director of Human Resources Management rates the relative qualifications of applicants in competition for appointment or promotion, as appropriate, to a vacant position or positions in a given class of work within the classified service.

(16) **Demotion** means the human resources action by which an employee is changed, while continuously employed, to a lower grade in the classified service.

(17) **Detail** means the temporary assignment to an employee of all or part of the duties, tasks and responsibilities of another position to meet an emergency situation, for purposes of training, or to accommodate an employee's temporary disability.

(18) **Discrimination** or **Discriminatory Action** means any act by an employee's appointing authority or supervisor, or the Director of Human Resources Management, which adversely affects the pay, status or working conditions of the employee, or any act by an appointing authority or the Director of Human Resources Management which adversely affects an applicant for employment or a former employee seeking reinstatement, reemployment or reappointment, where any such act is based upon the employee's or the applicant's race, sex, sexual orientation, color, religion, creed, country of national origin, political opinion, marital status, age, physical or mental handicap, or physical appearance and thereby made wrongful and illegal pursuant to and in accordance with the provisions of, the Equal Employment Opportunity Act of 1972 (Public Law 92-261), as amended, Sections 17 through 20, titled "Discrimination in Employment," of Article 49B, titled "Human Relations Commission," of the Annotated Code of Maryland, as amended, and the Human Relations Act for Prince George's County, Maryland, as said statutes or laws were enacted and as they may be amended from time to time; provided,

however, that the foregoing shall not be construed to prevent an appointing authority, supervisor, or the Director of Human Resources Management from taking any action which is declared not to be a wrongful employment practice under the provisions of the aforesaid statutes or laws, including, but not limited to, any action taken on the basis of any such employee's or applicant's race, sex, sexual orientation, color, religion, creed, country of national origin, political opinion, marital status, age, physical or mental handicap, or physical appearance where it can be demonstrated that any of said characteristics with respect to any such employee or applicant constitutes a bona fide, occupational qualification reasonably necessary to the normal operation of County government. As defined herein, the term "discrimination" or "discriminatory action" shall also include any action taken by an appointing authority, supervisor, or the Director of Human Resources Management with respect to any such employee or applicant for employment because of any such employee's or applicant's membership or nonmembership in a labor organization, as said term is defined under Section 13A-102(h) of Subtitle 13A of the Prince George's County Code of Ordinances and Resolutions, titled "Labor Code," except as may be otherwise provided by law.

(19) **Dismissal** means the human resources action by which an appointing authority separates an employee from the employee's position for "less than satisfactory" performance, or for violations of standards or rules of conduct or behavior.

(20) **Eligibility Register** means a promotion register, or a recruitment register, wherein the names of all applicants determined by the Director of Human Resources Management to be eligible for promotion or appointment, as appropriate, to a vacant position or positions in a given class of work within the classified service are ordered in terms of their relative standing for certification.

(21) **Eligible** means an applicant who, upon the determination of the Director of Human Resources Management, meets the qualification requirements for promotion or appointment, as appropriate, to a vacant position or positions in a given class of work within the classified service.

(22) **Employee** means a person legally appointed to and occupying any duly authorized and allocated position in the classified service, but shall not include any person occupying a position in the classified service under the terms of a temporary/provisional, temporary emergency or limited-term appointment, or a person appointed to and occupying any position in the exempt service, unless expressly stated otherwise.

(23) **Equal Employment Opportunity Officer** or **EEO Officer** means that person whom the County Executive or the County Executive's designee appoints and who, by virtue of said appointment, shall be charged with investigatory responsibilities set forth under Section 16-203(a)(7) with respect to appeals filed with the Personnel Board in which discrimination is alleged, and such additional duties and responsibilities as specifically assigned by the County Executive under the terms of the Executive Order required to be issued under Section 16-109(b) with respect to the County's equal employment opportunity program.

(23.01) **Executive Level Position** means any deputy or assistant director, administrative specialist, or executive administrative aide to the head of a department, agency, or office, or similarly graded positions, including the position of Major in the Police and Fire Departments.

(24) **Executive Pay Plan** means a resolution adopted by the County Council pursuant to Section 402(5) of Article IV of County Charter having the force and effect of law which establishes the compensation for the positions of the Chief Administrative Officer and the head of each agency and department of the Executive Branch of County government. As used herein,

the term "compensation" shall mean and include base salary rates and any other special salary rates and fringe benefits.

(25) **Exempt Service** means all positions specifically defined in Section 902 of Article IX of County Charter.

(26) **Furlough** means a period of leave without pay under the provisions of Section 16-229 of the Code. A furlough is a nondisciplinary human resources action authorized and approved by the Director of Human Resources Management and is not an adverse action.

(27) **Grade** means the alphabetical and/or numerical designation used to identify the level of responsibility assigned to each class of work established in the Classification Plan.

(28) **Grievance** means a complaint by an employee wherein the employee alleges that an act or acts by the employee's appointing authority or supervisor, or the Director of Human Resources Management, except for adverse actions, with respect to any matter affecting the employee's working conditions, pay, or status, is unfair, inequitable, arbitrary and capricious, or illegal. An "act" or "action" by an appointing authority, supervisor, or the Director of Human Resources Management under the meaning of this paragraph shall also include any failure to act within a reasonable period of time by any of said parties. As defined herein, the term "grievance" shall not be construed to include any grievance as defined and provided for under any collective bargaining agreement negotiated and approved pursuant to Subtitle 13A of the Prince George's County Code of Ordinances and Resolutions, titled "Labor Code."

(29) **Ineligible** means an applicant whom the Director of Human Resources Management determines does not meet the qualification requirements for appointment or promotion, as appropriate, to a vacant position or positions in a given class of work within the classified service.

(30) **Noncompetitive promotion** means an act by which an employee in a lower graded class of work receives a promotion to a higher graded class of work without having to undergo a formal promotional examination.

(31) **Occupational Group** or **Job Family** means the grouping of two (2) or more classes or class series in the same or related occupation, profession, activity, or field of endeavor.

(32) **Personnel Procedures** means that compilation of administrative guidelines and operating instructions developed by the Director of Human Resources Management and approved and issued by the County Executive or a designee of the County Executive, other than the Director of Human Resources Management, in full compliance with and within the scope of, the provisions of this Subtitle, for the benefit of appointing authorities, supervisors and employees where specifically required by the provisions of this Subtitle and where otherwise deemed necessary and appropriate by the Director of Human Resources Management in order to properly and effectively carry out the provisions of this Subtitle.

(33) **Position** means a group of duties, tasks, and responsibilities allocated by the Director of Human Resources Management to a class of work established in the Classification Plan and requiring the full- or part-time employment of one (1) or more persons. A position may be incumbered or vacant.

(34) **Position Description** means a written statement for each position allocated to each class of work established in the Classification Plan which is intended to exemplify the class specification applicable to the position by delineating the specific and particular day-to-day duties, tasks, and responsibilities comprising the work assigned to the position.

(35) **Position Title** means the informal, working designation or name assigned to each position allocated to a class of work established in the Classification Plan.

(36) **Probationary Period** means that period of time extending up to, but not to exceed, twelve (12) calendar months from the effective date of initial appointment and reappointment of a person to a vacant position in the classified service which is intended to constitute the final stage in the examining process of an initially appointed and reappointed employee; provided, however, that the probationary period for all uniformed employees occupying positions allocated to public safety classes of work within the County Police, Sheriff, and Fire Departments shall be that period of time extending from the effective date of any such employee's initial appointment and reappointment through that date twelve (12) calendar months after the date any such employee completes any required basic training course or courses in an academy or school; and provided further, that the "probationary period," as defined herein, shall not apply to any employee occupying any position in the classified service under the terms of temporary/provisional, temporary/emergency or limited-term appointment.

(37) **Promotion** means the human resources action by which an employee is changed, while continuously employed, to a vacant position in a class with a higher grade.

(38) **Promotional Examination** means a type of competitive examination for promotion to a vacant position or positions in a given class of work within the classified service, admission to which shall be limited to eligible employees occupying positions in certain lower grade classes in the classified service.

(39) **Qualification Requirements** means a written description for each class of work established in the Classification Plan which specifies the minimum qualifications requisite for any employee to occupy and continue to occupy any position allocated to each such class.

(40) **Rating** means the human resources action by which the Director of Human Resources Management measures the degree of an eligible's relative qualifications for appointment or promotion, as appropriate, to a vacant position or positions in a given class of work within the classified service.

(41) **Reallocation** means the human resources action by which the Director of Human Resources Management changes an allocated position from one (1) established class of work to another established class of work with a higher or lower grade in the classified service.

(42) **Reappointment** means the human resources action by which a permanent status employee, formerly occupying a position in the classified service and voluntarily separated from said position, or formerly occupying a position in the classified service and involuntarily separated from said position through a reduction-in-force action, is reappointed, as a matter of the appointing authority's privilege, to a vacant position in the classified service for which the employee meets the qualification requirements.

(43) **Reassignment** means the human resources action by which an employee changes duties or responsibilities, while continuously employed within the same class and grade.

(44) **Reclassification** means the legislative action of amending the Classification Plan so as to revise an established class of work in the classified or exempt service by changing the grade, class specification, qualification requirements, or class title, or any combination of the foregoing revisions.

(45) **Recruitment Examination** means a type of competitive examination for appointment to a vacant position or positions in a given class of work within the classified service, admission to which shall be open to any eligible person and shall be announced to the general public.

(46) **Reduction-In-Force** means the human resources action authorized and approved by the Director of Human Resources Management wherein an employee is separated from a position in a given class of work within the classified service due to the scheduled abolition of

one (1) or more of the positions allocated to said class of work within a given department, agency, or office, as a result of a curtailment of work, a lack of funds, or governmental reorganization.

(47) **Reemployment** means the human resources action by which a permanent status employee, formerly occupying a position in the classified service and involuntarily separated from said position through a reduction-in-force action is reemployed, as a matter of right, in a vacant position in the same class from which separated or in a vacant position in a lower graded class within the same class series from which separated, after a break in County employment of one (1) full working day or more.

(48) **Reemployment Priority Register** means a written record prepared and maintained by the Director of Human Resources Management which is comprised of the names of those permanent status employees formerly occupying positions in the classified service who were separated from their positions through a reduction-in-force action and are legally entitled to be reemployed in any vacant position in the same class from which separated or in any vacant position in a lower graded class within the same class series from which separated. The names of all employees on any such reemployment register shall be ranked, by class and class series, on the basis of each such employee's retention points score in order to determine priority for reemployment.

(49) **Reinstatement** means the human resources action by which an employee, formerly occupying a position in the classified service and involuntarily separated from said position by virtue of an adverse action, is reinstated in the employee's former position by final order of the Personnel Board or a court of law pursuant to an adverse action appeal.

(50) **Resignation** shall mean a voluntary written statement from an employee giving his\her appointing authority notice of the termination of his\her employment with the County. A "resignation" shall include, at a minimum, the date of the employee's separation and the position from which the employee is separating.

(51) **Retention Points** means the numerically weighted factors of length of County employment, and prior official performance ratings, which factors constitute the formula for the derivation of the quantitative score assigned to each permanent status employee occupying a position in the classified service and determine each such employee's relative standing or rank on a retention register. In determining length of County employment, any employee absence due to a reduction-in-force (provided that the employee is reemployed following the reduction-in-force), or the grant of approved leave, including but not limited to military leave, disability leave, or leave taken pursuant to the Family and Medical Leave Act, shall not constitute a break in service.

(52) **Retention Register** means a written record of a given class of work within the classified service and all positions allocated to said class of work within a given department, agency, or office, wherein the names of employees occupying positions allocated to said class of work are ranked by the Director of Human Resources Management on the basis of their priority for retention due to a scheduled reduction-in-force action.

(53) **Retention Rights** means the legal entitlement of a permanent status employee to be retained in a position in a given class of work on the basis of said employee's relative standing on a retention register.

(54) **Salary Plan** means that compilation of salary schedules, as recommended by the County Executive and approved by the County Council pursuant to Section 903 of County Charter, setting forth the compensation for annually- and hourly-rated employees who occupy positions allocated to each class of work established in the Classification Plan, except for

employees who occupy positions for which compensation is established in an approved Executive Pay Plan and except for elected officials whose salary and/or compensation is otherwise established by County Charter or State statute. As used herein, the term "compensation" shall mean and include the base salary rates of all such classified and exempt service employees and any other special salary rates and fringe benefits not otherwise established in this Subtitle, as enacted, and as amended from time to time.

(55) **Salary Range** means one sequence or several sequences of salary rates for each grade from a minimum salary rate through a maximum salary rate.

(56) **Salary Schedule** means a table of grades and corresponding salary ranges, as established under the Salary Plan, setting forth the compensation of employees who occupy positions in established classes of work.

(57) **Schematic Listing** means a method of identifying each class of work established in the Classification Plan through the arrangement of class titles by occupational groups.

(58) **Standard Work Week** or **Tour of Duty** means the total number of productive hours established under the applicable salary schedule within the Salary Plan which each employee is required and entitled to work during a stipulated number of consecutive calendar days, with due allowance for additional, unpaid periods of time for meals.

(59) **Reserved.**

(60) **Supervisor** means any appointing authority, and any other employee under an appointing authority's jurisdiction, designated, in writing, as a supervisor by an appointing authority who is responsible for generally overseeing, directing and evaluating the work and performance of a specified group or unit of employees. Where an appointing authority delegates, in writing, to a designated supervisor, the authority to appoint employees under the supervisor's jurisdiction, then, in such event, the supervisor shall also be an appointing authority with respect to the exercise of such appointment authority under the provisions of this Subtitle.

(61) **Suspension** means the human resources action by which an appointing authority officially places an employee in a nonduty, nonpay status as a result of violations of rules or standards of conduct or behavior.

(62) **Transfer** means the human resources action by which an employee, while continuously employed, is moved to a vacant position at the same grade located either within the agency or in another agency.

(63) **Work Schedules** mean written schedules of the required daily hours of work, within a standard work week, prescribed by an appointing authority for individual employees and/or various groups or units of employees under the appointing authority's jurisdiction.

(b) Whenever, under the provisions of this Subtitle, any action is required to be taken by any person within a specified period of time, such period of time shall be construed to be mandatory in nature, unless clearly described in terms which are directory or discretionary.

(CB-1-1976; CB-30-1982; CB-98-1982; CB-107-1985; CB-124-1987; CB-44-1991; CB-90-1991; CB-25-1995; CB-22-2000; CB-91-2003)

Sec. 16-103. Applicability of Subtitle.

(a) The provisions of this Subtitle shall apply, within its terms, to all employees occupying positions within the classified service, provided:

(1) That the provisions of this Subtitle shall not apply to any employee occupying a position in the classified service under the terms of a limited-term appointment, except as expressly stated otherwise;

(2) That the provisions of this Subtitle shall not apply to any employee occupying a position in the classified service under the terms of a temporary/provisional or temporary/emergency appointment, except as expressly stated otherwise; and,

(3) That the provisions of this Subtitle shall apply to any employee occupying a position in the classified service where said employee is governed by a collective bargaining agreement negotiated and approved pursuant to the provisions of Chapter 13A of the Prince George's County Code of Ordinances and Resolutions, titled "Labor Code," except as specifically provided otherwise under the provisions of Section 16-233.

(b) The provisions of this Subtitle shall not apply to any employee occupying a position in the exempt service, except as expressly stated otherwise.

(CB-1-1976)

Sec. 16-104. County Personnel Board: composition; appointment; terms; removal; compensation.

(a) The composition, terms, and procedures for appointment and removal of the members of the County Personnel Board shall be as provided for in Section 906 of Article IX of the Charter.

(b) The members of the Personnel Board shall be compensated at the rate of Four Hundred Dollars (\$400.00) per month. The Chair thereof shall be compensated an additional One Hundred Dollars (\$100.00) per month for administrative responsibilities.

(CB-1-1976; CB-60-1979; CB-22-2000)

Sec. 16-105. County Personnel Board: powers and duties.

(a) Pursuant to Section 907 of Article IX of County Charter, the County Personnel Board shall have the following powers and duties:

(1) To recommend to the County Council, proposed regulations, consistent with the provisions of this Subtitle, concerning procedures for hearings before the Board and a reimbursement schedule for employee legal fees and/or court costs, which shall have the force and effect of law upon adoption by resolution of the Council;

(2) To approve or disapprove agreements for the joint administration of examinations and the use of eligibility registers concluded by the Director of Human Resources Management with other public human resources offices and departments;

(3) To hear and decide adverse action and unresolved grievance appeals from employees in accordance with the applicable provisions of Division 14;

(4) To hear and decide appeals from former employees seeking reinstatement, reemployment, and reappointment, and any employee who has taken or sought to take an examination for appointment to a vacant position in the classified service concerning any action of the Director of Human Resources Management or the appointing authority in relation thereto, including actions pertaining to the methods of examination, and the preparation of eligibility registers and certification therefrom, in accordance with the applicable provisions of Division 14;

(5) To advise and consult, as appropriate, with County officials on matters concerning the administration of the personnel system established by this Subtitle and any personnel procedures issued pursuant hereto, and to report to the County Executive and the County Council on the operation of said personnel system; and,

(6) To carry out such other functions as may be assigned by law.

(b) In addition to the powers and duties enumerated in Subsection (a), above, and otherwise assigned in this Subtitle, the County Personnel Board:

(1) Shall be empowered to administer oaths and to require any witness to testify under oath regarding the subject of any appeal before the Board;

(2) May request any classified or exempt service employee to attend and produce documents and records regarding the subject of any appeal before the Board;

(3) May, upon a majority vote of the full Board, make application to the County Council for the issuance of subpoenas upon any person to require such person to attend, testify, and produce documents and records regarding the subject of any appeal before the Board; and,

(4) May review and provide comments to the County Council on any legislation amending the provisions of this Subtitle, as may be proposed from time to time, and on any proposed amendments to the County's Classification and Salary Plans where comments on amendments to said plans are provided in accordance with the procedures stipulated in Section 16-125 of this Subtitle.

(CB-1-1976; CB-52-1981; CB-5-2003; CB-91-2003)

Editor's Note: CR-53-1977 approved the Personnel Board Rules of Administrative Procedure.

Sec. 16-106. County Director of Human Resources Management; responsibilities and duties.

(a) The Office of Human Resources Management of Prince George's County, Maryland, shall be headed by a Director of Human Resources Management.

(b) In addition to such responsibilities and duties as otherwise assigned in this Subtitle, the Director of Human Resources Management shall:

(1) Be responsible to the County Executive for the overall administration of the personnel system established by this Subtitle pursuant to Section 905 of Article IX of County Charter;

(2) Be responsible for insuring that the personnel requirements of all appointing authorities and supervisors are met on a continual and timely basis;

(3) Insure, to the extent provided under the provisions of this Subtitle, that the personnel system established by this Subtitle is administered within the various agencies, departments, and offices of County government in a manner which is consistent with and not in violation of, the provisions of this Subtitle;

(4) Recommend to the County Executive policies and procedures which are designed to advance the utilization of progressive human resources management techniques in the administration of the personnel system established by this Subtitle;

(5) Routinely evaluate the effectiveness of human resources management practices within and among the various agencies, departments and offices of County government and recommend improvements therein to the County Executive;

(6) Recommend, on a timely basis, to the County Executive for submission to the County Council, proposed legislation to amend the provisions of this Subtitle as necessary in order to refine, update, and expand the personnel system established by this Subtitle;

(7) Develop personnel procedures;

(8) Provide, on a timely basis to the County Executive for submission to the County Council, updated class specifications and salary schedules;

(9) Conduct the full range of human resources management and labor relations functions as required in order to properly implement and maintain the personnel and labor relations system established by this Subtitle with authority to delegate, in writing, such functions to agencies, departments, and offices of County government, provided that:

(A) No such delegation shall vest with any agency, department, or office the authority to approve any human resources action which, under the provisions of this Subtitle, requires the approval of the Director of Human Resources Management, or the County Executive or the County Executive's designee; and,

(B) Appropriate personnel procedures shall be developed, approved and issued at or before the effective date of any such delegation to insure that the agency, department, or office administers said personnel function or functions in accordance with the provisions of this Subtitle; and,

(10) Encourage employee participation in wellness and recreation programs;

(11) Establish appropriate programs for the employment of persons with disabilities, students, trainees, interns, and similarly situated persons to occupy County positions;

(12) Represent the County Executive in all labor relations matters, including the negotiation of collective bargaining agreements, representation, and unfair labor practice proceedings, and arbitration hearings.

(CB-1-1976; CB-99-1983; CB-107-1985; CB-22-2000; CB-91-2003)

Sec. 16-107. Management prerogatives.

(a) Subject to such conditions and restrictions as are specifically set forth or authorized to be effectuated pursuant to the provisions of this Subtitle, all appointing authorities shall have the general responsibilities and authority to manage and direct the operations and activities of their departments, agencies or offices to the fullest extent provided by applicable statute, law and/or regulation. In furtherance of the foregoing and under the management direction of the County Executive, all appointing authorities shall have exclusively reserved to them, the following general prerogatives relative to the management of the operations and activities of their departments, agencies or offices, provided that said prerogatives are exercised in a manner consistent with the provisions of this Subtitle and any personnel procedures developed, approved and issued pursuant hereto:

(1) To determine and redetermine, within the scope of the County's approved annual expense budget, the methods, means, personnel, and budget necessary to maintain efficient and effective government operations and to properly effectuate the mission and objectives of their department, agency, or office;

(2) To direct and assign the work of their employees, including, but not limited to, the authority to appoint, promote, transfer, and reassign such employees;

(3) To evaluate the performance and conduct of their employees and to take remedial actions in relation thereto where warranted; and,

(4) To promulgate, subject to the approval of the County Executive or the County Executive's designee, written supplemental personnel operating procedures and reasonable rules of employee conduct and behavior applicable to their employees in order to satisfy the needs and obligations of their departments, agencies, or offices.

(b) In addition to the prerogatives set forth under Subsection (a), above, an appointing authority shall also be authorized and empowered to delegate, in writing, to any employee under the appointing authority's jurisdiction, the authority to appoint other employees.

(c) The enumeration of general management prerogatives set forth in Subsections (a) and (b), above, shall not be construed as an exclusive enumeration nor as a waiver of any management prerogatives not specifically enumerated above or elsewhere in the Subtitle, whether or not such prerogatives were exercised prior to the effective date of this Act.
(CB-1-1976; CB-22-2000)

Sec. 16-108. Appointing authorities, supervisors, and employees; general responsibilities.

(a) In addition to such specific responsibilities as are otherwise assigned under the provisions of this Subtitle, all appointing authorities and supervisors shall have the following general responsibilities:

(1) To comply with and adhere to, the provisions of this Subtitle and any personnel procedures developed, approved and issued pursuant hereto;

(2) To exercise continued respect towards employees under their respective jurisdictions and the general public in their exercise of their duties and responsibilities;

(3) To recognize the rights of employees under their respective jurisdictions to openly and freely express their views relative to their terms and conditions of employment and, in furtherance thereof, to make reasonable efforts to periodically confer with said employees, individually or collectively, when requested to do so in order to informally discuss their views and recommendations regarding their terms and conditions of employment; and

(4) To identify expectations for job performance, to provide appropriate recognition for achievements, and to carry out corrective action for performance and conduct problems as needed.

(b) In addition to such specific responsibilities as are otherwise assigned under the provisions of this Subtitle, all employees are expected to adhere to the following general responsibilities, guidelines, and principles in order to maintain public trust and carry out agency missions:

(1) To comply with and adhere to, the provisions of this Subtitle, any personnel procedures developed, approved and issued pursuant hereto, and any supplemental personnel operating procedures and reasonable rules of conduct and behavior as may be promulgated by an employee's appointing authority pursuant to Section 16-107(a)(4), above, including, but not limited to, timely reporting to work, productive discharge of duties, proper leave use, maintaining integrity in carrying out duties, and refraining from improper use of drugs or alcohol;

(2) To exercise continued diligence in the performance of properly assigned duties, tasks, and responsibilities and to demonstrate willingness to perform these duties in a satisfactory manner;

(3) To carry out in an efficient, effective, and timely manner any lawful order or directive rendered by an employee's appointing authority or supervisor and any assignment which is within the scope of the employee's applicable class specification, except as specifically provided otherwise under the provisions of this Subtitle;

(4) To exercise continued respect towards other employees and the general public in all matters relating to the performance of properly assigned duties, tasks, and responsibilities; and

(5) To maintain security of confidential records and other County information.

(CB-1-1976; CB-22-2000)

Sec. 16-109. Equal employment opportunity.

(a) It shall be wrongful and illegal for any appointing authority, supervisor, or the Director of Human Resources Management to take any action pursuant to the provisions of this Subtitle with respect to any employee, any applicant for employment, or any former employee seeking reinstatement, reemployment, or reappointment, where any such action would constitute a discriminatory action. In furtherance of the foregoing, it shall be the policy of Prince George's County, Maryland, to provide equal opportunity in County employment for all persons and to promote the full realization of said equal employment opportunity within all departments, agencies, and offices of County government. The aforesaid declaration of policy regarding equal employment opportunity shall apply to all aspects of the personnel system established by this Subtitle, including, but not limited to, the areas of classification, recruitment, promotion, training, compensation, and fringe benefits.

(b) In order to properly effectuate the policies set forth in Subsection (a), above, the County Executive shall, by Executive Order, establish the components of an equal employment opportunity program for the County and assign specific duties and responsibilities, as appropriate, to the Chief Administrative Officer, the Director of Human Resources Management, the Equal Employment Opportunity Officer, appointing authorities, supervisors, and employees, with respect to the development, implementation, monitoring, and evaluation of the various components of said program. The aforesaid Executive Order shall be developed and issued so as to give full force and effect to all applicable rules, regulations, and guidelines authorized and promulgated pursuant to the Equal Employment Opportunity Act of 1972 (Public Law 92-261), as amended, and shall address the employment opportunities and needs of persons with disabilities.

(CB-1-1976; CB-22-2000; CB-91-2003)

Editor's Note: CR-85-1972 provided that qualified women are to be equally considered for any top and middle management position and that women are to be recruited for advancement to such positions.

Sec. 16-110. Reserved.**Sec. 16-111. Right to organize and bargain collectively.**

County employees shall have the right to organize and bargain collectively through representatives of their own choosing in the formulation and implementation of personnel policies affecting their employment in accordance with the provisions of Chapter 13A of the Prince George's County Code of Ordinances and Resolutions, titled "Labor Code," as enacted pursuant to the provisions of Section 908 of Article IX of County Charter, and subject further to the provisions of Section 16-233.

(CB-72-1976)

DIVISION 2. ATTENDANCE.**Sec. 16-112. Attendance of employees.**

All employees shall be required to attend work regularly, to be punctual in reporting for duty at the prescribed time, and to work the number of hours prescribed in their standard work weeks, where applicable, unless absent on authorized and approved leave. All appointing authorities and supervisors shall be responsible for the proper attendance of employees under their jurisdiction. The Director of Human Resources Management shall develop personnel procedures, as defined in Section 16-102(a)(32) establishing standards and requirements for the recording and reporting of employee attendance.

(CB-1-1976; CB-91-2003)

Sec. 16-113. Standard work week or tours of duty.

(a) All full-time employees shall be entitled and required to work those standard work weeks or tours of duty as are established under the applicable salary schedules within the Salary Plan.

(b) Nothing herein shall be construed to preclude the County Executive or the County Council from establishing, for employees under their respective jurisdictions, policies of productive work time based upon the completion of a specified number of tasks rather than total number of hours worked, provided that such policies are reasonable substitutions for the standard work weeks or tours of duty applicable to said employees.

(CB-1-1976)

Sec. 16-114. Work schedules.

Work schedules shall be prescribed in writing by each appointing authority for all employees under the appointing authority's jurisdiction. The work schedules, as prescribed by appointing authorities in the Executive Branch, shall be approved by the County Executive or the County Executive's designee; and the work schedules, as prescribed by appointing authorities in the Legislative Branch, shall be approved by the County Council as a body or the County Council's designee. The foregoing shall not be construed to preclude the County Executive or the County Council, as the case may be, from approving work schedules based upon policies of flexible working hours, such policies being commonly referred to as "flex-time" or establishing alternative work site programs that allow work under defined standards.

(CB-1-1976; CB-22-2000)

DIVISION 3. CLASSIFICATION.**Sec. 16-115. Classification policy.**

(a) The Director of Human Resources Management shall be responsible for developing and maintaining a classification system for all positions in the classified service. The classification plan shall identify job titles and classification categories.

(b) The Director of Human Resources Management shall develop and maintain said classification system in accordance with the following requirements:

(1) That the same grade be applied to and the same qualification requirements be consistently required for, all positions in the same class of work based upon the similarity of assigned duties, tasks, and responsibilities; and,

(2) That the same standards be developed and applied in the review of all positions and classes of work.

(CB-1-1976; CB-107-1985; CB-22-2000; CB-91-2003)

Sec. 16-116. Administration of the classification system.

(a) The Director of Human Resources Management is hereby assigned the responsibilities and duties stipulated in Subsection (b), below, to insure that the basic principles of the County's classification system, as set forth in Section 16-115, above, are properly and effectively executed on a continual basis.

(b) The Director of Human Resources Management shall develop procedures to administer the classification system that address the following areas:

(1) Development and maintenance of class titles;

(2) Development and maintenance of classes of work with similar skills and salary ranges;

(3) Development and maintenance of written specifications for the different classes of work;

(4) Reallocation of encumbered positions;

(5) Technical assistance to departments, agencies, and offices of County government;

(6) Reviewing, processing, and approving requests for position reviews or classification changes.

(CB-1-1976; CB-107-1985; CB-22-2000; CB-91-2003)

Editor's Note: CR-103-1994 approved a Salary Plan amendment to retroactively approve the delay of salary rate adjustments resulting from approved reallocation requests (desk audits) submitted or approved in FY 1994 or FY 1995.

CR-15-1995 suspended the submission, processing, and implementation of all classification review of encumbered positions (desk audits) for the June 1994, June and December 1995, and June 1996 cycles. The Personnel Officer was to report to the Council regarding the necessity of continuing the suspension of the June 1996 employee-requested desk audits by April 30, 1996.

Sec. 16-117. Responsibilities of appointing authorities and supervisors in the classification process.

(a) The responsibilities of appointing authorities and supervisors with respect to the County's classification system shall be as follows:

(1) To develop, in consultation with the Director of Human Resources Management, accurate and current position descriptions for all positions under their jurisdiction;

(2) To review and, where necessary, update, the position descriptions developed under paragraph (a)(1), above, on at least an annual basis;

(3) To provide incumbents of all positions under their jurisdiction with current copies of said incumbents' applicable position descriptions as developed and maintained under paragraphs (a)(1) and (2), above;

(4) To periodically review the status of positions under their jurisdictions and to promptly initiate allocation and reallocation requests where believed to be necessary;

(5) To insure that an adequate and accurate presentation of facts is made to the Director of Human Resources Management at the time of any review of a position or positions under their jurisdiction;

(6) To be sufficiently familiar with the classification process in order to discuss pertinent facts with position incumbents at the time of any proposed position classification action;

(7) To insure that position classification actions are not proposed solely as a means to reward a position incumbent or as a means of disciplining a position incumbent; and,

(8) To insure that the assignment of duties, tasks, and responsibilities to any position incumbent:

(A) Is within the scope of the incumbent's applicable class specification, except as specifically provided otherwise under the provisions of this Subtitle; and

(B) Can be supported in the budget in the event that a reallocation to a class of work with a higher grade is determined to be warranted.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-118. Reserved.

Sec. 16-119. Status of positions in the exempt service.

(a) There shall be two (2) categories of positions in the exempt service, temporary/seasonal and permanent, defined as follows:

(1) A temporary/seasonal position shall mean any duly authorized and properly allocated position which, by virtue thereof, shall permit the employment of one (1) person for not more than seven hundred (700) hours in any twelve (12) month period; and,

(2) A permanent position shall mean any duly authorized and, where applicable, properly allocated position which, by virtue thereof, permits the employment of any of the persons in the exempt service, except for members of boards and commissions; experts or specialists performing temporary services; employees required to be covered by the State merit system; elected officials whose positions and salary and/or compensation is otherwise established by County Charter or State statute; and persons occupying temporary/seasonal, exempt service positions.

(CB-1-1976; CB-22-2000)

Sec. 16-120. Full-time and part-time position status.

(a) All of the categories of positions in the classified and exempt services, as defined in Sections 16-118 and 16-119, above, shall be either full-time positions or part-time positions.

(b) Full-time and part-time positions shall be defined as follows:

(1) A full-time position shall mean any classified or exempt service position where the authorization for the position is intended to permit the employment of one (1) person for the total number of hours within the standard work week.

(2) A part-time position shall mean any classified or exempt service position where the authorization for the position is intended to permit the employment of one (1) person for a

stipulated number of hours each pay period where the total number of hours is less than the total number of hours for a full-time position.

(CB-1-1976; CB-22-2000)

Sec. 16-121. Details.

(a) An appointing authority may detail an employee under his/her jurisdiction to temporarily assume all or part of the duties, tasks, and responsibilities of any position for a period not to exceed ninety (90) consecutive calendar days, except as provided in Section 16-189(c), or interdepartmentally, when detailed by the County Executive or the County Executive's designee to any employee within the Executive Branch for a period not to exceed one hundred twenty (120) consecutive calendar days, except as provided in Section 16-189(c), under the following circumstances:

- (1) To meet an emergency situation caused by:
 - (A) An abnormal and unanticipated workload;
 - (B) A temporary change in the functions of the agency;
 - (C) The absence of an incumbent from a position;

- (2) For purposes of training which is designed to:

- (A) Foster career development; or
- (B) Facilitate the goals and timetables established under the County's equal opportunity plan; or

(3) To accommodate an employee's temporary disability as provided for under Section 16-189(c).

(b) Notwithstanding the provisions of Subsection (a), above, an appointing authority or the County Executive, as may be applicable and based upon a demonstrated need of the agency, may extend a detail beyond the initial period for one additional period not to exceed sixty (60) consecutive calendar days upon the approval of the Director of Human Resources Management.

(c) Any such detail shall be effectuated in writing by the appointing authority, or the County Executive or the County Executive's designee, as appropriate.

(d) Any employee who is detailed to the same level of duties shall retain their current salary status during the detail and, upon completion of such detail, shall reassume the regular duties and responsibilities of the position occupied by the employee. However, where an employee has been detailed to a higher graded position, the Director of Human Resources Management shall set a salary rate as determined by the appropriate salary plan; provided, however, an employee's salary rate upon detail shall not be established at a rate less than the minimum rate or in excess of the maximum rate within the applicable salary range. The foregoing provisions as to upward salary adjustments shall not apply to any detail effectuated pursuant to paragraph (a)(2)(A) or (B) of this Section regarding training.

(CB-1-1976; CB-133-1977; CB-98-1982; CB-107-1985; CB-22-2000; CB-91-2003)

Sec. 16-122. Classification upon group transfer.

(a) Whenever a position or a group of positions is converted or made part of the County's personnel system under the terms of a State or County law or a governmental reorganization proposal issued and approved in accordance with the provisions of Section 503 of Article V of County Charter, the status of the affected incumbent or incumbents and position or positions shall be governed and determined by the specific provisions of the law in relation thereto.

(b) In the event that the law mandating the conversion of incumbents and positions into the County's personnel system makes no specific provision governing the incumbents' status and the classification of their positions, said incumbents' positions shall be transferred to the applicable agency, department, or office and allocated by the Director of Human Resources Management to comparable classes of work in the classified or exempt service, as appropriate.

(CB-1-1976; CB-22-2000; CB-91-2003)

DIVISION 4. SALARY.

Sec. 16-123. Salary policy.

(a) The Director of Human Resources Management shall be responsible for administering and maintaining the County's Salary Plan in order to insure the recruitment and retention of qualified persons and the equitable compensation of all classified service employees.

(b) The Director of Human Resources Management shall recommend general adjustments to all or certain salary schedules as necessary in order to maintain a reasonably competitive salary structure for the County in relation to the salary structures prevailing in the County's relevant labor market, after taking into account such factors as the County's revenue and financial projections, wage adjustment indicators, and productivity measurements.

(c) The Director of Human Resources Management, at the request of the appointing authority and with the concurrence of the Chief Administrative Officer, may approve salary adjustments for current employees in order to ensure salary equity within the relevant agency or to provide that pay for a supervisor is higher than pay for subordinate employees of the supervisor.

(CB-1-1976; CB-107-1985; CB-22-2000; CB-91-2003)

Sec. 16-124. Salary determination.

(a) Pursuant to Section 903 of Article IX of County Charter, the compensation for all employees occupying positions in the classified and exempt services, except as provided in Subsections (b) and (c) below, shall be determined in accordance with the County's Classification and Salary Plans.

(b) Pursuant to Section 402(5) of Article IV of County Charter, the compensation for exempt status employees occupying the positions of the Chief Administrative Officer and the head of each agency, department, and office in the Executive Branch of County government may be determined in accordance with the County Executive's Pay Plan, if not otherwise established under Subsection (a), above.

(c) If not established in the County's Classification and Salary Plans, the salaries and wages of elected officials, members of boards and commissions, experts or specialists performing temporary services, and employees required to be covered by the State Merit System shall be determined in accordance with other applicable law, statute, or contract.

(CB-1-1976)

Sec. 16-125. Transmittal, review, and approval of Classification, Salary, and Executive Pay Plans.

(a) Pursuant to Section 903 of Article IX of County Charter, the County's Classification and Salary Plans, and/or any proposed amendments thereto, shall be transmitted by the County Executive to the County Council for legislative action thereon. The Classification Plan and/or any proposed amendments thereto shall be transmitted in bill form. The Salary Plan and/or any proposed amendments thereto shall be transmitted in resolution form.

(b) Upon the initial receipt of the Classification or Salary Plans and/or any proposed amendments thereto from the County Executive, the County Council shall transmit copies thereof to the County Personnel Board for the Board's comments and recommendations thereon, if any.

(c) The County Council may amend all or any part of the Classification or Salary Plans and/or any proposed amendments thereto, except for the addition of items thereto governing employees in the Executive Branch, prior to taking final legislative action thereon pursuant to Section 317 of Article III of County Charter. However, the Salary Plan and/or any proposed amendments thereto shall stand approved if the County Council fails to take final legislative action thereon within sixty (60) calendar days after the date of transmittal thereof by the County Executive.

(d) The procedures stipulated in Subsections (a) and (c) of this Section as applicable to the transmittal, review, and approval of the Salary and Classification Plans and/or proposed pay amendments thereto, shall be similarly applicable to the transmittal, review, and approval of the County's Executive Pay Plan and/or any proposed amendments thereto.

(CB-1-1976)

Editor's Note: CR-179-1985 approved the leave and benefit program for exempt service employees. CR-77-1986 adopted amendments to the exempt service leave and benefit program to provide for a disability insurance program.

CR-14-1988 amended the Salary Plan for exempt status employees to authorize the Chief Administrative Officer to establish a performance evaluation system and to grant outstanding achievement awards not to exceed ten percent of the employee's base salary. The Chairman of the Council is authorized to establish a similar program for exempt status Council employees.

CR-4-1986 approved amendments to the salary plan provisions pertaining to deferred compensation contributions for exempt service employees.

CR-41-1995 approved the following amendment to Salary Schedules A (2462 and 2735), B, C, C-O, D, G, H, S-O, W, X, and Z: "Any employee separating from County service on or after July 6, 1995, shall not be eligible for the Discontinued Service Benefit."

Sec. 16-126. Pay periods.

All employees shall be paid on a biweekly basis.

(CB-1-1976)

Sec. 16-127. Salary rate upon appointment.

(a) The salary rate for an employee, upon initial appointment to a vacant position in the classified service, shall normally be established at an amount equal to the entry level rate in the applicable grade.

(b) Notwithstanding the provisions of Subsection (a), above, the Director of Human Resources Management may, at the request of the appointing authority, approve a rate above the entry-level rate, but within applicable salary range based upon a consideration of an employee's exceptional qualifications, an employee's salary history, or an inability to recruit sufficient applicants due to a labor market shortage in particular classes of work.

(c) A person who is appointed to a vacant position as a full-time career emergency response technician who has previously served as an active volunteer firefighter with a volunteer fire or rescue squad department or company for one or more years, has been a legal resident of the State of Maryland for at least two (2) full calendar years at the time of making formal application for competitive examination in order to be considered for initial appointment to the vacant position, and is currently residing within Prince George's County, the selected applicant shall receive the equivalent of one step of salary credit above the entry salary rate upon the presentation of evidence by such individual in such manner and form as prescribed by duly developed, approved, and issued personnel procedures and upon successful completion of training to become an emergency response technician.

(CB-1-1976; CB-107-1985; CB-1-1998; CB-22-2000; CB-35-2001; CB-91-2003)

Sec. 16-128. Anniversary dates.

(a) The Director of Human Resources Management shall assign an anniversary date to each employee upon said employee's initial appointment, promotion, demotion, reemployment, and reappointment to a vacant position in the classified service, or such other date established in the Salary Plan.

(b) An employee's anniversary date shall be utilized by the Director of Human Resources Management for purposes of determining the date for the initiation of official performance evaluations, consideration of subsequent merit step rate increases, and for application of credit for years served at the maximum rate for employees who are promoted, demoted, reallocated, displaced, reclassified, or transferred to a vacant position in the classified service.

(CB-1-1976; CB-30-1982; CB-124-1987; CB-22-2000; CB-91-2003)

Sec. 16-129. Pay increase.

Following initial appointment, subsequent increases in an employee's salary shall only be granted under the provisions of Section 16-123 and where specifically authorized by the applicable pay plan. Salary increases or other special compensation payments will be authorized only in cases where the employee's overall performance appraisal is satisfactory or higher. Base pay increases may not exceed the maximum of the appropriate salary range.

(CB-1-1976; CB-107-1985; CB-22-2000)

Sec. 16-130. Reserved.

Sec. 16-131. Salary rate upon and after promotion.

(a) The salary rate for an employee promoted to a vacant position in the classified service shall be established by the Director of Human Resources Management in accordance with the Salary Plan; provided, however, an employee's salary rate, upon promotion, shall not be established at a rate less than the minimum rate or in excess of the highest rate within the applicable salary range.

(b) Whenever an employee returns to the employee's former position upon the completion of any promotion authorized under the provisions of Sections 16-148(a)(7)(C), 16-151(b), or 16-178, the employee's salary rate shall be reestablished by the Director of Human Resources Management as if the employee had remained in the former position.

(CB-1-1976; CB-73-1979; CB-30-1982; CB-107-1985; CB-124-1987; CB-22-2000; CB-91-2003)

Sec. 16-132. Salary rate upon demotion.

(a) When an employee is demoted, except for demotions pursuant to the reallocation of a position to a class with a lower grade, or as set forth in Subsection (c), hereof, the rate within the salary range applicable to the position to which the employee is demoted shall be established by the Director of Human Resources Management in accordance with the Salary Plan.

(b) Notwithstanding the above, in no event shall an employee's salary rate, upon demotion, be established at a rate below the entry level rate or a rate above the highest salary rate within the salary range applicable to the position to which the employee is demoted.

(c) In the case of any nondisciplinary demotion, upon written request of the appointing authority, the salary reduction otherwise required by this Section may be waived by the Director of Human Resources Management, subject to the limitations of Subsection (b).

(CB-1-1976; CB-107-1985; CB-124-1987; CB-22-2000; CB-91-2003)

Sec. 16-133. Salary rate upon reallocation to a class with a lower or higher grade.

(a) The salary rate of an employee occupying a position which has been reallocated to a class with a lower grade shall be established by the Director of Human Resources Management at the rate within the salary range applicable to the class to which the position has been reallocated, which shall guarantee the same salary rate that the employee received immediately prior to the effective date of the reallocation. However, if the employee's salary rate exceeds the highest rate within the salary range applicable to the class to which the position has been reallocated, the Director of Human Resources Management shall establish the incumbent's salary rate at no more than the highest rate.

(b) The salary rate of an employee occupying a position which has been reallocated to a class of work with a higher grade shall be increased by the Director of Human Resources Management in accordance with the established salary plan and applicable personnel procedures.

(CB-1-1976; CB-30-1982; CB-107-1985; CB-25-1995; CB-22-2000; CB-91-2003)

Sec. 16-134. Salary rate upon transfer or reassignment.

The salary rate of an employee who is transferred or reassigned to a vacant position in the classified service shall be established by the Director of Human Resources Management as the

same salary rate the employee received immediately prior to the effective date of the transfer or reassignment, as the case may be.

(CB-1-1976; CB-107-1985; CB-91-2003)

Sec. 16-135. Salary rate upon reclassification.

(a) Whenever an established class of work is reclassified by increasing the assigned grade, the salary rates of all employees occupying positions within the class affected by such reclassification shall be established by the Director of Human Resources Management in accordance with the salary rates authorized by the salary range applicable to the revised grade; provided, however, that in no event shall any such employee's salary be reduced by the Director of Human Resources Management as a result of any such reclassification.

(b) Whenever an established class of work is reclassified by decreasing the assigned grade, the salary rates of all employees occupying positions within the class affected by such reclassification shall be established by the Director of Human Resources Management in accordance with the procedures stipulated under Section 16-133 as if all such employees' positions had been reallocated to a class with a lower grade or all such employees had been displaced to a class with a lower grade.

(CB-1-1976; CB-107-1985; CB-91-2003)

Sec. 16-136. Salary rate upon reinstatement.

(a) The salary rate of an employee who has been reinstated in the employee's former position shall be established by the Director of Human Resources Management as the same salary rate the employee received immediately prior to the effective date of the employee's involuntary separation from the position.

(b) Notwithstanding the provisions of Subsection (a) of this Section, any such employee's salary rate, upon reinstatement, shall be adjusted upward or downward in the event that the salary range applicable to the position the employee occupies, upon reinstatement, has been revised during the period of the employee's involuntary separation from the position or to adjust for salary changes that may have occurred during the period of involuntary separation.

(CB-1-1976; CB-30-1982; CB-107-1985; CB-22-2000; CB-91-2003)

Sec. 16-137. Salary rate upon reemployment.

(a) The salary rate within the salary range applicable to a vacant position within the classified service which an employee occupies, upon reemployment, shall be recommended by the employee's appointing authority and approved by the Director of Human Resources Management. In no event, however, shall the Director of Human Resources Management establish a salary rate for an employee, upon reemployment, at a rate in excess of the highest rate within the applicable salary range.

(b) The salary rate of an employee who has been reemployed in a vacant position in the classified service with a grade lower than the grade applicable to the position formerly occupied by the employee at the time of the employee's involuntary separation, shall be established by the Director of Human Resources Management in accordance with the procedures stipulated under Section 16-133 as if the employee's position had been reallocated to a class with a lower grade.

(CB-1-1976; CB-107-1985; CB-25-1995; CB-22-2000; CB-91-2003)

Sec. 16-138. Salary rate upon reappointment.

The salary rate within the salary range applicable to a vacant position within the classified service which an employee occupies, upon reappointment, shall be recommended by the employee's appointing authority and approved by the Director of Human Resources Management. In no event, however, shall the Director of Human Resources Management establish a salary rate for an employee, upon reappointment, at a rate in excess of the highest rate within the applicable salary range.

(CB-1-1976; CB-30-1982; CB-107-1985; CB-22-2000; CB-91-2003)

Sec. 16-139. Salary rates for authorized overtime.**(a) Overtime Salary Rates and Eligibility.**

(1) All full-time employees who are determined to be eligible for overtime salary rates in accordance with the applicable provisions of the Salary Plan, shall be compensated, in such event, at such special salary rates as are established under the applicable salary schedules within the Salary Plan for each hour or part thereof worked in excess of the total number of productive hours which constitute their standard work weeks or tours of duty.

(2) All part-time employees who are determined to be eligible for overtime salary rates in accordance with the applicable provisions of the Salary Plan, shall be compensated, in such event, at such special salary rates as are established under the applicable salary schedules within the Salary Plan for each hour or part thereof worked in excess of the full-time equivalent of the total number of productive hours which constitute their standard work weeks or tours of duty.

(b) Responsibilities of Appointing Authorities. Under the management direction of the County Executive, all appointing authorities shall be responsible for clearly and specifically directing and authorizing overtime work for employees under their jurisdictions; and, in the event such overtime is authorized, for insuring that sufficient funds have been budgeted and approved to support overtime salary costs.

(CB-1-1976)

Sec. 16-140. Severance pay.

(a) Purpose. Severance pay constitutes compensation to an eligible employee based upon services rendered to the County when the employee is involuntarily separated from County service pursuant to a reduction-in-force action.

(b) Eligibility. All full-time, permanent status employees who have been involuntarily separated from their positions under a reduction-in-force action, as provided under Section 16-188, may be granted severance pay by the County Executive if funds have been appropriated for such purpose and if such employees are otherwise eligible for such pay and can be compensated therefor in accordance with the provisions of this Section. However, the foregoing shall not apply to any such employee where the employee declines a transfer or reassignment to another vacant position prior to the effective date of any such separation; provided, however, that any employee shall be considered to have been involuntarily separated under a reduction-in-force action for the purpose of eligibility for severance pay if the employee does not decline a transfer or reassignment to another vacant position and if, upon receiving the required advanced written

notice of separation under a reduction-in-force action from the Director of Human Resources Management, the employee resigns or retires from the position prior to the effective date of the separation.

(c) Computation of Severance Pay. The amount of severance pay an eligible employee is entitled to receive shall be computed by the Director of Human Resources Management as follows:

(1) The Director of Human Resources Management shall compute for an eligible employee a basic allowance. The basic allowance shall be computed on the basis of two (2) week's salary at the base salary rate, excluding special salary rates, the employee received immediately prior to the effective date of the separation for each three (3) full years of County service.

(2) In no event, however, shall an employee's basic allowance, as computed in accordance with subparagraph (c)(1), above, be less than an amount equal to two (2) week's salary at the base salary rate, excluding special salary rates, received by the employee immediately prior to the effective date of any involuntary separation described under Subsection (b), above, provided that the employee had completed one (1) full year of County service immediately prior to the effective date of any such involuntary separation.

(3) There shall be no pro-rata computations made with respect to any basic severance pay allowance authorized under subparagraphs (c)(1) and (2), above.

(4) Any basic severance pay allowance to which an employee is entitled as of the effective date of any involuntary separation, as provided under this Section, shall be in addition to, and not in substitution for, any other salary and compensation the employee is otherwise legally entitled to at the time of any such separation.

(d) Payment of Severance Pay.

(1) Upon the effective date of the separation, an employee shall be entitled to receive the employee's total severance pay allowance, as computed under Subsection (c), above, at biweekly intervals until the total severance pay to which the employee is entitled has been exhausted.

(2) Should an employee die before the employee's severance pay is exhausted, the balance of the employee's severance payments shall continue to be made to the employee's designated beneficiary. In the event there is no designated beneficiary, said payments shall continue to be made to the employee's estate.

(e) Cessation of Severance Payments. Severance payments to an employee shall cease, if not exhausted, upon the reemployment or reappointment of the employee to a position in the classified service. The employee's appointing authority, upon such reemployment or reappointment, shall immediately notify the agency, department or office from which funds have been budgeted to support the severance payments that the employee has been reemployed or reappointed, as the case may be.

(f) Recredit of Service. Should an employee become subsequently eligible for severance pay, as provided in Subsections (a) and (b), above, the Director of Human Resources Management shall compute the amount of the employee's severance pay at the time of a subsequent separation on the basis of all the employee's County service, as provided in Subsection (c), above, and shall deduct from the number of weeks required to exhaust the employee's severance pay, as recomputed, the number of weeks for which the employee previously received severance payments. In no event, however, shall an employee, upon any subsequent involuntary separation, receive less than two (2) week's pay as required under and subject to, the conditions of paragraph (c)(2), above.

(g) Nonapplicability of Severance Pay. The preceding provisions of the Section shall not apply to any employee who is determined to be eligible for a severance pay allowance thereunder in any event where Prince George's County, Maryland, is defined as an employer under any State or Federal statute requiring the County to make payments or contributions for unemployment compensation benefits, and where any such employee has been determined by the Director of Human Resources Management to be entitled to receive unemployment compensation benefits under the terms of any such State or Federal statute by virtue of an involuntary separation under a reduction-in-force action.
(CB-1-1976; CB-91-2003)

Sec. 16-141. Deferral of income.

Except as provided under Section 16-211 with respect to an approved deferred compensation plan, it shall be wrongful for the County to withhold payments of salary from one (1) calendar year to the following calendar year or years solely for the purpose of eluding earning limitations imposed under the terms of any Federal or State statute or existing annuity or pension plans.
(CB-1-1976)

Editor's Note: CR-4-1986 approved amendments to the salary plan provisions pertaining to deferred compensation contributions for exempt-service employees.

Sec. 16-142. Gross and net salary rates.

(a) Each employee's gross salary rate shall be the total amount established at the particular rate within the salary range applicable to the position occupied by the employee plus any additional amounts authorized and received by the employee pursuant to any of the special salary rate provisions of this Division.

(b) Each employee's net salary rate shall be the employee's gross salary rate, less any salary deductions required by law or authorized by the written consent of the employee.
(CB-1-1976; CB-107-1985)

Sec. 16-143. Effective dates of salary rate changes.

(a) The Director of Human Resources Management shall develop personnel procedures establishing the effective dates of all salary rate changes authorized pursuant to any of the provisions of this Division.

(b) Any change in an employee's salary rate, as authorized pursuant to any of the provisions of this Subtitle, shall not be paid to the employee until said change has been approved by the Director of Human Resources Management.

(c) In no event shall any salary rate change authorized pursuant to any of the provisions of this Subtitle be made retroactive by the Director of Human Resources Management unless otherwise required or authorized by law.
(CB-1-1976; CB-22-2000; CB-91-2003)

Editor's Note: CR-103-1994 approved a Salary Plan amendment to retroactively approve the delay of salary rate adjustments resulting from approved reallocation requests (desk audits) submitted or approved in FY 1994 or FY 1995.

CR-18-1995 provided that all salary rate adjustments may be made effective as of the first day of the pay period in which the adjustment occurs.

Sec. 16-144. Recovery of unauthorized salary.

In the event that the County determines that a current or former employee has received an unauthorized amount of salary, the County reserves the right, upon due and proper written notification to the employee, to initiate appropriate action to recover any such unauthorized amount.

(CB-1-1976)

DIVISION 5. METHODS OF FILLING POSITIONS.

Sec. 16-145. Personnel requisitions.

A personnel requisition for the filling of a vacant position shall be initiated by the appointing authority and forwarded to the Personnel Officer for appropriate action in accordance with established personnel procedures. No position shall be filled without appropriate certification that a vacancy is anticipated, and that budgeted funds are available.

(CB-1-1976; CB-22-2000)

Sec. 16-146. Methods for filling vacant positions.

Vacant positions may be filled either competitively or noncompetitively, as provided in Sections 16-147 and 16-148.

(CB-1-1976; CB-107-1985)

Sec. 16-147. Competitive methods of filling vacant positions.

(a) The Director of Human Resources Management may, in consultation with appointing authorities, utilize either of the following methods to authorize the competitive filling of a vacant position within the classified service:

- (1) The certification of eligibles from a promotion register; or
- (2) The certification of eligibles from a recruitment register.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-148. Noncompetitive methods of filling vacant positions.

(a) The Director of Human Resources Management may utilize any of the following methods to authorize the noncompetitive filling of a vacant position within the classified service:

- (1) Reinstatement.

(A) An appointing authority shall reinstate an employee in the employee's former position in accordance with the terms of the final decision and order of the County Personnel

Board or court of law, as the case may be, granting the employee the right to be reinstated in the employee's former position.

(B) The appointing authority shall immediately forward the personnel requisition necessary to authorize the reinstatement to the Director of Human Resources Management upon receipt of the Board's or the court's order. In the event that a limited-term status employee is occupying the position, said requisition shall also request the removal of said limited-term status employee from the position and said employee's return to the employee's former position by the Director of Human Resources Management, where applicable.

(2) Reassignment. An appointing authority may reassign an employee under the appointing authority's jurisdiction without the approval of the Director of Human Resources Management; provided however, that the appointing authority shall provide the Director of Human Resources Management with written notification of any such reassignment.

(3) Intradepartmental or Intraoffice Transfers. An appointing authority may transfer an employee under the appointing authority's jurisdiction within the same department, agency, or office. In the event any such transfer is to a vacant position in a different class of work, such transfer shall be subject to the prior approval of the Director of Human Resources Management with respect to a determination as to whether the employee meets the qualification requirements applicable to the position to which the transfer is proposed by the appointing authority; and, in the event that the employee does not meet the applicable qualification requirements, the Director of Human Resources Management shall disapprove said transfer.

(4) Interdepartmental or Interoffice Transfers. The transfer of an employee from one (1) department, agency or office to another department, agency or office shall be subject to the approval of both appointing authorities. In the event that such a transfer is to a vacant position in a different class of work, such transfer shall be subject to the prior approval of the Director of Human Resources Management with respect to a determination as to whether the employee meets the qualification requirements applicable to the position to which the transfer is proposed by the appointing authority; and, in the event that the employee does not meet the applicable qualification requirements, the Director of Human Resources Management shall disapprove said transfer.

(5) Reemployment. Whenever a permanent status employee is separated from County employment under a reduction-in-force action, the Director of Human Resources Management shall place the employee's name on the reemployment priority register established for the class and class series from which the employee was separated. In the event that two (2) or more employees whose names are ranked within the same class on said register have the same retention points score, it shall be the sole discretion of the appointing authority in interest to determine which of said employees shall be selected for reemployment in the vacant position under the appointing authority's jurisdiction. The employee's period of eligibility for such reemployment shall be one (1) calendar year from the effective date of separation under the reduction-in-force action.

(6) Demotion.

(A) An appointing authority may demote an employee only for one (1) of the following reasons:

(i) Where the appointing authority has determined that the employee's performance or conduct warrants a demotion in accordance with the applicable provisions of Sections 16-194 and 16-195;

(ii) Where the employee's position has been reallocated to a class with a lower grade such that a demotion becomes necessary as provided under Section 16-175;

(iii) Where the employee has been determined to have a disability such that a demotion becomes necessary as provided under Section 16-189(d); or

(iv) Where the employee, solely as a matter of the employee's own volition, requests a demotion.

(B) Any such demotion of an employee by the employee's appointing authority shall be subject to the following further conditions:

(i) In the event that any such demotion is to a position in a lower graded class, outside of the employee's class series, such demotion shall be subject to the prior approval of the Director of Human Resources Management with respect to a determination as to whether the employee meets the qualification requirements applicable to the position to which the demotion is proposed by the appointing authority; and, in the event that the employee does not meet the applicable qualification requirements, the Director of Human Resources Management shall disapprove said demotion; and

(ii) In the event that any such demotion is to a position located in a different department, agency, or office, such demotion shall be subject to the prior approval of the appointing authority of the department, agency, or office to which said demotion has been proposed.

(7) Noncompetitive Promotions.

(A) As provided under Section 16-175, whenever an incumbered position is reallocated by the Director of Human Resources Management to a class with a higher grade, the incumbent thereof shall be noncompetitively promoted to the reallocated position provided the incumbent meets the minimum qualifications for the reallocated position.

(B) The Director of Human Resources Management shall determine whether there exists a sufficient number of employees occupying classified service positions in certain classes of work with lower grades to warrant the announcement of a competitive examination to fill the vacant positions by competitive promotion. Whenever there are fewer than ten (10) employees eligible to compete for the current or anticipated position, the Director of Human Resources Management may, based upon established procedures, and in consultation with the appropriate appointing authorities, authorize the noncompetitive promotion of such eligibles for the purpose of filling said vacancies at the election of the appointing authority.

(C) (i) Subject to the approval of the County Executive or the Chief Administrative Officer, an appointing authority may noncompetitively promote an employee to serve in a vacant, executive-level position under the appointing authority's jurisdiction for a period not to exceed one (1) calendar year. The County Executive or the Chief Administrative Officer shall not approve any such noncompetitive promotion unless the employee to be promoted meets the qualification requirements applicable to the vacant, executive-level position; provided, however, that the foregoing shall not apply in the case of qualifications which require a minimum length of service in another class of work as a condition to eligibility. In addition, the noncompetitive promotion process can be used to further the equity and parity goals set forth in Section 16-109. Any employee, so promoted, shall be entitled to return to the position the employee formerly occupied as of the cessation of such noncompetitive promotion or in the event that the appointing authority, at his/her sole discretion, ends the noncompetitive promotional assignment at any time during said one (1) calendar year. In the event any such employee's former position had been abolished during the period of the limited-term promotion, the employee shall be entitled to return to another position of the same or a comparable grade and class of work. In the event the appointing authority determines, at the cessation of such

noncompetitive promotion, that any such employee's performance is at least "satisfactory," the appointing authority may permanently promote the employee to the vacant position.

(ii) Any employee, so promoted, shall be considered to be on an extended period of approved leave without pay from the employee's former position and, in the event another employee is appointed, reassigned, transferred, or promoted to the position formerly occupied by such employee, such appointment, reassignment, transfer, or promotion shall be on a limited-term basis and the employee occupying the position shall be a limited-term status employee subject to the conditions of Section 16-178.

(iii) Any employee promoted pursuant to this Section shall retain all of the rights and benefits the employee was entitled to as a permanent status employee, except as otherwise provided in this Section.

(iv) The return of an employee to his/her former position in accordance with the provisions of subparagraph (i) is not to be considered an adverse action, nor is it subject to an employee grievance under Section 16-200.

(8) Reappointment. An appointing authority may, at the appointing authority's discretion, reappoint a permanent status employee formerly occupying a position in the classified service subject to the following conditions:

(A) The former employee had satisfactorily completed the required probationary period and was converted to permanent status;

(B) The former employee was not involuntarily separated from the employee's former position under a dismissal action or a separation-disability action based on total disability;

(C) The former employee's period of eligibility for reappointment shall be equal to the total length of time the employee had served in a position in the classified service as of the effective date of separation; provided, however, that if the employee had previously served at least three (3) full calendar years in a position in the classified service, there shall be no limitation on any such employee's period of eligibility for reappointment;

(D) A reappointment to a vacant position in the classified service in the same class of work from which the former employee was separated shall be subject to the prior approval of the Director of Human Resources Management only with respect to the conditions stipulated in subparagraphs (A), (B), and (C), above; and,

(E) A reappointment to a vacant position in the classified service in a different class of work with a grade equivalent to the grade of the class from which the former employee was separated, or in the same class of work from which the former employee was separated where the qualification requirements of the class of work have been, in the determination of the Director of Human Resources Management, substantively amended during the period of the former employee's separation, shall be additionally subject to the prior approval of the Director of Human Resources Management as to whether the former employee meets the qualification requirements of the position to which reappointment is proposed by the appointing authority. The Director of Human Resources Management may approve a proposed reappointment of an employee to a vacant position in the classified service where the position has been allocated to a class of work with a grade higher than the grade of the class from which the former employee was separated, if the allocation of the position to such higher grade was the result of a reclassification action during the former employee's period of separation and was reallocated from the same grade as the class from which the former employee was separated.

(9) Intergovernmental Transfers.

(A) Subject to both the approval of the County Executive and the County Council by resolution, the Director of Human Resources Management may negotiate personnel agreements for intergovernmental transfers with other governmental agencies not under the direct control of the County which adhere to a competitive personnel system. Any such agreement shall stipulate the terms and conditions for the transfer of qualified employees from one agency to another.

(B) The temporary transfer of an employee from any agency, department, or office of County Government to an agency, department, or office of the United States, the State of Maryland, a County, a municipality, or any not-for-profit agency that receives County funds, may be made when, in the opinion of the County, sufficient benefits from such transfer will inure to the County. When the County proposes such a transfer, it must have the consent of the affected employee and shall be for a temporary period not to exceed one (1) calendar year.

(10) Noncompetitive Appointment.

(A) An appointing authority may noncompetitively appoint a person to fill a vacant position allocated to an unskilled laborer class of work, and other vacant positions allocated to similar classes of work where it is impractical to competitively examine and appoint, subject to the prior approval of the Director of Human Resources Management with respect to whether any such person meets the qualification requirements applicable to any such vacant position.

(B) An appointing authority may noncompetitively appoint a person to fill a vacant position allocated to a particular class of work in any case where specific provisions for such noncompetitive appointments to vacant positions in designated classes of work have been authorized under State statute; provided however, that any such appointment shall be subject to the prior approval of the Director of Human Resources Management with respect to whether any such appointee meets the qualification requirements applicable to any such vacant position.

(C) An appointing authority may noncompetitively appoint a person who has been competitively appointed to a trainee or similar position established by the Director of Human Resources Management in accordance with Section 16-106(b)(11), to fill a vacant position at the entry level in a class series, subject to the prior approval of the Director of Human Resources Management with respect to whether any such person meets the qualification requirements applicable to any such vacant position.

(11) Temporary/Provisional Appointments.

(A) An appointing authority may make a temporary/provisional appointment of a person to a vacant position in the classified service where said position is allocated to a class of work for which an eligibility register has not been established by the Director of Human Resources Management, or where said position is allocated to a class of work for which an eligibility register has been established but contains the names of nine (9) or fewer eligibles. Any person, so appointed, shall be in the exempt service and said temporary/provisional appointment shall not exceed one hundred twenty (120) calendar days in any twelve (12) month period, said period beginning as of the effective date of said appointment. Temporary/provisional appointments shall not be subject to competitive examining procedures; provided, however, that the Director of Human Resources Management shall not authorize the temporary/provisional appointment of a person to a vacant position in the classified service if the person does not meet the qualification requirements applicable to the particular vacant position.

(B) Any person appointed under the terms of a temporary/provisional appointment shall be required to file an examination application with the Director of Human Resources Management upon the announcement of the recruitment examination for competitive

appointment to the position which the employee is occupying under the temporary/provisional appointment; and, in the event said person's name is not on the certification list for such competitive appointment or such person's name is on the certification list but the person is not selected, the appointing authority shall remove said person from the position. In the event that the person is competitively appointed to the position, the person shall be converted to probationary status and, by virtue thereof, shall be subject to the provisions of Division 9 for the purpose of determining said person's right to be converted to permanent status.

(12) Temporary/Emergency Appointments.

(A) When an emergency situation makes it impossible for an appointing authority to competitively appoint an eligible from a certification list derived to fill a vacant position in the classified service, the appointing authority may appoint, upon prior notification to the Director of Human Resources Management, any person to such vacant position whom the appointing authority determines meets the qualification requirements applicable to the particular position. Any person, so appointed, shall be in the exempt service and said temporary/emergency appointment shall not exceed sixty (60) consecutive calendar days in any twelve (12) month period, such period beginning as of the effective date of said appointment.

(B) An appointing authority shall only be authorized to make one (1) temporary/emergency appointment in any twelve (12) month period to a given vacant position in the classified service.

(C) As used in this subparagraph, the term "emergency situation" shall not be construed to include any condition or situation for which the appointing authority had reasonable notice or, with due diligence, should have had previous knowledge.

(D) The appointing authority shall remove any person appointed under the terms of a temporary/emergency appointment no later than the expiration of said sixty (60) calendar day period.

(b) Subject to the approval of the County Executive by Executive Order, an appointing authority may noncompetitively appoint an individual to a vacant position in the classified service of the County:

(1) When the County, as the result of a governmental reorganization under Section 503 of the Charter, has assumed the functions of another governmental agency or office which employs the individual and the position is comparable to the individual's former position with that agency or office; or

(2) When such position requires the performance of job duties, tasks, and responsibilities substantially the same as, or identical to, the individual's current job description and was performed by the individual as an employee of an existing or former governmental agency or office which provides services related to the operation of a County agency; or

(3) When the County, pursuant to Section 817 of the Charter, has revised a department or agency work program by reducing the appropriation to such department or agency and reorganizing the assignment of functions, powers, and duties of such department or agency such that the Director of Human Resources Management determines that the classification and/or status of an incumbent or incumbents should be appropriately reallocated, in accordance with the mission, goals, and objectives included in the written revised work program submitted by the County Executive and transmitted to the County Council; and

(4) When, in either of the above circumstances, the Director of Human Resources Management determines that the individual meets all other requirements for the vacant position.

(c) Any individual appointed to a vacant position under Subsection (b) shall be entitled to the same terms and conditions of employment as an employee who has been transferred. (CB-1-1976; CB-49-1985; CB-107-1985; CB-98-1992; CB-25-1994; CB-22-2000; CB-6-2003; CB-91-2003)

Editor's Note: CR-55-1981 approved reciprocal transfers between the County and the Sheriff's Department.

Sec. 16-149. Human resources forecasting.

The Director of Human Resources Management, in consultation with appointing authorities, shall develop and maintain programs designed to identify projected vacancies in the classified service in order to provide for the filling of such vacancies on a timely basis. (CB-1-1976; CB-91-2003)

Sec. 16-150. Nepotism.

No appointing authority shall fill or request to fill any vacant position in the classified service under the appointing authority's jurisdiction through any of the methods for filling vacant positions, as stipulated in Sections 16-147 and 16-148 above, with a member of the appointing authority's family. As used in this Section, the term "family" shall mean and include the appointing authority's spouse, child, parent, grandparent, grandchild, brother, sister, brother- or sister-in-law, mother- or father-in-law, or son- or daughter-in-law. (CB-1-1976; CB-22-2000)

DIVISION 6. COMPETITIVE EXAMINATIONS.

Sec. 16-151. Promotion and recruitment policy.

(a) In order to provide quality public service, it shall be the policy of Prince George's County to make employment with Prince George's County attractive as a career. To that end, the County will seek to recruit applicants dedicated to providing outstanding service and possessing the potential for future growth and development, and to offer promotional opportunities to employees who have demonstrated commitment, skills, and abilities.

(b) In order to provide appointing authorities with better capability to review and assess the performance of employees whom they have promoted into vacant positions under their jurisdictions, and at the same time to better protect the career progress of such employees at the time of such promotions, appointing authorities shall be authorized, at their discretion, to competitively or noncompetitively promote employees to vacant positions under their jurisdictions on a limited-term basis for a period not to exceed six (6) calendar months. Any employee, so promoted, shall be entitled to the same rights and privileges as afforded other limited-term promotions.

(c) Appointing authorities will be given the flexibility to develop job-related qualifications and interview requirements in order to effectively select the best qualified candidate, subject to the approval of the Director of Human Resources Management. (CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-152. Announcement of promotional and recruitment examinations.

The Director of Human Resources Management shall determine the appropriate method of announcing vacant positions in accordance with Sections 16-147 and 16-148 and in consultation with appropriate appointing authorities or their designees.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-153. Reserved.**Sec. 16-154. Contents and distribution of promotional and recruitment examination announcements.**

(a) Contents. In addition to such information as the Director of Human Resources Management may deem as necessary or appropriate, each announcement of a competitive promotional or recruitment examination, as provided above, shall include the following information:

(1) An identification of the class of work and the number of existing and/or projected vacant positions for which the examination has been announced;

(2) A description of required duties, tasks, and responsibilities and the minimum qualification requirements to be eligible for promotion or appointment;

(3) An identification of the grade and the salary range or entry salary rate applicable to the class of work;

(4) An identification of where, when, and in what format an applicant must respond to said announcement. The closing date for applicant submissions shall not be earlier than fourteen (14) calendar days after the effective date of the issuance of the examination announcement; and

(5) The date of merger on and the duration of, the eligibility register as derived from the examination.

(b) Distribution.

(1) The Director of Human Resources Management shall distribute copies of each competitive promotional examination announcement to all appointing authorities within County government on a timely basis coincidental with the effective date of the issuance of such announcements. All appointing authorities shall be responsible for insuring that copies of such announcements, upon receipt thereof from the Director of Human Resources Management, are posted at conspicuous places and locations within their departments, agencies, or offices which are readily accessible to their employees.

(2) The Director of Human Resources Management shall provide for the distribution of each competitive recruitment examination announcement through the posting of said announcements at conspicuous locations and places within each County department, agency, and office which are readily accessible to employees and at other conspicuous locations which are readily accessible to the general public. The Director of Human Resources Management may also provide for the distribution of said announcement through other appropriate means, including advertisement in newspapers, journals, and on-line publications.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-155. Special examination announcements.

(a) Where the Director of Human Resources Management determines that a particular vacant classified service position within a class of work has characteristics which make it unique to or unrepresentative of, all other positions allocated to said class of work, the Director of Human Resources Management may announce a special competitive promotional or recruitment examination, whichever is required as provided in Section 16-152, above, applicable only to the particular vacant position.

(b) In the event any such special competitive promotional or recruitment examination is announced, the provisions of Section 16-154, above, shall apply to such announcement with respect to its contents and distribution, except that the announcement may cite the position title and position description in lieu of the class title and class standard for the particular vacant position.

(c) As used in this Section, a position is unique to or unrepresentative of, other positions within the same class of work if, on the basis of the location of the position within a given department, agency, or office, the position should be most appropriately occupied by an eligible who can accommodate atypical or unusual working conditions and/or by an eligible who possesses specialized knowledge, skills, or abilities if said knowledge, skills or abilities are consistent with the qualification requirements applicable to the particular position.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-156. Qualification requirements.

(a) The Director of Human Resources Management shall be responsible for developing, in consultation with appointing authorities, where appropriate, a qualification requirements statement for each established class of work which specifies the minimum qualifications requisite for any person to initially occupy and continue to occupy any position allocated to a particular class of work.

(b) The Director of Human Resources Management shall insure that each such qualification requirements statement, as developed, is limited in its contents to include only those occupational requirements which are realistic and job-related in nature and, as such:

(1) Measure and predict only a person's aptitude or ability to satisfactorily perform the duties, tasks, and responsibilities required to occupy and continue to occupy any position in an established class of work; and,

(2) Eliminate artificial, arbitrary, and unnecessary barriers to employment and/or continued employment.

(c) The Director of Human Resources Management shall periodically evaluate the qualification requirements statement for each class of work established in the Classification Plan in accordance with established personnel procedures.

(CB-1-1976; CB-107-1985; CB-22-2000; CB-91-2003)

Sec. 16-157. Examination contents and methodology.

(a) The Director of Human Resources Management shall be responsible for the development of competitive promotional and recruitment examinations which shall be based on the qualification requirements applicable to the vacant position or positions for which such examinations are announced by the Director of Human Resources Management. The Director of

Human Resources Management may consult with appointing authorities in the development of such qualification requirements.

(b) Any such examination shall include, but not be limited to, any of the following types of tests:

- (1) Written, oral, and/or performance tests;
- (2) Measurements of education and/or training and experience; or
- (3) Any appropriate combination of the foregoing tests and measurements.

(c) The Director of Human Resources Management shall also be responsible for routinely assessing the accuracy, validity, predictability, and utility of such examinations.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-158. Examination administration.

(a) The Director of Human Resources Management shall be responsible for insuring that examination administration procedures, including, but not limited to, testing facilities, equipment, examination directions and instructions, and oral interview methods, are conducive to the equitable and reliable assessment of each promotional or recruitment applicant's abilities and aptitudes.

(b) Whenever the Director of Human Resources Management has reason to believe that standardized examination procedures would tend to cause an unreasonable impediment to, or an inaccurate measurement of, the ability or aptitude of a promotional or recruitment applicant who has a demonstrated disability, the Director of Human Resources Management shall, where feasible, provide a reasonable alternative or accommodation to such standardized procedures in order to provide for a more accurate measurement of any such applicant's ability or aptitude.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-159. Examination ratings.

The Director of Human Resources Management shall apply the same rating system to all applicants who are determined to be eligible for competitive promotion or appointment to vacant positions in a particular class of work. The Director of Human Resources Management shall determine the appropriate use of nominal, ordinal, and numerical ratings and shall ensure sufficiency of the rating process. Where appropriate, the Director of Human Resources Management may apply an alternative rating system for particular positions in a class of work, including rating by minimum qualifications. Such determination must include a consideration of the critical nature of the vacancy(ies) and the appropriateness and uniformity of the criteria.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-160. Notification of eligibility, rating, and standing on register.

(a) Any person who has taken a competitive examination for promotion or appointment to a vacant position or positions within a given class of work shall, thereafter, be notified, in writing, by the Director of Human Resources Management of the person's eligibility or ineligibility for promotion or appointment, as appropriate.

(b) If any such person is determined to be ineligible, the written notification shall state the reasons for such determination of ineligibility, and:

(1) Where said person is an applicant for competitive promotion, the notice shall also describe the employee's right to initiate a grievance with respect to such determination in accordance with the provisions of Section 16-200;

(2) The notice shall also state the person's right to inspect all applicable examination documents and materials as provided in Section 16-161; and

(3) The notice shall also advise any such ineligible of any procedures governing retesting.

(c) If any such person is determined to be eligible, the written notification shall state:

(1) The person's examination rating;

(2) The person's order or standing on the eligibility register as of a specified date;

(3) The person's right to inspect all applicable examination documents and materials, as provided in Section 16-161;

(4) The duration of the person's eligibility on the applicable eligibility register and the person's rights to reestablish eligibility, as provided in Section 16-164, below;

(5) The anticipated date or dates of certification from the eligibility register and the procedures for consideration by the appointing authority if the person's name is on the certification list;

(6) The person's right to initiate a grievance with respect to such rating in accordance with the provisions of Section 16-200 if the person is an eligible seeking competitive promotion; and

(7) Any other information the Director of Human Resources Management deems as necessary or appropriate.

(CB-1-1976; CB-107-1985; CB-22-2000; CB-5-2003; CB-91-2003)

Sec. 16-161. Maintenance and inspection of examination papers.

(a) The Director of Human Resources Management shall maintain on file all the examination documents and materials, including any performance evaluations, of each person who has taken a competitive examination for promotion or appointment to any vacant position or positions with a given class of work. Unless longer retention periods are otherwise required by law or statute, said examination documents and materials shall be maintained for a period of three (3) calendar years from the date the Director of Human Resources Management issues the required written notification of eligibility, examination rating, and standing on the register to the person or for the period of the duration of the person's eligibility on the eligibility register, whichever is longer.

(b) Any such person shall have the right to inspect said person's examination documents and materials during the period of retention and maintenance thereof by the Director of Human Resources Management. When a competitive examination involves ratings derived from the judgments of subject matter experts, the individual ratings assigned by such experts shall not be available for inspection by the person in interest. However, a composite rating for each part of the examination which is judged by such experts shall be made available to the person in interest.

(c) Each person's examination documents and materials shall be deemed to be confidential information and, as such, shall not be made available by the Director of Human Resources Management to the general public for inspection; except that the following persons shall be entitled to inspect any person's examination documents and materials, in addition to the person in interest:

(1) Any person to whom the person in interest has given prior written authorization; and

(2) An appointing authority where the name of the person in interest appears as an eligible on a certification list referred to such appointing authority by the Director of Human Resources Management.

(d) The Director of Human Resources Management shall develop personnel procedures delineating those examination documents available for inspection to those parties identified under Subsection (c), above. Said procedures shall provide any of said parties reasonable access to test materials while at the same time providing for the security and integrity of the examination materials.

(CB-1-1976; CB-22-2000; CB-91-2003)

DIVISION 7. ELIGIBILITY REGISTERS.

Sec. 16-162. Establishment and maintenance of eligibility registers.

(a) Responsibilities. The Director of Human Resources Management shall be responsible for the establishment and maintenance of eligibility registers for the purpose of certifying eligibles therefrom for competitive promotion or appointment, as appropriate, to a vacant position or positions in a given class of work within the classified service. No certification list shall be established by the Director of Human Resources Management for the purpose of competitive promotion or appointment to a vacant position or positions in a given class of work within the classified service unless said list is derived from the eligibility register established to fill vacant positions within a particular class of work.

(b) Continuous Registers.

(1) An eligibility register shall be established and maintained by the Director of Human Resources Management in order to fill vacant positions in a particular class of work by competitive promotion or appointment, as appropriate, where the number of positions allocated to said class, in combination with the annual attrition rate of incumbents of positions within said class, upon the determination of the Director of Human Resources Management, require a reasonably continuous supply of eligibles.

(2) The Director of Human Resources Management may temporarily close any continuous register, as described in subparagraph (b)(1), above, during any period of time when the number of eligibles thereon exceeds the number of existing or projected vacant positions within the class of work for which the register had been established by the Director of Human Resources Management. However, whenever a continuous register has been temporarily closed by the Director of Human Resources Management for a period of twelve (12) months, the Director of Human Resources Management shall, in such event, reopen the register and announce a competitive promotional or recruitment examination, as appropriate, in accordance with the provisions of Section 16-152. On the basis of such promotional or recruitment examination announcement, the Director of Human Resources Management shall conduct the appropriate competitive examination of applicants and shall rate the eligible candidates and notify said eligibles of their ratings and their standing on the register, as provided in Section 16-160.

(3) After any continuous eligibility register has been initially established by the Director of Human Resources Management, the merger of the names of additional eligibles on

said register thereafter shall be governed by the dates for merger as are stated in the applicable promotional or recruitment examination announcement.

(c) Temporary Registers.

(1) Where the number of positions allocated to a particular class of work and/or the annual attrition rate of incumbents of positions within said class does not, upon the determination of the Director of Human Resources Management, necessitate the establishment and maintenance of a continuous eligibility register, as described in Subsection (b), above, the Director of Human Resources Management shall establish a temporary eligibility register for the purpose of filling a position or positions within such class of work at the time such position or positions become vacant.

(2) Upon the competitive promotion or appointment, as appropriate, of an eligible or eligibles to the vacant position or positions within a given class of work for which the temporary eligibility register was established by the Director of Human Resources Management, then, and in such event, the Director of Human Resources Management shall void such eligibility register.

(d) Order of Names on Promotional Register.

(1) The Director of Human Resources Management shall arrange the names of all eligibles on any promotion eligibility register, whether continuous or temporary, in descending order with the name or names of the eligible or eligibles assigned the highest rating placed at the top of any such register.

(2) Where the names of eligibles are arranged on any such promotion eligibility register in accordance with the provisions above, on the basis of nominal ratings, the Director of Human Resources Management shall order the names of all eligibles within the same nominal rating group alphabetically.

(e) Order of Names on Recruitment Registers. The Director of Human Resources Management shall first arrange the names of all eligibles on any recruitment eligibility register, whether continuous or temporary, in descending order with the name or names of the eligible or eligibles assigned the highest rating placed at the top of any such register. Then, the final order of the names of all eligibles on such register shall be determined in accordance with the following procedures:

(1) Numerical or Ordinal Ratings. Where the eligibles on any such register have been assigned numerical or ordinal ratings, the range of the ratings on such register shall be divided into three (3) separate subranges, as appropriate, based on the nature of the range of ratings.

(2) Nominal Ratings. Where the eligibles on any register have been assigned nominal ratings, the Director of Human Resources Management shall arrange the names of all eligibles within each nominal group alphabetically.

(f) Preference order. The Director of Human Resources Management shall then arrange the names of all eligibles within each such subrange into the following priority categories:

(1) All disabled veteran eligibles, if any, shall be ordered, by rating, first on the list;

(2) All nondisabled veteran eligibles, if any, shall be ordered, by rating, second on the list;

(3) All eligibles, if any, who are "displaced homemakers" shall be ordered, by rating, third on the list;

(4) All other eligibles, if any, who have certified on their examination applications that they are currently residing within Prince George's County shall be ordered, by rating, fourth on the list; and

(5) All other eligibles, if any, who have certified on their examination applications that they are not currently residing within Prince George's County shall be ordered, by rating, in the last priority category.

(CB-1-1976; CB-133-1981; CB-123-1984; CB-92-1993; CB-1-1998; CB-22-2000; CB-91-2003)

Sec. 16-163. Conditions for granting of preferences.

(a) **Veteran's Preference.** Pursuant to the requirements of Section 48 of Article 96 1/2 of the Annotated Code of Maryland, any person whose name appears as an eligible on any established recruitment eligibility register shall be entitled to the veteran's preference considerations granted under Section 16-162, above, with respect to priority ordering on any such eligibility register if said person satisfies the following conditions:

(1) The person presents evidence of separation from any branch of the United States Armed Forces under honorable conditions after at least one hundred and eighty (180) days of active military duty, in such manner and form as described in duly developed, approved and issued personnel procedures;

(2) The person has been a legal resident of the State of Maryland for at least five (5) full calendar years at the time of making formal application for a competitive examination in order to be considered for initial appointment to a vacant position in the classified service; and

(3) If the person is a disabled veteran, the person presents evidence of a permanent, service-related disability of thirty percent (30%) or more for which said person is receiving disability compensation payments from the United States Veteran's Administration and/or any branch of the United States Armed Forces in such manner and form as prescribed in duly developed, approved and issued personnel procedures.

(b) **Veteran's Surviving Spouse.** The veteran's preference considerations granted under Section 16-162, above, shall be extended to any unmarried surviving spouse of a deceased veteran upon the presentation of evidence by such spouse in such manner and form as prescribed in duly developed, approved, and issued personnel procedures that:

(1) The person has been a legal resident of the State of Maryland for at least five (5) full calendar years at the time of making formal application for competitive examination in order to be considered for initial appointment to a vacant position in the classified service;

(2) The person is unmarried and is the legally recognized spouse of a deceased veteran;

(3) The deceased veteran had been honorably discharged from any branch of the United States Armed Forces; and

(4) If the deceased veteran was disabled, the disability was a permanent, service-related disability of thirty percent (30%) or more for which the veteran was receiving, at the time of death, disability compensation payments from the United States Veteran's Administration and/or any branch of the United States Armed Forces.

(c) **"Displaced Homemakers" Preference.** The preference considerations granted to "displaced homemakers" shall be extended to any individual upon the presentation of evidence by such individual in such manner and form as prescribed by duly developed, approved, and issued personnel procedures that:

(1) The person has been a legal resident of the State of Maryland for at least five (5) full calendar years at the time of making formal application for competitive examination in order to be considered for initial appointment to a vacant position in the classified service and is currently residing within Prince George's County;

- (2) The person is over thirty-five (35) years of age;
 - (3) The person has not been gainfully employed on a substantially full-time basis for the past five (5) calendar years because the person has worked for the person's family in the family home; and
 - (4) The person has had or would have difficulty in finding employment; and
 - (5) (A) The person has depended on the income of a family member and has lost that income as a result of separation, divorce, or the death or disability of that family member; or
(B) The person has depended on government assistance as the parent of dependent children and is no longer eligible for such assistance.
- (CB-1-1976; CB-133-1981; CB-123-1984; CB-1-1998; CB-22-2000)

Sec. 16-164. Duration of eligibility.

(a) Continuous Registers. The duration of a person's eligibility on a continuous eligibility register shall be determined in accordance with procedures promulgated by the Director of Human Resources Management. The Director of Human Resources Management shall notify any eligible applicant, in writing, of the removal of the eligible's name from any eligibility register for just cause. Criteria for removal may include, but not be limited to, the applicant knowingly making a false statement, the unreasonable refusal of offers of promotion or appointment or failure to respond to requests for interviews, or failing to report to work after accepting an offer of employment. Any such written notice shall state the eligible applicant's right to initiate a grievance with respect to such removal in accordance with the provisions of Section 16-200 if the eligible is seeking competitive promotion.

(b) Temporary Registers.

(1) The duration of a person's eligibility on a temporary eligibility register shall be determined in accordance with procedures promulgated by the Director of Human Resources Management.

(CB-1-1976; CB-107-1985; CB-22-2000; CB-5-2003; CB-91-2003)

Sec. 16-165. Responsibility of eligibles.

It shall be the responsibility of any person whose name appears as an eligible on any eligibility register to notify the Director of Human Resources Management, in writing, of any material change in the information originally recorded on the examination application or any other related form or document by said eligible.

(CB-1-1976; CB-91-2003)

DIVISION 8. CERTIFICATION.

Sec. 16-166. Certification from eligibility registers.

(a) Whenever the Director of Human Resources Management determines that a vacant position or positions in a particular class of work within the classified service should be filled through the competitive promotion or the competitive recruitment process, the Director of Human Resources Management shall certify a list to the appointing authority from the eligibility register established to fill vacancies in that class of work. The Director of Human Resources Management shall certify a sufficient number of eligible applicants to insure that the appointing

authority has the ability to select the best qualified candidate for the affected position. The Director of Human Resources Management shall determine the number of eligibles to be certified based upon the examination methodology, the rating system, and size of the applicant pool.

(b) Upon the request from an appointing authority for a list of eligibles, where said eligibles will be drawn from an existing eligibility register, the Director of Human Resources Management shall make every reasonable effort to forward the requested certification list to the appointing authority within ten (10) working days of the date of the receipt of such request. In the case where no eligibility register exists at the time a request for eligibles is received, the Director of Human Resources Management shall make every reasonable effort to forward the requested certification list to the appointing authority within ten (10) working days after the date the eligibility register has been established.

(c) The certificate of eligibles shall be drawn from the top of the register of eligibles in order of descending scores or ratings, consistent with the rating system utilized for testing and ranking applicants, the conditions of employment stated in the announcement, and in accordance with established procedures. The Director of Human Resources Management, in consultation with the appointing authority, may determine that, in order to expediently secure an appropriate candidate pool, an alternative certification may be used. In such cases, the Director of Human Resources Management may certify to the appointing authority the names of all eligibles who meet the minimum qualifications for the affected position or class of work.

(d) The Director of Human Resources Management shall add to the certification list the names of additional eligibles under any one (1) of the following sets of circumstances:

(1) Where the Director of Human Resources Management has subjected any competitive promotional or recruitment examination, as developed pursuant to Section 16-157, to tests of reliability and validity and, on the basis of the data resultant from such tests, the Director of Human Resources Management has made a finding that the ratings assigned to the eligibles on the basis of any such examination do not accurately reflect the most qualified eligibles for promotion or appointment, as appropriate, to a vacant position or positions in a particular class of work; then, and in such event, the Director of Human Resources Management shall correct such examination inaccuracies through the placement of the names of an additional number of eligibles on the certification list from the applicable eligibility register at the time of certification based on the data resultant from such examination tests;

(2) Where an appointing authority requests that the name or names of an additional eligible or eligibles be added to the original certification list because the original list is depleted of eligibles. In any such event, the Director of Human Resources Management shall certify the name or names of the additional eligible or eligibles, as necessary, beginning with the name of the eligible next in line for certification on the applicable eligibility register.

(e) An appointing authority may request, in writing, that the Director of Human Resources Management withhold from certification the name of any eligible whom the appointing authority had previously considered for at least one (1) vacant position in the same class of work within the past three (3) years. Upon the approval of the Director of Human Resources Management, the name of such eligible shall be withheld from the certification list forwarded to the appointing authority with respect to any vacant position within the particular class of work, unless and until the appointing authority rescinds such request.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-167. Certification from alternative eligibility registers.

(a) As stipulated in Section 16-166, the Director of Human Resources Management shall derive each certification list from the eligibility register established to fill a vacant position or positions in a particular class of work. However, if at the time of personnel requisition to fill a position the appropriate eligibility register has not been established or the appropriate eligibility register, although established, does not contain the names of a sufficient number of eligibles to permit certification therefrom, the Director of Human Resources Management may derive the necessary certification list from an alternative eligibility register.

(b) For purposes of this Section, an "alternative eligibility register" shall mean any eligibility register established to fill vacant positions in a comparable class of work with the same grade and equivalent qualification requirements or in classes of work with higher grades within the same class series.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-168. Consideration of eligibles.

(a) The Director of Human Resources Management shall establish procedures for the consideration of eligible applicants.

(b) Adherence to Equal Employment Opportunity Plans. In the process of considering an eligible or eligibles on a certification list for promotion or appointment, as appropriate, to a vacant position or positions in the classified service, each appointing authority shall adhere to the selection goals and timetables established in the County's current equal employment opportunity plan, said plan being developed and approved in accordance with the procedures set forth in the executive order required to be issued under Section 16-109(b). In addition to such other duties and responsibilities as are assigned under the aforesaid executive order, the Director of Human Resources Management shall be responsible for continually monitoring each appointing authority's adherence to the County's equal employment opportunity plan in the process of selecting eligibles from certification lists for promotion and appointment.

(CB-1-1976; CB-107-1985; CB-22-2000; CB-91-2003)

DIVISION 9. PROBATION.**Sec. 16-169. Probation policy.**

(a) The probationary period applicable to certain employees upon appointment and reappointment to vacant positions in the classified service shall be regarded as the final stage in the examination process of said employees and, as such, shall constitute that period of time during which the appointing authority and, where applicable, the supervisor, shall closely observe and review the work of each such employee for the purpose of determining whether each such employee demonstrates the ability and aptitude to satisfactorily perform the duties, tasks, and responsibilities of the position on a routine and continual basis.

(b) The Director of Human Resources Management shall develop personnel procedures which specify the duration of the probationary period for each class of work established in the classified service, except for uniformed employees occupying public safety classes of work within the Police, Fire, and Sheriff's Departments.

(c) The probationary period for any person appointed to a trainee or similar position established by the Director of Human Resources Management in accordance with Section 16-106(b)(11) shall be the period of the person's appointment to such position and the applicable probationary period for any other position to which the person is subsequently appointed. (CB-1-1976; CB-107-1985; CB-22-2000; CB-91-2003)

Sec. 16-170. Responsibilities of appointing authorities and supervisors during the probationary period.

(a) Each appointing authority and, where applicable, supervisor, shall have the following responsibilities with respect to each probationary status employee under their respective jurisdictions:

(1) To properly explain to the employee the duties, tasks, and responsibilities of the employee's position and to otherwise assist in orienting the employee to the general operations of County government;

(2) To insure that the employee is provided with the supplies and other equipment necessary to perform the duties, tasks, and responsibilities of the employee's position; and,

(3) To periodically confer with the employee as regards the employee's performance and to make corrective and remedial suggestions and actions, as deemed necessary, in regard thereto.

(CB-1-1976)

Sec. 16-171. Disciplinary actions during the probationary period.

(a) Except as provided in Subsection (c), below, at any time during the probationary period of an employee, an appointing authority and, where authorized, a supervisor may initiate and take any disciplinary action specifically authorized under Sections 16-193 and 16-194 against any such probationary status employee as deemed necessary and appropriate by the appointing authority or supervisor, as the case may be.

(b) Any disciplinary action, other than dismissal, initiated and taken by an appointing authority or supervisor against a probationary status employee, as provided in Subsection (a), above, which constitutes an adverse action shall be processed in accordance with the procedures stipulated under Section 16-201(a).

(c) Notwithstanding any provision in Section 16-193 or 16-194 which may be to the contrary, at any time during the probationary period, an appointing authority may remove an employee if in the opinion of the appointing authority such employee is unable or unwilling to perform the duties of the position satisfactorily or the employee's conduct does not merit continued employment with the County.

(1) Dismissal of a probationary status employee shall become effective five (5) working days after the appointing authority has given the employee a written notice of specific reasons for dismissal.

(2) When dismissal of a probationary status employee is based on an act or acts which permit suspension of the employee under Section 16-193(c)(4)(D), such suspension may be combined as a part of the five (5) working days between notice of dismissal and the effective date of dismissal.

(3) The appointing authority shall, upon presentation of a written notice of dismissal, provide the employee with a written statement of reasons for the dismissal.
(CB-1-1976; CB-100-1979; CB-22-2000)

Sec. 16-172. Conversion of probationary status employees and extension of probationary period.

(a) Unless a probationary status employee is dismissed during the employee's probationary period, any such employee shall be converted to permanent status as of the effective date of the expiration of the probationary period applicable to each such employee.

(b) Extensions to the probationary period may be requested by the appointing authority to the Director of Human Resources Management for the following reasons:

(1) In the event that a probationary status employee is absent from the employee's position on authorized and approved leave for a substantial period of time due to extenuating circumstances beyond the employee's control such that, in the judgment of the employee's appointing authority, a proper evaluation of the employee's performance cannot reasonably be made before the expiration of the employee's probationary period; or

(2) In the event that a substantial change in employee duties or a change in supervisor occurs during the probationary period and that change precludes a proper evaluation of the employee's performance.

(c) Any such request for an extension of an employee's probationary period, as provided in Subsection (b), above, shall be:

(1) Made in writing and shall state the specific facts and circumstances justifying the request and the recommended period of time for the extension;

(2) Signed by the appointing authority and the employee in interest so as to indicate their mutual consent for the request; and

(3) Delivered to the Director of Human Resources Management in advance of the expiration of the employee's probationary period.

(d) Upon receipt of any such request from an appointing authority, the Director of Human Resources Management shall approve the request if the Director of Human Resources Management finds that the request satisfies the conditions stipulated in Subsection (b), above, and has been submitted in accordance with the procedures stipulated in Subsection (c), above; provided, however, that the Director of Human Resources Management shall not approve any request for an extension of an employee's probationary period for a period of time in excess of six (6) calendar months.

(e) In the event that the Director of Human Resources Management approves a request for an extension of an employee's probationary period, the employee in interest shall be converted to permanent status, as provided in Subsection (a), above, as of the effective date of the expiration of such extension period, unless the employee is dismissed prior to the expiration of such extension period.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-173. Appeals.

Notwithstanding the provisions of Sections 16-200 and 16-201, a probationary status employee shall only be entitled to appeal an adverse action, and shall only be entitled to initiate a grievance where any such employee alleges that the basis of removal or acts of an appointing

authority constituting the basis of a grievance as the case may be, were illegal or that a written statement as required under Section 16-171(c)(3) was not provided the employee.
(CB-1-1976; CB-100-1979; CB-97-1982; CB-22-2000)

DIVISION 10. EMPLOYEE STATUS.

Sec. 16-174. Employee status upon appointment.

(a) Probationary Status Employee. A probationary status employee shall mean any employee who is newly appointed or reappointed to a position in the classified service and who is required to complete a probationary period unless otherwise provided under this Subtitle. All probationary status employees shall be entitled to the rights and benefits specifically granted to permanent status employees under the provisions of this Subtitle except as provided under Section 16-173 with respect to appeal and grievance rights and under Section 16-188 with respect to retention rights under a separation-reduction-in-force action.

(b) Permanent Status Employee. A permanent status employee shall mean any employee who has satisfactorily completed a probationary period in accordance with personnel procedures developed pursuant to this Subtitle. All permanent status employees shall be entitled to all the rights and benefits granted under the provisions of this Subtitle to classified service employees.
(CB-1-1976; CB-25-1995; CB-22-2000)

Sec. 16-175. Employee status upon reallocation.

When the Director of Human Resources Management reallocates an incumbered, classified service position to a higher or lower grade of work, the incumbent of the position will remain a permanent status employee in accordance with applicable personnel procedures.
(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-176. Employee status upon reclassification.

Whenever an established class of work in the Classification Plan is revised through reclassification by assigning a different grade to said class, such reclassification shall be applicable to all incumbents of positions allocated to said class, as revised.
(CB-1-1976; CB-22-2000)

Sec. 16-177. Employee status upon classification.

Whenever the Classification Plan is amended through classification by abolishing an established class of work, such classification shall abolish all positions allocated to said class. All incumbents of positions which are abolished through such classification action shall be separated from their positions in accordance with the separation-reduction-in-force procedures set forth in Section 16-188.
(CB-1-1976; CB-22-2000)

Sec. 16-178. Limited-term employee status.

(a) A limited-term status employee shall mean any employee who is competitively or noncompetitively appointed, reassigned, transferred, or competitively or noncompetitively promoted to a classified service position, where said position:

(1) Has been vacated by the incumbent for an extended period of time by virtue of an approved grant of sick, administrative, or disability leave; leave without pay; or military leave without pay;

(2) Has been vacated by virtue of the separation of the incumbent from said position under adverse action proceedings initiated and taken against the incumbent, and said action is pending, on appeal, before the Personnel Board or a court of law;

(3) Has been vacated by an employee who has been reassigned, transferred, or promoted to a position where the incumbent thereof is absent from said position under the circumstances cited in subparagraphs (a)(1) or (2), above;

(4) Is one which is created exclusively for use as part of an internship program developed to provide work experience for students enrolled in, or recently graduated from, post-secondary educational institutions, or to provide citizens with experience in governmental affairs;

(5) Is one which is created exclusively for use as part of an established program for the employment of senior citizens or persons with disabilities, students, trainees, interns, and similarly situated persons, for which there are inadequate training opportunities in private industry; or,

(6) Is one which is created exclusively for use as part of a program which is implemented pursuant to a grant from, or other financial agreement with, the Federal or State government or other private funding source, where such grant or agreement does not provide sufficient funding for full employee benefits or permanent employment.

(b) Any appointment, reassignment, transfer, or promotion effectuated under the circumstances cited in Subsection (a), above, shall be deemed to be a limited-term appointment, reassignment, transfer, or promotion, as appropriate.

(c) Any employee occupying a classified service position under the terms of a limited-term appointment, as defined in Subsection (b), above, shall only be entitled to those benefits as are specifically granted under Section 16-179 to exempt status employees occupying classified service positions under the terms of a temporary/provisional or temporary/emergency appointment. Any such limited-term status employee shall be removed from the position occupied upon the effective date of the return of the incumbent to said position as provided under Section 16-187. However, if the position the limited-term status employee occupies becomes permanently vacant because the incumbent does not elect to return to or is not entitled to be reinstated in the position, then, and in such event, the limited-term status employee shall be converted to probationary status and, by virtue thereof, shall be subject to the provisions of Article IX for the purposes of determining said employee's right to be converted to permanent status; provided however, that the aforesaid probationary period shall not be applicable to any such limited-term status employee in any case where such employee had occupied the position giving rise to the limited-term appointment for a period equal to the length of the probationary period established for the class of work applicable to the position; in such event, such employee shall be converted to permanent status, as appropriate, and shall be retroactively credited for the period of the limited-term status appointment for purposes of annual and sick leave accrual under the provisions of Sections 16-220 and 16-221, respectively.

(d) Any employee occupying a classified service position under the terms of a limited-term reassignment, transfer, or competitive or noncompetitive promotion, as defined in Subsection (b), above, shall retain all the rights and benefits the employee was entitled to as a permanent status employee immediately prior to any such reassignment, transfer, or promotion. Any such limited-term status employee shall be entitled to return to said employee's former position upon the return of the incumbent to the position temporarily occupied by said limited-term status employee as provided under Section 16-187, and shall be granted all rights and benefits as if the employee had remained in the former position. In the event the employee's former position had been abolished during the period of the employee's limited-term status, then, in such event, the employee shall be entitled to return to another position of the same or a comparable grade and class of work. However, if the position the limited-term status employee occupies becomes permanently vacant because the incumbent does not elect to return to or is not entitled to be reinstated in the position, then, and in such event, the limited-term status employee may elect either to remain in the position or to return to the employee's former position. In the event that the limited-term status employee elects to remain in the position as provided in the preceding sentence, said employee shall, by virtue thereof, be converted back to permanent status.

(e) Notwithstanding any provision of this Subtitle to the contrary, a limited-term status employee appointed to a position pursuant to subparagraph (a)(4) and (5), above, shall be appointed for a period of time and shall only be entitled to receive employee benefits as specifically established in the classification plan and salary plans for the particular position.

(f) Notwithstanding any provision of this Subtitle to the contrary, a limited-term status employee appointed to a position pursuant to subparagraph (a)(6), above, shall be appointed for a period of time not to exceed the term of the grant or other financial agreement providing the funding for the position, and shall only be entitled to receive employee benefits as funded by the grant or other financial agreement.

(CB-1-1976; CB-79-1989; CB-70-1991; CB-118-1993)

Sec. 16-179. Status of exempt service employees.

(a) An exempt status employee shall mean any employee who has been appointed to an exempt position that is specifically defined in Section 902 of Article IX of the County Charter and as provided under this Subtitle.

(b) An exempt status employee shall only be entitled to occupy a classified service position in a permanent status through appointment.

(c) Any exempt status employee who acts in the capacity of an appointing authority shall be governed by any provision of this Subtitle which:

(1) Establishes or requires the exercise or performance of any duty, action, or obligation by an appointing authority; and

(2) Establishes a prohibition against the exercise or initiation of an action by an appointing authority.

(d) The provisions of this Subtitle, as applying to classified service employees, shall be limited in their applicability to exempt status employees as set forth below. All such provisions shall be in addition to any provision of this Subtitle which, within its terms, expressly applies to exempt status employees.

(1) Except as specifically stated otherwise, the provisions of this Subtitle shall not apply to members of boards and commissions, experts or specialists performing temporary services, employees required to be covered by the State Merit System, and elected officials.

(2) The following provisions of this Subtitle shall apply to any exempt status employee occupying a classified service position under the terms of a temporary/provisional or temporary/emergency appointment:

(A) Section 16-110, "Political Activity;" Section 16-112, "Attendance of Employees;" Section 16-114, "Work Schedules;" Section 16-126, "Pay Periods;" Section 16-127, "Salary Rate Upon Appointment;" Section 16-135, "Salary Rate Upon Reclassification;" Section 16-139, "Salary Rates for Authorized Overtime;" Section 16-142, "Gross and Net Salary Rates;" Section 16-143(a), (b), and (d), "Effective Date of Salary Rate Changes;" Section 16-176, "Employee Status Upon Classification;" Section 16-208, "Employee Health and Safety;" and Section 16-227, "Compensatory Leave."

(CB-1-1976; CB-22-2000)

Editor's Note:

CR-49-2003 approved the creation of an exempt status position in the Health Department for 2520G – Administrative Specialist I, G-29, Position Number 00037.

CR-58-2003 approved the creation of two exempt status positions in the Police Department for 2522G – Administrative Specialist III, G-29, Position Numbers 00304 and 03305.

Sec. 16-180. Employee status upon returning to classified service from exempt service.

(a) Whenever a permanent status, classified service employee is appointed to a permanent, exempt service position, including any temporary administrative appointment made by the County Executive pursuant to Section 505 of Article V of County Charter, any such employee shall be entitled to return to such employee's former classified service position for a period of one (1) calendar year from the effective date of any such employee's appointment to said permanent, exempt service position. Any such employee's salary rate, upon return to the employee's former position, shall be reestablished in accordance with the provisions of Section 16-131(b) as if the employee had returned to the former position following a limited-term promotion. In the event any such employee's former classified service position had been abolished during the period of such exempt status appointment, then, in such event, the employee shall be entitled to return to another position of the same or a comparable grade and class of work.

(b) Any such employee shall be considered to be on an extended period of approved leave without pay and, in the event another employee is appointed, reassigned, transferred, or promoted to the classified service position formerly occupied by any such employee, such appointment, reassignment, transfer, or promotion shall be on a limited-term basis and the employee occupying the classified service position shall be a limited-term status employee subject to the conditions of Section 16-178.

(CB-1-1976)

Sec. 16-180.01. Transfer from Sheriff's office.

Subject to the approval of the County Executive by Executive Order, any employees of the Sheriff of Prince George's County who are afforded initial appointments to positions for which they are qualified in the Prince George's County Department of Corrections may be granted terms and conditions of employment as though they were transferring to such positions from other positions within the classified service of Prince George's County.

(CB-159-1977)

Sec. 16-181. Full-time and part-time employee status.

(a) A full-time employee shall mean any employee who occupies any full-time position, as defined in Section 16-120(b)(1), and who, by virtue thereof, is entitled to an annually-rated salary and, where applicable, a standard work week as specifically set forth in Section 16-113.

(b) A part-time employee shall mean any employee who occupies any part-time position, as defined in Section 16-120(b)(2), or any full-time position, and who, by virtue thereof, is entitled to an hourly-rated salary and who normally works less than the prescribed number of hours in the standard work week otherwise applicable to the position occupied by the employee.

(CB-1-1976)

DIVISION 11. PERFORMANCE.

Sec. 16-182. Performance evaluation policy.

(a) As a means to insure that each employee's performance is evaluated on a regular basis during the employee's course of employment, the Director of Human Resources Management shall establish a performance management system that shall:

(1) Require that all appointing authorities develop and maintain performance criteria for each position under their respective jurisdictions and use such criteria to measure employee performance;

(2) Require a system of routine review of employee performance by supervisors and appointing authorities so as to provide opportunity for recognition or corrective action;

(3) Afford opportunities for employee comment on the performance criteria and the performance appraisal; and

(4) Develop procedures for carrying out the policy of this Section.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-183. Time of performance evaluations.

(a) An official performance evaluation shall be prepared by an appointing authority for each probationary status employee under the appointing authority's jurisdiction in advance of the expiration of each such employee's probationary period. In addition to the preparation of said official performance evaluation at the conclusion of the probationary period, each appointing authority shall also confer with each probationary status employee under the appointing authority's jurisdiction at the midpoint of each such employee's initial probationary period in order to assess such employee's performance during the preceding months and to insure that any areas of performance in need of improvement have been identified for the benefit of such employee.

(b) An employee and the employee's immediate supervisor shall meet periodically to evaluate the employee's progress in meeting performance standards.

(CB-1-1976; CB-22-2000)

Sec. 16-184. Discussion with employee.

The supervisor must discuss the performance evaluation with the employee prior to finalizing and allow five (5) working days for his/her comments.
(CB-1-1976; CB-22-2000)

Sec. 16-185. Actions based on performance evaluations.

(a) Probationary Status Employees. Immediately prior to the completion of the required probationary period for an employee, the employee's supervisor shall conduct a performance evaluation of the employee.

(1) If the employee's overall performance is rated satisfactory or better, and the probationary period has not been extended, the employee will be converted to permanent status in accordance with the provisions of Section 16-172; or

(2) If the employee's overall performance is rated less than satisfactory, the employee will be dismissed.

(b) Permanent Status Employees. The official performance evaluation of a permanent status employee shall constitute the basis for awarding performance-related incentives or pay increases in accordance with established procedures. In addition, permanent status employees will receive retention points in accordance with Section 16-188, as follows:

(1) Employees receiving overall performance evaluations equivalent to outstanding will receive three (3) retention points;

(2) Employees receiving overall performance evaluations equivalent to more than satisfactory will receive two (2) retention points;

(3) Employees receiving overall performance evaluations equivalent to satisfactory will receive one (1) retention point;

(4) Employees receiving overall performance evaluations equivalent to less than satisfactory will receive zero (0) retention points.

(c) For all permanent status employees, an overall performance rating equivalent to less than satisfactory may subject the employee to disciplinary action in accordance with Section 16-194, including dismissal.

(CB-1-1976; CB-128-1982; CB-25-1995; CB-22-2000)

DIVISION 12. NONDISCIPLINARY SEPARATIONS.**Sec. 16-186. Separation -- resignation.**

(a) The resignation of an employee shall be a voluntary action taken solely at the discretion of the employee, except as provided under Section 16-225(d)(3) with respect to mandatory resignations whenever an employee fails to return to the position occupied after the expiration of the period of approved leave without pay. An employee shall not be requested or coerced to resign in lieu of the taking of any authorized disciplinary action by an appointing authority against the employee whenever such disciplinary action is warranted. A written resignation signed by the employee shall be submitted at least fourteen (14) calendar days in advance of the effective date of the resignation.

(b) In the event that an employee requests the withdrawal of his resignation prior to the effective date thereof, the acceptance of such withdrawal shall be solely at the discretion of the employee's appointing authority.

(CB-1-1976; CB-98-1982; CB-22-2000)

Sec. 16-187. Reserved.

Sec. 16-188. Separation -- reduction-in-force.

(a) A duly authorized and allocated classified service position or positions may only be abolished under one (1) of the following sets of circumstances:

(1) Where the County Executive, pursuant to Section 822 of Article VIII of County Charter, revises a department or agency work program by reducing the expenditure level of such department or agency due to an ascertained shortfall in revenue during any fiscal year and a reduction in the number of allocated positions within said department or agency is necessary in order to satisfy such reduction in the departmental or agency expenditure level;

(2) Where the Classification Plan is amended through classification action by abolishing an established class of work and, by virtue of the provisions of Section 16-177, the abolition of all positions allocated to said class of work;

(3) Where a legislative act, or an executive order issued and approved pursuant to Section 503 of Article V of County Charter, abolishes a department, agency, or office, or any division or other portion thereof, and there is no provision set forth in such legislative act or executive order governing and effectuating the transfer of employees, positions, and funds from such department, agency or office, or division or other portion thereof;

(4) Where a reduction in the compensation level of a department, agency, or office is effectuated in the County's approved, annual expense budget;

(5) Where an appointing authority requests that a position or positions under the appointing authority's jurisdiction be abolished during any fiscal year and the Director of Human Resources Management authorizes such request; or

(6) Where the County Executive, pursuant to Section 822 of Article VIII of County Charter, revises a department or agency work program by reducing or abolishing a unique service or function.

(b) Whenever a position or a group of positions is scheduled to be abolished under any one (1) of the sets of circumstances described in Subsection (a), above, the Director of Human Resources Management shall implement the following procedures prior to initiating any final action to separate any employee under a separation -- reduction-in-force action:

(1) The Director of Human Resources Management shall suspend the filling of any vacant position within the classes of work to be affected by the scheduled reduction-in-force action, and may, in his discretion, suspend all lower graded classes within all class series from the date the Director of Human Resources Management is advised of the scheduled abolition of the position or group of positions until the effective date of the separation of an employee or employees under the separation -- reduction-in-force action. Such action will not preclude the transfer to any existing vacant position of an individual who would otherwise be subject to reduction-in-force.

(2) Whenever any one (1) of the sets of circumstances cited in Subsection (a), above, with respect to the abolition of a position or a group of positions is not specific as to the class or classes of work affected and/or the number of positions to be abolished, the Director of Human

Resources Management shall request the appropriate appointing authority or appointing authorities, as the case may be, to supply the Director of Human Resources Management with a written statement setting forth each class of work to be affected by the separation -- reduction-in-force action and the number of positions to be abolished within each such class. The written statements by appointing authorities with respect to the number of positions to be abolished within their departments, agencies, or offices and the classes of work so affected, as required in the preceding sentence, shall be made at the sole discretion of such appointing authorities and shall be binding upon the Director of Human Resources Management for purposes of any separation -- reduction-in-force action taken by the Director of Human Resources Management thereafter.

(3) The Director of Human Resources Management shall develop a retention register for each class of work within which a position or a group of positions is scheduled to be abolished.

(4) With respect to any retention register developed for a single class of work, the Director of Human Resources Management shall place the names of all employees occupying positions in each such class of work within the department, agency, or office (highest organizational unit or entity) within which the position or group of positions is scheduled to be abolished into priority categories on each such register as follows:

(A) All permanent status employees shall be placed in the first priority category;

(B) All probationary status employees, all limited-term status employees, and any employee that receives an aggregate performance rating equivalent to "less than satisfactory" during the official annual performance ratings period preceding the reduction-in-force shall be placed in the second priority category; and,

(C) All exempt status employees occupying classified service positions under the terms of temporary/provisional and temporary/emergency appointments shall be placed in the third priority category.

(5) The Director of Human Resources Management shall compute a retention points score for each permanent status employee whose name appears in any class of work on a retention register. The retention points score for each such employee shall be equal to the product of the sum of the points per month granted for the total months of service in any classified service position multiplied by the quotient of the sum of the points granted for the official annual performance ratings received for the preceding three (3) years divided by the sum of the number of such official performance ratings where:

(A) Each such employee shall be granted points for each month or part thereof of classified service in any classified service position, as follows:

RETENTION POINTS	
Up to 24 months	1 point
25 to 60 months	1.5 points
61 months or more	2 points

provided, however, that no points shall be granted for any month of service in a classified service position for which an employee receives a retirement payment;

(B) Each such employee shall be granted three (3) points for any official annual performance rating equivalent to "outstanding;" two (2) points for any official performance

rating equivalent to "exceeds satisfactory;" one (1) point for any official performance rating equivalent to "satisfactory;" and a point value of zero (0) for any official performance rating equivalent to "less than satisfactory;" provided, however, that:

(i) Where any such employee, upon initial appointment, has completed the required probationary period but has yet to receive the first official performance evaluation at the time of the scheduled abolition of a position or positions giving rise to the reduction-in-force action, then, and in such event, the official probationary performance rating shall be utilized for purposes of computing the quotient of performance evaluation points, as provided above; and

(ii) Where any such employee's official performance rating for any year, or any such employee's probationary performance evaluation, where applicable, is absent from the employee's official personnel file, as certified to in writing by the Director of Human Resources Management, or where any such employee has initiated a grievance under the provisions of Section 16-200 with respect to the employee's official, probationary performance rating, where applicable, or the employee's latest, official performance rating, and said grievance is pending unresolved at the time of the scheduled abolition of a position or positions giving rise to the reduction-in-force action, then, and in such event, the Director of Human Resources Management shall exclude any such performance rating for purposes of computing the quotient of performance evaluation points, as provided above.

(6) The Director of Human Resources Management shall arrange the names of all permanent status employees within the first priority category within each class of work on any retention register in descending order with the name or names of the employee or employees with the highest retention points score placed at the top of each such priority category.

(c) Upon the development of any retention register in accordance with the procedures stipulated in Subsection (b), above, the Director of Human Resources Management shall adhere to the following retention schedule for purposes of separating employees whose names appear within each class of work on such retention register wherein a position or a group of positions has been scheduled to be abolished:

(1) All exempt status employees whose names appear in the third priority category within each such affected class of work on such retention register, as provided in paragraph (b)(4)(C), above, shall be separated from their class of work prior to the separation of any employee whose name appears in the second or first priority categories within the same class of work on such retention register. It shall be the sole discretion of the appointing authority to determine which employees in the third priority category are to be separated from their class of work.

(2) All limited-term employees, probationary status employees, and any employee receiving an aggregate official annual performance rating of "less than satisfactory" for the period preceding the reduction-in-force will appear in the second priority category within each such affected class of work on such retention register, as provided in paragraph (b)(4)(B), above, and shall be separated from their class of work prior to the separation of any employee whose name appears in the first priority category with the same class of work on any such register. It shall be the sole discretion of the appointing authority to determine which employees in the second priority category are to be separated from their class of work.

(3) All permanent status employees whose names appear in the first priority category within each such affected class of work on such retention register, as provided in paragraph (b)(4)(A), above, shall be the last category of employees to be separated from their class of work. The separation of permanent status employees shall be effectuated in inverse order to the standing of such employees within the first priority category in the same class of work on such

retention register. Where any permanent status employees within the first priority category in the same class of work have the same retention points score, it shall be the sole discretion of the appointing authority to determine which of the employees with the same retention points score are to be separated from their class of work. However, in any case where any such set of employees with the same retention points score includes employees who are veterans, all nonveteran employees shall be separated by the appointing authority prior to the separation of any such veteran employees. For purposes of the preceding sentence of this subparagraph, a "veteran" shall mean any such employee who would qualify as a veteran under the provisions of Section 16-163(a)(1).

(d) Prior to the effective date of any separation -- reduction-in-force action, the Director of Human Resources Management shall attempt to effectuate the reassignment, transfer, or demotion of employees whose positions are to be abolished into existing vacant positions in accordance with the provisions of Sections 16-148(a)(2), (3), (4), and (6).

(e) Any employee who is subject to a separation -- reduction-in-force action shall be given at least a fourteen (14) calendar day advance written notice thereof by the Director of Human Resources Management. Each such notice shall state the reason or reasons for the separation -- reduction-in-force action and the effective date thereof; and, where the notice of separation is given to a permanent, probationary, or limited-term status employee occupying a position under the terms of a limited-term reassignment, transfer, or promotion, said notice shall also state any such employee's right to appeal such action in accordance with the procedures stipulated in Section 16-201.

(f) Any permanent status employee who is separated under a separation -- reduction-in-force action shall be entitled to have the employee's name placed on a reemployment priority register and, by virtue thereof, shall be entitled to be reemployed in certain vacant positions in accordance with the procedures stipulated in Section 16-148(a)(5).

(g) Notwithstanding any provision in this Section to the contrary, whenever any department or agency contains a separate organizational unit which is funded solely from funds derived under the terms of Federal, State or other grant-in-aid program, such separate organizational unit shall be deemed a "department, agency, or office" for the purpose of effecting a reduction-in-force.

(h) Whenever a department or agency receives a reduction in grant funds appropriated for a particular program or purpose that requires a reduction-in-force, such action may be limited to employees occupying positions which are funded by that grant.

(i) Notwithstanding any provision of this Section to the contrary, whenever any department or agency can effectively demonstrate that a separate organizational unit or division exists to provide a unique service or function, with the approval of the Director of Human Resources Management, that unit or division shall constitute a single "department, agency, or office" for purposes of effecting a reduction-in-force.

(CB-1-1976; CB-98-1982; CB-44-1991; CB-43-1993; CB-25-1995; CB-18-2000; CB-22-2000; CB-91-2003)

Editor's Note: Article 24, Section 1-107, Annotated Code of Maryland, provided that a county or municipality may not discriminate between residents and other citizens of the State in employment, promotion, demotion, layoff, and discharge decisions except under limited circumstances.

Sec. 16-189. Separation -- disability.

(a) Whenever an appointing authority has reason to believe that an employee's health is impeding the satisfactory performance of the duties, tasks, and responsibilities assigned to the employee, the appointing authority may require any such employee to undergo a medical examination by a licensed physician employed or retained by the County.

(b) Where any such employee refuses to undergo a medical examination, if directed to do so by the employee's appointing authority, the appointing authority shall initiate a dismissal action against the employee in accordance with the provisions of Section 16-201(a) governing the procedures for the processing of adverse actions against employees and employee appeals therefrom.

(c) Where any such employee undergoes a medical examination and the results thereof indicate that the employee has a correctable impairment which is temporary in nature, the employee's appointing authority shall detail other duties, tasks, and responsibilities to said employee during the period of the employee's temporary impairment; provided that any such detail shall be for a period of up to one hundred eighty (180) calendar days and shall otherwise be made in accordance with Section 16-121 and shall represent the assignment of duties, tasks, and responsibilities which the employee is capable of performing during said period of temporary impairment as determined by the examining physician. However, if any such employee fails to take reasonable actions necessary to correct such temporary impairment, as recommended by the examining physician, then, and in such event, the appointing authority shall initiate a dismissal action against the employee in accordance with Section 16-201(a).

(d) Where any such employee undergoes a medical examination and the results thereof indicate that the employee has a permanent impairment that substantially limits a major life activity and the employee will not be able to continue to satisfactorily perform the normal duties, tasks, and responsibilities of the position the employee occupies, then, and in such event, the appointing authority shall attempt to transfer the employee to a vacant position as a reasonable accommodation. If such a transfer cannot be effectuated due to the unavailability of a vacant position, or due to the fact that the proposed transfer does not meet the conditions stipulated in Section 16-148(a)(3) or (4), as the case may be, the employee shall then be demoted to a vacant position, subject to the provisions of Sections 16-148(a)(6)(B) and 16-201(a). If such a demotion cannot be effectuated due to the unavailability of a vacant position, or due to the fact that the proposed transfer does not meet the conditions stipulated under Section 16-148(a)(6)(B), the appointing authority may then proceed to terminate the employee under a separation -- disability action, subject to the provisions of Section 16-201(a).

(e) Where any such employee undergoes a medical examination and the results thereof indicate that the employee is totally disabled such that the employee is not able to continue to perform satisfactorily in any vacant position, then, and in such event, the appointing authority shall proceed to terminate the employee under a separation -- disability action. Any such separation -- disability action shall be initiated and taken by the appointing authority in accordance with the provisions of Section 16-201(a).

(f) The Director of Human Resources Management shall assist any employee who is separated from a position under a separation -- disability action, as provided in Subsection (e), above, in securing any disability retirement benefits the employee may be entitled to by virtue of such separation -- disability action.

(CB-1-1976; CB-98-1982; CB-22-2000; CB-91-2003)

Sec. 16-190. Separation – mandatory retirement.

No permanent status, uniformed employee occupying a classified service position allocated to a public safety class of work within the County Police or Fire Departments, and who is enrolled in the County's Police or Fire Service Pension Plans, shall continue in County employment beyond any such employee's fifty-fifth (55th) birthday. Except, at said date, the County Executive may grant permission for such employee to continue in County employment on a year-to-year basis thereafter.

(CB-1-1976; CB-22-2000)

Sec. 16-191. Separation -- death.

(a) Upon the receipt of a certified death certificate pertaining to any employee, the Director of Human Resources Management shall remove or cause to be removed the employee's name from all applicable personnel documents and records as of the effective date of such employee's death.

(b) All salary and other compensation any such employee is legally entitled to shall be paid to the designated beneficiary of such deceased employee. In the event there is no designated beneficiary, said salary and other compensation shall be paid to the estate of the deceased employee.

(CB-1-1976; CB-91-2003)

DIVISION 13. DISCIPLINE.**Sec. 16-192. Disciplinary policy.**

It shall be the policy of Prince George's County to insure that all appointing authorities and supervisors discipline employees under their respective jurisdictions in a fair, reasonable, and equitable manner. In that regard, it shall be the general policy of Prince George's County to follow a pattern of progressive discipline which provides employees with notice of deficiencies and an opportunity to improve both performance and conduct problems. All appointing authorities and supervisors shall be encouraged to initiate and/or take authorized disciplinary actions against their employees whenever such disciplinary actions are warranted by virtue of violations of standards of conduct or behavior or failures to maintain satisfactory performance. The job performance and conduct of each employee impacts directly on the public's trust in government and on the County's ability to achieve its mission of service to the public. All employees are, therefore, responsible for adhering to the standards of performance and conduct.

(CB-1-1976; CB-22-2000)

Sec. 16-193. Conduct related disciplinary actions.

(a) Grounds. An appointing authority may initiate and take or a supervisor may initiate and, where authorized, take, any of the disciplinary actions set forth in Subsection (b), below, against any employee under their respective jurisdictions where any such employee has committed an act or acts which constitute a violation(s) or failure(s) to comply with any duty, obligation, or requirement imposing a standard of conduct or behavior on such employee by

virtue of the provisions of any criminal or civil law or statute or any rule or regulation authorized and promulgated pursuant thereto, provided any such violation(s) or act(s) of noncompliance:

(1) Bears a demonstrable relationship to the nature of the duties and responsibilities of the employee's position; and,

(2) Constitutes a willful, indifferent, or grossly negligent act or commission by such employee.

Such acts for which disciplinary action may be taken include, but are not limited to: theft of County property; knowingly giving or making false statements of a material nature in matters relative to employment; being tardy; being absent without leave; being insubordinate; and violating standards of ethics as established under the County's Code of Ethics.

(b) Authorized Actions. Whenever an employee commits an act or acts which constitutes a violation(s) or an act(s) of noncompliance of the nature described in Subsection (a), above, the employee's appointing authority shall be authorized to initiate and take or the employee's supervisor shall be authorized to initiate and, where authorized, take any of the following disciplinary actions against such employee:

(1) The appointing authority or supervisor may issue a written reprimand to the employee, provided that any such written reprimand shall state:

(A) The specific violation or act of noncompliance causing the issuance of the reprimand; and

(B) The fact that any subsequent violations or acts of noncompliance by the employee may warrant the taking of more severe disciplinary action against the employee;

(2) The appointing authority may cause the employee to forfeit annual leave days the employee has accrued in an amount not to exceed twenty (20) such accrued leave days for any one (1) violation or act of noncompliance;

(3) The appointing authority may fine the employee in an amount not to exceed five percent (5%) of the employee's base annual salary for any one (1) violation or act of noncompliance, provided that such fine, so imposed, may, at the employee's option, so long as the employee is employed by the County, be withheld from the employee's biweekly paychecks, until paid, in increments not to exceed five percent (5%) of the employee's gross biweekly wages;

(4) The appointing authority may cause the employee to be suspended;

(5) The appointing authority may reduce the employee's salary by an amount not to exceed ten percent (10%). Under no circumstances shall an employee's salary be reduced in this manner to a rate less than the entry rate of the applicable salary range;

(6) The appointing authority may cause the employee to be demoted, subject to the provisions of Section 16-148(a)(6); or

(7) The appointing authority may cause the employee to be dismissed.

(c) General Criteria. Whenever an employee commits an act or acts which constitute grounds for disciplinary action, as provided in Subsection (a), above, the employee's appointing authority or supervisor, as the case may be, shall adhere to the general criteria set forth below in deciding what type of authorized disciplinary action, if any, should be initiated and taken against such employee.

(1) Dismissal. The dismissal of an employee shall constitute the most severe type of all authorized disciplinary actions. The dismissal of an employee shall be taken only when the act or acts of the employee which constitute the grounds for disciplinary action are, in the judgment of the employee's appointing authority, serious in nature. In deciding whether any act or acts of the employee are of a sufficiently serious nature to warrant dismissal, the employee's

appointing authority shall rely upon any one (1) of the following criteria as justification for the taking of a dismissal action against an employee:

(A) Where the employee commits one of the following acts:

(i) Abandonment of the employee's position;

(ii) Commission of a crime for which a court sentences an employee to confinement for six (6) months or more so as to prohibit the performance of the employee's normal duties;

(iii) Theft of County property;

(iv) Falsification of County reports or documents;

(v) Participation in an illegal strike;

(vi) Intoxication on the job;

(vii) Using, possessing or selling narcotic drugs on the job; or

(viii) Possessing unauthorized weapons or explosives;

(B) Where the employee commits a series of acts which constitute a course of conduct characterized by a continued inability or unwillingness on the part of the employee to conform to the applicable standards of conduct or behavior;

(C) Where the employee commits a series of acts which have clearly caused a continuing, disruptive effect on the efficient and/or safe operations of the employee's department, agency, or office and/or the government as a whole;

(D) Where the employee commits an act or a series of acts which call into serious question the employee's trustworthiness and/or integrity in the continued performance of the employee's assigned duties and responsibilities;

(E) Where the employee commits an act or a series of acts which have had or may be reasonably expected to have, a harmful or injurious effect on the employee, other employees and/or members of the general public; or

(F) Where the employee commits an act or a series of acts which have had, or may be reasonably demonstrated to have, an appreciable effect on the general public's confidence and/or trust in the operation of the employee's department, agency, or office and/or the government as a whole.

(2) Demotion. The demotion of an employee shall constitute a conduct-related disciplinary action less severe in nature than a dismissal. Where the employee commits an act or acts which constitute justification for the dismissal of the employee under the provisions of paragraph (c)(1), (A) through (E), above, the employee may be demoted rather than dismissed where the employee's appointing authority determines that the employee's past conduct record and/or other extenuating circumstances mitigate against the taking of a dismissal action against the employee.

(3) Salary Reduction. The requirement that an employee's salary be reduced by an amount not to exceed ten percent (10%) shall constitute the type of conduct-related disciplinary action which shall generally be considered to be comparable in severity to demotion where an employee's appointing authority or supervisor, as the case may be, has determined that the employee's conduct constitutes grounds for such disciplinary action as set forth in Subsection (c)(2), above. In deciding whether an employee's salary should be reduced in lieu of demotion, the employee's appointing authority or supervisor, as the case may be, shall make the determination based upon an evaluation that there is no appropriate available vacant position to which the employee could be demoted, or that the employee's conduct will improve under continued close supervision in the same position. After an employee's appointing authority or supervisor, as the case may be, has determined that the employee's conduct constitutes grounds

for disciplinary action as set forth in Subsection (c)(2), above, the appointing authority shall be justified in causing the employee's salary by an amount not to exceed ten percent (10%).

(4) Suspension. The suspension of an employee shall constitute the type of authorized disciplinary action which shall generally be considered to be less severe in nature than a dismissal action, a demotion, or a salary reduction, yet more severe in nature than the issuance of a written reprimand to an employee. In deciding whether the act or acts of the employee which constitute the grounds for disciplinary action are of such a nature as to warrant suspension, the appointing authority shall rely upon any one (1) of the following criteria as justification for the taking of a suspension action against an employee:

(A) Where the employee has been charged with the commission of a serious crime such that a subsequent conviction thereof or a finding of wrongful conduct by the employee's appointing authority in connection therewith, would constitute grounds for the dismissal of the employee under the provisions of paragraph (c)(1)(A), (B), (C), (D), or (E), above, provided that:

(i) Any such suspension shall be based upon a finding by the employee's appointing authority that there exists reasonably clear evidence of wrongful conduct by the employee in connection with such crime;

(ii) Where the finding of clear evidence of wrongful conduct as required under subparagraph (c)(4)(A)(i), above, is predicated on an investigation or inquiry of the alleged crime by the employee's appointing authority, the employee shall be placed on administrative leave, as authorized under Section 16-222, during the period of such investigation or inquiry and prior to the effective date of any subsequent suspension resultant therefrom; and,

(iii) Any such suspension shall remain in effect until the employee's guilt or innocence with respect to such alleged crime has been determined by a trial court and, on the basis of such court determination, the employee's appointing authority shall either revoke the suspension and return the employee to a duty and pay status, including restoration of back salary and leave benefits, or proceed to dismiss the employee, whichever is warranted;

(B) Where the employee commits an act or acts which constitute justification for the dismissal of the employee under the provisions of paragraph (c)(1), (A) through (E), above, the employee may be suspended rather than dismissed where the employee's appointing authority determines that the employee's past conduct record and/or other extenuating circumstances mitigate against the taking of a dismissal action against the employee, provided that no such suspension shall exceed twenty (20) working days in duration;

(C) Where the employee's appointing authority or supervisor has issued two (2) or more related, written reprimands to the employee and where the issuance of such reprimands has not resulted in the cessation of the act or acts of the employee which constituted the grounds for the issuance of the written reprimands in the first instance, the employee may be suspended for a period not to exceed ten (10) working days, provided that the foregoing shall not be construed to prevent the employee's appointing authority from suspending the employee following the issuance of one (1) written reprimand to the employee where:

(i) The employee commits the same act or acts which resulted in the issuance of the written reprimand within a period of six (6) months following the issuance of the reprimand; and,

(ii) The act or acts committed by the employee have clearly caused a disruptive effect on the efficient and/or safe operations of the employee's department, agency, or office and/or the government as a whole;

(D) Where the employee is intoxicated or commits a breach of peace during hours of work, the employee may be immediately suspended for a period not to exceed three (3) working days for the commission of any such act, provided that:

(i) The facts and circumstances surrounding the commission of the act are not in dispute such that an investigation or inquiry of the act for evidentiary purposes would not be necessary in the judgment of the employee's appointing authority;

(ii) Any such suspension is made effective as of the same day that the employee committed the act; and,

(iii) Any such suspension shall not require the presentation of an advanced, written statement of charges to the employee by the employee's appointing authority as would otherwise be required under the provisions of Section 16-201(a) governing the procedures for the processing of adverse actions against employees and employee appeals therefrom.

(5) Forfeiture of Accrued Annual Leave. The requirement that an employee forfeit accrued annual leave days shall constitute the type of authorized disciplinary action which shall generally be considered to be comparable in severity to the suspension of an employee where an employee commits an act or acts which would justify a suspension under the provisions of paragraph (c)(4), above. In deciding whether an employee should be required to forfeit accrued annual leave days in lieu of a suspension as would otherwise be justified under the provisions of paragraph (c)(4), above, the employee's appointing authority shall make such determination based upon an evaluation of the effect the employee's absence from work would have on the operations of the appointing authority's department, agency, or office. Where the employee's appointing authority determines that the absence of an employee from work under a suspension action would cause a detrimental effect on the operations of the department, agency, or office in terms of undue losses in the efficiency of operations or a curtailment in the provisions of services to the general public, the appointing authority shall be justified in causing the employee to forfeit accrued annual leave days in an amount equal to the number of days the employee would have been otherwise suspended under and subject to the conditions set forth in paragraph (c)(4), above; provided, however, that no such forfeiture of accrued annual leave by an employee shall be in an amount in excess of the numbers of annual leave days the employee had accrued as of the effective date of any such action.

(6) Fine. The requirement that an employee pay a monetary fine shall constitute the type of authorized disciplinary action which shall generally be considered to be comparable in severity to the suspension of an employee where an employee commits an act or acts which would justify a suspension under the provisions of paragraph (c)(4), above, and may be used as an alternative to suspension or forfeiture of accrued annual leave. When a fine is imposed in lieu of suspension or forfeiture of accrued annual leave, the appointing authority shall be justified in requiring the employee to pay such fine in an amount not greater in value than the number of days the employee would have been otherwise suspended under and subject to the conditions set forth in paragraph (c)(4), above, or the amount of accrued annual leave the employee would have otherwise been caused to forfeit under and subject to the conditions set forth in paragraph (c)(5), above; provided, however, that in no case may an employee be required to pay a monetary fine in an amount in excess of five percent (5%) of said employee's base annual salary.

(7) Written Reprimand.

(A) The issuance of a written reprimand to an employee shall constitute the least severe type of all authorized disciplinary actions. An employee's appointing authority or supervisor shall be justified in issuing a written reprimand to the employee if the act or acts of the employee which constitute the grounds for disciplinary action are minor in nature.

(B) Any employee to whom a written reprimand is issued shall be entitled to respond in writing, to any such reprimand within five (5) working days after the date of the issuance thereof by the employee's appointing authority or supervisor, as the case may be.

(C) Whenever an appointing authority or supervisor, as the case may be, files or causes to be filed a written reprimand or a copy thereof in an employee's official personnel file and/or in a departmental personnel file, any such written reprimand or copy thereof:

(i) Shall have appended thereto, a copy of the employee's written comments in response thereto if such comments are provided in accordance with subparagraph (B), above; or, in the alternative,

(ii) Shall be signed by the employee so as to indicate that the employee received and reviewed the reprimand, provided that such signature by the employee shall not be construed as an indication that the employee concurs with the contents of the reprimand; or, in the alternative,

(iii) Shall be accompanied by a signed certification by the employee's appointing authority or supervisor, as the case may be, to the effect that the appointing authority or supervisor issued the written reprimand to the employee and that the employee did not elect to respond in writing to the reprimand or to sign the reprimand.

(CB-1-1976; CB-107-1985; CB-22-2000)

Sec. 16-194. Performance-related disciplinary actions.

(a) Grounds. An appointing authority may initiate and take, or a supervisor may initiate, any of the disciplinary actions set forth in Subsection (b), below, against any employee under their respective jurisdictions where the appointing authority makes a determination that any such employee's performance has become "less than satisfactory" with respect to the execution of any or all of the duties, tasks, and/or responsibilities set forth in the employee's position description. In determining whether an employee's performance has become "less than satisfactory" to a degree which warrants disciplinary action, the employee's appointing authority shall rely upon any one (1) of the following criteria as justification for the taking of any of the disciplinary actions set forth in Subsection (b), below:

(1) Where the employee's actions, inactions, and/or attitudes constitute a representative course of conduct characterized by a general inability, incapability, and/or unwillingness on the part of the employee to maintain a minimum standard of performance with respect to the quality and/or quantity of any or all of the duties, tasks, and/or responsibilities properly assigned to the employee;

(2) Where the employee unjustifiably fails to carry out a particular work assignment which was within the scope of the duties, tasks, and/or responsibilities properly assigned to the employee; or

(3) Where the employee loses or fails to maintain any of the requirements or standards set forth in the qualification requirements statement, as defined in Section 16-102(a)(39), applicable to the employee's position.

(b) Authorized Actions. Whenever an appointing authority or supervisor makes a determination in accordance with grounds set forth in Subsection (a), above, that an employee's performance has become "less than satisfactory," the employee's appointing authority shall be authorized to initiate and take, or an employee's supervisor shall be authorized to initiate, any of the following disciplinary actions against the employee:

(1) The appointing authority or supervisor may issue a written reprimand to the employee, provided that any such written reprimand shall state:

(A) The specific violation or act of nonperformance causing the issuance of the reprimand; and

(B) The fact that any subsequent violations or acts of nonperformance by the employee may warrant the taking of more severe disciplinary action against the employee;

(2) The appointing authority may cause the employee to forfeit annual leave days the employee has accrued in an amount not to exceed twenty (20) such accrued leave days;

(3) The appointing authority may fine the employee in an amount not to exceed five percent (5%) of the employee's base annual salary, provided that such fine, so imposed, may, at the employee's option, so long as the employee is employed by the County, be withheld from the employee's biweekly paychecks, until paid, in increments not to exceed five percent (5%) of the employee's gross biweekly wages;

(4) The appointing authority may cause the employee to be suspended;

(5) The appointing authority may reduce the employee's salary by an amount not to exceed ten percent (10%). Under no circumstances shall an employee's salary be reduced in this manner to a rate less than the entry rate of the applicable salary range;

(6) The appointing authority may cause the employee to be demoted, subject to the provisions of Section 16-148(a)(6);

(7) The appointing authority may cause the employee to be dismissed.

(c) General Criteria. Whenever any appointing authority or supervisor makes a determination, in accordance with the grounds set forth in Subsection (a), above, that an employee's performance has become "less than satisfactory," the employee's appointing authority or supervisor, as the case may be, shall adhere to the general criteria set forth below in deciding what type of authorized disciplinary action, if any, should be initiated and taken against such employee.

(1) Dismissal. The dismissal of an employee shall constitute the most severe of the three (3) types of performance-related, disciplinary actions authorized under Subsection (b), above. After an employee's appointing authority or supervisor has determined that the employee's performance constitutes grounds for disciplinary action, as set forth in Subsection (a), above, the employee's appointing authority shall be justified in causing the employee to be dismissed, provided that:

(A) The employee's appointing authority or supervisor, as the case may be, has made a reasonable effort to counsel the employee with respect to the employee's performance and has afforded the employee a reasonable opportunity to take remedial actions with respect thereto; and,

(B) The employee's appointing authority has made a reasonable determination that the employee will be unable, incapable and/or unwilling to perform satisfactorily in another position in a class with a lower grade; provided, however, that where the appointing authority has made a reasonable determination that the employee will be capable and able to perform satisfactorily in another position in a class with a lower grade, nothing in this subparagraph shall be construed to prevent the appointing authority from causing the employee to be dismissed notwithstanding such a determination if the appointing authority has made a reasonable effort to demote the employee and such demotion cannot be effectuated due to the unavailability of an appropriate vacant position, or due to the fact that the proposed demotion does not meet the conditions stipulated in Section 16-148(a)(6)(B).

(2) Demotion. The demotion of an employee shall constitute a performance-related disciplinary action less severe in nature than a dismissal. After an employee's appointing authority or supervisor has determined that the employee's performance constitutes grounds for disciplinary action, as set forth in Subsection (a), above, the employee's appointing authority shall be justified in causing the employee to be demoted, provided that:

(A) The employee's appointing authority or supervisor, as the case may be, has made a reasonable effort to counsel the employee with respect to the employee's performance and has afforded the employee a reasonable opportunity to take remedial actions with respect thereto; and,

(B) The employee's appointing authority has made a reasonable determination that the employee will be capable and able to perform satisfactorily in the position to which the employee is to be demoted.

(3) Salary Reduction. The requirement that an employee's salary be reduced by an amount not to exceed ten percent (10%) shall constitute the type of performance-related disciplinary action which shall generally be considered to be comparable in severity to demotion where an employee's appointing authority or supervisor, as the case may be, has determined that the employee's performance constitutes grounds for such disciplinary action. In deciding whether an employee's salary should be reduced by an amount not to exceed ten percent (10%) in lieu of demotion, the employee's appointing authority or supervisor, as the case may be, shall make the determination based upon an evaluation that there is no appropriate available vacant position to which the employee could be demoted, or that the employee's performance will improve under continued close supervision in the same position. After an employee's appointing authority or supervisor, as the case may be, has determined that the employee's performance constitutes grounds for disciplinary action as set forth in Subsection (a), above, the appointing authority shall be justified in causing the employee's salary to be reduced the equivalent of one (1) step rate, provided that:

(A) The employee's appointing authority or supervisor, as the case may be, has made a reasonable effort to counsel the employee with respect to the employee's performance and has afforded the employee a reasonable opportunity to take remedial actions with respect thereto; and

(B) The employee's appointing authority has made a reasonable determination that the employee's performance will improve to a satisfactory level in the same position.

(4) Suspension. The suspension of an employee shall constitute the type of authorized disciplinary action which shall generally be considered to be less severe in nature than a dismissal action, a demotion, or a salary reduction, yet more severe in nature than the issuance of a written reprimand to an employee. In deciding whether the act or acts of the employee which constitute the grounds for disciplinary action are of such a nature as to warrant suspension, the appointing authority shall rely upon any one (1) of the following criteria as justification for the taking of a suspension action against an employee:

(A) Where the employee commits an act or acts which constitute justification for the dismissal of the employee under the provisions of paragraph (c)(1), (A) and (B), above, the employee may be suspended rather than dismissed where the employee's appointing authority determines that the employee's past conduct and/or performance record and/or other extenuating circumstances mitigate against the taking of a dismissal action against the employee, provided that no such suspension shall exceed twenty (20) working days in duration;

(B) Where the employee's appointing authority or supervisor has issued two (2) or more related, written reprimands to the employee and where the issuance of such reprimands

has not resulted in the cessation of the act or acts of the employee which constituted the grounds for the issuance of the written reprimands in the first instance, the employee may be suspended for a period not to exceed ten (10) working days, provided that the foregoing shall not be construed to prevent the employee's appointing authority from suspending the employee following the issuance of one (1) written reprimand to the employee where:

(i) The employee commits the same act or acts which resulted in the issuance of the written reprimand within a period of six (6) months following the issuance of the reprimand; and

(ii) The act or acts committed by the employee have clearly caused a disruptive effect on the efficient and/or safe operations of the employee's department, agency, or office and/or the government as a whole.

(5) Forfeiture of Accrued Annual Leave. The requirement that an employee forfeit accrued annual leave days shall constitute the type of authorized disciplinary action which shall generally be considered to be comparable in severity to the suspension of an employee where an employee commits an act or acts which would justify a suspension under the provisions of paragraph (c)(4), above. In deciding whether an employee should be required to forfeit accrued annual leave days in lieu of a suspension as would otherwise be justified under the provisions of paragraph (c)(4), above, the employee's appointing authority shall make such determination based upon an evaluation of the effect the employee's absence from work would have on the operations of the appointing authority's department, agency, or office. Where the employee's appointing authority determines that the absence of an employee from work under a suspension action would cause a detrimental effect on the operations of the department, agency, or office in terms of undue losses in the efficiency of operations or a curtailment in the provisions of services to the general public, the appointing authority shall be justified in causing the employee to forfeit accrued annual leave days in an amount equal to the number of days the employee would have been otherwise suspended under, and subject to, the conditions set forth in paragraph (c)(4), above; provided, however, that no such forfeiture of accrued annual leave by an employee shall be in an amount in excess of the number of annual leave days the employee had accrued as of the effective date of any such action.

(6) Fine. The requirement that an employee pay a monetary fine shall constitute the type of authorized disciplinary action which shall generally be considered to be comparable in severity to the suspension of an employee where an employee commits an act or acts which would justify a suspension under the provisions of paragraph (c)(4), above, and may be used as an alternative to suspension or forfeiture of accrued annual leave. When a fine is imposed in lieu of suspension or forfeiture of accrued annual leave, the appointing authority shall be justified in requiring the employee to pay such fine in an amount not greater in value than the number of days the employee would have been otherwise suspended under, and subject to, the conditions set forth in paragraph (c)(4), above, or the amount of accrued annual leave the employee would have otherwise been caused to forfeit under, and subject to, the conditions set forth in paragraph (c)(3), above; provided, however, that in no case may an employee be required to pay a monetary fine in an amount in excess of five percent (5%) of said employee's base annual salary.

(7) Written Reprimand.

(A) The issuance of a written reprimand to an employee shall constitute the least severe type of all authorized disciplinary actions. An employee's appointing authority or supervisor shall be justified in issuing a written reprimand to the employee if the act or acts of the employee which constitute the grounds for disciplinary action are minor in nature.

(B) Any employee to whom a written reprimand is issued shall be entitled to respond in writing to any such reprimand within five (5) working days after the date of the issuance thereof by the employee's appointing authority or supervisor, as the case may be.

(C) Whenever an appointing authority or supervisor, as the case may be, files or causes to be filed a written reprimand or a copy thereof in an employee's official personnel file and/or in a departmental personnel file, any such written reprimand or copy thereof:

(i) Shall have appended thereto a copy of the employee's written comments in response thereto if such comments are provided in accordance with subparagraph (B), above; or, in the alternative,

(ii) Shall be signed by the employee so as to indicate that the employee received and reviewed the reprimand, provided that such signature by the employee shall not be construed as an indication that the employee concurs with the contents of the reprimand; or, in the alternative,

(iii) Shall be accompanied by a signed certification by the employee's appointing authority or supervisor, as the case may be, to the effect that the appointing authority or supervisor issued the written reprimand to the employee and that the employee did not elect to respond in writing to the reprimand or to sign the reprimand.

(CB-1-1976; CB-22-2000)

Sec. 16-195. Conduct and performance-related disciplinary actions.

(a) The following provisions shall apply to both conduct and performance-related disciplinary actions.

(1) Evaluative Factors. Prior to finally taking any of the conduct- or performance-related disciplinary actions authorized under the provisions of Sections 16-193, except under Subsection (c)(1)(A), thereof, and 16-194, respectively, an appointing authority or, where applicable, a supervisor shall insure that the following factors have been evaluated and taken into consideration:

(A) The severity of the particular disciplinary action in relation to the nature of the particular act or acts of the employee constituting the grounds for disciplinary action;

(B) Any extenuating circumstances concerning an employee which may mitigate against the taking of the particular disciplinary action against the employee;

(C) An employee's past record of conduct or performance, as the case may be; provided, however, that where an employee's performance is marginal, the employee's past conduct record may be taken into account in making a final determination to take a performance-related disciplinary action against the employee; and

(D) The consistency and uniformity of the particular disciplinary action in relation to the general disciplinary practices and policies as applied to other employees within the particular department, agency, or office under facts and circumstances which are substantially the same.

(2) Procedural Requirements. Except for an immediate suspension as authorized under Section 16-193(c)(4)(D), any disciplinary action authorized under the provisions of Sections 16-193 and 16-194 which constitutes an adverse action, as defined in Section 16-102(a)(1), shall be initiated and taken in accordance with the procedures set forth in Section 16-201 which govern the processing of adverse actions against employees and the taking of employee appeals therefrom.

(3) Disciplinary Actions by Appointing Authorities. Any disciplinary action authorized under Sections 16-193 and 16-194 which constitutes an adverse action shall only be finally taken against an employee by the employee's appointing authority; provided, however, that the foregoing part of this sentence shall not be construed to prevent any supervisor from effectively initiating or recommending any such action.

(CB-1-1976; CB-107-1985; CB-22-2000)

Sec. 16-196. Reserved.

Sec. 16-197. Statute of limitations on certain disciplinary records.

(a) Temporary Records. For purposes of Section 16-216, the following records or documents relating to authorized disciplinary actions which may have been taken against an employee shall be considered to be temporary records or documents, and shall be maintained in the employee's official personnel file and/or in any departmental personnel file only for a period of three (3) calendar years and then removed therefrom and disposed of consistent with the applicable provisions of State law:

(1) Any written reprimand and any written employee response in relation thereto;

(2) Any record of an employee's suspension for any period not in excess of ten (10) working days;

(3) Any record of an employee's forfeiture of accrued annual leave as a disciplinary action in any amount not in excess of ten (10) accrued leave days; and,

(4) Any record of fines imposed as a disciplinary action.

(b) Permanent Records. For purposes of Section 16-216, the following records or documents relating to authorized disciplinary actions which may have been taken against an employee shall be considered to be permanent records and shall be retained in the employee's official personnel file and/or in any departmental personnel file in accordance with the provisions of Sections 16-216 and 16-217:

(1) Any record of an employee's suspension for any period in excess of ten (10) working days;

(2) Any record of any employee's forfeiture of accrued annual leave as a disciplinary action in any amount in excess of ten (10) working days;

(3) Any record of an employee's demotion or reduction in step rate; and,

(4) Any record of an employee's dismissal.

(CB-1-1976)

Sec. 16-198. Hearing boards for public safety employees.

(a) The appointing authorities of the Police, Fire, Sheriff's, and Corrections Departments shall be authorized to appoint hearing boards to hear and review conduct- or performance-related disciplinary charges against any uniformed employee occupying a public safety class of work within their respective departments, and to render recommendations to the appointing authorities as to the type of authorized disciplinary action, if any, which should be taken against any such employee. The disciplinary recommendations rendered by any such hearing board so appointed, shall be advisory in nature and the final determination as to the taking of any authorized disciplinary action in relation thereto shall rest exclusively with the appointing authorities of such departments.

(b) In any case where the rights of uniformed employees occupying public safety classes of work within the Police and Sheriff's Departments with respect to disciplinary actions and appeals therefrom are governed by the provisions of Article 27, Sections 727 through 734A of the Annotated Code of Maryland, titled "Law-Enforcement Officers' Bill of Rights," the provisions of said statute shall apply, in lieu of the provisions of this Division, in the taking of authorized disciplinary actions against such employees, and there shall be no appeals to the Personnel Board as a result of the taking of any such disciplinary actions against any such employees as would otherwise be provided under the applicable provisions of Article XIV. However, in any case where the appointing authorities of the Police and Sheriff's Departments determine that an investigation and/or an interrogation is not necessary in order to determine whether any uniformed employee occupying a public safety class of work within their respective departments has committed an act or acts which constitute grounds for disciplinary action under the provisions of Sections 16-193 and 16-194, then, and in such event, said appointing authorities may take any of the disciplinary actions authorized under Sections 16-193 and 16-194 without appointing a hearing board in advance thereof, and any employee's appeal from any such disciplinary action shall be taken in accordance with the applicable provisions of Article XIV. (CB-1-1976; CB-100-1994)

DIVISION 14. GRIEVANCES, ADVERSE ACTIONS, AND APPEALS.

Sec. 16-199. Appeal policy.

It shall be the policy of Prince George's County to insure that all employee appeals, whether as a result of an unresolved grievance or of an adverse action taken against an employee, are expeditiously considered and equitably adjudicated. All employees are encouraged to openly and freely express their views relative to conditions of their employment and, where necessary and appropriate, to exercise their appeal rights in accordance with the procedures stipulated in this Division without fear of reprisal or recrimination. In furtherance of the foregoing, it shall be wrongful for any appointing authority, supervisor, or the Director of Human Resources Management to discipline or otherwise take any retaliatory action against any employee, or to threaten any employee with any such action, on the basis of the employee's exercise of the appeal rights granted under the provisions of this Division, or for an employee's participation as a witness in any of the proceedings authorized herein. (CB-1-1976; CB-91-2003)

Sec. 16-200. Procedures for resolving a grievance.

(a) An employee shall be entitled to initiate a grievance in accordance with the following procedures:

(1) To Responsible Official.

(A) Where an employee has reason to believe that an act or acts by the employee's supervisor, appointing authority, or the Director of Human Resources Management, as the case may be, constitutes a grievance and where reasonable efforts on the part of the employee to informally resolve the grievance have been unsatisfactory, the employee shall file a written complaint with whichever of the foregoing officials was responsible for the act or acts giving rise to the grievance, setting forth in such written complaint the nature of the grievance and the relief sought by the employee; provided, however:

(i) That where the act or acts of the official giving rise to the grievance are effectuated by a written human resources action which is authorized under the provisions of this Subtitle, and where the employee receives a final copy of such written human resources action, the employee shall file the written complaint required above with the responsible official no later than five (5) working days after the employee receives the final copy of the written human resources action; and

(ii) With respect to any other act or acts of the official giving rise to the grievance, the employee shall file the written complaint required above with the responsible official within a reasonable period of time after the act or acts of the responsible official constituting the grievance becomes known to the employee; provided, however, that the failure of the employee to file the written complaint within such reasonable period of time shall constitute grounds for the denial of the relief sought by the aggrieved employee.

(B) Upon the receipt of any written complaint filed by an employee pursuant to subparagraph (a)(1)(A), above, the responsible official shall investigate or cause to be investigated the allegations set forth in said complaint and shall respond, in writing, to the employee with respect to said complaint no later than fourteen (14) calendar days after the date of receipt thereof. The written response of the responsible official shall state whether or not any remedial action will be taken with respect to the complaint and, in either event, the reasons therefor. Where the written response of the responsible official indicates that remedial action will be taken, said written response shall also state when, in terms of an approximate date, event, or circumstance, the remedy or remedies will be forthcoming.

(C) Any employee who has filed a written complaint, as required under subparagraph (a)(1)(A), above, shall be entitled to pursue the alleged grievance further, based on the circumstances set forth below, by filing a written complaint with the Director of Human Resources Management if the Director of Human Resources Management was not the responsible official with whom the employee filed the written complaint in the first instance; or, in the event that the Director of Human Resources Management was the responsible official with whom the employee filed the written complaint in the first instance, by filing a written notice of appeal with the Personnel Board. The entitlement of an employee to file a further written complaint with the Director of Human Resources Management, or to file a written notice of appeal with the Personnel Board, as provided in the preceding sentence of this subparagraph, shall be conditioned upon:

(i) The fact that the responsible official with whom the employee filed the signed written complaint required under subparagraph (a)(1)(A), above, did not respond, in writing, to the employee's complaint within fourteen (14) calendar days after the date of receipt thereof, as required under subparagraph (a)(2), above;

(ii) The fact that the employee is not satisfied with the written response of the responsible official with whom the employee filed the written complaint; or

(iii) The fact that the remedy or remedies set forth in the written response of the responsible official were not effectuated under the conditions set forth in the official's written response.

(D) The following procedures shall apply to the filing of a further written complaint with the Director of Human Resources Management, or the filing of a written notice of appeal with the Personnel Board, as provided under subparagraph (a)(1)(C), above:

(i) Any employee who intends to file a further written complaint with the Director of Human Resources Management, or a written notice of appeal with the Personnel Board, under the circumstances described in subparagraph (a)(1)(C)(i), above, shall do so no

later than five (5) working days after the date the responsible official was required to have responded to the employee;

(ii) Any employee who intends to file a further written complaint with the Director of Human Resources Management, or a written notice of appeal with the Personnel Board, under the circumstances described in subparagraph (a)(1)(C)(ii), above, shall do so no later than five (5) working days after the date of receipt of the written response from the responsible official; and

(iii) Any employee who intends to file a further written complaint with the Director of Human Resources Management, or a written notice of appeal with the Personnel Board, under the circumstances described in subparagraph (a)(1)(C)(iii), above, shall do so within a reasonable period of time after the employee becomes aware of the fact that the remedy or remedies set forth in the written response of the responsible official have not been effectuated under the conditions set forth in the written response; provided, however, that the failure of the employee to file the further written complaint or the written notice of appeal, as the case may be, within such reasonable period of time shall constitute grounds for the denial of the relief sought by the aggrieved employee.

(2) To Director of Human Resources Management.

(A) Whenever any employee files a further written complaint with the Director of Human Resources Management under the circumstances and procedures set forth under subparagraphs (a)(1)(C)(i) or (ii) and (a)(1)(D)(i), (ii), or (iii), above, respectively, any such written complaint:

(i) Shall state the nature of the employee's unresolved grievance, the relief sought by the employee, and the circumstances under which the grievance has been filed; and,

(ii) Shall be accompanied by a copy of the written complaint filed with the responsible official under subparagraph (a)(1)(A), above, and a copy of the written response of the responsible official, if any, as required under subparagraph (a)(1)(B), above.

(B) Upon the receipt of any written complaint filed by an employee pursuant to subparagraph (a)(2)(A), above, the Director of Human Resources Management shall adhere to the provisions of subparagraph (a)(1)(B), above, with respect to investigating and responding to such complaint as if the Director of Human Resources Management were the responsible official with whom the employee filed the written complaint in the first instance.

(C) Any employee who has filed a written complaint with the Director of Human Resources Management under the provisions of subparagraph (a)(2)(A), above, shall be entitled to file a written notice of appeal with the Personnel Board with respect to such written complaint under the circumstances set forth under subparagraph (a)(1)(C)(i), (ii), or (iii), above, as if the Director of Human Resources Management were the responsible official with whom the employee filed the written complaint in the first instance.

(D) Any employee who intends to file a written notice of appeal with the Personnel Board under the provisions of subparagraph (a)(2)(C), above, shall do so in accordance with the filing procedures set forth in subparagraph (a)(1)(D)(i), (ii), or (iii), above, as if the Director of Human Resources Management were the responsible official with whom the employee filed the written complaint in the first instance.

(3) To Personnel Board.

(A) Whenever any employee files a written notice of appeal with the Personnel Board under the circumstances and procedures set forth in subparagraphs (a)(1)(C)(i), (ii), or (iii) and (a)(1)(D)(i), (ii), or (iii), or under the circumstances and procedures set forth in subparagraphs (a)(2)(C) and (D), as the case may be, any such employee shall additionally file

with the Personnel Board, at the same time as the written notice of appeal is filed or no later than ten (10) working days after such notice has been filed, a separate written statement which:

(i) Shall set forth the nature of the employee's unresolved grievance, the relief sought by the employee, and the circumstances under which the notice of appeal has been filed; and

(ii) Shall be accompanied by a copy of any written complaint filed with a responsible official and/or the Director of Human Resources Management under Subsections (a)(1) and/or (a)(2), above, and a copy of any written responses of said officials in relation to said complaints, if any, as required under Subsections (a) and (b), above.

(B) The Personnel Board shall hear and decide any such appeal of an unresolved grievance in accordance with the provisions of Section 16-203. The Personnel Board may dismiss a grievance if the employee fails to identify a specific violation.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-201. Procedures for taking adverse actions and employee appeals therefrom.

(a) Adverse Actions by Appointing Authorities. The following procedures shall apply to the taking of adverse actions, except as provided in Subsection (b), below, against employees by appointing authorities and to the taking of employee appeals therefrom:

(1) Whenever an appointing authority intends to take an adverse action against any employee under the appointing authority's jurisdiction, the appointing authority shall first serve the employee with a written statement of charges with respect to the proposed action no later than five (5) working days prior to the intended effective date of any such action. Any such written statement of charges shall state the specific grounds or other reasons for taking such action, and the fact that the employee shall be entitled to appeal such action to the Personnel Board in accordance with the provisions of Subsection (e), below.

(2) At the same time as the appointing authority serves the statement of charges on the employee as required under subparagraph (a)(1), above, the appointing authority shall forward a copy of said statement to the Director of Human Resources Management in order to afford the Director of Human Resources Management an opportunity to review the proposed action, and to render advisory comments to the appointing authority with respect thereto; provided however, that in any case where the proposed adverse action to be taken against the employee constitutes a demotion any such adverse action shall be further subject to the approval of the Director of Human Resources Management with respect to the condition set forth in Section 16-148(a)(6)(B)(i).

(3) Any such employee shall be entitled to respond, in writing, to any statement of charges served upon the employee under subparagraph (a)(1), above, provided such written response is filed with the appointing authority no later than five (5) working days after the date of receipt of the statement of charges by the employee.

(4) Prior to serving any final written notice of adverse action on any such employee, the appointing authority shall consider any advisory comments rendered by the Director of Human Resources Management with respect to the statement of charges, as may have been provided under subparagraph (a)(2), above, and any written response filed by the employee with respect to the statement of charges, as may have been provided under subparagraph (a)(3), above; provided however, that in the case of any adverse action which constitutes a demotion, the appointing authority shall rescind any such proposed action where the Director of Human

Resources Management has disapproved such action pursuant to the provisions of Section 16-148(a)(6)(B)(i).

(5) Notwithstanding the provisions of subparagraphs (a)(1), (2), (3), and (4), above, an appointing authority shall not be required to file an advance statement of charges with an employee prior to serving a final written notice of adverse action on the employee under any one (1) of the following circumstances:

(A) In the case of any immediate suspension taken in accordance with the provisions of Section 16-193(c)(4)(D); or

(B) In the case of any demotion requested solely at the discretion of the employee pursuant to the provisions of Section 16-148(a)(6)(A)(iv).

(6) Any such employee shall be entitled to file a written notice of appeal with the Personnel Board with respect to any final notice of adverse action taken against any such employee, provided said notice of appeal is filed with the Board no later than five (5) working days after the date of receipt of the final notice of adverse action by the employee; or, in the case of any immediate suspension taken pursuant to Section 16-193(c)(4)(D), no later than five (5) working days after the date such action is taken by the appointing authority. At the same time any such written notice of appeal is filed with the Personnel Board, or no later than ten (10) working days after such notice has been filed, the employee shall additionally file with the Board, a separate written statement setting forth the specific employee allegations with respect to the adverse action and the relief sought by the employee.

(b) Adverse Actions by Appointing Authorities. The following procedures shall apply to the taking of adverse actions concerning a separation, termination, dismissal, demotion, or fines against employees by appointing authorities and to the taking of employee appeals therefrom:

(1) Whenever an appointing authority intends to take an adverse action against any employee under the appointing authority's jurisdiction, the appointing authority shall first serve the employee with a written statement of charges with respect to the proposed action no later than ten (10) working days prior to the intended effective date of any such action. Any such written statement of charges shall state the specific grounds or other reasons for taking such action and the fact that the employee shall be entitled to appeal such action to the Personnel Board in accordance with the provisions of Subsection (e), below.

(2) At the same time as the appointing authority serves the notice of intent on the employee as required under subparagraph (b)(1), above, the appointing authority shall forward a copy of said statement to the Director of Human Resources Management in order to afford the Director of Human Resources Management an opportunity to review the proposed action, and to render advisory comments to the appointing authority with respect thereto.

(3) Any such employee shall be entitled to respond, in writing, to any statement of charges served upon the employee under subparagraph (b)(1), above, provided such written response is filed with the appointing authority no later than ten (10) working days after the date of receipt of the notice by the employee.

(4) Prior to serving any final written notice of adverse action on any such employee, the appointing authority shall consider any advisory comments rendered by the Director of Human Resources Management with respect to the statement of charges, as may have been provided under subparagraph (b)(2), above, and any written response filed by the employee with respect to the statement of charges, as may have been provided under subparagraph (b)(3), above.

(5) Any such employee shall be entitled to file a written notice of appeal with the Personnel Board with respect to any final notice of adverse action taken against any such

employee, provided said notice of appeal is filed with the Board no later than five (5) working days after the date of receipt of the final notice of adverse action by the employee. At the same time any such written notice of appeal is filed with the Personnel Board, or no later than ten (10) working days after such notice has been filed, the employee shall additionally file with the Board, a separate written statement setting forth the specific details with respect to the adverse action and the relief sought by the employee.

(c) Nothing in this Section shall prevent an appointing authority from ordering the immediate suspension of an employee who meets the criteria for such action under the personnel law.

(d) Adverse Actions by Director of Human Resources Management. The following procedures shall apply to the taking of employee appeals from adverse actions authorized and taken by the Director of Human Resources Management against any employee.

(1) Whenever any employee receives a final notice of an adverse action authorized and taken against any such employee by the Director of Human Resources Management, any such employee shall be entitled to file a written notice of appeal with the Personnel Board with respect to such adverse action, provided said notice of appeal is filed with the Board no later than five (5) working days after the date the adverse action is to become effective as stipulated in the final notice of adverse action. At the same time any such written notice of appeal is filed with the Personnel Board, or no later than ten (10) working days after such notice has been filed, the employee shall additionally file with the Board, a separate written statement setting forth the specific employee allegations with respect to the adverse action and the relief sought by the employee.

(2) The Personnel Board shall hear and decide any such employee appeal of an adverse action authorized and taken by the Director of Human Resources Management in accordance with the provisions of Section 16-203.

(e) The Personnel Board shall hear and decide any such employee appeal of an adverse action in accordance with the provisions of Section 16-203.

(CB-1-1976; CB-22-2000; CB-27-2000; CB-91-2003)

Sec. 16-202. Appeals by employees and by former employees.

(a) The following procedures shall apply to the taking of appeals to the Personnel Board by employees who have taken or sought examinations for appointment to vacant positions in the classified service with respect to certain actions by the Director of Human Resources Management and/or appointing authorities with respect thereto, and by any former employee seeking reinstatement, reemployment, or reappointment.

(1) Whenever any employee has taken or sought to take a recruitment examination, as defined in Section 16-102(a)(45), or whenever any former employee is seeking or has sought reinstatement, reemployment, or reappointment, as the case may be, any such person shall be entitled to file a written notice of appeal with the Personnel Board with respect to any action of the Director of Human Resources Management and/or the appointing authority in interest with respect thereto, including, in the case of any such recruitment examination, actions pertaining to the methods of examination and the preparation of eligibility registers and certification therefrom, provided that:

(A) The written notice of appeal is filed with the Personnel Board by the aggrieved person no later than thirty (30) calendar days after the date the action or actions in

dispute were taken by the Director of Human Resources Management and/or the appointing authority in interest;

(B) At the same time the written notice of appeal is filed with the Personnel Board, or no later than fourteen (14) calendar days after such notice has been filed, the aggrieved person additionally files with the Board, a separate written statement setting forth the person's specific allegations with respect to such actions and the relief sought by the person; and,

(C) The aggrieved person alleges, in such petition, that the action or actions giving rise to the appeal were clearly arbitrary and capricious or were illegal.

(2) The Personnel Board shall hear and decide any such appeal by any such aggrieved person in accordance with the provisions of Section 16-203.

(CB-1-1976; CB-5-2003; CB-91-2003)

Sec. 16-203. Hearings before the Personnel Board.

(a) The following provisions shall apply to hearings before the County Personnel Board.

(1) General. Pursuant to Section 907 of Article IX of County Charter, the Personnel Board shall be the final administrative appeal authority for Prince George's County, Maryland, relating to any appeal filed with the Board under the provisions of Sections 16-200 through 16-202 of this Subtitle. In the case of any such appeal to the Board, the decisions and orders of the Board shall be final on all parties concerned and may not be appealed to any other administrative board. Any hearing before the Personnel Board shall be public, if so requested by the aggrieved party. After hearing any appeal, the Board may issue such order as it finds proper by the facts presented in the case. Any such order shall be accompanied by a statement of findings of fact and conclusions of law. The Board may, in any such order, sustain, modify, or reverse the action or actions of an appointing authority, supervisor, or the Director of Human Resources Management, as the case may be, which gave rise to the appeal. The Board may order the reinstatement of the employee with partial or full back pay and benefits or without back pay. Any order for back pay and benefits which arises from this Section may not be imposed for claims which arose prior to the effective date of this legislation. This shall not be construed as extinguishing a right or remedy which existed prior to the enactment of the legislation. All data pertinent to any decision of the Board shall be subject to the scrutiny of all parties to the proceedings and/or the attorneys representing said parties.

(2) Conduct of Hearings. Except as may be otherwise modified by the provisions of this Section, all procedures governing hearings before the Personnel Board shall be established under the regulations which are required to be proposed by the Board and approved by the County Council pursuant to Section 16-105(a)(1).

(A) Within thirty (30) days after receiving an appeal of an adverse action concerning a separation, termination, dismissal, demotion, or fines, the Personnel Board shall schedule a hearing within sixty (60) days of the receipt of the appeal and notify the parties of the hearing date, or shall refer the appeal to a hearing examiner in accordance with subparagraph (8)(C) of this Section within (ten) 10 days of receipt of the appeal for a hearing to be scheduled within sixty (60) days. The Board may continue the hearing only under the following conditions:

- (i) Each party must consent to the continuance;
- (ii) Each party may only receive one (1) continuance; and
- (iii) If a continuance is granted to either party, the hearing must be rescheduled to a date not more than sixty (60) days from the scheduled hearing date.

(B) Within forty-five (45) days after the close of the hearing record, the Personnel Board shall issue to the parties a written decision.

(3) Right to Representation. Any employee or former employee who has filed an appeal with the Personnel Board pursuant to Sections 16-200, 16-201, or 16-202 shall be entitled to be represented by legal counsel with respect to all proceedings before the Board regarding said appeal.

(4) Consolidation of Appeals. The Personnel Board may consolidate for hearing, all appeals which, in the determination of the Board, represent a common cause of action.

(5) Appeals Held in Abeyance. Whenever an employee files a written notice of appeal with the Board as a result of a suspension taken against said employee under the provisions of Section 16-193(c)(4)(D), the Board shall hold any such appeal in abeyance pending a determination of said employee's guilt or innocence by a trial court.

(6) Dismissal of Appeals. Whenever any employee or former employee files a written notice of appeal and separate petition with the Personnel Board, the Board shall issue an order dismissing the appeal without further proceedings where:

(A) All parties to any such appeal before the Board have filed a written request with the Board to dismiss the appeal; or

(B) Any such notice of appeal and/or separate written statement associated with such notice of appeal were not filed with the Board within the time limits or periods specified for such filings under Sections 16-200, 16-201, or 16-202, as the case may be, unless cause to the contrary has been shown to the Board by the person filing the appeal.

(7) Referral of Appeals to County Attorney. Whenever an employee, former employee, or applicant for employment files a written notice of appeal and a separate written statement with the Personnel Board, as required under the provisions of Sections 16-200, 16-201, or 16-202, as the case may be, the Personnel Board shall transmit a copy of any such notice of appeal and written statement to the County Attorney so that the interests of the County can be represented with respect to any such appeal. Whenever any such petition alleges discrimination, the County's Equal Employment Officer, acting as an agent of the County Attorney, shall conduct an investigation of the merits of the allegations set forth in any such written statement. The EEO Officer shall issue a confidential written report to the County Attorney setting forth the results of any such investigation. The County Attorney shall proceed, upon the receipt of the EEO Officer's report regarding the allegations of discrimination and on the basis of such other investigations as the County Attorney may deem appropriate, to present the County's position in the proceedings before the Personnel Board with respect to any such appeal and/or shall conduct such conciliations or negotiations with respect to a potential settlement or resolution of such appeal as deemed appropriate by the County Attorney.

(8) Consideration of Appeals. The following general criteria shall apply to the Personnel Board's consideration of appeals:

(A) Whenever an employee or former employee files an appeal in accordance with this Subtitle, the Board shall not substitute its judgment for that of the official who had taken the action, but shall attempt to ascertain, based on the preponderance of the evidence presented to the Board, whether there is any reasonable basis to support the action taken by the official.

(B) Whenever any employee or former employee files an appeal in accordance with Sections 16-200, 16-201, or 16-202, as the case may be, with respect to any action of an appointing authority, supervisor, or the Director of Human Resources Management, except for

those appeals described in subparagraph (a)(8)(C), below, any such aggrieved party shall have the burden of going forward with the evidence before the Board.

(C) Whenever any permanent status employee files an appeal in accordance with Section 16-201(a) with respect to any disciplinary action taken by the employee's appointing authority which would constitute an adverse action, the employee's appointing authority shall have the burden of going forward with the evidence before the Board. In each such case, the Board shall review the authority in law for the taking of the action, and shall sustain the action of the appointing authority where the law and the facts, as proved by a preponderance of the evidence, justify the action taken by the appointing authority. Conversely, where the law and/or facts, as proved by a preponderance of the evidence, do not justify the action of the appointing authority, the Board shall rule in favor of the party who filed the appeal.

(D) Whenever any employee files an appeal of an unresolved grievance in accordance with Section 16-200 and the Board finds that the relief sought by the employee is not within the ability of the appointing authority, supervisor, or the Director of Human Resources Management to provide, the Board shall transmit its findings of fact and conclusions with respect thereto to both the County Executive and the County Council for appropriate action if deemed necessary.

(9) Hearing Examiners.

(A) The Personnel Board shall be authorized to recommend, in writing, to the County Executive, the appointment of one (1) or more hearing examiners to assist the Board by conducting hearings on any appeal before the Board. The Director of Human Resources Management may recommend to the Personnel Board the need for such hearing examiners.

(B) Upon the written recommendation of the Personnel Board, as provided in subparagraph (a)(9)(A), above, and subject to budgetary and classification actions, the County Executive shall appoint such hearing examiners as the Board has recommended in writing. Any such hearing examiner, so appointed by the County Executive, shall, as a condition to appointment, be an attorney admitted to practice before the highest court of a state or the District of Columbia.

(C) In accordance with such procedural requirements as the Personnel Board may propose and the County Council may approve pursuant to Section 16-105(a)(1) and subparagraph (a)(2) of this Section, any hearing examiner, so appointed, shall conduct hearings on appeals filed with the Board and shall make written findings of fact, conclusions, and recommendations to the Personnel Board with respect to any such appeal.

(10) Referral of Orders to Director of Human Resources Management or County Executive.

(A) In any case where the Personnel Board, after hearing an appeal, issues a final decision and order which requires remedial action to be taken by an appointing authority or supervisor, the Board shall transmit a copy of any such order to the Director of Human Resources Management. The Director of Human Resources Management shall be responsible for advising the Board, in writing, if the appointing authority or supervisor, as the case may be, fails to comply with such order of the Board no later than thirty-five (35) calendar days after the date of the receipt of any such order from the Board. Any such written reply by the Director of Human Resources Management shall state the reason or reasons for such noncompliance by the appointing authority or supervisor, as the case may be.

(B) In any case where the Personnel Board, after hearing an appeal, issues a final decision and order which requires remedial action to be taken by the Director of Human Resources Management, the Board shall transmit a copy of said order to the County Executive.

The County Executive shall be responsible for responding, in writing, to the Board under the same circumstances and procedures as are set forth in subparagraph (a)(10)(A), above, with respect to responses by the Director of Human Resources Management to the Board.

(11) Transcripts of Hearings. The Personnel Board shall make available a transcript of any hearing before the Board to any party to the proceedings of an appeal before the Board upon the payment of such reasonable costs for such transcript as determined by the Board.

(12) Pay status of Terminated Employee. In the event of an appeal of an adverse action concerning a separation, termination, dismissal, demotion, or fines if the Personnel Board orders the reinstatement of the employee, the employee shall be placed in a pay status as of the date of the Personnel Board's order provided the order is not appealed. If the adverse action is upheld by the Personnel Board and is appealed to a Court which determines that the employee shall be reinstated, the employee shall be placed in a pay status as of the date of the Court's order provided the order is not appealed.

(13) Production of Documents. If requested by the employee at least ten (10) working days prior to the hearing, the appointing authority shall provide without charge or cost copies of all documents used by the employer for preparation of the case. The parties shall exchange any lists of proposed witnesses to be called at the hearing no later than five (5) working days prior to the hearing. The appointing authority shall not introduce any additional documents at the hearing unless a copy was provided to the employee at least five (5) days prior to the hearing or except to rebut testimony or documentary evidence submitted by the employee.

(CB-1-1976; CB-83-1979; CB-107-1985; CB-25-1995; CB-22-2000; CB-27-2000; CB-5-2003; CB-91-2003)

Editor's Note: CR-53-1977 approved the Personnel Board Rules of Administrative Procedure.

Sec. 16-204. Appeals from final decisions and orders of the Personnel Board.

(a) Pursuant to Section 907 of Article IX of County Charter any person, including Prince George's County, Maryland, aggrieved by a final decision and order of the Personnel Board may, within thirty (30) calendar days of the date such decision and order is issued, appeal such decision and order to the Circuit Court for Prince George's County, Maryland. Any such appeal shall be limited to errors of jurisdiction, errors of law, and clear abuse of discretion by the Personnel Board.

(b) Any appeals to the Circuit Court, as provided in Subsection (a), above, shall be based upon the record evidence taken before the Board. However, additional evidence may be presented to said court by either the appealing party or any other party in interest if written application, by a petition to show cause, is made to said court before the date set for the hearing requesting leave to present additional evidence on the issues in the case. After a hearing on any such petition, if it is shown to the satisfaction of said court that the additional evidence is material to the case and that there were valid reasons for the failure to present said evidence in the proceedings before the Personnel Board, said court shall order that said additional evidence be taken before the Personnel Board. In any case where such additional evidence is taken before the Personnel Board, the Board may sustain, modify, or reverse its original, final decision and order on such case by reason of said additional evidence, and shall, thereafter, file with said court a part of the record, any additional evidence together with any modifications to its original decision and order.

(c) Any party to the proceeding in the Circuit Court aggrieved by the decision of the said Court may appeal from such decision to the Court of Special Appeals.
(CB-1-1976; CB-27-1984)

Sec. 16-205. Reimbursement for employee legal fees and/or court costs.

(a) Any employee shall be entitled to be reimbursed by the County for full or partial legal fees and/or court costs incurred by the employee or incurred by a collective bargaining agent or other third party provider of legal representation on behalf of an employee as a result of taking an appeal of an unresolved grievance or an adverse action under Sections 16-200 and 16-201, respectively, before the Personnel Board and/or before a court of law, on appeal, under the following circumstances, and subject to the limitations established by the County Council pursuant to Subsection (d), below:

(1) Where the employee takes an appeal of an unresolved grievance or an adverse action under Sections 16-200 and 16-201, respectively, before the Personnel Board and the final decision and order of the Board with respect to such appeal constitutes a ruling in the employee's favor, the Board shall determine a full or partial reimbursement for any legal fees incurred by the employee or incurred by a collective bargaining agent or other third party provider of legal representation on behalf of an employee with respect to the appeal proceedings before the Board and shall issue a final order for the payment thereof by the County;

(2) Where the employee takes an appeal of a final decision and order of the Personnel Board before the courts as a result of the initial taking of an appeal of an unresolved grievance or an adverse action, as the case may be, before the Board, and where the final court determination with respect to such appeal constitutes a ruling in the employee's favor, the Board shall determine a full or partial reimbursement for any legal fees and court costs incurred by the employee or incurred by a collective bargaining agent or other third party provider of legal representation on behalf of an employee with respect to the appeal proceedings before the courts, and with respect to any initial appeal proceedings before the Board with respect thereto, if not previously determined and awarded, and shall issue a final order for the payment thereof by the County;

(3) Where the employee defends an appeal before the courts of a final decision and order of the Personnel Board which constituted a ruling in the employee's favor, the Board shall determine a full or partial reimbursement for any legal fees and court costs incurred by the employee or incurred by a collective bargaining agent or other third party provider of legal representation on behalf of an employee in defending the Board's final decision and order before the courts, whether or not said final court determination constitutes a ruling in the employee's favor, and shall issue a final order for the payment thereof by the County; or

(4) Where a final decision and order of the Personnel Board constituting a ruling in the employee's favor is not effectuated by the County within the time period stipulated in such final order, or where such time period for compliance has been extended by the Board upon application by the County, and where such final order of the Board is not subject to further appeal, the Board shall determine a full or partial reimbursement for any legal fees and court costs incurred by the employee or incurred by a collective bargaining agent or other third party provider of legal representation on behalf of an employee in enforcing the Board's final order before the courts, and shall issue a final order for payment thereof by the County.

(b) In deciding whether any final order or determination of the Personnel Board or the courts constituted a ruling in employee's favor under the terms of Subsection (a), above, the

Board shall make any such decision based upon a determination as to whether or not the employee was granted substantial relief and whether the final order or determination specified impropriety or wrongdoing by the County, consistent with the allegations in the complaint.

(c) The Board shall issue a final order for the full or partial reimbursement of legal fees and/or court costs under Subsection (a), above, only after the employee's attorney has submitted an application setting forth the hours employed and the basis of the claim. A copy of said application shall be served upon the County Attorney by the employee's attorney and a written certification to that effect shall be served on the Personnel Board by the employee's attorney. Any such application shall only be considered if filed with the Board no later than six (6) months after the termination of all applicable proceedings. The Board may act upon any application without a hearing unless a written objection with respect to such application is filed by the County Attorney within five (5) working days of the date of service of the aforesaid application. Where such objection is filed by the County Attorney, the Board shall hold a hearing on the application and may issue a final order at any time thereafter.

(d) Prior to June 1 of each odd numbered year, the Personnel Board shall forward to the County Council for approval by resolution, pursuant to Section 16-105(a)(1), a reimbursement schedule for full or partial legal fees and court costs. Said schedule shall establish minimum and maximum hourly fee rates and maximum total amounts of reimbursement per appeal. In no case shall the Personnel Board issue a final order for the payment or reimbursement in excess of the limitations established by the County Council. Prior to final approval of the reimbursement schedule by the County Council, the County Executive shall be given an opportunity to comment thereon.

(e) Any final order issued by the Personnel Board for the full or partial reimbursement of an employee's legal fees and/or court costs under Subsection (a), above, shall constitute a contingent liability on the County and, as a result thereof, the County Executive shall annually recommend in the County's proposed expense budget, an appropriation of revenue in a special nondepartmental fund sufficient to cover the County's anticipated liabilities with respect to such payment of legal fees and/or court costs for employees. The County Director of Finance shall make payment for any award of legal fees and/or court costs no later than forty-five (45) calendar days after the presentation to the Director of Finance of a final order for payment as issued by the Personnel Board under Subsection (a), above. In any case where there is insufficient revenue in such special, nondepartmental fund to make payment upon the presentation of a final order for payment thereof, the Director of Finance shall so advise the employee's attorney and interest shall accrue on the unpaid balance at the rate of ten percent (10%) per annum. In any such event, the Director shall advise the County Council and the County Executive of all such unpaid claims and an amount of revenue sufficient to cover all such claims, and accrued interest, shall be included by the County Executive in the ensuing fiscal year's County expense budget.

(CB-1-1976; CB-69-1998; CB-6-2000; CB-22-2000)

Editor's Note: CR-22-1999 approved the Reimbursement Schedule for Employee Legal Fees and Court Costs for employees entitled to reimbursement for hearings before the Personnel Board.

DIVISION 15. DEVELOPMENT AND INCENTIVES.**Sec. 16-206. Development and incentive policy.**

(a) It shall be the policy of Prince George's County to:

(1) Develop and maintain training programs for the purpose of properly effectuating the promotional policies set forth in Section 16-152 with respect to career development and upward mobility for employees;

(2) Provide employees with healthful and safe working environments and conditions;
and,

(3) Develop and maintain an incentive awards program for employees so as to properly recognize employee achievement and productivity.

(CB-1-1976)

Sec. 16-207. Employee training.

(a) The Director of Human Resources Management shall have the following general responsibilities with respect to employee training, subject to funding availability:

(1) To develop and conduct, on a continual basis, an appropriate orientation program for all employees upon initial appointment;

(2) To develop and conduct, on a continual basis, centralized employee and management level training programs where such programs have common application to the training needs of a majority of departments, agencies, and offices;

(3) To assist all appointing authorities and supervisors in the development of intradepartmental or intraoffice training programs designed to meet the special training needs of their departments, agencies and offices;

(4) To develop and conduct a centralized employee counseling service designed to insure that all employees are aware of and are participating in, applicable intradepartmental and interdepartmental training programs; and

(5) To provide guidance to employees on available tools and resources to further career growth and development.

(b) In furtherance of the responsibilities set forth in Subsection (a), above, the Director of Human Resources Management shall prepare, in consultation with appointing authorities and supervisors, an annual County training plan.

(c) All appointing authorities and supervisors shall have the following general responsibilities with respect to employee training:

(1) To assist the Director of Human Resources Management in the development of the applicable components of each of the County's annual training plans;

(2) To make all employees under their respective jurisdictions aware of all applicable training programs and to otherwise assist and facilitate said employee's participation in such programs; and

(3) To recognize and utilize the increased skills and capabilities of employees under their respective jurisdictions developed as a result of participation in such training programs to the extent possible.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-208. Employee health and safety.

(a) The County Executive or the County Executive's designee shall develop an occupational health and safety program for employees which conforms to the occupational health and safety standards and regulations promulgated by the Commissioner of the Department of Labor and Industry of the State of Maryland pursuant to the provisions of Title 5, Labor and Employment Article, Annotated Code of Maryland.

(b) In addition to the responsibilities set forth in Subsection (a), above, the County Executive or the County Executive's designee shall be responsible for developing and conducting a medical examination program applicable to the following classes or groups of employees as a qualification for such employee's initial appointment or reappointment, as the case may be:

(1) For any employee who is to be appointed to a position in a class of work which, due to the nature of the duties, tasks, and responsibilities of said class of work as stipulated in the applicable class specification, reasonably requires such employee to undergo a medical examination to insure that such employee, if appointed, will not constitute a danger to the employee, other employees, and/or members of the general public; and

(2) For any employee seeking reappointment who has been previously separated from County service under the provisions of Section 16-189(c) or (d) respecting disabilities.

(CB-1-1976; CB-22-2000)

Sec. 16-209. Incentive program.

(a) The Director of Human Resources Management shall be responsible for maintaining an incentive awards program for employees designed to improve the efficiency and economy of County government by recognizing, through appropriate awards, the special talents, creativity, productivity, and resourcefulness of employees.

(b) The incentive awards program may include provisions for appointing authorities to recognize extraordinary performance by employees under their jurisdictions pursuant to agency procedures approved by the Chief Administrative Officer.

(c) The incentive awards program may also include provisions for the nomination of employees to receive, at the County Executive's discretion, County Executive awards for distinguished or meritorious service.

(d) Any incentive award granted pursuant to this Section may be in the form of a gift, grant of annual leave, or nonbase salary payment.

(e) Pursuant to procedures promulgated by the Director, an appointing authority may recommend the additional accrual of annual leave days in any leave year for any eligible employee under the appointing authority's jurisdiction where the appointing authority believes the employee's performance justifies such award.

(f) Any revenue appropriated in any of the County's current expense budgets to support the incentive awards authorized by this Section shall be maintained in a special, nondepartmental or departmental account and no award authorized shall be granted in excess of the revenue appropriated in any fiscal year to support such program.

(CB-1-1976; CB-99-1982; CB-37-1989; CB-22-2000; CB-91-2003)

Sec. 16-210. Tuition assistance program.

There is hereby established a Tuition Assistance Program for the purpose of providing tuition reimbursement to full- and part-time permanent status employees upon their successful completion of college-level courses attended at accredited institutions and related to the nature of such employee's duties, tasks, and responsibilities. The Tuition Assistance Program is designed to facilitate employee career development and upward mobility in the interests of quality public service and is subject to funding availability. The Tuition Assistance Program will be administered in accordance with established personnel procedures and will provide for the establishment of an oversight committee, development of criteria for participation and approval, and identification of available revenue.

(CB-1-1976; CB-22-2000)

Sec. 16-211. Deferred compensation plan.

(a) The purpose of this Section is to enable all permanent status employees to participate in a voluntary tax sheltered income deferral plan and to obtain the tax advantages inherent in such a plan as authorized by Section 457 of the Internal Revenue Code of 1986, as amended.

(b) The County Executive or the County Executive's designee shall develop a deferred compensation plan for the benefit of all employees described in Subsection (a), above, which shall meet the criteria for approval by the Internal Revenue Service. Upon the development of said plan, the County Executive shall be authorized, by executive order, to promptly effectuate and implement the plan, without the need for further legislative action thereon. However, nothing in this Section shall be construed to preclude the County Council from adopting further legislation with respect to said plan.

(c) The plan may provide for a Board of Trustees to exercise overall supervision over the administration of the plan, and, to that end, the executive order may provide for the establishment of an indenture of trust for the plan and a Board of Trustees to superintend the administration thereof. The Board of Trustees or such other official or entity charged with superintending the administration of the plan, shall be designated and appointed by the County Executive, and shall have the following powers:

(1) To do such acts as may be necessary to implement, maintain, and administer the plan;

(2) To receive the amount of compensation deferred pursuant to Subsection (d), below, and to use such proceeds, in accordance with any investment election permitted the employee under the plan, to purchase a fixed or variable life insurance or annuity contract, or such other investment or savings options as may be permitted under the plan, or a combination of the same, all to be held by the superintending board, official, or entity. Each such fixed or variable life insurance and annuity contract shall be purchased from one (1) or more insurance companies licensed to write insurance in the State of Maryland; and,

(3) To take such other and further actions as may be necessary to carry out the purposes of this Section.

(d) The County Executive or the County Executive's designee may, by contract, agree with any of the employees described in Subsection (a), above, to defer, in whole or in part, any such employee's authorized salary or compensation.

(e) The deferred compensation plan authorized by this Section shall exist and serve in addition to any other retirement, pension, or benefit system established by the State or County

and no deferral of income under such deferred compensation plan shall effect a reduction of the amount of any such retirement, pension, or other benefit provided by law. Any sum deferred under such deferred compensation plan shall be included in the employee's compensation for purposes of computing FICA contributions and contributions to a State or County retirement system, but shall not be included for the purposes of computing Federal or State taxes withheld on behalf of any such employee.

(CB-1-1976; CB-22-2000)

Sec. 16-212. Health and life insurance plans.

The County Executive shall establish health and life insurance plans for the benefit of all permanent status employees. Said plans may provide for contributions by both the County and participating employees toward the cost of maintaining said plans. The benefits established under said plans, as well as any County contributions thereto, may be increased from time to time by the County Executive, but said benefits and/or contributions shall not be decreased by the County Executive without the prior approval of the County Council by resolution or by a specific reduction of the amount of funds budgeted for said purposes.

(CB-1-1976)

Sec. 16-213. Length of service awards.

An appropriate award shall be given to each employee by the Director of Human Resources Management upon each such employee's completion of the first five (5) years of County service, and an appropriate award of elevating value shall be awarded to each such employee for each subsequent five (5) year period of County service.

(CB-1-1976; CB-19-1989; CB-22-2000; CB-91-2003)

Sec. 16-214. Retirement certificates.

An appropriate certificate, signed by the County Executive and the Chairman of the County Council, shall be presented to each employee upon such employee's retirement from County service.

(CB-1-1976)

DIVISION 16. PERSONNEL RECORDS.

Sec. 16-215. Records policy.

Pursuant to the provisions of Section 203 of the County Charter and Title 10, Subtitle 6, State Government Article, Annotated Code of Maryland, all personnel and leave records and documents contained in each employee's personnel file shall be regarded as confidential information and shall not be made available to any person except those persons described in Section 16-216(d) and except under circumstances otherwise authorized by applicable State or Federal statute and any regulations authorized pursuant thereto.

(CB-1-1976; CB-83-1996)

Sec. 16-216. Official personnel records.

(a) Official Custodian. The Director of Human Resources Management shall be the official custodian of all employee personnel files and of all records and documents contained in each such file.

(b) Maintenance and Disposition.

(1) An official personnel file shall be established and maintained by the Director of Human Resources Management for each former and current County employee. Each such employee personnel file shall contain all records and documents relating to employment from initial appointment through final termination of County employment. Consistent with the provisions of Section 16-197 and any other applicable law or regulation, the Director of Human Resources Management shall develop personnel procedures providing for the designation and maintenance of all employment records and documents in each employee personnel file as either temporary records or permanent records. Said personnel procedures shall further provide for the disposal of temporary records and the retention of permanent records.

(c) Verification of Information.

(1) The Director of Human Resources Management may, for the purpose of assisting a former or current employee in establishing credit or upon the inquiry of an employer of a former or current employee, verify any such employee's full name, date of employment, class, title and salary.

(d) Inspection of Files.

(1) An employee's personnel file may be inspected by the following persons:

- (A) The employee in interest;
- (B) Any person to whom the employee in interest has given prior written authorization;
- (C) The present appointing authority and supervisor of the employee in interest;
- (D) The Personnel Board as necessary for the proper performance of the duties and responsibilities of the Personnel Board;
- (E) The County Auditor, as necessary for the proper performance of the duties and responsibilities of the County Auditor;
- (F) The County Director of Finance, as necessary for the proper performance of the duties and responsibilities of the County Director of Finance;
- (G) The County Equal Employment Opportunity Officer for purposes of investigating appeals to the Personnel Board wherein discrimination is alleged pursuant to the provisions of Section 16-203(a)(7); and
- (H) Any other person who has been specifically authorized by law to inspect such files.

(2) In any event where any person described in paragraph (d)(1), above, except for the employee in interest, has inspected any employee's personnel file, any such person shall, thereafter, maintain all information acquired as a result thereof in a confidential manner and shall not divulge or make available in any other manner any of said information to any person.

(3) In any event where the employee in interest inspects said employee's own personnel file, as provided under paragraph (d)(1), above, said employee shall be entitled to file a signed statement for inclusion in said file where the employee finds that any information contained therein is inaccurate, incomplete, or not being maintained in accordance with applicable law if the employee is not otherwise able to have said information corrected under the supervision of the Director of Human Resources Management.

(4) Any person, other than the employee in interest, a person authorized by the employee in interest, the Director of Human Resources Management, or a person acting on behalf of the Director of Human Resources Management, who reviews or examines a personnel file shall be required to record the person's name, authority to review this personnel file, and date of review on a form which shall be maintained in the personnel file. A copy of the form shall be forwarded to the employee within five (5) business days. In the event that the personnel file of an employee who is the subject of a criminal investigation conducted by a law enforcement agency is reviewed pursuant to a subpoena or of an employee who is the subject of an administrative investigation concerning the employee's conduct pursuant to Section 16-193, the Director of Human Resources Management shall forward a copy of the form to the employee within five (5) business days after the subpoena allows disclosure or after ninety (90) days of the examination by the appointing authority conducting an administrative investigation. If any person, including the employee in interest, a person authorized by the employee in interest, the Director of Human Resources Management or appointing authority, or a person acting on behalf of the Director of Human Resources Management examines a personnel file, the date of examination, reason for examination, and identity of the person examining the file shall be recorded in one (1) or more logs maintained by the Director of Human Resources Management. The entry into a personnel file by staff assigned to the Personnel Office whose job function requires regular access to such files for the purposes of routine filing of records and/or verifying or updating information is not required to be logged.

(e) The official personnel file includes any file that contains documents relating to employment with the County, including, but not limited to, application, resumes, documentation of disciplinary actions and related appeals, performance ratings and counseling forms, processed employee actions, supervisor's report of injury, job-related letters of commendation, training certificates, service awards, job-related personal information, and personal information provided by the employee, such as emergency telephone numbers and next of kin designations. Preemployment physical examination or fitness for duty examination reports and evaluations, records of required vaccinations or related waivers, infectious disease exposure reports, and benefit election and designation forms shall be maintained separately and in a manner that protects the confidentiality of medical information relating to the employee. No unofficial file shall be maintained without the express knowledge of the employee.

(CB-1-1976; CB-83-1996; CB-22-2000; CB-91-2003)

Sec. 16-217. Departmental or agency personnel files.

(a) Appointing authorities shall be authorized to establish and maintain separate departmental or agency personnel files regarding employees under their respective jurisdictions. All documents and records maintained in any such departmental or agency personnel file shall be maintained by the appointing authority in a confidential manner and, as such, no other persons, except those individuals specified in Section 16-216(d)(1), above, shall be permitted to inspect any such file. All documents and records pertaining to an employee's performance which are not included in the employee's performance evaluation shall be destroyed after the submission of the performance evaluation or within one (1) year of the date the record was created.

(b) The Director of Human Resources Management shall develop personnel procedures governing the establishment, contents, maintenance, and disposition of departmental or agency personnel files. The Director of Human Resources Management shall be authorized to

periodically inspect any established departmental or agency personnel files in order to insure that said files are being maintained in a manner consistent with personnel procedures.

(c) In the event that an appointing authority establishes a departmental or agency personnel file regarding any employee under the appointing authority's jurisdiction, any such employee shall be promptly notified by the appointing authority of the establishment of said personnel file. Any such employee shall be entitled to inspect the employee's file during the employee's hours of work at a time mutually agreed to by the employee and the appointing authority. Any such employee shall be entitled to file a signed statement for inclusion in the employee's file under the circumstances described in Section 16-216(d)(3) as if the employee were filing a signed statement in the employee's official personnel file.

(d) Any person, other than the employee in interest, a person authorized by the employee in interest, the Director of Human Resources Management, the appointing authority, or a person acting on behalf of the Director of Human Resources Management who reviews or examines a personnel file shall be required to record his name, authority to review the personnel file, and date of review on a form which shall be maintained in the personnel file. A copy of the form shall be forwarded to the employee within five (5) business days. If any person, including the employee in interest, a person authorized by the employee in interest, the Director of Human Resources Management or appointing authority, or a person acting on behalf of the Director of Human Resources Management examines a personnel file, the date of examination, reason for examination, and identity of the person examining the file shall be recorded in one or more logs maintained by the Director of Human Resources Management. The entry into a personnel file for the purpose of filing of records is not required to be logged.

(CB-1-1976; CB-83-1996; CB-91-2003)

Sec. 16-217.01. Penalties; violations.

Any person found to have violated any provision of Subtitle 16, Division 16, shall be fined up to One Thousand Dollars (\$1,000).

(CB-83-1996; CB-22-2000)

DIVISION 17. LEAVE.

Sec. 16-218. Administration of the leave program.

The Director of Human Resources Management shall be responsible for the administration of the leave program established under this Division and, in furtherance thereof, shall develop personnel procedures to insure that the leave program is uniformly administered within the various County departments, agencies, and offices.

(CB-1-1976; CB-22-2000; CB-91-2003)

Sec. 16-219. Holiday leave.

- (a) Regular Holidays. The following days shall be regular holidays for employees:
- (1) New Year's Day;
 - (2) Martin Luther King's Birthday;
 - (3) Presidential Inauguration Day;
 - (4) Washington's Birthday;

- (5) Memorial Day;
- (6) Independence Day;
- (7) Labor Day;
- (8) Columbus Day;
- (9) Veteran's Day;
- (10) Thanksgiving Day;
- (11) County Employees' Appreciation Day; and
- (12) Christmas Day.

(b) Dates of Observance. The County Executive shall, by Executive Order, establish the dates of observance for each of the regular holidays established in Subsection (a), above. The dates of observance designated by the Executive shall be within seven (7) days of the generally recognized date of observance and shall not be a Saturday or Sunday.

(c) Special Holidays. The County Executive shall be authorized, by Executive Order, to establish special holidays as full or partial nonwork days in a pay status for employees. Special holidays shall not exceed two (2) per year without approval of the Council.

(d) Employees Eligible for Holiday Leave. All full-time employees, as defined in Section 16-181(a), shall be granted holiday leave with pay on any regular or special holiday. All part-time employees, as defined in Section 16-181(b), with the exception of those part-time employees allocated to the class of School Crossing Guard, shall be granted holiday leave with pay in proportion to the number of hours worked, provided that any such employee shall have worked a minimum of forty (40) hours during the one (1) full pay period immediately preceding the pay period within which the holiday falls. Those part-time employees allocated to the class of School Crossing Guard shall be eligible for holiday leave, in an amount equivalent to the established daily reporting rate, for four (4) holidays in each leave year. The four (4) holidays for which said employees are eligible to receive holiday leave shall be selected by the appropriate appointing authority from among those holidays designated annually by the Prince George's County Board of Education. Any full-time or part-time employee on authorized, paid leave during a pay period in which a regular or special holiday occurs shall be considered on holiday leave with pay for that period.

(e) Leave Policy for Election Day. No regular or special holiday shall be observed on the same day as a primary election, general election, or special election held for County or State offices. On the aforesaid election days, a liberal annual leave policy shall be in effect. Notwithstanding the provisions of Section 16-233 to the contrary, all collective bargaining agreements proposed for approval in accordance with Section 13A-109 for terms beginning on or after July 1, 1996, shall conform to the provisions of this Subsection in effect on the date that the collective bargaining agreement is executed by the County Executive.

(f) Determination of Eligibility. An employee must be in a pay status the last regular work day before, and the first regular work day after, a regular or special holiday in order to receive holiday leave pay.

(g) Authorization for Holiday Leave. As far as is practical, a regular or special holiday shall be a nonwork day and an eligible employee shall receive the employee's authorized salary for any such day. An employee may be required to be on duty on any such day in order to maintain necessary County services. The County Executive shall be authorized to determine the County services required to be maintained on a regular or special holiday and the appointing authorities of departments, agencies, or offices so affected by such determinations shall designate those employees to perform duty on said days.

(h) Compensation for Work Performed on a Regular or Special Holiday. Special rates of pay or other forms of compensation for employees required to work on a regular or special holiday, as authorized in Subsection (f), above, shall be granted as established under the applicable salary schedules within the Salary Plan.

(CB-1-1976; CB-71-1977; CB-64-1982; CB-128-1982; CB-121-1987; CB-4-1996; CB-86-1996; CB-22-2000)

Sec. 16-220. Annual leave.

(a) General.

(1) Annual leave shall mean paid leave granted to employees for their personal use. Annual leave shall be requested by the employee and approved by the employee's appointing authority. To minimize the possibility of an employee losing earned annual leave, the appointing authority shall establish a mutually agreeable alternative leave period if the employee's original leave request has been denied by the appointing authority.

(2) Annual leave for family and medical leave purposes as established in Section 16-225.01 shall be approved by an employee's appointing authority pursuant to Section 16-225.01.

(b) Annual Leave Year.

(1) The annual leave year for employees shall be the twelve (12) month period beginning on the first day of the first full pay period of the calendar year.

(c) Annual Leave Accrual.

(1) All full-time employees, as defined in Section 16-181(a), and except as set forth in subparagraph (c)(5), below, shall earn annual leave in accordance with the following schedule:

YEARS OF SERVICE	DAYS EARNED PER PAY PERIOD	HOURS EARNED PER PAY PERIOD
0 through 3	.50	4
4 through 15	.75	6
16 or more	1.00	8

(2) All part-time employees, as defined in Section 16-181(b), with the exception of those part-time employees allocated to the class of School Crossing Guard, and except as set forth in subparagraph (c)(5), below, shall earn annual leave during any pay period provided that any such employee shall have worked a minimum of forty (40) hours in such pay period in accordance with the following schedule:

HOURS EARNED PER PAY PERIOD			
HOURS WORKED PER PAY PERIOD	YEARS 1 THRU 3	YEARS 4 THRU 15	YEARS 16 AND OVER
40 thru 49	2.0	3.0	4.0
50 thru 59	2.5	3.8	5.0
60 thru 69	3.0	4.5	6.0
70 thru 79	3.5	5.3	7.0
80	4.0	6.0	8.0

Those part-time employees allocated to the class of School Crossing Guard shall earn one (1) hour of annual leave for each twenty (20) hours reported.

(3) An employee shall not earn annual leave for any pay period during which the employee is on authorized leave without pay for more than two (2) working days during such pay period.

(4) All full-time employees with between four (4) and fifteen (15) years of service, inclusive, shall earn six (6) hours of annual leave per pay period, as specified in subparagraph (c)(1), above, with a periodic adjustment to insure that each such employee earns twenty (20) days of annual leave per leave year.

(5) For purposes of computing years of service in subparagraphs (c)(1) and (c)(2), above, credit shall not be given for any month of service in a classified service position for which an employee receives a retirement payment.

(d) Maximum Accumulation of Annual Leave.

(1) A maximum of three hundred sixty (360) hours of accumulated annual leave earned beginning with the first pay period in Fiscal Year 1996, or such other amount established in an approved Salary Plan may be carried over from one (1) leave year to the next by an employee.

(2) An employee shall be allowed to carry over annual leave earned as of the last full pay period in Fiscal Year 1995, even if such accumulated amount is in excess of the maximum allowed in Subsection (d)(1), above.

(3) Annual leave hours in excess of the maximum allowed to be carried over to the next leave year shall be converted to sick leave.

(e) Annual Leave Day.

(1) An annual leave day shall mean a day when an employee would otherwise be required to work and receive pay, including regular and special holidays, sick leave days, and other nonwork days.

(f) Charge Against Annual Leave.

(1) Charges against an employee's annual leave account shall be in even increments of one-half (1/2) hour for periods of time the employee is absent on approved annual leave.

(g) Advancement of Annual Leave.

(1) Annual leave may be used by an employee only as earned, except that advance leave may be granted to an employee up to a maximum of ten (10) working days of leave at the discretion of the employee's appointing authority; provided however, that the combined total advance of annual and sick leave in any one (1) leave year shall not exceed ten (10) working days. If an employee is terminated from County service with a minus leave balance, the employee shall be indebted to the County for the monetary value of the leave advance.

(h) Forfeiture of Accrued Annual Leave as a Disciplinary Action.

(1) Pursuant to the provisions of Sections 16-193 and 16-194, an employee may be required to forfeit from one (1) to twenty (20) days of accrued annual leave as a disciplinary action.

(i) Payment for Accumulated Annual Leave Upon Separation from County Service. Provisions are set forth in Section 16-221.02 of this Code.

(j) Credit for Previous County Employment or Employment in Other County Funded Activities.

(k) An employee's previous employment service with the County, or employment service with an activity funded in whole or in part with County funds, shall be, upon the written request of the employee and verification thereof by the Director of Human Resources Management,

considered as County service time for the purpose of establishing the employee's annual leave earning rate under the earning schedule established in Subsection (c), above.

(CB-1-1976; CB-71-1977; CB-165-1978; CB-73-1982; CB-128-1982; CB-124-1987; CB-113-1991; CB-43-1993; CB-47-1993; CB-62-1995; CB-22-2000; CB-91-2003)

Sec. 16-221. Sick leave.

(a) General.

(1) Sick leave shall be granted to employees who are eligible to earn annual leave.

(b) Sick Leave Year.

(1) The leave year for sick leave shall be the same as the leave year for annual leave.

(c) Sick Leave Accrual.

(1) All full-time employees, as defined in Section 16-181(a), shall earn four and one-half (4 1/2) hours of sick leave each pay period with a periodic adjustment to insure that each such employee earns fifteen (15) days of sick leave per leave year.

(2) All part-time employees, as defined in Section 16-181(b), with the exception of those part-time employees allocated to the class of School Crossing Guard, shall earn sick leave during any pay period, provided that any such employee shall have worked a minimum of forty (40) hours in such pay period, in accordance with the following schedule:

HOURS WORKED PER PAY PERIOD	HOURS EARNED PER PAY PERIOD
40 thru 49	2.3
50 thru 59	2.9
60 thru 69	3.5
70 thru 79	4.0
80	4.6

Those part-time employees allocated to the class of School Crossing Guard shall earn one (1) hour of sick leave for each twenty (20) hours reported.

(d) Sick Leave Accumulation.

(1) There shall be no limit on the amount of sick leave an eligible employee may accumulate in any leave year. Unused sick leave balances in any leave year shall be automatically carried forward to the next sick leave year and credited to an employee's sick leave account.

(e) Granting of Sick Leave.

(1) Subject to the provisions of Subsection (f), below, an employee shall be entitled to use earned sick leave for any one (1) of the following reasons:

(A) Sickness, disability, or serious health condition which incapacitates an employee. As used in this Subtitle, the term serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider;

(B) Necessary medical or dental appointments;

(C) Confinement at home because of quarantine;

(D) Illness or serious health condition of the employee's spouse, parent, mother- or father-in-law, grandchild, grandparent; or child (including biological, adopted, foster, stepchild, or legal ward) that requires care by the employee during normal work hours;

(E) Birth of a child, pursuant to the provisions of Section 16-225.02;

(F) Adoption of a dependent child, pursuant to the provisions of Section 16-225.02; and

(G) Death of anyone in an employee's family, not to exceed five (5) working days; provided further, that for purposes of this subparagraph, the term "family" shall include the employee's spouse, child (including biological, adopted, foster, stepchild, or legal ward), parent, grandparent, grandchild, brother, sister, brother- or sister-in-law, mother- or father-in-law, or son- or daughter-in-law.

(f) Approval of Sick Leave.

(1) An appointing authority shall examine each request for sick leave made by an employee and determine if the granting of sick leave is justified based on the provisions of Subsection (e), above. An appointing authority may require that an employee submit written evidence from a licensed physician, or other appropriate verification, to validate or support sick leave requests.

(2) Whenever an appointing authority determines that an employee has a medical condition that may seriously impair the employee's ability to perform the duties and responsibilities of the employee's position or may jeopardize the health or safety of the employee, fellow employees or the general public, the appointing authority, after receiving a confirming medical opinion, may place the employee in a sick leave status pending corrective treatment or other resolution of the matter.

(3) In the event that a sick leave request is not approved by an employee's appointing authority, any absence of the employee from work notwithstanding shall be charged against the employee's annual leave account or, in the alternative, charged as leave without pay.

(g) Charges Against Sick Leave.

(1) Charges against an employee's sick leave account shall be in even increments of one-half (1/2) hour for periods of time the employee is absent on approved sick leave.

(h) Advance of Sick Leave.

(1) In the event that an employee's accrued sick leave is exhausted and the employee is absent from work for any one (1) of the reasons set forth in Subsection (e), above, the employee shall be advanced sick leave as needed up to an amount equal to the employee's accumulated annual leave unless the employee requests annual leave or authorized leave without pay. Annual leave so encumbered may not be subsequently used until such time as the employee has earned sufficient sick leave to offset any such advance.

(2) An employee may be advanced sick leave, in addition to that provided in subparagraph (h)(1), above, up to a maximum of ten (10) working days, at the discretion of the employee's appointing authority; provided however, that the total advance of sick and annual leave in any one (1) leave year combined shall not exceed ten (10) working days.

(i) Repayment of Unliquidated Advance of Sick Leave.

(1) Whenever an employee is separated or dismissed from County employment under any circumstances with an unliquidated advance of sick leave outstanding at the time of such separation or dismissal, the sick leave advance shall be satisfied as follows:

(A) The employee's accumulated annual leave account shall be charged by reducing the number of such accumulated annual leave days in an amount equal to the number of unliquidated sick leave days; and/or,

(B) The monetary value of the unliquidated sick leave shall be deducted from any final salary payment due the employee at the time of separation or dismissal and, where such deduction shall not satisfy the monetary value of the unliquidated sick leave, the employee shall be liable to the County for the payment of the balance thereof.

(j) Disposition of Accumulated Sick Leave Upon Termination of Employment. Provisions are set forth in Section 16-221.02 of this Code.

(k) The County Executive may establish procedures for the donation of accrued annual or sick leave by a County employee to another County employee for use as sick leave. (CB-1-1976; CB-71-1977; CB-73-1982; CB-128-1982; CB-107-1985; CB-31-1988; CB-113-1991; CB-47-1993; CB-22-2000)

Editor's Note: CR-107-1979 provided that sick leave attributable to an employee's own illness or disability shall be reported in an earning category which will result in exemption from FICA payroll taxes.

Sec. 16-221.01. Governmental leave credit.

(a) Annual or sick leave accumulated by an individual while employed by a governmental agency, the budget of which is subject by law to review or approval by the County, may be credited as a beginning leave balance when an individual is employed by the County provided:

(1) The Director of Human Resources Management shall verify the employee's accumulated leave balances;

(2) The employee has not received a cash payment or other consideration from the agency in liquidation of leave; and

(3) No more than thirty (30) days of annual or sick leave balance may be carried over by an employee under the provisions of this Section.

(CB-92-1989; CB-91-2003)

Sec. 16-221.02. Sick and Annual Leave disposition upon separation.

(a) The annual and sick leave balances accumulated by an employee shall, upon the employee's separation from employment, with proper notice of separation as determined by the employee's appointing authority, be liquidated in the following manner:

(1) The employee may elect to retain all or any portion of the employee's sick and annual leave balances credited to the employee's leave record for the period of time equal to the employee's eligibility for reappointment as determined in accordance with Section 16-148(a)(8);

(2) The employee may elect to apply all or any portion of the employee's sick and annual leave balances to employment elsewhere, provided another employer has agreed to accept accumulated sick or annual leave balances for credit on behalf of the employee;

(3) Except in the case of an employee who is entitled to credit for sick and annual leave balances under the terms of an applicable County sponsored pension plan, the employee may elect to receive cash payment for all or any portion of the employee's annual leave balance in an amount equal to the total number of unused annual leave hours multiplied by the employee's final base hourly rate of pay, subject to the following limitation:

(A) The maximum total amount of annual leave eligible for cash payment upon separation shall be the amount of remaining accumulated leave earned as of the end of the last full pay period in Fiscal Year 1995, or three hundred sixty (360) hours, whichever is greater;

(B) Any accrued annual leave not eligible for cash payment may be converted to sick leave.

(4) For all or any portion of the employee's sick leave balance earned as of the end of the last full pay period of Fiscal Year 1995, the employee may elect to receive cash payment in an amount equal to the total number of unused sick leave hours multiplied by one-half of the employee's base hourly rate of pay as of June 30, 1995, or as otherwise established by an applicable collective bargaining agreement and/or salary schedule. Sick leave earned beginning the first pay period of Fiscal Year 1996 is not subject to cash payment to the employee upon separation. Any employee who is entitled to credit for sick and annual leave under the terms of an applicable County sponsored pension plan will only be entitled to receive cash distribution for leave balances in accordance with the terms of the applicable pension plan.

(5) Notwithstanding any provision in this Section to the contrary, an employee who is involuntarily separated from employment with the County for disciplinary reasons is not entitled to any payment for unused sick leave.

(6) Notwithstanding any provision in this Section to the contrary, an employee who has been separated from employment under a separation-disability action pursuant to Section 16-189 shall forfeit any sick leave hours accumulated at the time of the employee's separation.

(7) Upon retirement, an employee shall be entitled to receive credit on an actuarial equivalent basis for unused sick leave for which an authorized cash payment has not been elected as creditable service in accordance with the applicable provisions of the State Personnel and Pension Article, Annotated Code of Maryland, as amended, and the terms of any applicable County sponsored pension plan.

(CB-113-1991; CB-62-1995; CB-22-2000)

Sec. 16-222. Administrative leave.

(a) Administrative leave may be granted to any full-time or part-time employee by the employee's appointing authority for any one (1) of the following reasons:

(1) Performance of jury duty;

(2) Where an employee is subpoenaed to appear before a court or otherwise officially requested to appear before a public body, public agency or commission on matters relating to government business;

(2.1) When summoned as a witness in a criminal case;

(3) For the purpose of voting not to exceed two (2) hours following the opening of the polls or two (2) hours prior to the closing of the polls;

(4) For the attendance in an official capacity as a representative of the County, at meetings, symposiums, conferences, conventions, or hearings;

(5) For the purpose of taking educational courses directly related to the employee's work as determined by the employee's appointing authority; provided that such requests for administrative leave shall be approved in advance by the Director of Human Resources Management and shall not exceed a total of twenty (20) working days, or the prorated hourly equivalent thereof for part-time employees, in any one annual leave year;

(6) For the purpose of investigating an alleged act of misconduct by an employee as required under the provisions of Section 16-193(c)(2)(A)(ii);

(7) Participation in blood donor program;

(8) Guard of honor at burial services;

(9) For the purpose of undergoing a medical examination as may be required by the employee's appointing authority under the provisions of Sections 16-189 or 16-221(f)(2);

(10) For the employee in interest to consult with appropriate County personnel regarding grievances and adverse action appeals, applicable equal employment opportunity programs, skills assessment, and benefit planning and counseling;

(11) For the purpose of emergency volunteer services in public safety activities as defined in the County Code by an employee not in a public safety class of work for not more than three (3) hours on any one occasion; provided that the employee requesting administrative leave for this purpose has previously notified the appointing authority in writing of the employee's volunteer firefighting commitment;

(12) For the purpose of permitting an employee to be placed on leave during the five (5) day notice period required in Section 16-201, when the appointing authority believes that the employee's presence at work would not be in the agency's best interest;

(13) For the purpose of volunteering in the Prince George's County public and private schools not to exceed eight (8) hours per year;

(14) For bereavement leave in accordance with Section 16-221(e)(1)(G), not to exceed three (3) working days in the event of the death of an employee's spouse, child, or parent and not to exceed one (1) working day in the event of the death of any other member of the employee's family.

(b) In addition to the provisions of Subsection (a), above, administrative leave may be granted to any full-time or part-time employees by the County Executive, or the County Executive's designee, for any one of the following reasons:

(1) Extreme inclement weather, or other hazardous working conditions, which may prevent an employee from reporting to work or which may require an early release from work; or,

(2) Performance of emergency civilian duty in the public interest.
(CB-1-1976; CB-84-1977; CB-20-1982; CB-128-1982; CB-50-1991; CB-4-1996; CB-100-1997; CB-19-2000; CB-22-2000; CB-91-2003)

Sec. 16-223. Military leave.

(a) Military leave shall be approved for an employee by the employee's appointing authority as follows:

(1) Military Leave With Pay - Active Duty For Training. Military leave with pay, not to exceed fifteen (15) working days per wage reporting year, shall be granted to employees who are reservists or members of the National Guard of the United States or the Reserves ordered to active duty for training.

(2) Military Leave With Pay - Active Duty for Domestic Emergencies. Military leave with pay shall be granted to employees who are members of the National Guard of the United States or the Reserves who are ordered on domestic emergency duty related to disaster relief or civil disturbance, provided, however, that such leave shall not exceed fifteen (15) working days for each such domestic emergency, except when ordered to active duty under the authority of the Governor pursuant to Article 65, Section 42 of the Annotated Code of Maryland.

(3) Salary Supplement - Extended Active Duty for National Emergencies. Employees who are members of the National Guard of the United States or the Reserves ordered to active duty by authority of the President of the United States pursuant to Title 10 or Title 32 of the United States Code for a period not to exceed twelve (12) consecutive months shall be eligible

for a salary supplement equal to the difference between the employee's base rate of pay and the employee's base military pay.

(4) **Military Leave Without Pay.** Military leave without pay shall be approved by an appointing authority when an employee enlists or is drafted into the uniformed services of the United States or, upon exhaustion of an employee's military leave with pay entitlement, when a member of the National Guard of the United States or the Reserves is required to perform active duty for training or inactive duty training in accordance with Title 38, Chapter 43 of the United States Code (Veterans Reemployment Rights Act of 1994).

(5) **Restoration to Position After Military Leave Without Pay.** An employee shall be entitled to return to the position the employee occupied at the time the employee was granted military leave without pay, as provided in subparagraph (a)(4), above, subject to the following conditions:

(A) The employee requests the employee's appointing authority to restore the employee to the employee's position within ninety (90) calendar days after the effective date of the employee's discharge from active military duty; or

(B) The employee, if hospitalized at the time of discharge from active military duty, requests the employee's appointing authority to restore the employee to the employee's position within ninety (90) calendar days after discharge from the hospital; and

(C) The employee was separated from active military duty under honorable conditions and was entitled to reemployment benefits pursuant to Title 38 United States Code Section 4304.

(D) In the event an employee sustains a disability during military service and cannot perform the duties of his or her former position, the employee shall be reinstated in a position with similar pay, circumstances, and seniority.

(CB-1-1976; CB-165-1978; CB-102-1979; CB-98-1992; CB-1-2002)

Editor's Note: CB-1-2002, Section 2 required the Personnel Officer to establish a leave donation program and further provided that other funds identified by the County Executive would provide for the salary supplement if insufficient leave is not donated.

CB-1-2002, Section 3 provided that military leave benefits applied retroactively to any employee who was ordered to active military service on or after September 11, 2001.

CB-1-2002, Section 4 provided that the leave donation program and the supplement to military leave pay for employees who are no longer in a military leave with pay status created by CB-1 shall terminate on February 24, 2003.

CR-4-2003 provided for a military leave salary supplement and a continuation of health care benefits paid for by the County and provided that the salary supplement expires on February 25, 2005.

Sec. 16-224. Disability leave.

(a) An employee who is temporarily disabled in the performance of the employee's work shall be entitled to receive full salary for the period of the temporary disability without charge against the employee's annual or sick leave, subject to the following conditions:

(1) The disability is temporary in nature and resulted from an injury or illness sustained directly in the performance of the employee's work;

(2) Where the temporary disability incapacitates the employee to the extent that the employee appears to be unable to adequately perform the duties and responsibilities of the

employee's position, the employee may be detailed, in accordance with the provisions of Sections 16-122 and 16-189(c) to other duties within the capacity of the employee to perform, as determined by a licensed physician, for the period of the temporary disability; provided, however, that the unwillingness of the employee to accept such a detail as directed by the employee's appointing authority shall make the employee ineligible for disability leave during the period of temporary disability;

(3) A licensed physician employed or retained by the County shall provide a narrative report describing the nature of the illness/injury, the treatment plan, and the prognosis and shall certify to the physical and/or mental ability of the employee to continue working, to return to work, or to accept a temporary detail; provided, however, that the County may accept the narrative report and certification of the employee's licensed physician in lieu of the certification by the County's physician;

(4) Disability leave not to exceed one hundred and eighty (180) calendar days or such other amount established in the Salary Plan for any one (1) injury, including recurrences of the same injury shall be granted by the Director of Human Resources Management in accordance with personnel procedures promulgated by the Director of Human Resources Management;

(5) The employee shall assign to the County such nonmedical benefits as awarded for the temporary disability by the State Workers' Compensation Commission for the State of Maryland; and,

(6) The Director of Human Resources Management shall develop personnel procedures to implement the provisions of this Section.

(CB-1-1976; CB-128-1982; CB-124-1987; CB-22-2000; CB-91-2003)

Sec. 16-225. Leave without pay.

(a) General. Leave without pay may be granted to an employee by the employee's appointing authority with the approval of the Director of Human Resources Management. Leave without pay shall be granted only when the interests of the County will not be jeopardized due to the absence of the employee.

(b) Eligibility for Leave Without Pay. Leave without pay may be granted to any employee when the employee's appointing authority is reasonably certain that such leave is in the best interest of the County and that the employee will return to County service on or before the expiration of the approved period of leave.

(c) Granting of Leave Without Pay.

(1) Leave without pay may be granted by an appointing authority, with the approval of the Director of Human Resources Management, for periods up to, but not to exceed, one (1) calendar year for any one (1) request, for any one (1) of the following reasons:

(A) To retain an employee whose accumulated sick and annual leave, including advances, has been exhausted; or

(B) To allow an employee to participate in educational programs, when such participation will contribute to the employee's efficiency and effectiveness as a County employee; or

(C) To allow an employee who has applied for a workers' compensation temporary total award to be placed directly on leave without pay without requiring the employee to exhaust accumulated sick or annual leave; or

(D) To allow an employee who has been on approved sick leave or annual leave to be retroactively placed in a leave without pay status after receipt of a workers' compensation temporary total award, pursuant to duly developed, approved and issued personnel procedures.

(2) Leave without pay may be granted by an appointing authority, with the approval of the Director of Human Resources Management, for a period up to, but not to exceed, thirty (30) calendar days per request, for reasons personal to an employee.

(3) Upon exhaustion of an employee's sick leave, leave without pay shall be granted upon the written request of an eligible employee for family and medical leave, subject to the provisions of Section 16-225.01(b).

(d) Status of an Employee While on Leave Without Pay.

(1) The employee shall be placed in a nonpay status at the salary rate in effect as of the date immediately preceding the effective date of commencement of approved leave without pay.

(2) Subject to paragraph (3), below, the employee shall have the option to maintain active coverage under the County's health and life insurance plans and retirement program for the period of approved leave without pay, provided the entire costs thereof, including the employer contributions, are paid by the employee in a manner as determined by the Director of Human Resources Management under duly developed, approved and issued personnel procedures.

(3) If the employee is in an approved leave without pay status during a period of temporary disability resulting from injury or illness sustained in the performance of the employee's work, the County shall make such employer contributions as are required in order to maintain active coverage for the employee under the County's health and life insurance plans, provided the employee elects to continue payments of required employee contributions.

(4) If the employee receives a workers' compensation temporary total award for any portion of a period when the employee has been in an approved leave without pay status, the County shall reimburse the employee for the employer's cost of maintaining the benefits referred to in paragraph (2) of this Subsection, in accordance with duly developed, approved and issued personnel procedures.

(5) The failure of the employee to return to duty on or after the expiration date of the approved period of leave without pay shall be considered as an automatic resignation by the employee to become effective as of the date immediately preceding the date of the expiration of the leave.

(6) If the employee is in an approved leave without pay status for family and medical leave in accordance with Section 16-225.01(b), the County shall make such employer contributions as are required in order to maintain active coverage for the employee under the County's health and life insurance plans, provided the employee has been employed by the County for at least twelve (12) months and has been in a paid status for at least one thousand forty (1,040) hours during that time and elects to continue payments of required employee contributions. If the employee fails to return from family and medical leave after the period of leave has expired, for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to family and medical leave or other circumstances beyond the control of the employee, the County shall recover the premium that the County paid for maintaining health and life insurance coverage for the employee during any period of unpaid leave. The County may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition be supported by a certification issued by the appropriate primary health care provider.

(CB-1-1976; CB-128-1982; CB-107-1988; CB-47-1993; CB-13-1994; CB-22-2000; CB-91-2003)

Sec. 16-225.01. Parental, family, and medical leave.

(a) Parental leave. Up to five (5) days of paid parental leave shall be granted to employees who are eligible for family and medical leave pursuant to this Section.

(b) Family and Medical leave.

(1) General. Except as noted in this Subsection, family and medical leave shall be granted to employees who are eligible to earn annual leave who have been employed by the County for at least twelve (12) months and who have been in a paid status for at least one thousand forty (1,040) hours during the previous twelve (12) months. Family and medical leave shall also be granted, for purposes of parental responsibilities associated with the birth or adoption of a dependent child, to any employee eligible to earn annual leave, regardless of the employee's length of service with the County. An employee shall be entitled to a total of fifteen (15) workweeks of family and medical leave during any 12-month period.

(2) Duration. Family and medical leave shall not exceed fifteen (15) workweeks of any combination of paid leave and leave without pay in accordance with Section 16-225.

(3) Granting of family and medical leave. Subject to the provisions of Subsections (c) and (d), below, an employee may be granted family and medical leave only for one (1) or more of the following:

(A) Because of the birth of a child of the employee and in order to care for such child;

(B) Because of the placement of a minor child with the employee for adoption or foster care;

(C) In order to care for the spouse, child, parent, or parent-in-law of the employee, if such spouse, child, parent, or parent-in-law has a serious health condition;

(D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee;

(E) The employee may use any combination of earned and available parental, sick, annual, or personal leave for paid family and medical leave.

(c) Approval of parental, family, and medical leave.

(1) Any employee may request parental, family, or medical leave.

(2) An appointing authority shall examine each request and determine whether the employee's request meets the provisions of this Section. An appointing authority may require an employee to submit certification by the appropriate primary health care provider in order to make this determination.

(3) The employee's request shall be granted if it meets the requirements of this Section.

(d) Use of parental, family, or medical leave. All leave taken pursuant to this Section:

(1) Must be used within twelve (12) months of the birth of the child or placement of the child with the employee for adoption or foster care;

(2) Is subject to a thirty (30) day advance notice requirement if the necessity for leave is foreseeable;

(3) May be taken under a method involving a reduced workday or workweek, an intermittent basis, or any combination thereof.

(CB-107-1988; CB-47-1993; CB-13-1994 CB-22-2000)

Sec. 16-226. Absence without leave.

(a) General. Absence without leave shall mean a nonpay status wherein the employee is absent from work without a specified grant of approved leave.

(b) Employee Status While Absent Without Leave. An employee absent without a specified grant of approved leave shall be subject to dismissal for the abandonment of the employee's position in accordance with the provisions of Section 16-193.

(c) Conversion to Other Leave. Absence without leave may be converted to annual leave, sick leave, or leave without pay with the approval of an employee's appointing authority upon presentation of acceptable proof by the employee that the unauthorized absence of the employee from the employee's position was due to extenuating circumstances beyond the employee's control.

(CB-1-1976)

Sec. 16-227. Compensatory leave.

(a) To the extent permitted by applicable Federal Law, all employees who are determined to be eligible for compensatory leave in accordance with the applicable provisions of the Salary Plan shall be granted such leave at such rates as are established under the applicable schedules within the Salary Plan for each hour or part thereof worked in excess of forty (40) productive hours per work week, subject to the following conditions:

(1) If the employee is exempted from the provisions of the Fair Labor Standards Act with respect to overtime compensation and the employee was determined to be eligible to receive overtime compensation for such excess hours worked in accordance with the provisions of Section 16-139, but funds were not available for the payment of such overtime compensation; or

(2) The employee was determined to be ineligible to receive overtime compensation for such excess hours worked in accordance with the provisions of Section 16-139.

(b) Any employee covered by the provisions of the Fair Labor Standards Act shall only be eligible to receive compensatory leave in lieu of overtime compensation to the extent permitted by applicable Federal law.

(c) Any employee entitled to be granted compensatory leave in accordance with Subsection (a), above, shall be granted such leave by the employee's appointing authority, provided that the compensatory leave shall be granted within a reasonable period of time after being earned or within such appropriate work period as may be required pursuant to any applicable Federal law.

(CB-1-1976; CB-107-1985; CB-22-2000)

Sec. 16-228. Personal leave.

(a) Personal Leave. Personal leave in an amount as established in the Salary Plan shall be granted to all permanent, full-time employees eligible for annual leave. Personal leave shall be granted to all permanent, part-time employees eligible for annual leave on a prorated basis in accordance with hours worked. Personal leave may be used for any purpose.

(b) Personal Leave Year. The leave year for personal leave shall be the wage reporting year.

(c) Charges Against Personal Leave. Personal leave may be taken in increments in accordance with the Salary Plan.

(d) Personal Leave Accumulation. There shall be no accumulation of personal leave days from one leave year to the next leave year. Unused time shall be forfeited at the end of the leave year, or upon separation or dismissal from County employment.

(e) Request for Personal Leave. Personal leave shall be requested by the employee and approved by the employee's appointing authority in advance of use.

(CB-1-1976; CB-165-1978; CB-128-1982; CB-98-1992; CB-22-2000)

Sec. 16-229. Furloughs.

(a) Employees occupying full or part-time positions in either the classified or exempt service, who are entitled to earn annual leave as provided in Section 16-220, may be required to take leave without pay as a furlough under any one (1) of the following circumstances:

(1) Where the County Executive determines that an ascertained shortfall in revenue, based upon available projections, during any fiscal year requires the compensation level of a department, agency, or office to be reduced; or,

(2) Where a reduction in the compensation level of a department, agency or office is effectuated in the County's approved annual expense budget; or,

(3) Where an appointing authority requests, and the County Executive approves, furloughs for employees under the appointing authority's jurisdiction in order to meet the compensation level funded for the department, agency, or office in the County's approved annual expense budget.

(b) Whenever furloughs are required under any one (1) of the circumstances described in Subsection (a), above, the County Executive shall transmit to the County Council a Furlough Plan, in resolution form, which sets forth:

(1) The circumstance warranting the furlough action;

(2) The number of employees to be affected by the furlough action identified by agency, salary, grade and salary schedule;

(3) The number of furlough days or hours affected employees will be required to take;

(4) The period of time over which furlough days or hours will be required; and,

(5) The dollar amount of compensation savings expected to result from the Furlough Plan.

(c) The Furlough Plan shall not require any employee to take more than one (1) furlough day or eight (8) furlough hours of regularly scheduled work time, whichever is greater, in any given pay period, as defined in Section 16-126; provided, however, that in order to effect savings related to the closing of certain buildings for specified periods, the Furlough Plan may require more than one furlough day in a pay period provided that the furlough time shall be charged to employees in such a manner that no more than one (1) furlough day may be charged to an employee during any one pay period unless requested by the employee.

(d) The Furlough Plan may include the crediting of annual leave to the annual leave account of any employee required to take a furlough, in an amount equal to the number of furlough hours an employee is required to take, notwithstanding the annual leave accrual schedule or maximum accumulation established in Section 16-220 or any Salary Plan.

(e) Notwithstanding the provisions of Section 16-219, an employee on furlough the last regular work day before or the first regular work day after a holiday will be entitled to receive holiday leave pay.

(f) Notwithstanding the provisions of Section 16-220, an employee on furlough will continue to earn annual leave at the employee's regular annual leave earning rate.

(g) The County Council shall approve or reject the Furlough Plan as submitted by the County Executive.

(CB-90-1991)

Editor's Note: CR-96-1991 approved a furlough plan submitted by the County Executive and provided a five-day increase in the permitted annual leave carry-over provision for employees in Salary Plan Schedules A, D-1, G, PO, S-1 (FO), and W-1.

DIVISION 18. PENSIONS GENERALLY.

Sec. 16-230. Employees pensions.

(a) The employees and officers of Prince George's County, Maryland, on behalf of whom contributions are paid, as provided in Division II, State Personnel and Pensions Article, Annotated Code of Maryland, shall be entitled to all the benefits under the Employees Retirement System of the State or the Pension System for the Employees of the State, as may be applicable, as though they were State employees.

(b) Elected or appointed officials of Prince George's County, on behalf of whom contributions are paid as provided in Division II, State Personnel and Pensions Article, Annotated Code of Maryland, shall be entitled to the maximum benefits provided under the Employees Retirement System of the State or the Pension System for the Employees of the State, as may be applicable, and the County shall pay the contributions required to obtain the maximum benefits.

(CB-1-1976; CB-100-1982; CB-90-1991)

Editor's Note: CR-74-1979 provided for participation of the County and its officers and employees in the Maryland State Employees' Pension System.

Sec. 16-231. Pension plans for public safety employees.

(a) The County Executive shall be authorized to establish, by agreement, police and fire pension plans applicable to all uniformed employees occupying classified service positions allocated to public safety classes of work within the Police and Fire Departments. Any such pension plan, upon establishment, may not be amended to lessen the benefits provided therein or to bind the County to finance or make contributions thereto, unless such amendments are approved by legislative act of the County Council.

(b) Subject to the provisions of Division II, State Personnel and Pensions Article, Annotated Code of Maryland, the County Executive is hereby additionally authorized to establish a pension plan for all uniformed employees occupying classified service positions allocated to public safety classes of work within the Sheriff Department, which, upon establishment, shall be similar in the nature of coverage and benefits to police and fire pension plans and shall be subject to the other conditions stipulated in Subsection (a) of this Section.

(c) The County Executive shall be authorized to establish or amend a pension plan for employees occupying public safety classes of work within the Department of Corrections, subject to approval by legislative act of the County Council.

(CB-1-1976; CB-107-1991)

Sec. 16-232. Disability payments for public safety employees.

Any payments made to uniformed employees occupying classified service positions allocated to public safety classes of work within the Police, Fire, Sheriff, or Corrections Departments for injuries received in the line of duty pursuant to the provisions of any retirement disability provisions of any pension plan established under Section 16-231 shall be considered in the nature of workers' compensation payments made pursuant to Article 101 of the Annotated Code of Maryland.

(CB-1-1976; CB-100-1982; CB-41-1997)

Sec. 16-232.01. Death Benefits.

There shall be a death benefit of Ten Thousand Dollars (\$10,000) or such greater amount, not to exceed Fifty Thousand Dollars (\$50,000), as established in the Salary Plan, payable upon the death of any County employee whose death results from an accidental personal injury arising out of and in the course of his employment. This amount shall be a one time, lump sum benefit and shall be paid within ten (10) calendar days from the date of the employee's death. It shall be paid to the person or persons specified by the employee in accordance with duly authorized personnel procedures.

(CB-147-1982; CB-124-1987; CB-19-2000)

Sec. 16-232.02. Supplemental Retirement Benefit for General Schedule employees.

(a) The Prince George's County Supplemental Pension Plan for General Schedule Employees (hereinafter referred to as the "Plan"), as established by CR-37-1990, and amended from time to time, is hereby recognized.

(b) The Board of Trustees of the Plan shall have five (5) voting members. One (1) of the voting members of the Board of Trustees shall be elected by the members of the Plan. The remaining members of the Board of Trustees shall be designated and appointed by the County Executive. No more than one (1) appointed official who is a member of the Plan may manage or serve as a member of the Board of Trustees.

(c) The Board of Trustees shall ensure that an annual benefit and account statement shall be made available to each member upon request, and shall make available to each member appropriate actuarial or other available financial information. On or before December 1 of each year, the Board of Trustees shall certify to the County Council the rates to be used to determine the amounts to be paid into the funds of the Plan during the next fiscal year.

(d) (1) The cost of funding the supplemental retirement benefit will be shared by the employee and the County through regular contributions each pay period. The employee shall contribute, through payroll deduction, an amount equal to one half the cost of providing this benefit; provided, however, that the employee contribution rate shall not exceed a rate of four and forty-five hundredths percent (4.45%) of base salary, unless otherwise provided by legislative act. The contributions made under this paragraph shall be based on an actuarial

determination of the amounts that are required to preserve the integrity of the funds of the Plan and shall include a contribution computed to amortize any unfunded liability over a period of not more than thirty (30) years.

(2) Notwithstanding the employer and employee contribution rates set forth in paragraph 16-232.02(d)(1), the County shall contribute the full cost of providing the increase in the benefit accrual rate from eight tenths of one percent (0.8%) to one percent (1.0%) and the increase in the maximum number of years of creditable service from 25 to 30 years.

(e) Supplemental Retirement Benefits. The benefits to be paid under the Plan shall consist of the following:

- (1) Normal Retirement Benefits;
- (2) Early Retirement Incentive Benefits;
- (3) Discontinued Service Benefits; and
- (4) Death Benefits.

Such benefits shall be payable in such amounts, at such times, and to such participants and beneficiaries as set forth in the Plan, as amended through January 1, 2002.

(f) Prohibited Benefits.

(1) The Plan shall not pay discontinued service benefits to a participant whose separation from service is caused by:

(A) A request by an appointing authority of an employee or appointed official for the resignation of the employee or appointed official at the expiration of a term of the appointing authority; or

(B) The expiration of a term of an elected official who is ineligible to be elected for an additional term because of term limits.

(2) All discontinued service benefits that are prohibited under Subsection (f)(1), that an individual who was an elected or appointed official while a member of the Plan is eligible to receive, shall be terminated.

(3) The Plan shall not make cash payments to any member of the Plan of more than fifty percent (50%) of that member's accrued unused sick leave (determined in accordance with Sections 16-221 and 16-221.02 of the Prince George's County Code).

(g) The benefits under the Plan may not be amended except by an ordinance enacted by the County Council.

(CB-101-1994; CB-90-1995; CB-107-1995; CB-62-2001)

Editor's Note: CB-101-1994 provided that the Trust Agreement be amended to reflect an increase in the membership of the Board of Trustees from three to five members. CB-101 further provided that the Current Expense Budget of the County provide for the transfer of funds to the Supplemental Retirement Pension Plan to eliminate the unfunded liability and to maintain the Plan on an actuarially sound basis and in accordance with generally accepted accounting principles.

CR-41-1995 approved the following amendment to Salary Schedules A (2462 and 2735), B, C, C-O, D, G, H, S-O, W, X, and Z: "Any employee separating from County service on or after July 6, 1995, shall not be eligible for the Discontinued Service Benefit."

CR-77-1995 approved election procedures to be used to select the employee member of the Board of Trustees of the Prince George's County Supplemental Pension Plan for General Schedule Employees.

DIVISION 19. COLLECTIVE BARGAINING.**Sec. 16-233. General.**

(a) As stipulated in Section 16-103(a)(3), the provisions of this Subtitle shall apply to any employee who is governed by a collective bargaining agreement negotiated and approved pursuant to the provisions of Subtitle 13A of the Price George's County Code of Ordinances and Resolutions, titled "Labor Code," except as specifically provided otherwise in such collective bargaining agreements.

(b) As stipulated in Section 16-101(b)(2)(F), the provisions of this Subtitle shall be presumed to be Countywide in nature and, as such, shall not be subject to collective bargaining, except under the conditions stipulated in Section 13A-109(b) of the County's Labor Code with respect to negotiations on Countywide matters, and except for those provisions of this Subtitle authorized to be established under the County's Salary Plan.

(c) (1) Whenever any collective bargaining unit and the employer are unable to agree to negotiate any provision or provisions of this Subtitle during the course of collective bargaining, the provisions of Subsection (b), above, shall not be construed to prevent any collective bargaining unit from initiating a dispute with the employer pursuant to the applicable provisions of the County's Labor Code, based on an allegation that a particular provision or provisions of this Subtitle should not be applied on a Countywide basis, or based on an allegation that a particular provision or provisions of this Subtitle should be varied based on considerations which are special and unique to the collective bargaining unit initiating the dispute. In the event that any collective bargaining unit initiates any such dispute, any final decision and order of the appropriate panel of the Public Employees Relations Board declaring that the provision or provisions of this Subtitle are negotiable, shall be subject to the approval or disapproval of the County Council by resolution.

(2) Whenever said Panel issues a final decision and order of the nature described in paragraph (c)(1), above, said Panel shall immediately forward a copy thereof to the County Council for action thereon. In the event that the Council fails to take final action on any such order within forty-five (45) calendar days after the date of receipt thereof from the Panel, any such order shall stand rejected and disapproved as submitted. Where any such order is approved by a majority of the full Council declaring that the subject provision or provisions were not to be applied on a Countywide basis, the employer shall be obligated to negotiate within the scope of the order as to any collective bargaining unit desiring to negotiate on the subject provision or provisions within the scope of the order. Where any such order is approved by a majority of the full Council authorizing a variance to the subject provision or provisions based upon consideration which were special and unique to the collective bargaining unit initiating the dispute, the employer shall be obligated to negotiate with said collective bargaining unit on the subject provision or provisions within the scope of the order. Where any such order is not approved by the Council, the employer shall not negotiate on the provision or provisions which were the subject of the order, except in the case of subsequent negotiations on the subject provision or provisions as may be authorized pursuant to Section 13A-109 of the County's Labor Code based upon the "fifty percent (50%) rule" or based upon the "special and unique rule" with respect to any collective bargaining unit other than the unit which initiated the dispute.

(3) The Director of Human Resources Management shall maintain a current compilation of all orders of the Panel approved and disapproved by the Council under paragraph (c)(2), above, and shall make said compilation readily available to any person for inspection.

(d) Where the County Council approves any final decision and order of the Panel under Subsection (c), above, such approval shall not be construed to deny the Council the right to subsequently reject any collective bargaining agreements pursuant to Section 13A-109 of the County's Labor Code based upon the merits of the provisions therein negotiated as a result of such approved order. Furthermore, any negotiated collective bargaining agreement submitted to the County Council for approval containing provisions which are inconsistent with any provision of this Subtitle may be rejected by the Council pursuant to Section 13A-109(f) of the County's Labor Code where said inconsistent provisions were negotiated without a prior resolution of the Council having been adopted pursuant to Subsection (c), above. In submitting any such agreement to the Council for approval, the County Executive shall append to the agreement a written statement identifying each of the particular provisions of the agreement which are inconsistent with the provisions of this Subtitle along with a detailed statement of justification for each inconsistency.

(e) All collective bargaining agreements shall be adopted and approved by legislative acts of the County Council referencing the collective bargaining agreement and date of execution by the County Executive. Upon adoption of the legislative act by the County Council, any provision in the applicable agreement contrary to the provisions of this Subtitle shall have the effect of amending any such provision and enacting the provision into law applicable to that collective bargaining unit.

(f) The following collective bargaining agreements are hereby adopted and approved:

(1) Declaration of Approval - Local 1619, International Association of Fire Fighters, AFL-CIO (Fire Fighters, Paramedics, and Emergency Response Technicians).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County, Maryland and Local 1619, International Association of Fire Fighters, AFL-CIO on March 13, 2002, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-85-1984; CB-60-1985; CB-74-1988; CB-43-1990; CB-73-1991; CB-50-1992; CB-104-1994; CB-41-1995; CB-29-1998; CB-77-1999; CB-18-2002)

(2) Declaration of Approval - Fraternal Order of Police Prince George's County Lodge 89, Inc.

The County Council of Prince George's County, Maryland, having fully considered the labor agreement between Prince George's County and Fraternal Order of Police Prince George's County Lodge 89, Inc., on June 11, 1999, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-91-1984; CB-121-1986; CB-106-1987; CB-19-1990; CB-17-1991; CB-74-1991; CB-49-1992; CB-26-1994; CB-96-1995; CB-95-1998; CB-40-1999)

Editor's Note: The collective bargaining agreement for FOP, Lodge 89, Inc., effective for the period July 1, 1997, through June 30, 1999, was finalized pursuant to a binding arbitration award issued on June 16, 1997. Salary Schedule L, implementing the arbitration award, was submitted to the Council by letter dated September 25, 1997. The Council took no formal action on the proposed Salary Schedule.

(3) Declaration of Approval - Local 2462, American Federation of State, County and Municipal Employees, AFL-CIO.

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County, Maryland and

Council 67, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 2462, on September 21, 2001, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-75-1984; CB-97-1985; CB-105-1987; CB-51-1989; CB-136-1989; CB-108-1991; CB-53-1992; CB-28-1994; CB-33-1997; CB-25-1998; CB-86-1999; CB-88-2001)

(4) Declaration of Approval -- Maryland Nurses Association -- Staff Nurses Professional Chapter.

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and the Maryland Nurses Association, Staff Nurses Professional Chapter, on December 13, 1982, hereby approves said agreement for Staff Nurses in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(5) Declaration of Approval -- Maryland Nurses Association -- Supervisory Nurses Professional Chapter.

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and the Maryland Nurses Association, Supervisory Nurses Professional Chapter, on September 16, 1982, hereby approves said agreement for Supervisory Nurses in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(6) Declaration of Approval -- Local #89, Fraternal Order of Police, Police Cadet Association.

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and Lodge #89, Fraternal Order of Police, Police Cadet Association on June 20, 1977, and the amendment thereto effective July 1, 1978, hereby approves said agreement and the amendment thereto in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(7) Declaration of Approval - Local 2735, American Federation of State, County and Municipal Employees, AFL-CIO.

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County, Maryland and Council 67, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 2735, on September 21, 2001, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-75-1984; CB-97-1985; CB-105-1987; CB-51-1989; CB-136-1989; CB-108-1991; CB-53-1992; CB-30-1994; CB-87-1997; CB-18-1998; CB-86-1999; CB-88-2001)

(8) Declaration of Approval - Prince George's County Police Civilian Employees Association.

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County, Maryland and the Prince George's County Police Civilian Employees Association on July 7, 2003, and the amendment thereto effective January 3, 2003, hereby approves said agreement and the amendment thereto effective January 3, 2003, in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-77-1984; CB-132-1985; CB-50-1989; CB-44-1990; CB-57-1992; CB-83-1994; CB-92-1995; CB-23-1997; CB-27-1998; CB-41-1999; CB-98-2001; CB-23-2003; CB-49-2003)

(9) Declaration of Approval - Local 1691, American Federation of State, County and Municipal Employees, AFL-CIO.

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and Council 67, American Federation of State, County and Municipal Employees, AFL-CIO, and affiliated locals, including Local 1691, on September 26, 1989, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-75-1984; CB-97-1985; CB-105-1987; CB-51-1989; CB-136-1989)

(10) Declaration of Approval -- Hospital Employees -- Local #63, International Brotherhood of Firemen and Oilers, AFL-CIO.

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and Hospital Employees Local #63, International Brotherhood of Firemen and Oilers, AFL-CIO, on November 23, 1982, hereby approves said agreement in accordance with Section 13A-109 of the Prince George's County Code.

(11) Declaration of Approval -- Local 2079, American Federation of State, County, and Municipal Employees, AFL-CIO.

The County Council of Prince George's County, Maryland, having fully considered the joint labor agreement concluded between Prince George's County and Local 2079, American Federation of State, County and Municipal Employees, AFL-CIO, together with the other locals, on May 22, 1981, hereby approves said agreement in accordance with provisions of Section 13A-109 of the Prince George's County Code.

(12) Declaration of Approval - Prince George's Correctional Officers' Association, Inc. (PGCOA) (Correctional Officers).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County, Maryland and Prince George's Correctional Officers' Association, Inc., on September 26, 2003, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-109-1984; CB-61-1985; CB-5-1988; CB-139-1989; CB-106-1991; CB-64-1992; CB-99-1994; CB-95-1995; CB-86-1997; CB-43-1998; CB-80-1999; CB-80-2001; CB-79-2003)

(13) Declaration of Approval -- Prince George's County Hospital Commission House Staff Officers represented by the P. G. House Staff Associates.

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and Prince George's County Hospital Commission House Staff Officers represented by the P. G. House Staff Associates on December 3, 1982, hereby approves said agreement in accordance with the provisions of Section 13A-108 of the Prince George's County Code.

(14) Declaration of Approval - Deputy Sheriff's Association of Prince George's County, Inc. (Deputy Sheriffs).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and the Deputy Sheriff's Association of Prince George's County, Inc., on July 7, 2003, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-92-1984; CB-84-1985; CB-71-1988; CB-37-1990; CB-110-1991; CB-52-1992; CB-84-1994; CB-93-1995; CB-1-1997; CB-21-1998; CB-42-1999; CB-81-2000; CB-82-2001; CB-51-2003)

(15) Declaration of Approval - Local 241, American Federation of State, County and Municipal Employees, AFL-CIO (School Crossing Guards).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County, Maryland and Council 67, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 241, on July 7, 2003, hereby approves said agreement for School Crossing Guards in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-76-1984; CB-131-1985; CB-123-1988; CB-138-1989; CB-109-1991; CB-55-1992; CB-27-1994; CB-94-1995; CB-2-1997; CB-24-1998; CB-83-1999; CB-83-2001; CB-52-2003)

(16) Declaration of Approval - International Association of Fire Fighters, Local 1619 (Uniformed Civilian Unit).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and International Association of Fire Fighters, Local 1619, on October 1, 1999, hereby approves said agreement for employees in the uniformed civilian bargaining unit in the Fire Department in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-112-1984; CB-93-1985; CB-6-1989; CB-70-1990; CB-72-1991; CB-51-1992; CB-115-1994; CB-42-1995; CB-30-1998; CB-74-1999)

(17) Declaration of Approval - Local 2462, American Federation of State, County and Municipal Employees, AFL-CIO (Fire/EMS Department Bureau of Apparatus Maintenance Unit).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County, Maryland and Council 67, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 2462, on September 24, 2001, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-59-1990; CB-111-1991; CB-54-1992; CB-29-1994; CB-34-1997; CB-26-1998; CB-87-1999; CB-97-2001)

(18) Declaration of Approval - Prince George's Correctional Officers' Association, Inc. (Food Services Bargaining Unit).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and Prince George's Correctional Officers' Association, Inc. (Food Services Bargaining Unit) on October 8, 1991, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-104-1991)

(19) Declaration of Approval - Local 3279, American Federation of State, County and Municipal Employees, AFL-CIO (Department of Environmental Resources - Clerical Units I and II).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County, Maryland and Council 67, American Federation of State, County and Municipal Employees, AFL-CIO, and its

affiliated Local 3279, on July 7, 2003, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-102-1991; CB-56-1992; CB-85-1994; CB-38-1997; CB-20-1998; CB-83-1998; CB-82-1999; CB-84-2001; CB-54-2003)

(20) Declaration of Approval - International Association of Fire Fighters, Local 1619, AFL-CIO (Nonuniformed Civilians).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and International Association of Fire Fighters, Local 1619, AFL-CIO, on May 1, 2002, hereby approves said agreement for nonuniformed civilian employees in the Fire Department in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-58-1992; CB-114-1994; CB-43-1995; CB-31-1998; CB-75-1999; CB-46-2002)

(21) Declaration of Approval - Deputy Sheriff's Association of Prince George's County, Inc. (Civilian Units).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and the Deputy Sheriff's Association of Prince George's County, Inc. (Civilian Units) on July 7, 2003, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-86-1994; CB-97-1995; CB-22-1997; CB-22-1998; CB-81-1999; CB-55-2001; CB-50-2003)

(22) Declaration of Approval - Local 2735, American Federation of State, County and Municipal Employees, AFL-CIO (Family Connection Division).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and Council 67, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 2735 (Family Connection Division), on January 14, 1998, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-24-1997; CB-19-1998)

(23) Declaration of Approval - Local 3389 American Federation of State, County and Municipal Employees, AFL-CIO, (Health Department).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County, Maryland and Council 67, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 3389 (Health Department), on July 7, 2003, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-84-1999; CB-85-2001; CB-53-2003)

(24) Declaration of Approval - Local 1170 American Federation of State, County and Municipal Employees, AFL-CIO (Supervisory Employees in the Health Department).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County and Council 67, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 1170 (Supervisory Employees in the Health Department), on September 21, 2001, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-86-2001)

(25) Declaration of Approval - Prince George's Correctional Officers' Association, Inc. (PGCOA) (Civilian Unit).

The County Council of Prince George's County, Maryland, having fully considered the labor agreement concluded between Prince George's County, Maryland and Prince George's Correctional Officers' Association, Inc., on September 26, 2003, hereby approves said agreement in accordance with the provisions of Section 13A-109 of the Prince George's County Code.

(CB-89-2001; CB-80-2003)

(g) Notwithstanding any provision of Subtitle 13A of the Prince George's County Code of Ordinances and Resolutions, titled "Labor Code," the preceding provisions of this Section shall apply to all collective bargaining agreements negotiated under said Labor Code.

(CB-1-1976; CB-20-1977; CB-21-1977; CB-22-1977; CB-49-1977; CB-78-1977; CB-83-1977; CB-92-1977; CB-136-1978; CB-144-1978; CB-145-1978; CB-146-1978; CB-159-1978; CB-40-1979; CB-144-1979; CB-145-1979; CB-146-1979; CB-18-1980; CB-130-1980; CB-131-1980; CB-151-1980; CB-6-1981; CB-25-1981; CB-108-1981; CB-129-1981; CB-150-1981; CB-185-1981; CB-34-1982; CB-41-1982; CB-93-1982; CB-142-1982; CB-145-1982; CB-148-1982; CB-2-1983; CB-5-1983; CB-6-1983; CB-19-1983; CB-71-1983; CB-72-1983; CB-101-1983; CB-102-1983; CB-128-1983; CB-130-1983; CB-91-2003)

DIVISION 20. COUNTY EMPLOYEES' BILL OF RIGHTS.

Sec. 16-234. Political activity.

Pursuant to Section 909 of Article IX of County Charter, all employees may participate or refrain from participating in partisan political activity, except where otherwise prohibited by Federal or State statute. Employees shall not engage in partisan political activity during their hours of employment.

(CB-1-1976; CB-25-2000)

Sec. 16-235. Prohibited human resources practices.

(a) It shall be wrongful and illegal and a prohibited human resources practice for any employee who has authority to take, direct others to take, recommend, or approve any human resources action, to take or fail to take a human resources action with respect to any employee or applicant for employment solely, as a reprisal for a disclosure of information by an employee or applicant as to action taken by another employee or applicant which the employee or applicant reasonably believes evidences:

(1) A violation of any law, rule or regulation; or

(2) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety if such disclosure is not specifically prohibited by law.

(b) The Director of Human Resources Management and the head of each department or agency shall be responsible for the prevention of prohibited human resources practices. Any individual to whom a department delegates authority for human resources management, or for any aspect thereof, shall be similarly responsible within the limits of the delegation. Nothing in this Subsection shall be construed to create a civil or criminal liability on the part of the Director

of Human Resources Management, department head, or any other individual who did not directly engage in a prohibited human resources practice.

(c) A prohibited human resources practice as defined in Subsection (a) shall constitute a basis for the initiation of a grievance.

(d) A prohibited human resources practice as defined in Subsection (a) shall constitute a defense against an adverse action taken solely as a reprisal for a disclosure of information as set forth in Section 16-235(a), above.

(CB-5-1980; CB-22-2000; CB-25-2000; CB-91-2003)

Sec. 16-236. Testimony before County Council.

(a) After authorization by a majority vote of the full Council and upon the receipt of a written request by the Chair of the County Council, or chair of a Council committee, setting forth the time, place, and subject matter of a hearing, an employee or officer of the County shall be required to be present and to testify to matters relative to the subject matter of the hearing. When so requested, an employee shall produce documents or papers in his possession or custody. An employee or officer shall not be required to testify on any matter that is protected by Executive privilege as defined under Maryland law (generally policy discussion with the Executive).

(b) An employee testifying at the request of the Council or committee chair shall be deemed on authorized County business and shall be granted compensatory time for time spent outside of duty hours for the purpose of such testimony, as is consistent with existing salary plans.

(c) It shall be a prohibited human resources practice for any employee or official of the County to interfere with, threaten with disciplinary action, or otherwise attempt to restrain an employee from testifying when so requested by the Council or committee chair.

(d) A prohibited human resources practice as defined in Subsection (c) shall be a basis for the initiation of a grievance and shall constitute a defense against an adverse action taken solely as a reprisal for testifying under this Section.

(1) Where an adverse action is taken within six (6) months after the employee has appeared before the Council, or a committee of the Council, it shall be presumed that such adverse action is a prohibited human resources practice. Such presumption shall only be rebutted by clear and convincing evidence to the contrary.

(CB-72-1982; CB-22-2000, CB-25-2000; CB-91-2003)

Sec. 16-237. Abridging the freedom of speech.

An employee may publicly or privately comment upon any matter of public policy of general interest and upon any subject that is not prohibited from disclosure by the Maryland Public Information Act. Notwithstanding the above, an employee may not represent the views of the agency/department in an official capacity nor disclose confidential information as defined under Maryland law.

(CB-25-2000)

Sec. 16-238. Use of employee's Social Security account number.

(a) It shall be the policy of the County to protect the privacy of an employee's Social Security account number as contained in official County records and business correspondence.

The Directors of the Office of Finance and the Office of Human Resources Management shall ensure such protection in the maintenance of records and conduct of financial and personnel transactions.

(b) An employee's Social Security account number may only be used for legitimate business purposes in carrying out the duties and responsibilities of County government. Access to records which contain an employee's Social Security account number shall be limited to those employees or agents who are preauthorized in writing by the Directors of the Office of Finance and the Office of Human Resources Management and/or the Director whose job duties necessitate the recording or receiving information in the normal course of business which includes employee Social Security account numbers.

(CB-25-2000; CB-91-2003)

Sec. 16-239. Disclosure of personal financial information.

(a) An employee may not be required to disclose any item of property, income, assets, source of income, debts, or personal or domestic expenditures, including those of any member of the employee's immediate family, unless that information is necessary to investigate an alleged conflict of interest with respect to the performance of the employee's official duties or unless such disclosure is required by Federal, State, or County law.

(b) Nothing in this Act shall remove the requirements imposed by the Prince George's County Board of Ethics for employees who are designated to file an annual disclosure statement with the aforementioned Board.

(c) An employee may engage in secondary employment that is not in conflict with the performance of the employee's official duties, and does not pose a conflict of interest.

(CB-25-2000)

Sec. 16-240. Retaliation for exercising rights.

(a) It shall be a prohibited human resources practice for any employee or official of the County to interfere with, threaten disciplinary action, or otherwise attempt to prevent an employee from exercising his/her rights granted under the Personnel Law or the Charter.

(b) If an adverse action has been taken against an employee and the employee claims that such action was in retaliation for the exercise of rights granted under this Division, the Personnel Board shall determine the validity of the claim in accordance with Section 16-203 of the County Code.

(CB-25-2000; CB-91-2003)

Sec. 16-241. Investigation of employee for conduct-related disciplinary action.

(a) Whenever an employee is subject to investigation for any reason which could lead to the imposition of conduct-related disciplinary action pursuant to Section 16-193, the following procedures shall apply:

(1) Investigatory interviews with employees are to be conducted in a setting which affords privacy, so as to ensure, as far as practicable, that the discussions are confidential.

(2) The interview shall be scheduled at reasonable times, preferably during the employee's normal working hours. Interviews shall be for reasonable time and will allow for rest periods as necessary.

(3) The employee subject to investigation shall be informed of the general nature of the investigation, potential charges which may ensue, and possible disciplinary outcomes.

(4) If the interview is recorded, the employee shall be informed prior to being questioned, and a copy of the recorded interview shall be provided to the employee at the conclusion of the investigation.

(b) In the event that a disciplinary action is not initiated against the employee or is not sustained by the Personnel Board pursuant to Division 13, all copies of the record of investigation shall be expunged from all records and destroyed.

(c) Nothing in this Act shall prevent an appointing authority from ordering the immediate suspension of an employee who meets the criteria for such action under the Personnel Law.

(CB-25-2000)

Sec. 16-242. Waiver of Rights.

An employee may waive in writing any of the rights provided in this Division; provided, however, that such a waiver be specific and that no waiver shall be requested or demanded by any person as a condition of employment or continued employment.

(CB-25-2000)

Sec. 16-243. Sanctions.

(a) Any employee who alleges that any rights provided by this Division have been violated by an appointing authority or a person acting on behalf of the appointing authority may initiate a grievance.

(b) Any employee who is found to have knowingly, willfully, or with reckless disregard violated provisions of this Division shall be subject to disciplinary action in accordance with applicable provisions of the Subtitle.

(c) A supervisor who receives information that an employee under his/her supervision has allegedly violated the provisions of this Section shall review the allegations and promptly report the information along with any recommendations to the next level of supervision.

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