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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session

1992

Bill No. CB-98-

1992

Chapter No.

88

Proposed and Presented by The Chairman (by request -

County

Executive)

Introduced by Council Members MacKinnon and

Pemberton

Co-Sponsors

Date of Introduction October 27,

1992

BILL

AN ACT concerning

PERSONNEL LAW

FOR the purpose of amending various provisions of the County Code relating to personnel matters, including noncompetitive methods of filling vacant positions, military leave and personal leave.

BY repealing and reenacting with amendments:

SUBTITLE 16. Personnel

Sections 16-148,

16-223, and

16-228,

The Prince George's County Code

(1991 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 16-148, 16-223, and 16-228 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 16. PERSONNEL.

DIVISION 5. METHODS OF FILLING VACANT POSITIONS.

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

(a) The Personnel Officer may utilize any of the following methods to authorize the noncompetitive filling of a vacant position within the classified service:

* * * * *

(7) Noncompetitive Promotions

* * * * *

(iii) (1) Subject to the approval of the County Executive or the [County Executive's designee] 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 [County Executive's designee] 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 non-competitive 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, [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. 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.

(2) 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.

(3) 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.

[(3)] (4) For purposes of this subparagraph, the term "Executive-level position" shall mean any vacant position allocated to a class of work established for deputy or assistant directors to the head of a department, agency, or office [.], including the position of Major in the Police and Fire Departments.

(5) The return of an employee to his/her former position in accordance with the provisions of subparagraph (1) is not to be considered an adverse action, nor is it subject to an employee grievance under Section 16-200.

* * * * *

(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:

* * * * *

(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 a governmental agency or office which provides services related to the operation of a County agency; [and] or

(3) when the County, pursuant to Section 822 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 Personnel Officer 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

[(3)] (4) when, in [either] any of the above circumstances, the Personnel Officer determines that the individual meets all other requirements for the vacant position.

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DIVISION 17. LEAVE.

Sec. 16-223. Military leave.

(a) Military leave shall be approved for an employee by the

employee's appointing authority as follows:

* * * * *

(3) 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) (2), 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; [and] 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,

[(B)] (C) The employee was discharged from active military duty under honorable conditions.

(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.

* * * * *

Sec. 16-228. Personal leave.

(a) Personal Leave Day. Eight (8) hours of personal leave or such other amount as established in the Salary Plan shall be granted to all permanent, full-time employees eligible for annual leave, which may be used for any purpose. Four (4) hours of personal leave or such other amount as established in the Salary Plan shall be granted to all permanent, part-time employees eligible for annual leave which may be used for any purpose.

SECTION 2. BE IT FURTHER ENACTED that this Act shall become effective forty-five (45) calendar days after it becomes law.

Adopted this 24th day of November, 1992.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Richard J. Castaldi
Chairman

ATTEST:

Joyce T. Sweeney
Acting Clerk of the Council

APPROVED:

DATE: _____

BY:

Parris N. Glendening
County Executive

KEY:

Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions
that remain
unchanged.