

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1997 Legislative Session

Bill No. _____ CB-39-1997

Chapter No.

Proposed and Presented by _____ Council Member Maloney

Introduced by _____ Council Member Maloney

Co-Sponsors

Date of Introduction _____ July 8, 1997

BILL

AN ACT concerning

Personnel Law

For the purpose of amending the provisions of the Personnel Law concerning severance pay for employees who are separated from service due to a reduction in force.

BY repealing and reenacting with amendments:

SUBTITLE 16. PERSONNEL.

Section 16-140,

The Prince George's County Code

(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 16-140 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 16. PERSONNEL.

DIVISION 4. SALARY.

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] shall 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 Personnel Officer, 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 Personnel Officer as follows:

(1) The Personnel Officer 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 Personnel Officer 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 Personnel Officer 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.]

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

Adopted this _____ day of _____, 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
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.