

# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

## 2000 Legislative Session

Bill No. CB-22-2000

Chapter No. 63

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Member Wilson

Co-Sponsors \_\_\_\_\_

Date of Introduction September 26, 2000

### BILL

AN ACT concerning

The Personnel Law

For the purpose of amending provisions of the Personnel Law including those relating to attendance, classification, salary rates, methods of filling positions, employee status, performance, discipline, grievance and appeal procedures, and leave; revising provisions relating to the Personnel Board; revising certain definitions; and generally relating to personnel matters.

BY repealing or repealing and reenacting with amendments:

#### SUBTITLE 16. PERSONNEL.

Sections 16-101, 16-102, 16-104, 16-106, 16-107, 16-108, 16-109, 16-114, 16-115, 16-116, 16-117, 16-118, 16-119, 16-120, 16-121, 16-122, 16-123, 16-127, 16-128, 16-129, 16-130, 16-131, 16-132, 16-133, 16-136, 16-137, 16-138, 16-143, 16-145, 16-147, 16-148, 16-148.01, 16-150, 16-151, 16-152, 16-153, 16-154, 16-155, 16-156, 16-157, 16-158, 16-159, 16-160, 16-161, 16-162, 16-163, 16-164, 16-166, 16-167, 16-168, 16-169, 16-171, 16-172, 16-173, 16-174, 16-175, 16-176, 16-177, 16-179, 16-182, 16-183, 16-184, 16-185, 16-186, 16-188, 16-189, 16-190, 16-192, 16-193, 16-194, 16-195, 16-200, 16-201, 16-203, 16-205, 16-207, 16-208, 16-209, 16-210, 16-211, 16-213, 16-216, 16-217.01, 16-218, 16-219, 16-220, 16-221, 16-221.02,

1 16-222, 16-224, 16-225, 16-225.01, 16-225.02, 16-227,  
 2 16-228, 16-235, and 16-236,

3 The Prince George's County Code

4 (1999 Edition, as amended by CB-6-2000, CB-18-2000, CB-19-2000,  
 5 CB-25-2000, and CB-27-2000).

6 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 7 Maryland, that Sections 16-101, 16-102, 16-104, 16-106 through 16-109, 16-114 through 16-  
 8 123, 16-127 through 16-133, 16-136 through 16-138, 16-143, 16-145, 16-147, 16-148,  
 9 16.148.01, 16-150 through 16-164, 16-166 through 16-169, 16-171 through 16-177, 16-179, 16-  
 10 182 through 16-186, 16-188 through 16-190, 16-192 through 16-195, 16-200, 16-201, 16-203,  
 11 16-205, 16-207 through 16-211, 16-213, 16-216, 16-217.01, 16-218 through 16-221, 16-221.02,  
 12 16-222, 16-224, 16-225, 16-225.01, 16-225.02, 16-227, 16-228, 16-235, and 16-236 of the  
 13 Prince George's County Code be and the same are hereby repealed or repealed and reenacted  
 14 with the following amendments:

15 **SUBTITLE 16. PERSONNEL.**

16 **DIVISION 1. GENERAL PROVISIONS.**

17 **Sec. 16-101. Legislative purposes and policies.**

18 \* \* \* \* \*

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

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

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

(A) That all personnel 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 personnel 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;

\* \* \* \* \*

(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 [new] 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.

#### **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:

\* \* \* \* \*

(10) **Class [Standard] 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 [as a means to identify each class and all positions allocated to each class].

\* \* \* \* \*

(16) **Demotion** means the personnel action by which an employee is changed, while continuously employed, to a [vacant position in a class with a] lower grade in the classified service.

1 \* \* \* \* \*

2 (18) **Discrimination or Discriminatory Action** means any act by an employee's

3 appointing authority or supervisor, or the Personnel Officer, which adversely affects the pay,

4 status or working conditions of the employee, or any act by an appointing authority or the

5 Personnel Officer which adversely affects an applicant for employment or a former employee

6 seeking reinstatement, reemployment or reappointment, where any such act is based upon the

7 employee's or the applicant's race, sex, sexual orientation, color, religion, creed, country of

8 national origin, political opinion, marital status, age, physical or mental handicap, or physical

9 appearance and thereby made wrongful and illegal pursuant to and in accordance with the

10 provisions of, the Equal Employment Opportunity Act of 1972 (Public Law 92-261) as amended,

11 Sections 17 through 20, titled "Discrimination in Employment," of Article 49B, titled "Human

12 Relations Commission," of the Annotated Code of Maryland, as amended, and the Human

13 Relations Act for Prince George's County, Maryland, as said statutes or laws were enacted and as

14 they may be amended from time to time; provided, however, that the foregoing shall not be

15 construed to prevent an appointing authority, supervisor, or the Personnel Officer from taking

16 any action which is declared not to be a wrongful employment practice under the provisions of

17 the aforesaid statutes or laws, including, but not limited to, any action taken on the basis of any

18 such employee's or applicant's race, sex, sexual orientation, color, religion, creed, country of

19 national origin, political opinion, marital status, age, physical or mental handicap, or physical

20 appearance where it can be demonstrated that any of said characteristics with respect to any such

21 employee or applicant constitutes a bona fide, occupational qualification reasonably necessary to

22 the normal operation of County government. As defined herein, the term "discrimination" or

23 "discriminatory action" shall also include any action taken by an appointing authority,

24 supervisor, or the Personnel Officer with respect to any such employee or applicant for

25 employment because of any such employee's or applicant's membership or nonmembership in a

26 labor organization, as said term is defined under Section 13A-102(h) of Subtitle 13A of the

27 Prince George's County Code of Ordinances and Resolutions, titled "Labor Code," except as may

28 be otherwise provided by law.

29 \* \* \* \* \*

30 (20) **Eligibility Register** means a promotion register, or a recruitment register, [or a

31 joint promotion/recruitment register,] wherein the names of all applicants determined by the

Personnel Officer 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.

\* \* \* \* \*

(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 [affirmative action] 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.

\* \* \* \* \*

(33) **Position** means a group of duties, tasks, and responsibilities allocated by the Personnel Officer 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 [standard] specification applicable to the position by delineating the specific and particular day-to-day duties, tasks, and responsibilities comprising the work [to be] assigned to the position.

\* \* \* \* \*

(42) **Reappointment** means the personnel 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 [after a break in County employment of one (1) full working day or more].

(43) **Reassignment** means the personnel action by which an employee changes duties or responsibilities, while continuously employed [within the same agency, department or office, is changed to a vacant position with] 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 [standard] specification, qualification requirements, or class title, or any combination of the foregoing revisions.

\* \* \* \* \*

(50) **Resignation** shall mean a voluntary written statement from an employee giving [his] his\her appointing authority notice of the termination of [his] 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 [continuous] length of County employment, [County residency,] 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 [continuous] 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.

\* \* \* \* \*

(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 [and longevity salary rates].

\* \* \* \* \*

(59) [**Step** means an adjustment to an employee's salary rate in accordance with the applicable salary schedule.] Reserved.

\* \* \* \* \*

(62) **Transfer** means the personnel action by which an employee [is changed], while continuously employed[:

(A) To a vacant position in a different class of work in the classified service with the same grade within the same agency, department, or office; or

(B) To a vacant position in the same or a different class of work in the classified service with the same grade within a different agency, department, or office.], is moved to a vacant position at the same grade located either within the agency or in another agency.

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

(b) The members of the Personnel Board shall be compensated at the rate of [Three] Four Hundred Dollars [(\$300.00)] (\$400.00) per month. The Chair[man] thereof shall be compensated an additional One Hundred Dollars (\$100.00) per month for administrative responsibilities.

**Sec. 16-106. County Personnel Officer; responsibilities and duties.**

(a) [Pursuant to Section 905 of Article IX of County Charter, the] The Office of Personnel and Labor Relations of Prince George's County, Maryland, shall be headed by a Personnel Officer.

(b) In addition to such responsibilities and duties as otherwise assigned in this Subtitle, the Personnel Officer shall:

(7) Develop personnel procedures [, as defined under Section 16-102(a)(32)];

(9) Conduct the full range of personnel 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:

(B) Appropriate personnel procedures [, as defined in Section 16-102(a)(32),]

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) [Establish and administer an employee] Encourage employee participation in wellness and recreation programs;

(11) Establish appropriate programs for the employment of [handicapped] persons with disabilities, students, trainees, interns and similarly situated persons to occupy County positions [for which there are inadequate training opportunities in private industry].

(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.

**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:

\* \* \* \* \*

(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 [respecting and] applicable to their employees in order to satisfy the needs and obligations of their departments, agencies, or offices.

\* \* \* \* \*

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

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

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

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

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

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

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

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

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

2       **Sec. 16-109. Equal employment opportunity.**

3           (a) It shall be wrongful and illegal for any appointing authority, supervisor, or the  
 4       Personnel Officer to take any action pursuant to the provisions of this Subtitle with respect to any  
 5       employee, any applicant for employment, or any former employee seeking reinstatement,  
 6       reemployment, or reappointment, where any such action would constitute a discriminatory  
 7       action[, as defined in Section 16-102(a)(18)]. In furtherance of the foregoing, it shall be the  
 8       policy of Prince George's County, Maryland, to provide equal opportunity in County  
 9       employment for all persons and to promote the full realization of said equal employment  
 10      opportunity [through the development and continued maintenance of an affirmative action  
 11      program] within all departments, agencies, and offices of County government. The aforesaid  
 12      declaration of policy regarding equal employment opportunity shall apply to all aspects of the  
 13      personnel system established by this Subtitle, including, but not limited to, the areas of  
 14      classification, recruitment, promotion, training, compensation, and fringe benefits.

15          (b) In order to properly effectuate the policies set forth in Subsection (a), above, the  
 16      County Executive shall, by Executive Order, establish the components of an [affirmative action]  
 17      equal employment opportunity program for the County and assign specific duties and  
 18      responsibilities, as appropriate, to the Chief Administrative Officer, the Personnel Officer, the  
 19      Equal Employment Opportunity Officer, appointing authorities, supervisors, and employees,  
 20      with respect to the development, implementation, monitoring, and evaluation of the various  
 21      components of said program. The aforesaid Executive Order shall be developed and issued so as  
 22      to give full force and effect to all applicable rules, regulations, and guidelines authorized and  
 23      promulgated pursuant to the Equal Employment Opportunity Act of 1972 (Public Law 92-261),  
 24      as amended, and shall address the employment opportunities and needs of [physically and  
 25      mentally handicapped] persons with disabilities [as if they were a class of persons protected  
 26      under the provisions of the foregoing Federal statute].

27                                   **DIVISION 2. ATTENDANCE.**

28       **Sec. 16-114. Work schedules.**

29           Work schedules, [as defined in Section 16-102(a)(63),] shall be prescribed in writing by  
 30      each appointing authority for all employees under the appointing authority's jurisdiction. The  
 31      work schedules, as prescribed by appointing authorities in the Executive Branch, shall be

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

### 8 **DIVISION 3. CLASSIFICATION.**

#### 9 **Sec. 16-115. Classification policy.**

10 (a) The Personnel Officer shall be responsible for developing and maintaining a  
 11 classification system for all positions in the classified service. The classification plan shall  
 12 identify job titles and classification categories.

13 (b) The Personnel Officer shall develop and maintain said classification system in  
 14 accordance with the following requirements:

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

18 (2) That the same standards be developed and applied in the review of all positions  
 19 and classes of work [for purposes of all allocations, reallocations, and proposed classifications  
 20 and reclassifications].

#### 21 **Sec. 16-116. Administration of the classification system.**

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

25 [(b) The duties and responsibilities of the Personnel Officer with respect to the  
 26 administration of the County's classification system shall be as follows:]

27 [(1) Upon the written request of the appropriate appointing authority, to allocate each  
 28 authorized position to the appropriate class of work, if such class had been established in the  
 29 Classification Plan, based upon the findings of an appropriate review of each such authorized  
 30 position;]

31 [(2) Upon the written request of the appropriate appointing authority, to reallocate an

1 authorized position to another class of work with a higher grade based upon the findings of an  
2 appropriate review of any such position and subject to the following further conditions:]

3 [(A) The appropriate class of work had been established in the Classification  
4 Plan;]

5 [(B) The proposed reallocation of the position shall be conditioned upon the  
6 following findings by the Personnel Officer:

7 (i) That higher level duties, tasks, and responsibilities have been clearly  
8 and definitively assigned to the position by the appointing authority or supervisor for a period of  
9 at least three (3) months and that said higher level duties, tasks, and responsibilities are to  
10 become a permanent and substantial part of the overall duties, tasks, and responsibilities assigned  
11 to the position by the appointing authority or supervisor;

12 (ii) That the higher level duties, tasks, and responsibilities described in  
13 subparagraphs (b)(2)(B)(i), above, together with the other current duties and responsibilities  
14 constituting the work assigned to the position, are equivalent to the class standard applicable to a  
15 class which is part of the applicable normal career growth pattern, as said patterns are defined  
16 under the personnel procedures developed by the Personnel Officer pursuant to paragraph (b)(14)  
17 of this Section; and,]

18 [(C) The reallocation of an incumbered position shall not be authorized by the  
19 Personnel Officer where the Personnel Officer finds that:

20 (i) The incumbent of the position does not meet the qualification  
21 requirements applicable to the class to which the reallocation is proposed; and/or,

22 (ii) The proposed reallocation represents an unreasonable selection of one  
23 (1) position from among several positions within the same class of work solely as a means to  
24 noncompetitively promote the incumbent of such selected position and thereby circumvent an  
25 otherwise properly conducted competitive promotional examination;]

26 [(3) Upon the written request of the appropriate appointing authority, to reallocate an  
27 authorized position to another class of work with a lower grade based upon the findings of an  
28 appropriate review of any such position and subject to the following, further conditions:]

29 [(A) The appropriate class of work had been established in the Classification  
30 Plan;]

31 [(B) The findings of the Personnel Officer resultant from the review of the

1 position indicate that the duties, tasks, and responsibilities of the position had changed  
 2 substantially over a period of not less than three (3) months; provided, however, that the  
 3 aforesaid three (3) month period shall not apply where the proposed reallocation has been  
 4 requested by the appointing authority as a result of and to properly effectuate, any governmental  
 5 reorganization proposed and approved pursuant to Section 503 of Article V of County Charter;  
 6 and,]

7 [(C) The reallocation of an incumbered position shall not be authorized by the  
 8 Personnel Officer where the Personnel Officer finds that the appointing authority's request  
 9 constitutes a disciplinary action, an arbitrary and capricious action, or a discriminatory action, as  
 10 defined in Section 16-102(a)(18), against the incumbent;]

11 [(4) Upon the written request of the appropriate appointing authority, to abolish a  
 12 position or a group of positions based upon an appropriate review of the position or positions  
 13 where the findings resultant from such review indicate:]

14 [(A) That the requested abolition of the position or positions is clearly reasonable  
 15 and appropriate based upon the determination that changes in the functions, objectives,  
 16 organization, and/or workload of the department, agency or office in which the position or  
 17 positions are located have resulted in a corresponding change in the staffing needs of said  
 18 department, agency, or office, where said change in staffing needs is not temporary in nature and  
 19 does not justify the maintenance of the position or positions; and,]

20 [(B) Where the request pertains to an incumbered position or positions, the  
 21 appointing authority's request does not constitute a disciplinary action, an arbitrary and  
 22 capricious action, or a discriminatory action, as defined in Section 16-102(a)(18) against the  
 23 incumbent or incumbents;]

24 [(5) To conduct an appropriate review of a single position upon the written request of  
 25 the position incumbent or the incumbent's appointing authority, provided that the Personnel  
 26 Officer may deny any such request:]

27 [(A) Where the incumbent's position has been reviewed under the provisions of  
 28 paragraph (b)(7) of this Section during the preceding twelve (12) month period;]

29 [(B) Where the incumbent's position has been scheduled for review under the  
 30 provisions of paragraph (b)(7) of this Section during the following six (6) months;]

31 [(C) For a period not to exceed three (3) months from the date that the County

1 Executive, Chief Administrative Officer, or appointing authority shall have certified, in writing,  
 2 to the Personnel Officer that the incumbent's position may be affected by a contemplated  
 3 governmental reorganization or reduction-in-force under Section 503 of the County Charter or  
 4 Section 16-188 of this Subtitle; or]

5 [(D) During the period of time of County Council consideration of any plan of  
 6 governmental reorganization transmitted to it by the County Executive pursuant to Section 503  
 7 of the Charter;]

8 [(6) To conduct an appropriate review of a representative group of positions within the  
 9 same class and/or class series upon the written request of the appropriate appointing authority,  
 10 provided that the Personnel Officer may deny any such request where the group of positions  
 11 which were the subject of the appointing authority's request had been reviewed under the  
 12 provisions of paragraph (b)(7) of this Section during the preceding twelve (12) month period or  
 13 had been scheduled for review under the provisions of paragraph (b)(7) of this Section during the  
 14 following six (6) months;]

15 [(7) To conduct reviews of single positions or representative groups of positions  
 16 within the same class and/or class series in accordance with personnel procedures developed by  
 17 the Personnel Officer under paragraph (b)(14) of this Section, provided that all such positions or  
 18 groups of positions shall be reviewed on at least a quinquennial basis;]

19 [(8) To conduct reviews of each class of work established in the Classification Plan on  
 20 at least a quinquennial basis to insure, at a minimum, that each such class:]

21 [(A) Has been assigned a grade the same as the grade assigned to all other  
 22 established classes of work with equivalent class standards;]

23 [(B) Has class standard and qualification requirement statements which are  
 24 current and job-related; and,]

25 [(C) Has been assigned to the proper class series, where applicable;]

26 [(9) To issue a written report representing the findings resultant from any review of a  
 27 single position, a group of positions, or a class of work, where any such review has been  
 28 conducted pursuant to any of the preceding subparagraphs of this Section;]

29 [(10) To provide any position incumbent with a written statement setting forth the  
 30 standards utilized in any review of the incumbent's position and/or the findings resultant from  
 31 any such review at any time that a position incumbent requests such statement;]

1           [(11)To recommend to the County Executive for transmittal to the County Council in  
2 accordance with the procedures stipulated in Section 16-125, proposed amendments to the  
3 Classification Plan in order to effectuate classification and reclassification actions determined to  
4 be necessary as a result of any review of a position, a representative group of positions, or class  
5 of work, where any such review has been conducted pursuant to the preceding subparagraphs of  
6 this Section;]

7           [(12)To develop and maintain, in consultation with appointing authorities, supervisors,  
8 and employees, all information and data necessary to determine whether all existing class  
9 standards and qualification requirements are current and job-related and to update existing class  
10 specifications, qualification requirements, and class titles to accurately reflect the findings of  
11 these consultations;]

12           [(13)To provide position classification assistance and expertise to all departments,  
13 agencies, and offices of County government in the preparation of their annual expense budgets  
14 and at other appropriate times in order to insure the most efficient and economical organizational  
15 structures; and,]

16           [(14)To develop personnel procedures governing the submission, processing, and  
17 implementation of classification requests by appointing authorities, review of single positions  
18 and representative groups of positions for purposes of paragraph (b)(7) of this Section, and  
19 defining those classes of work which constitute normal career growth patterns for purposes of  
20 paragraph (b)(2) of this Section with respect to reallocations to classes of work with higher  
21 grades, for purposes of Section 16-121(a)(2)(A) with respect to details, and for purposes of  
22 Sections 16-148(a)(7)(B) and 16-152 with respect to promotions.]

23           [(c) Exceptions for Reallocations Upward.

24           (1) Whenever the Personnel Officer conducts a review of an incumbered position or  
25 positions pursuant to any of the provisions of Subsection (b) of this Section and, on the basis of  
26 the findings set forth in the written report required to be issued as a result thereof recommends,  
27 in writing, to the appointing authority in interest that said appointing authority initiate an  
28 appropriate request or requests to effectuate the reallocation of said position or positions to  
29 classes of work with higher grades, the appointing authority shall file a written statement with  
30 the Personnel Officer in the event that the appointing authority does not intend to initiate the  
31 reallocation request or requests as recommended by the Personnel Officer. Said written

1 statement by the appointing authority shall set forth the reason or reasons supporting the  
 2 appointing authority's intended inaction and shall be filed with the Personnel Officer no later  
 3 than ten (10) working days after the date the appointing authority receives the written  
 4 recommendation of the Personnel Officer in relation thereto.]

5 [(2) Notwithstanding the provisions of paragraph (b)(2) of this Section, the Personnel  
 6 Officer shall be authorized to reallocate the incumbered position or positions for which the  
 7 written recommendations was issued to the appointing authority in interest without receiving a  
 8 written request therefor from the appointing authority in interest, if:]

9 [(A) The appointing authority in interest does not file the written statement within  
 10 time period specified under paragraph (c)(1), above; or,]

11 [(B) The Personnel Officer finds that the reasons set forth in the written statement  
 12 filed by the appointing authority in interest are arbitrary and capricious, or are based on  
 13 discrimination, as defined in Section 16-102(a)(18).]

14 [(3) Whenever the Personnel Officer finds that the written statement filed by the  
 15 appointing authority in interest, as required under paragraph (c)(1), above, sets forth reasons  
 16 which are not arbitrary and capricious, or are not based on discrimination, as defined in Section  
 17 16-102(a)(18), the appointing authority in interest shall cease the assignments of the higher level  
 18 duties, tasks, and responsibilities to the incumbered positions for which the written  
 19 recommendation was issued by the Personnel Officer, unless the incumbent or incumbents  
 20 consent to the continuance of such higher level duties.]

21 (b) The Personnel Officer shall develop procedures to administer the classification system  
 22 that address the following areas:

23 (1) Development and maintenance of class titles;

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

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

28 (4) Reallocation of incumbered positions;

29 (5) Technical assistance to Departments, agencies, and offices of County  
 30 government;



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

**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 [position] classification system shall be as follows:

\* \* \* \* \*

(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 [standard] specification, except as specifically provided otherwise under the provisions of this Subtitle; and

(B) [Is consistent with the provisions of Section 16-116(b)(2); and,

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

**Sec. 16-118. [Status of positions in the classified service.] Reserved.**

[(a) There shall be two (2) categories of positions in the classified service.

(b) The two (2) categories of positions in the classified service, permanent and nonpermanent positions, are defined as follows:

(1) A permanent position shall mean any authorized position which is funded exclusively with County tax revenue, and which is not authorized as a nonpermanent position under subparagraph (b)(2), below; and,

(2) A nonpermanent position shall mean any authorized position which is funded in whole or in part by County revenue which is derived under the terms of a Federal, State, or other grant-in-aid program in which the County is a participant.]

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

[(a)] There shall be two (2) categories of positions in the exempt service[.

(b) The two (2) categories of positions in the exempt service], temporary/seasonal and permanent, [are] 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.

**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 [applicable to the position for each such work week within any fiscal year].

(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 [week] pay period where the total number of hours [each year] is less than the total number of hours for a full-time position.

**Sec. 16-121. Details.**

(a) [All] 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 [may be temporarily assumed by the incumbent of another position, either intradepartmentally, when detailed by an appointing authority to an employee under the appointing authority's jurisdiction,] for a period not to exceed [sixty (60)] 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 [ninety (90)] 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;

1 (B) A temporary change in the functions of the agency;

2 (C) The absence of an incumbent from a position;

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

4 (A) Foster career development [within those classes of work constituting normal  
5 career growth patterns, as said patterns are defined under the personnel procedures required to be  
6 developed under Section 16-116(b)(14)]; or,

7 (B) Facilitate the goals and timetables established under [a department, agency,  
8 or office approved affirmative action] the County's equal opportunity plan; or,

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

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

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

17 (d) Any employee [to whom additional or different duties and responsibilities are] who is  
18 detailed to the same level of duties [as provided above] shall [remain in the employee's] retain  
19 their current salary status during the [period of such] detail and, upon completion of such detail,  
20 shall reassume the regular duties and responsibilities of the position occupied by the employee.  
21 However, where an employee has been detailed [the majority of duties and responsibilities of  
22 any other vacant classified position with] to a higher [grade] graded position, the Personnel  
23 Officer shall set a salary rate as determined by the appropriate salary plan; [for a period in excess  
24 of twenty-one (21) consecutive working days as to any detail, then, and in such event, any such  
25 employee's salary shall be established by the Personnel Officer at a rate in the salary range  
26 applicable to the position, the duties of which the employee is detailed, which shall guarantee the  
27 employee a salary rate increase equivalent to a two-step increase above the employee's salary  
28 rate in effect immediately preceding the date of the detail;] provided, however, an employee's  
29 salary rate upon detail shall not be established at a rate less than the minimum rate or in excess of  
30 the maximum rate within the applicable salary range[, exclusive of longevity rates. In those  
31 instances where an employee is detailed while in a longevity step, he may be detailed to the same

1 longevity step of the higher grade if it does not exceed a two (2) step increase. Such salary rate  
 2 adjustment shall be made retroactive to the commencement date of any such detail and shall be  
 3 rescinded as of the termination date of such detail.] The foregoing provisions as to upward  
 4 salary adjustments shall not apply to any detail effectuated pursuant to paragraph (a)(2)(A) or (B)  
 5 of this Section regarding training.

6 **Sec. 16-122. Classification upon [mass] group transfer.**

7 (a) Whenever a position or a group of positions is converted or made part of the County's  
 8 personnel system under the terms of a State or County law or a governmental reorganization  
 9 proposal issued and approved in accordance with the provisions of Section 503 of Article V of  
 10 County Charter, the status of the affected incumbent or incumbents and [the classification of the]  
 11 position or positions [into classes of work within the classified or exempt services,] shall be  
 12 governed and determined by the specific provisions of the law in relation thereto.

13 (b) In the event that the law mandating the conversion of incumbents and positions into the  
 14 County's personnel system makes no specific provision governing the incumbents' status and the  
 15 classification of their positions, said incumbents' positions shall be transferred to the applicable  
 16 agency, department, or office and, [thereafter,] allocated by the Personnel Officer to comparable  
 17 classes of work in the classified or exempt service, as [the case may be] appropriate.

18 **DIVISION 4. SALARY.**

19 **Sec. 16-123. Salary policy.**

20 (a) The Personnel Officer shall be responsible for administering and maintaining the  
 21 County's Salary Plan[, as defined under Section 16-102(a)(54),] in order to insure the recruitment  
 22 and retention of qualified persons and the equitable compensation of [that] all classified service  
 23 employees [governed thereby are receiving proper and equitable compensation].

24 (b) [To insure that the County is in a position to recruit and retain qualified persons on a  
 25 continual basis, the Personnel Officer shall be responsible for conducting surveys and  
 26 evaluations of the salary schedules established in the Salary Plan. On the basis of such surveys  
 27 and evaluations, the Personnel Officer shall recommend to the County Executive for transmittal  
 28 to the County Council, in accordance with the procedures stipulated in Section 16-125, proposed  
 29 amendments to the Salary Plan where the Personnel Officer finds that:

30 (1) Adjustments to certain salary ranges applicable to any established class of work in  
 31 the classified service are necessary in order to insure that all employees occupying positions in

any such class of work are eligible to receive salary rates which are substantially the same; and,

(2) General] The Personnel Officer shall recommend general adjustments to all or certain salary schedules [are] 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 Personnel Officer, 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.

**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 [salary range] applicable grade [to the class to which the position has been allocated by the Personnel Officer].

(b) Notwithstanding the provisions of Subsection (a), above, the Personnel Officer may, at the request of the appointing authority, approve [establish the salary rate for an initially appointed employee at] 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. [in the applicable salary range under the following circumstances:

(1) Where the Personnel Officer has demonstrated an inability to recruit a sufficient number of eligibles to certify for appointment to vacant positions in a particular class of work due to a temporary shortage of employees in said class of work within the County's relevant labor market, the advanced rate shall be established in accordance with the following conditions:]

[(A) The advanced rate shall be determined on the basis of a wage survey conducted by the Personnel Officer within the County's relevant labor market, and the rate shall be a rate necessary to recruit eligibles to permit certification for appointment;]

[(B) The advanced rate shall not exceed the maximum rate within the applicable salary range, exclusive of longevity rates; and,]

1 [(C) Appointments at the advanced rate shall be terminated upon the cessation of  
2 the temporary shortage of employees within the County's relevant labor market; or,]

3 [(2) Where an appointing authority recommends an advanced rate in order to appoint  
4 an eligible from a certification list at a salary above the entry-level rate; upon such  
5 recommendation, the Personnel Officer shall authorize the requested advanced rate if the  
6 proposed advanced rate does not exceed the midpoint of the applicable salary range, exclusive of  
7 longevity rates, or does not exceed a ten percent (10%) increase over the prospective employee's  
8 current salary rate, whichever is higher, and the action is otherwise justifiable.

9 (3) (c) Where a selected applicant for a vacant position as a full-time career  
10 [firefighter, emergency medical technician, or paramedic] emergency response technician has  
11 previously served as an active volunteer firefighter with a volunteer fire or rescue squad  
12 department or company, has been a legal resident of the State of Maryland for at least two (2)  
13 full calendar years at the time of making formal application for competitive examination in order  
14 to be considered for initial appointment to the vacant position, and is currently residing within  
15 Prince George's County, the selected applicant shall receive the equivalent of one step of salary  
16 credit above the entry salary rate for each year of service as a volunteer firefighter to a maximum  
17 of five (5) years upon the presentation of evidence by such individual in such manner and form  
18 as prescribed by duly developed, approved, and issued personnel procedures[, as defined in  
19 Section 16-102(a)(32)].

20 **Sec. 16-128. Anniversary dates.**

21 (a) The Personnel Officer shall assign an anniversary date[, as defined in Section 16-  
22 102(a)(3),] to each employee upon said employee's initial appointment, [competitive or  
23 noncompetitive] promotion, demotion, reemployment, and reappointment to a vacant position in  
24 the classified service, or such other date established in the Salary Plan.

25 (b) An employee's anniversary date shall be utilized by the Personnel Officer for purposes  
26 of determining the date for the initiation of official performance evaluations, consideration of  
27 subsequent merit step rate increases, and for application of credit for years served at the  
28 maximum rate [or in longevity steps] for employees who are promoted, demoted, reallocated,  
29 displaced, reclassified, or transferred to a vacant position in the classified service [at the  
30 maximum or a longevity step].

1 **Sec. 16-129. [Merit] Pay increase.**

2 [(a)] Following initial appointment, subsequent increases in an employee's salary shall only  
 3 be granted under the provisions of [this] Section 16-123 and [, except] where specifically  
 4 authorized by the applicable pay plan [otherwise under the provisions of this Subtitle]. Salary  
 5 increases or other special compensation payments will be authorized only in cases where the  
 6 employees overall performance appraisal is satisfactory or higher. Base pay increases may not  
 7 exceed the maximum of the appropriate salary range.

8 [(b) An employee shall be eligible to be granted a one (1) step salary increase or an amount  
 9 in accordance with a merit based performance evaluation system, which system shall be  
 10 approved by resolution of the County Council, to be effective as of the employee's anniversary  
 11 date; provided, however, that no such increase shall exceed the maximum rate within any such  
 12 employee's applicable salary range.]

13 [(c) An employee shall not be granted an increase in the employee's applicable salary  
 14 range, as provided under Subsection (b) of this Section, unless the employee's official  
 15 performance evaluation rating, as determined by the employee's appointing authority in  
 16 accordance with the provisions of Sections 16-183 and 16-184, is at least equivalent to  
 17 "satisfactory"; provided, however, that in the absence of the submission of an employee's official  
 18 performance evaluation by the employee's appointing authority within the time period provided  
 19 under Section 16-184, the employee shall be granted the merit increase in accordance with  
 20 Subsection (b) of this Section as if the employee's appointing authority had submitted, within the  
 21 required time period, an official performance evaluation rating equivalent to at least  
 22 "satisfactory."]

23 **Sec. 16-130. [Longevity increases] Reserved.**

24 [(a) An employee, after receiving a salary rate increase to the maximum rate in the  
 25 employee's applicable salary range, may, if provided for in the Salary Plan, be granted an amount  
 26 equivalent to a one (1) step increase after four (4) years of satisfactory service at the maximum  
 27 rate of the employee's salary range and an additional amount equivalent to a one (1) step increase  
 28 after four (4) years of satisfactory service at the first longevity step of the employee's salary  
 29 range.]

30 [(b) When an employee is promoted, demoted, reallocated, displaced, reclassified,  
 31 transferred from the maximum or a longevity step of a salary range to the maximum or a

1 longevity step of a new salary range, the years of service required toward the next step for which  
 2 the employee is eligible subsequent to the personnel action shall be calculated from the date the  
 3 employee entered the step held prior to the action rather than from the date of said action,  
 4 provided however, that employees who have served more than four (4) years in the maximum  
 5 longevity step prior to the action shall be eligible to advance to the next step in the new salary  
 6 range on their next anniversary date.]

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

8 (a) The salary rate for an employee promoted to a vacant position in the classified service  
 9 shall be established by the Personnel Officer in accordance with the Salary Plan [at a rate in the  
 10 salary range applicable to the position to which the employee is promoted which shall guarantee  
 11 the employee a salary rate increase at least equivalent to a two (2) step increase above the  
 12 employee's salary rate in effect immediately preceding the date of the promotion;] provided,  
 13 however, an employee's salary rate, upon promotion, shall not be established at a rate less than  
 14 the minimum rate or in excess of the [maximum] highest rate within the applicable salary range  
 15 [, exclusive of any longevity rates. In those instances where an employee is promoted while in a  
 16 longevity step, the employee may be promoted to the same longevity step of the higher grade as  
 17 provided in the Salary Plan].

18 \* \* \* \* \*

19 **Sec. 16-132. Salary rate upon demotion.**

20 (a) When an employee is demoted, except for demotions pursuant to the reallocation of a  
 21 position to a class with a lower grade, or as set forth in Subsection (c), hereof, the rate within the  
 22 salary range applicable to the position to which the employee is demoted shall be established by  
 23 the Personnel Officer in accordance with the Salary Plan [at a rate in the salary range applicable  
 24 to the position to which the employee is demoted].

25 (b) [In] Notwithstanding the above, in no event[, however,] shall an employee's salary rate,  
 26 upon demotion, be established at a rate below the entry level rate or a rate above the [maximum]  
 27 highest salary rate within the salary range applicable to the position to which the employee is  
 28 demoted. [In those instances where an employee is demoted while in a longevity step, the  
 29 employee may be demoted to the same longevity step of the lower grade.]

30 (c) In the case of any nondisciplinary demotion, upon written request of the appointing  
 31 authority, the salary reduction otherwise required by this Section may be waived by the



Personnel Officer, subject to the limitations of Subsection (b).

**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 Personnel Officer 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.

[(b)] However, if the employee's salary rate [immediately prior to the reallocation] exceeds the [maximum] highest rate [, exclusive of longevity rates,] within the salary range applicable to the class to which the position has been reallocated, the Personnel Officer shall establish the incumbent's salary rate at no more than the [maximum] highest rate [, exclusive of longevity rates, within the salary range applicable to the class to which the position was reallocated. In those instances where an employee is reallocated while in a longevity step he may be placed in the same longevity step, provided it does not exceed the salary prior to reallocation].

(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 Personnel Officer in accordance with the established salary plan and applicable personnel procedures.

**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 Personnel Officer 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 [:

(1) Adjusted] adjusted upward or downward [, as the case may be,] 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 [as a result of any reclassification and/or any approved amendment to the County's Salary Plan; and] or to adjust for salary changes that may have occurred during the period of involuntary separation.

[(2) Adjusted upward, upon reinstatement, in the event that the employee's anniversary date occurred during the period of the employee's involuntary separation from the

position so as to recognize the merit or longevity rate increase the employee was entitled to receive as a result thereof.]

**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 Personnel Officer. In no event, however, shall the Personnel Officer establish a salary rate for an employee, upon reemployment, at a rate in excess of the [maximum] highest rate[, exclusive of longevity rates,] within the applicable salary range. [In those instances where the employee eligible for reemployment was in a longevity step prior to the separation, he may be reemployed to the same longevity step.]

\* \* \* \* \*

**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 Personnel Officer. In no event, however, shall the Personnel Officer establish a salary rate for an employee, upon reappointment, at a rate in excess of the [maximum] highest rate [, exclusive of longevity rates,] within the applicable salary range. [In those instances where the employee eligible for reappointment was in a longevity step prior to the separation, he may be reappointed to the same longevity step.]

**Sec. 16-143. Effective [date] dates of salary rate changes.**

(a) The Personnel Officer shall develop personnel procedures [as defined in Section 16-102(a)(32),] 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 Personnel Officer.

(c) [The salary rate change resultant from the noncompetitive promotion of an employee pursuant to the reallocation of the employee's position to a class with a higher grade shall be effective in accordance with the dates established therefor in the personnel procedures required to be developed by the Personnel Officer under Subsection (a) of this Section; provided, however, that in no event shall any such salary rate change be effective later than three (3)

1 months after the date the Personnel Officer issues the initial written report required under Section  
 2 16-116(b)(9) respecting the Personnel Officer's findings resultant from the required review of  
 3 any such position.

4 (d)] In no event shall any salary rate change authorized pursuant to any of the provisions of  
 5 this Subtitle be made retroactive by the Personnel Officer unless otherwise required or  
 6 authorized by law.

7 **DIVISION 5. [FILLING VACANT POSITIONS] METHODS OF FILLING POSITIONS.**

8 **Sec. 16-145. Personnel requisitions.**

9 [(a)] A personnel requisition for the filling of a vacant position shall be initiated by the  
 10 appointing authority and forwarded to the Personnel Officer for appropriate action in accordance  
 11 with established personnel procedures. No position shall be filled without appropriate  
 12 certification that a vacancy is anticipated, and that budgeted funds are available. [Any requisition  
 13 concerning the filling of a vacant position or concerning the allocation or reallocation of a  
 14 position shall include a signed statement by the appointing authority that sufficient funds are  
 15 available in the appointing authority's approved annual expense budget for the balance of the  
 16 current fiscal year to support such action.

17 (b) The Personnel Officer shall disapprove any such requisition if the applicable data  
 18 available to the Personnel Officer from the County's position control system indicates that the  
 19 position has not been authorized or that the position is not vacant, except where occupied by a  
 20 limited-term status employee.]

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

22 [(a)] The Personnel Officer may, in consultation with appointing authorities, utilize [any]  
 23 either of the following methods to authorize the competitive filling of a vacant position within  
 24 the classified service:

- 25 (1) The certification of eligibles from a promotion register; or
- 26 (2) The certification of eligibles from a recruitment register[; or,
- 27 (3) The certification of eligibles from a joint promotion/recruitment register].

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

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

- 31 (1) Reinstatement.

1 \* \* \* \* \*

2 (B) The appointing authority shall immediately forward the personnel requisition

3 necessary to authorize the reinstatement to the Personnel Officer upon receipt of the Board's or

4 the court's order. In the event that a limited-term status employee is occupying the position, said

5 requisition shall also request the removal of said limited-term status employee from the position,

6 [as provided under Section 16-187,] and said employee's return to the employee's former position

7 by the Personnel Officer, where applicable.

8 \* \* \* \* \*

9 (5) Reemployment. Whenever a permanent status employee is separated from

10 County employment under a reduction-in-force action, [as provided in Section 16-188,] the

11 Personnel Officer shall [adhere to the following procedures for purposes of effectuating any such

12 employee's reemployment rights:

13 (A) The Personnel Officer shall] place the employee's name on the

14 reemployment priority register[, as defined in Section 16-102(a)(48),] established for the class

15 and class series from which the employee was separated;

16 [(B) The Personnel Officer shall place the employee's name within the class from

17 which the employee was separated so that the employee is ranked above all other employees

18 within the same class on said register who have lower retention points scores;]

19 [(C) The employee shall be entitled to be reemployed in any vacant position in

20 the same class from which the employee was separated on a priority basis over all other

21 employees with lower retention points scores, who are ranked within the same class on said

22 register; and provided further, that the employee shall also be entitled to be reemployed in any

23 vacant position in a lower graded class within the same class series from which the employee

24 was separated on a priority basis over all other employees with lower retention points scores who

25 are ranked within any such lower graded class of the same class series on said register;]

26 [(D)] In the event that two (2) or more employees whose names are ranked within

27 the same class on said register have the same retention points score, it shall be the sole discretion

28 of the appointing authority in interest to determine which of said employees shall be selected for

29 reemployment in the vacant position under the appointing authority's jurisdiction;

30 [(E)] The employee's period of eligibility for such reemployment shall be one (1)

31 calendar year from the effective date of separation under the reduction-in-force action[; and,

(F) In the event the employee is not reemployed or reappointed during said one (1) calendar year period, the Personnel Officer shall, upon written notice to the employee, remove the employee's name from the register].

(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 [has become "less than satisfactory" such that a demotion is warranted] 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[(b)];

(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.

\* \* \* \* \*

(7) Noncompetitive Promotions.

(A) As provided under Section 16-175[(a)], whenever an incumbered position is reallocated by the Personnel Officer 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) [As provided under Section 16-152, the] The Personnel Officer 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. [In the event the Personnel Officer determines, in accordance with the provisions of Section 16-152, that the number of said classified service employees eligible for promotion is five (5) or less for a single vacant position, or five (5) for the first existing vacancy plus one (1) eligible for each additional vacancy within the same class of work,] Whenever there are fewer than ten (10) employees eligible to compete for the current or anticipated position, the Personnel Officer [shall] may,

1 based upon established procedures, and in consultation with the appropriate appointing  
 2 authorities, authorize the noncompetitive promotion of such eligibles for the purpose of filling  
 3 said vacancies at the election of the appointing authority [in lieu of the announcement of a  
 4 competitive recruitment examination].

5 (C) \* \* \* \* \*

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

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

13 \* \* \* \* \*

14 (9) [Reciprocal] Intergovernmental Transfers.

15 (A) Subject to both the approval of the County Executive and the County  
 16 Council by resolution, the Personnel Officer may negotiate personnel agreements for [reciprocal]  
 17 intergovernmental transfers with other governmental agencies not under the direct control of the  
 18 County which adhere to a competitive personnel system. Any such agreement shall stipulate the  
 19 terms and conditions for the transfer of qualified employees from one agency to another.

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

26 (10) Noncompetitive [Division] Appointment.

27 \* \* \* \* \*

28 (11) Temporary/Provisional Appointments.

29 (A) An appointing authority may make a temporary/provisional appointment of a  
 30 person to a vacant position in the classified service where said position is allocated to a class of  
 31 work for which an eligibility register has not been established by the Personnel Officer, or where

1 said position is allocated to a class of work for which an eligibility register has been established  
 2 but contains the names of [four (4) or less] nine or fewer eligibles. Any person, so appointed,  
 3 shall be in the exempt service and said temporary/provisional appointment shall not exceed  
 4 [ninety (90)] one hundred twenty (120) calendar days in any twelve (12) month period, said  
 5 period beginning as of the effective date of said appointment. Temporary/provisional  
 6 appointments shall not be subject to competitive examining procedures; provided, however, that  
 7 the Personnel Officer shall not authorize the temporary/provisional appointment of a person to a  
 8 vacant position in the classified service if the person does not meet the qualification requirements  
 9 applicable to the particular vacant position.

10 (B) Any person appointed under the terms of a temporary/provisional  
 11 appointment shall be required to file an examination application with the Personnel Officer upon  
 12 the announcement of the recruitment examination for competitive appointment to the position  
 13 which the employee is occupying under the temporary/provisional appointment; and, in the event  
 14 said person's name is not on the certification list for such competitive appointment or such  
 15 person's name is on the certification list but the person is not selected, the appointing authority  
 16 shall remove said person from the position [as provided under Section 16-187]. In the event that  
 17 the person is competitively appointed to the position, the person shall be converted to  
 18 probationary status and, by virtue thereof, shall be subject to the provisions of Division 9 for the  
 19 purpose of determining said person's right to be converted to permanent status.

20 (12) Temporary/Emergency Appointments.

21 (A) When an emergency situation makes it impossible for an appointing  
 22 authority to competitively appoint an eligible from a certification list derived to fill a vacant  
 23 position in the classified service, the appointing authority may appoint, upon prior notification to  
 24 the Personnel Officer, any person to such vacant position whom the appointing authority  
 25 determines meets the qualification requirements applicable to the particular position. Any  
 26 person, so appointed, shall be in the exempt service and said temporary/emergency appointment  
 27 shall not exceed [thirty (30)] sixty (60) consecutive calendar days in any twelve (12) month  
 28 period, such period beginning as of the effective date of said appointment.

29 \* \* \* \* \*

30 (D) The appointing authority shall remove any person appointed under the terms  
 31 of a temporary/emergency appointment no later than the expiration of said [thirty (30)] sixty (60)

1 calendar day period [as provided under Section 16-187].

2 \* \* \* \* \*

3 **Sec. 16-148.01. [Temporary intergovernmental transfers.]**

4 [(a) The transfer of an employee from any agency, department, or office of County  
5 government to an agency, department, or office of the United States, the State of Maryland, a  
6 County, or municipality of the State of Maryland or any not for profit agency that receives  
7 County funds, may be made for a period that shall not exceed one year. This temporary  
8 intergovernmental transfer shall be made pursuant to written agreement between the County and  
9 the agency, department, or office to which the employee is to be transferred. A temporary  
10 intergovernmental transfer must be recommended by the appointing authority and the Personnel  
11 Officer, consented to by the employee and approved by the Chief Administrative Officer. Prior  
12 to approval by the Chief Administrative Officer and consent by the employee, the Personnel  
13 Officer shall:]

14 [(1) Make a written determination whether the employee meets the minimum  
15 qualifications applicable to the position to which the employee is to be transferred; and]

16 [(2) Make a written determination whether, and to what extent, the duties, salary, and  
17 responsibilities of the position occupied by the employee and the position to which transfer has  
18 been proposed are comparable.]

19 [(b) In the event the Personnel Officer determines that the employee does not meet the  
20 minimum qualifications applicable to the position to which the transfer is proposed, or in the  
21 event the Personnel Officer determines that the duties, salary, and responsibilities of the position  
22 to which the transfer has been proposed are substantially less than those of the position occupied  
23 by the employee, the Personnel Officer shall not recommend approval of the transfer.]

24 [(c) In the event the Personnel Officer determines the duties, salary, and responsibilities of  
25 the position to which the transfer is proposed are significantly greater than those of the position  
26 accepted by the employee, the Personnel Officer shall include in the determination required by  
27 Subsection (a) of this Section, an increase in salary which shall be paid to the employee during  
28 the term of the transfer. Entitlement to this increase in salary shall terminate upon the  
29 employee's return to his or her former position.]

30 [(d) During the term of a temporary intergovernmental transfer authorized under Subsection  
31 (a), the employee shall remain an employee of the County and shall receive, and continue to



1 earn, benefits and salary at least equivalent and under the same rules applicable to the position  
2 from which the temporary transfer is made.]

3 [(e) Neither the approval of the Chief Administrative Officer nor the determinations  
4 required of the Personnel Officer under this Section 16-148.01 shall be considered adverse  
5 actions as defined in Section 16-102.]

6 [(f) The Chief Administrative Officer may approve one extension to a temporary  
7 intergovernmental transfer. The term of such an extension shall not exceed one year and must be  
8 made in accordance with the procedures required for the original transfer.]

9 [(g) The Personnel Officer may promulgate rules, procedures, or regulations considered  
10 necessary to effect the purposes of this Section.]

#### 11 **Sec. 16-150. Nepotism.**

12 [It shall be prohibited for any] No appointing authority [to] shall fill or request to fill any  
13 vacant position in the classified service under the appointing authority's jurisdiction through any  
14 of the methods for filling vacant positions, as stipulated in Sections 16-147 and 16-148 above,  
15 with a member of the appointing authority's family. As used in this Section, the term "family"  
16 shall mean and include the appointing authority's spouse, child, parent, grandparent, grandchild,  
17 brother, sister, brother- or sister-in-law, mother- or father-in-law, or son- or daughter-in-law.

### 18 **DIVISION 6. COMPETITIVE EXAMINATIONS.**

#### 19 **Sec. 16-151. Promotion and recruitment policy.**

20 (a) In order to provide quality public service, it shall be the policy of Prince George's  
21 County to make employment with Prince George's County attractive as a career. To that end, the  
22 County will seek to recruit applicants dedicated to providing outstanding service and possessing  
23 the potential for future growth and development, and to offer promotional opportunities to  
24 employees who have demonstrated commitment, skills and abilities. [Thus, within the  
25 constraints of the priority order stipulated in Section 16-146 for filling vacant positions in the  
26 classified service, the County's policy shall be:]

27 [(1) To foster and encourage career development and upward mobility by granting  
28 priority to eligible employees seeking promotions to vacant positions in the classified service;  
29 and,]

30 [(2) To develop and maintain recruitment programs in order to insure that qualified  
31 applicants are available for appointment to vacant positions in the classified service when

1 promotional opportunities do not exist so as to maintain a highly effective work force.]

2 (b) [(1)] In order to provide appointing authorities with better capability to review and  
 3 assess the performance of employees whom they have promoted into vacant positions under their  
 4 jurisdictions, and at the same time to better protect the career progress of such employees at the  
 5 time of such promotions, appointing authorities shall be authorized, at their discretion, to  
 6 competitively or noncompetitively promote employees to vacant positions under their  
 7 jurisdictions on a limited-term basis for a period not to exceed six (6) calendar months. Any  
 8 employee, so promoted, shall be entitled to the same rights and privileges as afforded other  
 9 limited term promotions. [return to the position the employee formerly occupied in the event that  
 10 the appointing authority in interest determines that the employee's performance is "less than  
 11 satisfactory" at any time during said six (6) month period. In the event any such employee's  
 12 former position had been abolished during said period, then, in such event, the employee shall be  
 13 entitled to return to another position of the same or a comparable grade and class of work. In the  
 14 event the appointing authority determines, at the conclusion of such period, that any such  
 15 employee's performance is at least "satisfactory," then, in such event, such employee shall be  
 16 converted to permanent status. Nothing herein shall be construed to prevent an appointing  
 17 authority from taking any disciplinary action against any such employee during said period as  
 18 may be authorized and warranted under the provisions of Sections 16-193, 16-194, and 16-195.]

19 [(2) Any such employee promoted under the conditions set forth in subparagraph  
 20 (b)(1), above, shall be considered to be on an extended period of approved leave without pay  
 21 and, in the event another employee is appointed, reassigned, transferred, or promoted to the  
 22 position formerly occupied by such employee, such appointment, reassignment, transfer, or  
 23 promotion shall be on a limited-term basis and the employee occupying the position shall be a  
 24 limited-term status employee subject to the conditions set forth in Section 16-178.]

25 (c) Appointing authorities will be given the flexibility to develop job-related qualifications  
 26 and interview requirements in order to effectively select the best qualified candidate, subject to  
 27 the approval of the Personnel Officer.

28 **Sec. 16-152. Announcement of promotional and recruitment examination.**

29 [Whenever the Personnel Officer determines that there exists a sufficient number of  
 30 employees occupying classified service positions in classes of work with lower grades who are  
 31 eligible to compete for promotion to existing or projected vacant positions in a given class of

work such that the projected number of such employees equals six (6) or more for the first vacancy, plus one (1) employee for each additional vacancy in the same class of work, the Personnel Officer shall announce a competitive promotional examination in order to fill such vacant positions. In announcing any such competitive promotional examination, the Personnel Officer may limit admissions thereto to eligible classified service employees within a department, agency, or office, provided that the number of such employees satisfies the requirements of the preceding sentence of this Section. As used in this Section, the term "classes of work with lower grades" shall mean and include those classes of work which constitute normal career growth patterns, as said patterns are defined under the personnel procedures developed by the Personnel Officer pursuant to Section 16-116(b)(14).] The Personnel Officer 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.

**Sec. 16-153. [Announcement of recruitment examinations.] Reserved.**

[Whenever the Personnel Officer determines, in accordance with Section 16-152 above, that there is an insufficient number of employees occupying classified service positions in classes of work with lower grades who are eligible to compete for promotion to existing or projected vacancies in a given class of work within the classified service, and where the appointing authority does not elect to fill such vacant positions through noncompetitive promotion, as provided in Section 16-148(a)(7)(B), the Personnel Officer shall announce a competitive recruitment examination in order to fill such vacant positions. Competitive recruitment examinations shall be open to all employees occupying positions in the classified service, and to all other persons seeking initial appointment.]

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

(a) Contents. In addition to such information as the Personnel Officer may deem as necessary or appropriate, each announcement of a competitive promotional or recruitment examination, as provided [in Sections 16-152 and 16-153,] 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 the class of work in terms] of required duties, tasks, and responsibilities and the minimum qualification requirements to be eligible for promotion or appointment [, as appropriate, which shall be derived from the class standard and qualification requirement statements applicable to the class of work];

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

(4) An identification of [the location for the delivery of completed applications and the closing date for the receipt of such applications,] where, when, and in what format an applicant must respond to said announcement. [which date shall be, in no event,] 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 Personnel Officer 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 Personnel Officer, are posted at conspicuous places and locations within their departments, agencies, or offices which are readily accessible to their employees.

(2) The Personnel Officer 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. [Where necessary or appropriate in order to meet special recruitment needs, the] The Personnel Officer may also provide for the distribution of said announcement through other appropriate means, including advertisement in newspapers, journals, and [other similar] on-line publications.

**Sec. 16-155. Special examination announcements.**

(a) Where the Personnel Officer 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 Personnel Officer may announce a special competitive promotional or recruitment examination, whichever is required as provided in [Sections] Section 16-152 [and 16-153], above, applicable only to the particular vacant position.

\* \* \* \* \*

**Sec. 16-156. Qualification requirements.**

(a) The Personnel Officer shall be responsible for developing, in consultation with appointing authorities, where appropriate, a qualification requirements statement for each established class of work which[, as defined in Section 16-102(a)(39),] specifies the minimum qualifications requisite for any person to initially occupy and continue to occupy any position allocated to a particular class of work.

\* \* \* \* \*

(c) [The qualification requirements statement for each class of work established in the Classification Plan, upon approval thereof by the County Council in accordance with the procedures stipulated in Section 16-125, shall be evaluated by the Personnel Officer on at least a quinquennial basis, as provided in Section 16-116(b)(8), and any necessary amendments thereto shall be recommended to the County Executive, as provided in Section 16-116(b)(11).] The Personnel Officer shall periodically evaluate the qualification requirements statement for each class of work established in the Classification Plan in accordance with established personnel procedures.

**Sec. 16-157. Examination contents and methodology.**

(a) The Personnel Officer 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 Personnel Officer. The Personnel Officer may consult with appointing authorities in the development of such qualification requirements.

(b) Any such examination shall [consist of] 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 Personnel Officer shall also be responsible for routinely assessing the accuracy, validity, predictability, and utility of such examinations.

**Sec. 16-158. Examination administration.**

(a) The Personnel Officer 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 Personnel Officer 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 [physical or mental handicap] disability, the Personnel Officer shall, where feasible, [alter or adjust] 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.

**Sec. 16-159. Examination ratings.**

[(a) The measurements resultant from any competitive promotional or recruitment examination may be reported by the Personnel Officer as numerical ratings consisting of the assignment of numerical scores, ordinal ratings consisting of the rank ordering of eligibles, or nominal ratings consisting of the assignment of adjective ratings of "qualified," "well-qualified," and "outstanding," whichever rating system is most appropriate for the method of examination administered by the Personnel Officer; provided, however, that ordinal ratings shall only be utilized by the Personnel Officer when placing the names of eligibles on temporary eligibility registers.

(b)] The Personnel Officer 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 Personnel Officer shall determine the appropriate use of nominal, ordinal, and numerical ratings and shall ensure sufficiency of the rating process. Where appropriate, the Personnel Officer 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.

**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 Personnel Officer [as to the Personnel Officer's determination with respect to said] 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:

\* \* \* \* \*

(2) The notice shall also state the person's right to inspect all applicable examination [papers] 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:

\* \* \* \* \*

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

\* \* \* \* \*

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

(a) The Personnel Officer shall maintain on file all the examination [papers] 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 [papers] documents and materials shall be maintained for a period of three (3) calendar years from the date the Personnel Officer 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 [papers] documents and materials during the period of retention and maintenance thereof by the Personnel Officer. 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 [papers] documents and materials shall be deemed to be confidential information and, as such, shall not be made available by the Personnel Officer to the general public for inspection; except that the following persons shall be entitled to inspect any person's examination [papers] 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 Personnel Officer.

(d) The Personnel Officer shall develop personnel procedures [, as defined in Section 16-102(a)(32),] delineating those examination [papers and] 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.

#### **DIVISION 7. ELIGIBILITY REGISTERS.**

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

(a) Responsibilities. The Personnel Officer shall be responsible for the establishment and maintenance of eligibility registers[, as defined in Section 16-102(a)(20),] 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[, as defined in Section 16-102(a)(7),] shall be established by the Personnel Officer 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.

\* \* \* \* \*

(2) The Personnel Officer 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 Personnel Officer. However, whenever a continuous register has been temporarily closed by the Personnel Officer for a period of twelve



(12) months, the Personnel Officer shall, in such event, reopen the register and announce a competitive promotional or recruitment examination, as appropriate, in accordance with the provisions of [Sections] Section 16-152 [and 16-153, respectively]. On the basis of such promotional or recruitment examination announcement, the Personnel Officer 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[s] [16-157, 16-159, and] 16-160[, respectively].

\* \* \* \* \*

(d) Order of Names on Promotional Register.

(1) [Promotional Registers.

(A)] The Personnel Officer 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.

[(B)] (2) Where the names of eligibles are arranged on any such promotion eligibility register in accordance with the provisions [of subparagraph (d)(1)(A),] above, on the basis of nominal ratings, the Personnel Officer shall order the names of all eligibles within the same nominal rating group alphabetically.

[(2)] (e) Order of Names on Recruitment Registers. The Personnel Officer 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:

[(A)] (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 Personnel Officer shall arrange the names of all eligibles within each nominal group alphabetically.

(f) Preference order. The Personnel Officer shall then arrange the names of all eligibles

1 within each such subrange into the following priority categories:

2 [(i)] (1) All disabled veteran eligibles, if any, shall be ordered, by rating,  
3 first on the list [above all other eligibles identified in subparagraphs (ii), (iii), (iv), and (v),  
4 below];

5 [(ii)] (2) All nondisabled veteran eligibles, if any, shall be ordered, by rating,  
6 second on the list [above all other eligibles identified in subparagraphs (iii), (iv), and (v), below];

7 [(iii)] (3) All [nonveteran] eligibles, if any, who are "displaced homemakers"  
8 shall be ordered, by rating, third on the list [above all other eligibles identified in subparagraphs  
9 (iv) and (v), below];

10 [(iv)] (4) All other [nonveteran] eligibles, if any, who have certified on their  
11 examination applications that they are currently residing within Prince George's County shall be  
12 ordered, by rating, fourth on the list [above all other eligibles identified in subparagraph (v),  
13 below]; and,

14 [(v)] (5) All other [nonveteran] eligibles, if any, who have certified on their  
15 examination applications that they are not currently residing within Prince George's County shall  
16 be ordered, by rating, in the last priority category[; or,

17 (B) Where the eligibles on any such register have been assigned nominal ratings,  
18 the Personnel Officer shall arrange the names of all eligibles within each nominal rating group  
19 into the following priority categories:]

20 [(i) All disabled veteran eligibles, if any, shall be ordered alphabetically  
21 above all other eligibles identified in subparagraphs (ii), (iii), (iv), and (v), below;]

22 [(ii) All nondisabled veteran eligibles, if any, shall be ordered alphabetically  
23 above all other eligibles identified in subparagraphs (iii), (iv), and (v), below;]

24 [(iii) All nonveteran eligibles, if any, who are "displaced homemakers" shall  
25 be ordered alphabetically above all other eligibles identified in subparagraphs (iv) and (v),  
26 below;]

27 [(iv) All other nonveteran eligibles, if any, who have certified on their  
28 examination applications that they are currently residing within Prince George's County shall be  
29 ordered alphabetically above all other eligibles identified in subparagraph (v), below; and,]

30 [(v) All other nonveteran eligibles, if any, who have certified on their  
31 examination applications that they are not currently residing within Prince George's County shall

1 be ordered alphabetically in the last priority category.]

2 [(3) Joint Promotion/Recruitment Registers. The Personnel Officer shall first arrange  
3 the names of all eligibles on any joint promotion/recruitment eligibility register, whether  
4 continuous or temporary, in descending order with the name or names of the eligible or eligibles  
5 assigned the highest rating placed at the top of any such register. Then, the final order of the  
6 names of all eligibles on such register shall be determined in accordance with the following  
7 procedures:]

8 [(A) Where the eligibles on any such register have been assigned numerical or  
9 ordinal ratings, the range of the ratings on such register shall be divided into three (3) separate  
10 subranges, as appropriate, based on the nature of the range of ratings. The Personnel Officer  
11 shall then arrange the names of all eligibles within each such subrange into the following priority  
12 categories:]

13 [(i) All eligibles who are seeking promotion, if any, shall be ordered, by  
14 rating, above all other eligibles identified in subparagraph (ii), (iii), (iv), (v), and (vi), below;]

15 [(ii) All disabled veteran eligibles who are seeking initial appointment, if  
16 any, shall be ordered, by rating, above all other eligibles identified in subparagraphs (iii), (iv),  
17 (v), and (vi), below;]

18 [(iii) All nondisabled veteran eligibles who are seeking initial appointment,  
19 if any, shall be ordered, by rating, above all other eligibles identified in subparagraphs (iv), (v),  
20 and (vi), below;]

21 [(iv) All nonveteran eligibles, if any, who are "displaced homemakers" shall  
22 be ordered, by rating, above all other eligibles identified in subparagraphs (v) and (vi), below;]

23 [(v) All other nonveteran eligibles who are seeking initial appointment and  
24 who have certified on their examination applications that they are currently residing within  
25 Prince George's County, if any, shall be ordered, by rating, above all other eligibles identified in  
26 subparagraph (vi) below; and,]

27 [(vi) All other nonveteran eligibles who are seeking initial appointment and  
28 who have certified on their examination applications that they are not currently residing within  
29 Prince George's County, if any, shall be ordered, by rating, in the last priority category; or,]

30 [(B) Where the eligibles on any such register have been assigned nominal ratings,  
31 the Personnel Officer shall arrange the names of all eligibles within each nominal rating group

1 into the following priority categories:]

2 [(i) All eligibles who are seeking promotion, if any, shall be ordered  
3 alphabetically above all other eligibles identified in subparagraphs (ii), (iii), (iv), (v), and (vi),  
4 below;]

5 [(ii) All disabled veteran eligibles who are seeking initial appointment, if  
6 any, shall be ordered alphabetically above all other eligibles identified in subparagraphs (iii),  
7 (iv), (v), and (vi), below;]

8 [(iii) All nondisabled veteran eligibles who are seeking initial appointment,  
9 if any, shall be ordered alphabetically above all other eligibles identified in subparagraphs (iv),  
10 (v), and (vi), below;]

11 [(iv) All other nonveteran eligibles, if any, who are "displaced homemakers"  
12 shall be ordered alphabetically above all other eligibles identified in subparagraphs (v) and (vi),  
13 below;]

14 [(v) All other nonveteran eligibles who are seeking initial appointment and  
15 who have certified on their examination applications that they are currently residing within  
16 Prince George's County, if any, shall be ordered alphabetically above all other eligibles identified  
17 in subparagraph (vi) below; and,]

18 [(vi) All other nonveteran eligibles who are seeking initial appointment and  
19 who have certified on their examination applications that they are not currently residing within  
20 Prince George's County, if any, shall be ordered alphabetically in the last priority category].

21 **Sec. 16-163. Conditions for granting preferences.**

22 (a) Veteran's Preference. Pursuant to the requirements of Section 48 of Article 96 1/2 of  
23 the Annotated Code of Maryland, any person whose name appears as an eligible on any  
24 established recruitment eligibility register [or on any established joint promotion/recruitment  
25 eligibility register,] shall be entitled to the veteran's preference considerations granted under  
26 Section 16-162[(d)(2) and (3)], above, with respect to priority ordering on any such eligibility  
27 register if said person satisfies the following conditions:

28 (1) The person presents evidence of separation from any branch of the United States  
29 Armed Forces under honorable conditions after at least one hundred and eighty (180) days of  
30 active military duty, in such manner and form as described in duly developed, approved and  
31 issued personnel procedures [, as defined in Section 16-102(a)(32)];

\* \* \* \* \*

(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 [, as defined in Section 16-102(a)(32)].

(b) Veteran's Surviving Spouse. The veteran's preference considerations granted under Section 16-162[(d)(2) and (3)], 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 [, as defined in Section 16-102(a)(32)] that:

\* \* \* \* \*

(c) "Displaced Homemakers" Preference. The preference considerations granted [under Section 16-162(d)(2) and (3), above,] 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[, as defined in Section 16-102(a)(32),] that:

\* \* \* \* \*

#### **Sec. 16-164. Duration of eligibility.**

(a) Continuous Registers. The duration of a person's eligibility on a continuous eligibility register [, as established and maintained under Section 16-162(b), above,] shall be determined in accordance with [the following provisions:] procedures promulgated by the Personnel Officer.

[(1) Except as provided in paragraph (a)(2), below, a person's eligibility on an eligibility register shall be for a period of six (6) months from the date the Personnel Officer issues written notification to said person with respect to eligibility, rating, and standing on the register, as provided under Section 16-160, above. Each such eligible shall be entitled to reestablish eligibility, upon written notice to the Personnel Officer, for additional periods of six (6) months each.]

[(2) Notwithstanding the provisions of paragraph (a)(1), above, an eligible's name may be removed by the Personnel Officer from an eligibility register for any one (1) of the following reasons or conditions:]

1           [(A) Where the Personnel Officer determines that the eligible had knowingly  
2 made a false statement of any material fact on the eligible's examination application or any other  
3 related form or document for promotion or appointment;]

4           [(B) Where the Personnel Officer determines that it is necessary to conduct a new  
5 competitive promotional or recruitment examination which differs substantively in its content  
6 from the competitive examination utilized as the basis for establishing the original eligibility  
7 register; in such event, the written notice to each eligible whose name appeared on the original  
8 eligibility register, as required under paragraph (a)(3), below, shall state the eligible's right to be  
9 reexamined on the basis of the new examination and to be placed on the new eligibility register if  
10 determined to be eligible;]

11           [(C) Where the eligible refuses or declines offers of promotion or appointment, as  
12 appropriate, to three (3) separate vacant positions in the same class of work under conditions  
13 originally stated by the eligible on the application form as acceptable;]

14           [(D) Where the eligible is promoted or appointed, as appropriate, to a vacant  
15 position in a particular class of work from the certification list derived from the eligibility  
16 register established for said class of work; in such event, said promotion or appointment shall not  
17 affect the duration of the person's eligibility on any other established eligibility register for any  
18 equivalent or higher graded position on which said person's name appears as of the effective date  
19 of such promotion or appointment, unless said person files a written statement with the Personnel  
20 Officer requesting the removal of the person's name from any or all other established eligibility  
21 registers as provided in subparagraph (a)(2)(E), below;]

22           [(E) Where the eligible files a written statement with the Personnel Officer  
23 requesting that the Personnel Officer remove the eligible's name from any or all of the  
24 established eligibility registers on which the eligible's name appears;]

25           [(F) Where the eligible fails to respond to any written inquiry of the Personnel  
26 Officer or the appointing authority in interest within the time period specified in such notice for  
27 response, or where such written inquiry is returned to the Personnel Officer or the appointing  
28 authority, as appropriate, by the postal authorities because of the inability to locate the eligible at  
29 the eligible's last known address, unless satisfactory evidence is submitted to the Personnel  
30 Officer or to the appointing authority, as appropriate, by the eligible within seven (7) calendar  
31 days after the expiration of the time period specified in the notice which justifies such failure to

1 respond as a result of any extenuating circumstances beyond the control of the eligible; or,]

2 [(G) Where the eligible fails to report for work on the prescribed day after  
3 accepting the offer of the appointing authority to be promoted or appointed, as appropriate, from  
4 the certification list to a vacant position in the class of work for which the eligibility register had  
5 been established by the Personnel Officer, unless satisfactory evidence is submitted to the  
6 appointing authority by the eligible within seven (7) calendar days after the prescribed reporting  
7 day which justifies such failure to report as a result of any extenuating circumstances beyond the  
8 control of the eligible.]

9 [(3)] The Personnel Officer shall notify any eligible applicant, in writing, of the  
10 removal of the eligible's name from any eligibility register for just cause. Criteria for removal  
11 may include, but not be limited to, the applicant knowingly making a false statement, the  
12 unreasonable refusal of offers of promotion or appointment or failure to respond to requests for  
13 interviews, or failing to report to work after accepting an offer of employment. [where such  
14 removal is effectuated pursuant to subparagraph (a)(2)(A), (B), or (C), above.] Any such written  
15 notice shall state the [eligible's] eligible applicant's right to appeal such removal in accordance  
16 with the provisions of Section 16-202 if the eligible is seeking initial competitive appointment;  
17 or, the [eligible's] eligible applicant's right to initiate a grievance with respect to such removal in  
18 accordance with the provisions of Section 16-200 if the eligible is seeking competitive  
19 promotion.

20 (b) Temporary Registers.

21 (1) [Except as provided in paragraph (b)(2), below, the] The duration of a person's  
22 eligibility on a temporary eligibility register[, as established and maintained under Section 16-  
23 162(c),] shall be determined in accordance with procedures promulgated by the Personnel  
24 Officer. [for that period of time commencing with the effective date of the establishment of the  
25 register and ending with the effective date of the promotion or appointment, as appropriate, of an  
26 eligible or eligible's to the vacant position or positions in the class of work for which the register  
27 was established by the Personnel Officer.]

28 [(2) Notwithstanding the provisions of paragraph (b)(1), above, an eligible's name  
29 may be removed from a temporary eligibility register by the Personnel Officer prior to the  
30 abolition of any such register for any of the reasons or conditions stipulated in subparagraph  
31 (a)(2)(A), (B), (E), (F), or (G), above, as to the removal of eligibles from continuous eligibility

1 registers; and, in such event, the provisions of paragraph (a)(3), above, shall apply, where  
 2 applicable, with respect to written notice of removal to the eligible].

### 3 **DIVISION 8. CERTIFICATION.**

#### 4 **Sec. 16-166. Certification from eligibility registers.**

5 (a) Whenever the Personnel Officer determines that a vacant position or positions in a  
 6 particular class of work within the classified service should be filled through the competitive  
 7 promotion or the competitive [appointment, as appropriate, of an eligible or eligibles, as  
 8 provided in Sections 16-152 and 16-153, respectively,] recruitment process, the Personnel  
 9 Officer shall certify a list to the appointing authority from the eligibility register established to  
 10 fill vacancies in [said] that class of work [, the names of a sufficient number of eligibles from  
 11 said register to insure that the appointing authority considers five (5) eligibles for the first vacant  
 12 position within said class of work plus one (1) eligible for each additional vacant position within  
 13 said class of work, if said additional vacancies exist at the time of certification and have been  
 14 requested to be filled by the appointing authority]. The Personnel Officer shall certify a  
 15 sufficient number of eligible applicants to insure that the appointing authority has the ability to  
 16 select the best qualified candidate for the affected position. The Personnel Officer shall  
 17 determine the number of eligibles to be certified based upon the examination methodology, the  
 18 rating system, and size of the applicant pool.

19 (b) Upon the [receipt of any written] request from an appointing authority for [the  
 20 derivation of a certification list under the provisions of Subsection (a), above,] a list of eligibles,  
 21 where said eligibles will be drawn from an existing eligibility register, the Personnel Officer  
 22 shall make every reasonable effort to forward the requested certification list to the appointing  
 23 authority within ten (10) working days of the date of the receipt of such request [; provided,  
 24 however, if, upon the receipt of any such request from the appointing authority, the appropriate  
 25 eligibility register had not yet been established or the appropriate eligibility register, although  
 26 established, does not contain the names of a sufficient number of eligibles to permit certification  
 27 therefrom, then, in either such event,]. In the case where no eligibility register exists at the time  
 28 a request for eligibles is received, the Personnel Officer shall make every reasonable effort to  
 29 forward the requested certification list to the appointing authority within ten (10) working days  
 30 after the date the eligibility register has been established [or within ten (10) working days after  
 31 the date the eligibility register contains a sufficient number of names to permit certification



1 therefrom, as the case may be].

2 (c) [With respect to any certification list derived from an established eligibility register  
3 under Subsection (a), above, the Personnel Officer shall adhere to the following procedures in  
4 placing the names of eligibles from such register on any such certification list:]

5 [(1) Where the certification list is derived from an established promotion eligibility  
6 register whereon the names of eligibles are ordered on the basis of numerical, ordinal, or nominal  
7 ratings, as provided under Section 16-162(d)(1), the Personnel Officer shall certify the names of  
8 eligibles from such register beginning with the name or names of the eligible or eligibles with the  
9 highest rating at the top of the register through and including the name of that eligible necessary  
10 to guarantee that the names of five (5) eligibles are on the certification list for the first vacant  
11 position within the particular class of work and, where applicable, that the name of one (1)  
12 additional eligible is on the certification list for each additional vacant position within the  
13 particular class of work, and provided further, that the names of all eligibles with ratings equal or  
14 equivalent to the rating of the fifth and last eligible certified, as determined in accordance with  
15 the preceding sentence of this subparagraph, shall be added to the certification list, irrespective  
16 of number; or,]

17 [(2) Where the certification list is derived from a recruitment eligibility register or  
18 from a joint promotion/recruitment eligibility register whereon the names of eligibles are ordered  
19 on the basis of numerical, ordinal, or nominal ratings, as provided under Section 16-162(d)(2)  
20 and (3), respectively, the Personnel Officer shall certify the names of eligibles from either of said  
21 register beginning with the name or names of the eligible or eligibles with the highest rating in  
22 the first priority category within the highest subrange or rating group, as appropriate, through and  
23 including the name of that eligible necessary to guarantee that the names of five (5) eligibles are  
24 on the certification list for the first vacant position within the particular class of work and, where  
25 applicable, that the name of one (1) additional eligible is on the certification list for each  
26 additional vacant position within the particular class of work; and provided further, that the  
27 names of all eligibles with ratings equal or equivalent to the rating of the fifth and last eligible  
28 certified, as determined in accordance with the preceding sentence of this subparagraph, shall be  
29 added to the certification list, irrespective of number.] The certificate of eligibles shall be drawn  
30 from the top of the register of eligibles in order of descending scores or ratings, consistent with  
31 the rating system utilized for testing and ranking applicants, the conditions of employment stated

1 in the announcement, and in accordance with established procedures. The Personnel Officer, in  
 2 consultation with the appointing authority, may determine that in order to expediently secure an  
 3 appropriate candidate pool, an alternative certification may be used. In such cases, the Personnel  
 4 Officer may certify to the appointing authority the names of all eligibles who meet the minimum  
 5 qualifications for the affected position or class of work.

6 (d) [With respect to any certification list derived from any established eligibility register  
 7 under the procedures stipulated in Subsections (a) and (c), above, the] The Personnel Officer  
 8 shall add to [any such] the certification list, the names of additional eligibles [from the applicable  
 9 eligibility register] under any one (1) of the following sets of circumstances;

10 \* \* \* \* \*

11 (2) Where an appointing authority requests [, pursuant to Section 16-168(c),] that the  
 12 name or names of an additional eligible or eligibles be added to the original certification list  
 13 because the original list is depleted of eligibles [an eligible or eligibles whose name or names  
 14 appeared on the original certification list declined an offer of promotion or appointment, as  
 15 appropriate, or declined a personal interview in response to the verbal or written inquiry of the  
 16 appointing authority, or failed to respond to the written inquiry of the appointing authority with  
 17 respect to an interview; in]. In any such event, the Personnel Officer shall certify the name or  
 18 names of the additional eligible or eligibles, as necessary, beginning with the name of the  
 19 eligible next in line for certification on the applicable eligibility register [and shall include in  
 20 such additional certification, where applicable, the names of all eligibles with ratings equal or  
 21 equivalent to the rating of the last additional eligible to be certified to the appointing authority;  
 22 and provided further, that such additional certification by the Personnel Officer shall be  
 23 conditioned upon the existence of the names of a sufficient number of additional eligibles to  
 24 accommodate such certification from the applicable eligibility register or, as provided in Section  
 25 16-167, from an alternative eligibility register].

26 [(3) Where an appointing authority requests, pursuant to Section 16-168(d), that a new  
 27 set of eligibles be certified from the applicable eligibility register because the appointing  
 28 authority did not promote or appoint, as appropriate, an eligible or eligibles whose name or  
 29 names appeared on the original certification list; in such event, the Personnel Officer shall  
 30 certify, subject to the conditions set forth under Section 16-168(d), a new set of eligibles to the  
 31 appointing authority in accordance with the procedures stipulated in Subsections (a) and (c) of

1 this Section from the applicable eligibility register or, as provided in Section 16-167, from an  
2 alternative eligibility register.]

3 (e) [The Personnel Officer shall withhold the name of any eligible from any certification  
4 list derived from an established eligibility register under the procedures stipulated in Subsections  
5 (a), (c), and (d) of this Section under any one (1) of the following sets of circumstances:]

6 [(1) Where the vacant position or positions for which the certification list is to be  
7 derived by the Personnel Officer represent conditions which an eligible whose name appears on  
8 the applicable eligibility register has stated on the examination application form as unacceptable  
9 for purposes of promotion or appointment, as appropriate; or,]

10 [(2) Where an appointing authority has requested, pursuant to Section 16-168(e), that  
11 the name of a particular eligible be withheld from any future certification lists associated with  
12 vacant positions in the same class of work after said appointing authority had previously  
13 considered said eligible on the basis of three (3) separate certification lists associated with three  
14 (3) separate vacant positions in said class of work; in such event, the Personnel Officer shall  
15 comply with the request of the appointing authority subject to the conditions set forth under  
16 Section 16-168(e).] An appointing authority may request, in writing, that the Personnel Officer  
17 withhold from certification the name of any eligible whom the appointing authority had  
18 previously considered for at least one (1) vacant position in the same class of work within the  
19 past three (3) years. Upon the approval of the Personnel Officer, the name of such eligible shall  
20 be withheld from the certification list forwarded to the appointing authority with respect to any  
21 vacant position within the particular class of work, unless and until the appointing authority  
22 rescinds such request.

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

24 (a) As stipulated in Section 16-166, the Personnel Officer shall derive each certification  
25 list from the eligibility register established to fill a vacant position or positions in a particular  
26 class of work. However, if at the time of [certification] personnel requisition to fill a position,  
27 the appropriate eligibility register has not been established or the appropriate eligibility register,  
28 although established, does not contain the names of a sufficient number of eligibles to permit  
29 certification therefrom, the Personnel Officer may derive the necessary certification list from an  
30 alternative eligibility register.

31 \* \* \* \* \*

**Sec. 16-168. Consideration of eligibles.**

(a) The Personnel Officer shall establish procedures for the consideration of eligible applicants. [Upon the receipt of any certification list from the Personnel Officer under the procedures set forth in Section 16-166(a), (c), or (d), above, each appointing authority shall first attempt to notify, by telephone communication, each eligible whose name appears on any such certification list for the purpose of scheduling a personal interview with each such eligible. In the event that the appointing authority is unable to contact any such eligible by telephone communication, the appointing authority shall, in such event, forward an appropriate written notice by certified mail (return receipt) to any such eligible requesting such eligible to contact the appointing authority within a specified period of time for purposes of scheduling a personal interview. Each appointing authority shall be required to conduct or cause to be conducted a personal interview with each such eligible prior to taking any final action to promote or appoint, as appropriate, any such eligible or eligibles to the vacant position or positions for which the certification list was derived by the Personnel Officer, unless any such eligible:]

[(1) Fails to respond to the written notice of the appointing authority within the time period specified in such notice for response; or,]

[(2) Declines the request for personal interview in response to the verbal or written notice of the appointing authority.]

[(b) However, in the case of any such certification list which was derived from an eligibility register whereon the names of eligibles were ordered on the basis of nominal ratings, the appointing authority shall only be required to notify and attempt to interview five (5) eligibles whose names appear thereon, or not less than five percent (5%) of the total number of eligibles thereon, whichever is greater.]

[(c) In the event an appointing authority finds that the number of names on any certification list has been depleted due to declinations or failures to respond by eligibles thereon such that there are less than five (5) eligibles on the certification list to consider for promotion or appointment, as appropriate, to each vacant position for which the certification list was derived by the Personnel Officer, the appointing authority may request that the Personnel Officer certify the names of a sufficient number of additional eligibles to insure that the appointing authority is able to consider five (5) eligibles for each vacant position. In the event that there are not a sufficient number of additional eligibles on the applicable eligibility register, or on an alternative

1 eligibility register, to accommodate such additional certification, the appointing authority may  
2 then elect to:]

3 [(1) Promote or appoint, as appropriate, any eligible or eligibles remaining on the  
4 certification list to the vacant position or positions; or]

5 [(2) Request that the Personnel Officer announce another competitive promotional or  
6 recruitment examination, as appropriate, in order to secure an additional set of eligibles on the  
7 eligibility register sufficient to permit the derivation of another certification list.]

8 [(d) (1) In the event that an appointing authority does not promote or appoint, as  
9 appropriate, any of the eligibles whose names appeared on the certification list, the appointing  
10 authority may request that the Personnel Officer certify the names of an additional set of  
11 eligibles from the applicable eligibility register or from an alternative eligibility register.]

12 [(2) Any such request for the certification of additional eligibles by an appointing  
13 authority shall be accompanied by a written statement which identifies the reasons for such  
14 request.]

15 [(3) The Personnel Officer shall review each such written statement of reasons  
16 submitted by the appointing authority, as required under paragraph (d)(2), above, and shall  
17 disapprove any such request for the certification of additional eligibles where the Personnel  
18 Officer finds that:]

19 [(A) The appointing authority did not interview, or attempt to interview, each  
20 eligible whose name appeared on the original certification list;]

21 [(B) The appointing authority's request for the certification of the names of an  
22 additional set of eligibles is intended solely as a means to reach a particular eligible on the  
23 eligibility register; and/or,]

24 [(C) The reasons set forth in the written statement of the appointing authority are  
25 clearly arbitrary and capricious or illegal.]

26 [(4) Where the Personnel Officer approves such request pursuant to Section 16-  
27 166(d)(3), above, but is unable to certify the names of an additional set of eligibles due to an  
28 insufficient number of such eligibles on the applicable eligibility register or on an alternative  
29 eligibility register, the appointing authority may then elect to:]

30 [(A) Reconsider the request and promote or appoint, as appropriate, an eligible or  
31 eligibles from the original certification list; or,]

1 [(B) Request that the Personnel Officer announce another competitive  
2 promotional or recruitment examination, as appropriate, in order to secure an additional set of  
3 eligibles on the eligibility register sufficient to permit the derivation of another certification list.]

4 [(5) Where the Personnel Officer disapproves such request pursuant to Section 16-  
5 167(d)(3), above, the appointing authority shall promote or appoint, as appropriate, an eligible or  
6 eligibles from the original certification list.]

7 [(e) Eligibles Withheld Where Previously Considered.

8 (1) An appointing authority may request that the Personnel Officer withhold from any  
9 certification list, the name of any eligible whom the appointing authority had previously  
10 considered, under the provisions stipulated in Subsection (a), above, on the basis of three (3)  
11 separate certification lists associated with three (3) separate vacant positions in the same class of  
12 work.]

13 [(2) Any such request for the withholding of an eligible's name from a certification list  
14 by an appointing authority shall be accompanied by a written statement which identifies the  
15 reasons for such request.]

16 [(3) The Personnel Officer shall review each such written statement of reasons  
17 submitted by the appointing authority, as required under paragraph (e)(2), above, and shall  
18 disapprove any such request for the withholding of the name of a particular eligible from any  
19 such subsequent certification list where the Personnel Officer finds that:]

20 [(A) The appointing authority did not comply with the provisions of paragraph  
21 (e)(1), above; and/or,

22 (B) The reasons set forth in the written statement of the appointing authority are  
23 clearly arbitrary and capricious or illegal.]

24 [(4) Where the Personnel Officer approves such request pursuant to Section 16-  
25 166(e)(2), above, the name of any such eligible shall be withheld from any future certification  
26 list forwarded to the appointing authority with respect to any vacant position within the particular  
27 class of work for which said eligible had been previously considered by the appointing authority,  
28 unless and until such request has been rescinded by the appointing authority.

29 (f) (b) Adherence to [Affirmative Action]Equal Employment Opportunity Plans.

30 [(1)] In the process of considering an eligible or eligibles on a certification list for  
31 promotion or appointment, as appropriate, to a vacant position or positions in the classified

1 service, [as provided in Subsection (a) of this Section,] each appointing authority shall adhere to  
 2 the selection goals and timetables established in the [appointing authority's] County's current  
 3 [affirmative action] equal employment opportunity plan, said plan being developed and approved  
 4 in accordance with the procedures set forth in the executive order required to be issued under  
 5 Section 16-109(b). In addition to such other duties and responsibilities as are assigned under the  
 6 aforesaid executive order, the Personnel Officer shall be responsible for continually monitoring  
 7 each appointing authority's adherence to the County's equal employment opportunity [appointing  
 8 authority's affirmative action] plan in the process of selecting eligibles from certification lists for  
 9 promotion and appointment.

10 [(2) In any case where the Personnel Officer has forwarded a certification list to an  
 11 appointing authority containing the names of eligibles who, if promoted or appointed, as the case  
 12 may be, would assist the appointing authority in meeting the selection goals and timetables  
 13 established in the appointing authority's affirmative action plan, and where the appointing  
 14 authority subsequently proposes to select an eligible or eligibles other than any of the aforesaid  
 15 eligibles, the appointing authority shall, in such event, forward a written statement of reasons  
 16 therefor to the Personnel Officer only if any of the aforesaid eligibles had been assigned ratings  
 17 equal or equivalent to the rating of the eligible or eligibles proposed for selection.]

18 [(3) The Personnel Officer shall review any such written statement of reasons as  
 19 submitted by an appointing authority under the requirements of paragraph (f)(2), above, and shall  
 20 disapprove the proposed selection of the eligible or eligibles in question where the Personnel  
 21 Officer finds that the reasons set forth in the written statement of the appointing authority are  
 22 clearly arbitrary and capricious or illegal.]

## 23 **DIVISION 9. PROBATION.**

### 24 **Sec. 16-169. Probation policy.**

25 (a) The probationary period applicable to certain employees upon appointment and  
 26 reappointment to vacant positions in the classified service [, as defined in Section 16-  
 27 102(a)(36),] shall be regarded as the final stage in the examination process of said employees  
 28 and, as such, shall constitute that period of time during which the appointing authority and,  
 29 where applicable, the supervisor, shall closely observe and review the work of each such  
 30 employee for the purpose of determining whether each such employee demonstrates the ability  
 31 and aptitude to satisfactorily perform the duties, tasks, and responsibilities of the position on a

1 routine [an] and continual basis.

2 (b) The Personnel Officer shall develop personnel procedures [, as defined in Section 16-  
3 102(a)(32),] which specify the duration of the probationary period for each class of work  
4 established in the classified service, except for uniformed employees occupying public safety  
5 classes of work within the Police, Fire, and Sheriff's Departments.

6 \* \* \* \* \*

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

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

13 (b) Any disciplinary action, other than dismissal, initiated and taken by an appointing  
14 authority or supervisor against a probationary status employee, as provided in Subsection (a),  
15 above, which constitutes an adverse action[, as defined in Section 16-102(a)(1),] shall be  
16 processed in accordance with the procedures stipulated under Section 16-201(a).

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

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

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

29 (3) The appointing authority shall, upon presentation of a written notice of dismissal,  
30 provide the employee with a written statement of reasons for the dismissal.



**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 Personnel Officer 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[, the appointing authority may request approval from the Personnel Officer for an extension of the 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.

[(2)](c) Any such request for an extension of an employee's probationary period, as provided in subparagraph (b)[(1)], above, shall be:

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

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

[(C)](3) Delivered to the Personnel Officer in advance of the expiration of the employee's probationary period.

[(3)](d) Upon receipt of any such request from an appointing authority, the Personnel Officer shall approve the request if the Personnel Officer finds that the request satisfies the conditions stipulated in subparagraph (b)[(1)], above, and has been submitted in accordance with the procedures stipulated in paragraph [(b)(2)](c), above; provided, however, that the Personnel Officer 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.

[(4)] (e) In the event that the Personnel Officer approves a request for an extension of

1 an employee's probationary period, the employee in interest shall be converted to permanent  
 2 status, as provided in Subsection (a), above, as of the effective date of the expiration of such  
 3 extension period, unless the employee is dismissed prior to the expiration of such extension  
 4 period.

5 **Sec. 16-173. Appeals.**

6 Notwithstanding the provisions of Sections 16-200 and 16-201, a probationary status  
 7 employee shall only be entitled to appeal an adverse action [, as defined in Section 16-102(a)(1)],  
 8 and shall only be entitled to initiate a grievance [, as defined in Section 16-102(a)(28),] where  
 9 any such employee alleges that the basis of removal or acts of an appointing authority  
 10 constituting the basis of a grievance as the case may be, were illegal or that a written statement  
 11 as required under Section 16-171(c)(3) was not provided the employee.

12 **DIVISION 10. EMPLOYEE STATUS.**

13 **Sec. 16-174. Employee status upon appointment.**

14 (a) Probationary Status Employee. A probationary status employee shall mean any  
 15 employee who is [competitively or noncompetitively] newly appointed or reappointed to a  
 16 position in the classified service and who [, by virtue of said appointment,] is [in the process of  
 17 serving the prescribed] required to complete a probationary period [as defined in Section 16-  
 18 102(a)(36)] unless otherwise provided under this Subtitle. All probationary status employees  
 19 shall be entitled to the rights and benefits specifically granted to permanent status employees  
 20 under the provisions of this Subtitle except as provided under Section 16-173 with respect to  
 21 appeal and grievance rights and under Section 16-188 with respect to retention rights under a  
 22 separation-reduction-in-force action.

23 (b) Permanent Status Employee.

24 (1) A permanent status employee shall mean any employee who [is competitively or  
 25 noncompetitively appointed to a position in the classified service, and who is converted to  
 26 permanent status as of the expiration of the employee's prescribed] has satisfactorily completed a  
 27 probationary period in accordance with [the provisions of Section 16-172] personnel procedures  
 28 developed pursuant to this Subtitle. All permanent status employees shall be entitled to all the  
 29 rights and benefits granted under the provisions of this Subtitle to classified service employees.

30 [(c) Temporary/Provisional and Temporary/Emergency Status Employees. A temporary/  
 31 provisional or temporary/emergency status employee shall mean any employee who is

1 noncompetitively appointed to a classified service position under the provisions of Section 16-  
 2 148(a)(11) and (12), respectively. All temporary/provisional and temporary/emergency status  
 3 employees shall be in the exempt service and, as such, shall only be entitled to those benefits  
 4 granted under Section 16-179 to exempt status employees.]

5 **Sec. 16-175. Employee status upon reallocation.**

6 [(a) Whenever the Personnel Officer reallocates a classified service position to a class with  
 7 a higher grade, the incumbent thereof shall be noncompetitively promoted to the reallocated  
 8 position as provided in Section 16-148(a)(7)(A).]

9 [(b) Whenever the Personnel Officer reallocates a position to a class with a lower grade, the  
 10 appointing authority shall attempt to transfer the incumbent thereof to a vacant position. If such  
 11 a transfer cannot be effectuated due to the unavailability of a vacant position, or due to the fact  
 12 that the proposed transfer does not meet the conditions stipulated in Section 16-148 (a)(3) or (4),  
 13 as the case may be, the incumbent thereof shall be demoted to the reallocated position in  
 14 accordance with the provisions of Sections 16-148(a)(6)(B) and 16-201(a).] When the Personnel  
 15 Officer reallocates an incumbered, classified service position to a higher or lower grade of work,  
 16 the incumbent of the position will remain a permanent status employee in accordance with  
 17 applicable personnel procedures.

18 **Sec. 16-176. Employee status upon reclassification.**

19 Whenever an established class of work in the Classification Plan is revised through  
 20 reclassification [, as defined in Section 16-102(a)(44),] by assigning a different grade to said  
 21 class, such reclassification shall be applicable to all incumbents of positions allocated to said  
 22 class, as revised.

23 **Sec. 16-177. Employee status upon classification.**

24 Whenever the Classification Plan is amended through classification [, as defined in Section  
 25 16-102(a)(12),] by abolishing an established class of work, such classification shall abolish all  
 26 positions allocated to said class. All incumbents of positions which are abolished through such  
 27 classification action [, as provided in the preceding sentence of this Section,] shall be separated  
 28 from their positions in accordance with the separation-reduction-in-force procedures set forth in  
 29 Section 16-188.

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

31 (a) An exempt status employee shall mean any employee [occupying a temporary/seasonal

or permanent, exempt service position, as defined in Section 16-119, and any employee occupying a classified service position under the terms of a temporary/provisional or temporary/emergency appointment as provided under Section 16-148(a)(11) and (12), respectively] 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 [competitive or noncompetitive] appointment.

(c) Any exempt status employee who acts in the capacity of an appointing authority [, as defined in Section 16-102(a)(5),] shall be governed by any provision of this Subtitle which:

\* \* \* \* \*

#### **DIVISION 11. PERFORMANCE.**

##### **Sec. 16-182. Performance evaluation policy.**

(a) [Solely as] As a means to insure that each employee's performance is evaluated [, at a minimum, on periodic intervals] on a regular basis during the employee's course of employment, [it shall be the responsibility of] the Personnel Officer shall establish [to develop and maintain an employee] a performance [evaluation] management system [which, at a minimum,] that shall:

(1) [Provide for aggregate performance ratings equivalent to "less than satisfactory," "satisfactory," and "more than satisfactory" for each employee during the probationary period and, at a minimum, on an annual basis thereafter;

(2)] Require that all appointing authorities develop and maintain performance criteria for each position under their respective jurisdictions and [that said performance criteria, as developed, provide the basis for an accurate and current measurement of each employee's performance in relation to the duties, tasks, and responsibilities of the position occupied by the employee] use such criteria to measure employee performance;

[(3) Require that each employee is advised by the employee's appointing authority of the performance criteria developed for the employee's position and is afforded an opportunity to comment on said criteria prior to the final promulgation thereof by the appointing authority; and,

(4) Require that all appointing authorities review and, where necessary, update, the performance criteria developed for each position under their respective jurisdictions on at least an annual basis, and afford the incumbent of each such position the opportunity to comment on any revisions thereto prior to the finalization thereof.]

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

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

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

6 **Sec. 16-183. Time of performance evaluations.**

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

16           (b) [Permanent Status Employees. An official performance evaluation shall be prepared  
 17 by an appointing authority for each permanent status employee under the appointing authority's  
 18 jurisdiction on an annual basis in advance of each such employee's anniversary date.]

19           [(c) Exception as to Promotions and Demotions. An official performance evaluation shall  
 20 be prepared by each appointing authority at the time any employee is promoted or demoted from  
 21 a position under the appointing authority's jurisdiction. Subsequent performance evaluations of  
 22 any such employee shall be prepared thereafter based upon the employee's new anniversary  
 23 date.] An employee and the employee's immediate supervisor shall meet periodically to evaluate  
 24 the employee's progress in meeting performance standards.

25 **Sec. 16-184. Discussion with employee.**

26           [(a) Each official performance evaluation prepared by an appointing authority for a  
 27 probationary and permanent status employee under the appointing authority's jurisdiction, as  
 28 provided in Section 16-183, above, shall be discussed with each such employee no less than five  
 29 (5) working days in advance of the date of finalization thereof by the appointing authority.]

30           [(b) Each employee described in Subsection (a), above, shall be entitled to respond in  
 31 writing to each official performance evaluation no later than five (5) working days after the date

1 the appointing authority discusses said evaluation with the employee.]

2 [(c) After reviewing any written comments by an employee with respect to an official  
3 performance evaluation, as provided in Subsection (b), above, the appointing authority and the  
4 employee shall sign the performance evaluation so as to indicate that said evaluation had been  
5 discussed with the employee and had been finalized; provided however, that such signature by  
6 the employee shall not be construed as an indication that the employee concurs with any such  
7 performance evaluation.]

8 [(d) Upon the finalization of each official performance evaluation, as provided in  
9 Subsection (c), above, the appointing authority shall provide both the employee and the  
10 Personnel Officer with a final copy of such evaluation and a copy of the written comments of the  
11 employee thereon, if any.]

12 [(e) In order to insure that official performance evaluations are prepared, received, and  
13 discussed with employees in the most accurate and adequate manner, the Personnel Officer shall  
14 develop personnel procedures, as defined in Section 16-102(a)(32), governing:]

15 [(1) The functions of supervisors in the process of the preparation of official  
16 performance evaluations and in the discussion thereof with employees;]

17 [(2) The joint evaluation of employees by two (2) appointing authorities where any  
18 employee is promoted, demoted, or transferred to a vacant position in a different department,  
19 agency, or office during the employee's probationary period or during any twelve (12) month  
20 period thereafter;]

21 [(3) The content and format of performance criteria evaluation forms; and,]

22 [(4) The exact dates for the preparation and submission of official performance  
23 evaluations.] The supervisor must discuss the performance evaluation with the employee prior to  
24 finalizing and allow five (5) working days for his/her comments.

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

26 (a) Probationary Status Employees. [Unless a probationary status employee is dismissed  
27 in advance of the expiration of the employee's prescribed probationary period, the official  
28 performance evaluation of any such employee, as required under Section 16-183(a), above, shall  
29 constitute the basis for:] Immediately prior to the completion of the required probationary period  
30 for an employee, the employee's supervisor shall conduct a performance evaluation of the  
31 employee.

(1) [The conversion of any such employee to permanent status in accordance with the provisions of Section 16-172, if such performance evaluation stipulates an aggregate employee rating equivalent to "satisfactory" or "more than satisfactory;"] 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) [The demotion of any such employee, or the step-rate reduction of any such employee's salary, in accordance with the applicable provisions of Sections 16-194, 16-195, and 16-201, based on an official performance evaluation stipulating an aggregate employee rating equivalent to "less than satisfactory;" or,]

[(3) The dismissal of any such employee in accordance with the applicable provisions of Sections 16-194, 16-195, and 16-201, if such performance evaluation stipulates an aggregate employee rating equivalent to "less than satisfactory."] 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 [, as required under Section 16-183(b), above,] shall constitute the basis for [the following actions with respect to any such employee:] 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) ["More Than Satisfactory" Rating. Whenever a permanent status employee receives an aggregate performance rating equivalent to "more than satisfactory," the employee:

(A) Shall be granted a merit step rate increase in accordance with the provisions of Section 16-129;

(B) Shall be granted three (3) points for an official performance rating equivalent to "outstanding" and two (2) points for an official performance rating equivalent to "exceeds satisfactory" on the retention register applicable to the employee in accordance with the provisions of Section 16-188; and,

(C) The employee's appointing authority may approve the grant to the employee of an additional incentive award of the accrual of up to three (3) days annual leave in accordance with Section 16-220(d);] Employees receiving overall performance evaluations equivalent to outstanding will receive three retention points;

(2) ["Satisfactory" Rating. Whenever a permanent status employee receives an aggregate performance rating equivalent to "satisfactory," the employee shall be:

(A) Granted a merit step increase in accordance with the provisions of Section 16-129; and,

(B) Granted one (1) point on the retention register applicable to the employee in accordance with the provisions of Section 16-188.] Employees receiving overall performance evaluations equivalent to more than satisfactory will receive two retention points;

(3) ["Less Than Satisfactory" Rating. Whenever a permanent status employee receives an aggregate performance rating equivalent to "less than satisfactory," the employee shall be granted a point value of zero (0) on the retention register applicable to the employee and shall be placed in the second priority category in accordance with the provisions of Section 16-188, and, upon the determination of the employee's appointing authority:

(A) May remain in the position occupied if the reasons causing the "less than satisfactory" rating can be expected to be corrected under close supervision;

(B) May be demoted to another position, or reduced in salary by a step-rate reduction, in accordance with the applicable provisions of Sections 16-194, 16-195, and 16-201; or,

(C) May be dismissed in accordance with the applicable provisions of Sections 16-194, 16-195, and 16-201.] Employees receiving overall performance evaluations equivalent to satisfactory will receive one retention point;

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

## **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



1 coerced to resign in lieu of the taking of any authorized disciplinary action by an appointing  
 2 authority against the employee whenever such disciplinary action is warranted. [Any such  
 3 resignation shall be effectuated in writing and shall be signed by the employee in interest.] A  
 4 written resignation signed by the employee shall be submitted at least fourteen (14) calendar  
 5 days in advance of the effective date of the resignation [, except as provided under Section 16-  
 6 220(j)].

7 \* \* \* \* \*

#### 8 **Sec. 16-188. Separation -- reduction-in-force.**

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

11 \* \* \* \* \*

12 (5) Where an appointing authority requests that a position or positions under the  
 13 appointing authority's jurisdiction be abolished during any fiscal year and the Personnel Officer  
 14 authorizes such request [in accordance with the provisions of Section 16-116(b)(4)]; or,

15 \* \* \* \* \*

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

20 (1) The Personnel Officer shall suspend the filling of any vacant position within the  
 21 classes of work to be affected by the scheduled reduction-in-force action, and may, in his  
 22 discretion, suspend all lower graded classes within all class series [of which said affected classes  
 23 are a part, by any of the methods authorized under Sections 16-147 and 16-148,] from the date  
 24 the Personnel Officer is advised of the scheduled abolition of the position or group of positions  
 25 until the effective date of the separation of an employee or employees under the separation --  
 26 reduction-in-force action. Such action will not preclude the transfer to any existing vacant  
 27 position of an individual who would otherwise be subject to reduction-in-force.

28 \* \* \* \* \*

29 (h) Whenever a department or agency receives a reduction in grant funds appropriated for  
 30 a particular program or purpose that requires a reduction-in-force, such action may be limited to  
 31 employees occupying positions who 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 Personnel Officer, that unit or division shall constitute a single "department, agency, or office" for purposes of effecting a reduction-in-force.

**Sec. 16-189. Separation -- disability.**

\* \* \* \* \*

(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 [maximum] 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 result 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 [shall] may then proceed to terminate the employee under a separation -- disability action, subject to the provisions of Section 16-201(a).

\* \* \* \* \*

**Sec. 16-190. Separation - mandatory retirement.**

[(a) No permanent status employee shall continue in County service beyond any such employee's seventieth (70th) birthday.

(b) Notwithstanding the requirements of Subsection (a), above, any permanent status employee may continue in County service beyond such employee's seventieth (70th) birthday if any such employee is granted extensions beyond such date in accordance with and subject to, the provisions of Section 11 of Article 73B of the Annotated Code of Maryland.

(c) Notwithstanding the provisions of Subsection (a), above, no] 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.

**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.

**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,

1 against any employee under their respective jurisdictions where any such employee has  
 2 committed an act or acts which constitute a violation(s) or failure(s) to comply with any duty,  
 3 obligation, or requirement imposing a standard of conduct or behavior on such employee by  
 4 virtue of the provisions of any criminal or civil law or statute or any rule or regulation authorized  
 5 and promulgated pursuant thereto, provided any such violation(s) or act(s) of noncompliance:

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

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

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

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

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

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

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

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

29 (3) The appointing authority may fine the employee in an amount not to exceed [three  
 30 percent (3%)] five percent (5%) of the employee's base annual salary for any one (1) violation or  
 31 act of noncompliance, provided that such fine, so imposed, may, at the employee's option, so

1 long as the employee is employed by the County, be withheld from the employee's biweekly  
 2 paychecks, until paid, in increments not to exceed [three percent (3%)] five percent (5%) of the  
 3 employee's gross biweekly wages;

4 (4) The appointing authority may cause the employee to be suspended [, as defined in  
 5 Section 16-102(a)(61)];

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

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

11 ([5]7) The appointing authority may cause the employee to be dismissed[, as  
 12 defined in Section 16-102(a)(19)].

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

18 (1) Dismissal. The dismissal of an employee shall constitute the most severe type of  
 19 all authorized disciplinary actions. The dismissal of an employee shall be taken only when the  
 20 act or acts of the employee which constitute the grounds for disciplinary action are, in the  
 21 judgment of the employee's appointing authority, serious in nature. In deciding whether any act  
 22 or acts of the employee are of a sufficiently serious nature to warrant dismissal, the employee's  
 23 appointing authority shall rely upon any one (1) of the following criteria as justification for the  
 24 taking of a dismissal action against an employee:

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

- 26 (i) Abandonment of the employee's position;
- 27 (ii) Commission of a crime for which a court sentences an employee to
- 28 confinement for six (6) months or more so as to prohibit the performance of the employee's
- 29 normal duties;
- 30 (iii) Theft of County property;
- 31 (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

1 employee's conduct constitutes grounds for such disciplinary action as set forth in Subsection  
 2 (c)(2), above. In deciding whether an employee's salary should be reduced in lieu of demotion,  
 3 the employee's appointing authority or supervisor, as the case may be, shall make the  
 4 determination based upon an evaluation that there is no appropriate available vacant position to  
 5 which the employee could be demoted, or that the employee's conduct will improve under  
 6 continued close supervision in the same position. After an employee's appointing authority or  
 7 supervisor, as the case may be, has determined that the employee's conduct constitutes grounds  
 8 for disciplinary action as set forth in Subsection (c)(2), above, the appointing authority shall be  
 9 justified in causing the employee's salary by an amount not to exceed ten percent (10%).

10 ([2]4) Suspension. The suspension of an employee shall constitute the type of  
 11 authorized disciplinary action which shall generally be considered to be less severe in nature than  
 12 a dismissal action, a demotion, or a salary reduction yet more severe in nature than the issuance  
 13 of a written reprimand to an employee. In deciding whether the act or acts of the employee  
 14 which constitute the grounds for disciplinary action are of such a nature as to warrant suspension,  
 15 the appointing authority shall rely upon any one (1) of the following criteria as justification for  
 16 the taking of a suspension action against an employee:

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

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

25 (ii) Where the finding of clear evidence of wrongful conduct as required  
 26 under subparagraph [(c)(2)] (c)(4)(A)(i), above, is predicated on an investigation or inquiry of  
 27 the alleged crime by the employee's appointing authority, the employee shall be placed on  
 28 administrative leave, as authorized under Section 16-222, during the period of such investigation  
 29 or inquiry and prior to the effective date of any subsequent suspension resultant therefrom; and,

30 (iii) Any such suspension shall remain in effect until the employee's guilt or  
 31 innocence with respect to such alleged crime has been determined by a trial court and, on the

1 basis of such court determination, the employee's appointing authority shall either revoke the  
2 suspension and return the employee to a duty and pay status, including restoration of back salary  
3 and leave benefits, or proceed to dismiss the employee, whichever is warranted;

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

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

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

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

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

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

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

31 (iii) Any such suspension shall not require the presentation of an advanced,



1 written statement of charges to the employee by the employee's appointing authority as would  
 2 otherwise be required under the provisions of Section 16-201(a) governing the procedures for the  
 3 processing of adverse actions against employees and employee appeals therefrom.

4 ([3]5) Forfeiture of Accrued Annual Leave. The requirement that an employee forfeit  
 5 accrued annual leave days shall constitute the type of authorized disciplinary action which shall  
 6 generally be considered to be comparable in severity to the suspension of an employee where an  
 7 employee commits an act or acts which would justify a suspension under the provisions of  
 8 paragraph [(c)(2)] (c)(4), above. In deciding whether an employee should be required to forfeit  
 9 accrued annual leave days in lieu of a suspension as would otherwise be justified under the  
 10 provisions of paragraph [(c)(2)] (c)(4), above, the employee's appointing authority shall make  
 11 such determination based upon an evaluation of the effect the employee's absence from work  
 12 would have on the operations of the appointing authority's department, agency, or office. Where  
 13 the employee's appointing authority determines that the absence of an employee from work  
 14 under a suspension action would cause a detrimental effect on the operations of the department,  
 15 agency, or office in terms of undue losses in the efficiency of operations or a curtailment in the  
 16 provisions of services to the general public, the appointing authority shall be justified in causing  
 17 the employee to forfeit accrued annual leave days in an amount equal to the number of days the  
 18 employee would have been otherwise suspended under and subject to the conditions set forth in  
 19 paragraph[(c)(2)] (c)(4), above; provided, however, that no such forfeiture of accrued annual  
 20 leave by an employee shall be in an amount in excess of the numbers of annual leave days the  
 21 employee had accrued as of the effective date of any such action.

22 ([4]6) Fine. The requirement that an employee pay a monetary fine shall constitute the  
 23 type of authorized disciplinary action which shall generally be considered to be comparable in  
 24 severity to the suspension of an employee where an employee commits an act or acts which  
 25 would justify a suspension under the provisions of paragraph [(c)(2)] (c)(4), above, and may be  
 26 used as an alternative to suspension or forfeiture of accrued annual leave. When a fine is  
 27 imposed in lieu of suspension or forfeiture of accrued annual leave, the appointing authority shall  
 28 be justified in requiring the employee to pay such fine in an amount not greater in value than the  
 29 number of days the employee would have been otherwise suspended under and subject to the  
 30 conditions set forth in paragraph [(c)(2)] (c)(4), above, or the amount of accrued annual leave the  
 31 employee would have otherwise been caused to forfeit under and subject to the conditions set

1 forth in paragraph [(c)(3)] (c)(5), above; provided, however, that in no case may an employee be  
 2 required to pay a monetary fine in an amount in excess of [three percent (3%)] five percent (5%)  
 3 of said employee's base annual salary.

4 [(5)7] Written Reprimand.

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

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

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

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

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

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

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

27 (a) Grounds. An appointing authority may initiate and take, or a supervisor may initiate,  
 28 any of the disciplinary actions set forth in Subsection (b), below, against any employee under  
 29 their respective jurisdictions where the appointing authority makes a determination that any such  
 30 employee's performance has become "less than satisfactory" with respect to the execution of any  
 31 or all of the duties, tasks, and/or responsibilities set forth in the employee's position description.

1 In determining whether an employee's performance has become "less than satisfactory" to a  
 2 degree which warrants disciplinary action, the employee's appointing authority shall rely upon  
 3 any one (1) of the following criteria as justification for the taking of any of the disciplinary  
 4 actions set forth in Subsection (b), below:

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

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

13 (3) Where the employee loses or fails to maintain any of the requirements or  
 14 standards set forth in the qualification requirements statement, as defined in Section 16-  
 15 102(a)(39), applicable to the employee's position.

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

21 [(1) The appointing authority may cause the employee to be demoted, as defined in  
 22 Section 16-102(a)(16), and subject further to the provisions of Section 16-148(a)(6);

23 (2) The appointing authority may reduce the employee's salary by an amount equal to  
 24 one (1) step rate within the applicable salary range, as defined in Section 16-102(a)(54). Under  
 25 no circumstance shall an employee's salary be reduced in this manner to a step rate which is less  
 26 than the entry rate of the applicable salary range;]

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

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

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

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

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

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

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

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

16                  [(3)7] The appointing authority may cause the employee to be dismissed[, as defined  
 17 in Section 16-102(a)(19)].

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

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

30                  (A) The employee's appointing authority or supervisor, as the case may be, has  
 31 made a reasonable effort to counsel the employee with respect to the employee's performance

1 and has afforded the employee a reasonable opportunity to take remedial actions with respect  
2 thereto; and,

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

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

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

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

25 (3) [Step] Salary Reduction. The requirement that an employee's salary be reduced  
26 [the equivalent of one (1) step rate] by an amount not to exceed ten percent (10%) shall  
27 constitute the type of performance related disciplinary action which shall generally be considered  
28 to be comparable in severity to demotion where an employee's appointing authority or  
29 supervisor, as the case may be, has determined that the employee's performance constitutes  
30 grounds for such disciplinary action. In deciding whether an employee's salary should be  
31 reduced [the equivalent of one (1) step rate] by an amount not to exceed ten percent (10%) in lieu

1 of demotion, the employee's appointing authority or supervisor, as the case may be, shall make  
 2 the determination based upon an evaluation that there is no appropriate available vacant position  
 3 to which the employee could be demoted, or that the employee's performance will improve under  
 4 continued close supervision in the same position. After an employee's appointing authority or  
 5 supervisor, as the case may be, has determined that the employee's performance constitutes  
 6 grounds for disciplinary action as set forth in Subsection (a), above, the appointing authority  
 7 shall be justified in causing the employee's salary to be reduced the equivalent of one (1) step  
 8 rate, provided that:

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

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

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

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

28 (B) Where the employee's appointing authority or supervisor has issued two (2)  
 29 or more related, written reprimands to the employee and where the issuance of such reprimands  
 30 has not resulted in the cessation of the act or acts of the employee which constituted the grounds  
 31 for the issuance of the written reprimands in the first instance, the employee may be suspended

1 for a period not to exceed ten (10) working days, provided that the foregoing shall not be  
2 construed to prevent the employee's appointing authority from suspending the employee  
3 following the issuance of one (1) written reprimand to the employee where:

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

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

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

28 (6) Fine. The requirement that an employee pay a monetary fine shall constitute the  
29 type of authorized disciplinary action which shall generally be considered to be comparable in  
30 severity to the suspension of an employee where an employee commits an act or acts which  
31 would justify a suspension under the provisions of paragraph (c)(4), above, and may be used as

1 an alternative to suspension or forfeiture of accrued annual leave. When a fine is imposed in lieu  
 2 of suspension or forfeiture of accrued annual leave, the appointing authority shall be justified in  
 3 requiring the employee to pay such fine in an amount not greater in value than the number of  
 4 days the employee would have been otherwise suspended under and subject to the conditions set  
 5 forth in paragraph (c)(4), above, or the amount of accrued annual leave the employee would have  
 6 otherwise been caused to forfeit under and subject to the conditions set forth in paragraph (c)(3),  
 7 above; provided, however, that in no case may an employee be required to pay a monetary fine  
 8 in an amount in excess of five percent (5%) of said employee's base annual salary.

9 (7) Written Reprimand.

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

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

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

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

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

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



**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[employee's] employees in 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)(2)] (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[, as defined in Section 16-102(a)(1),] 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.

**DIVISION 14. GRIEVANCES, ADVERSE ACTIONS, AND APPEALS.**

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

(a) An employee shall be entitled to initiate a grievance [, as defined in Section 16-102(a)(28),] 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 Personnel Officer, as the case may be, constitutes a grievance, [as defined in Section 16-102(a)(28),] 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:

\* \* \* \* \*

(3) To Personnel Board.

\* \* \* \* \*

(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 .

**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:

\* \* \* \* \*

(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)[(2)] (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)[(2)(F)] (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.

\* \* \* \* \*

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

(1) Whenever any employee receives a final notice of an adverse action[, as defined in Section 16-102(a)(1),] authorized and taken against any such employee by the Personnel Officer, 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.

\* \* \* \* \*

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

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

\* \* \* \* \*

(5) Appeals Held in Abeyance.

(A) 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)[(2)]

(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.

\* \* \* \* \*

(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, [as defined in Section 16-102(a)(18),] 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.

\* \* \* \* \*

**Sec. 16-205. Reimbursement for employee legal fees and/or court costs.**

\* \* \* \* \*

(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. [Any such final order may be appealed to the Circuit Court by any aggrieved party to the proceedings before the Board in accordance with Section 16-204.]

\* \* \* \* \*

(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.

## **DIVISION 15. DEVELOPMENT AND INCENTIVES.**

### **Sec. 16-207. Employee training.**

(a) The Personnel Officer shall have the following general responsibilities with respect to employee training, subject to funding availability:

\* \* \* \* \*

(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; [and,]

(4) To develop and conduct[, on a continual basis,] a centralized employee counseling service designed to insure that all employees are aware of and are participating in,

1 applicable intradepartmental and interdepartmental training programs[.] ;and,

2 (5) To provide guidance to employees on available tools and resources to further  
 3 career growth and development.

4 \* \* \* \* \*

5 **Sec. 16-208. Employee health and safety.**

6 \* \* \* \* \*

7 (b) In addition to the responsibilities set forth in Subsection (a), above, the County  
 8 Executive or the County Executive's designee shall be responsible for developing and conducting  
 9 a medical examination program applicable to the following classes or groups of employees as a  
 10 qualification for such employee's initial appointment or reappointment, as the case may be:

11 (1) For any employee who is to be appointed to a position in a class of work which,  
 12 due to the nature of the duties, tasks, and responsibilities of said class of work as stipulated in the  
 13 applicable class [standard] specification, reasonably requires such employee to undergo a  
 14 medical examination to insure that such employee, if appointed, will not constitute a danger to  
 15 the employee, other employees, and/or members of the general public; and,

16 (2) For any employee seeking reappointment who has been previously separated from  
 17 County service under the provisions of Section 16-189(c) or (d) respecting disabilities.

18 **Sec. 16-209. Incentive [awards] program.**

19 (a) The Personnel Officer shall be responsible for maintaining an incentive awards  
 20 program for employees designed to improve the efficiency and economy of County government  
 21 by recognizing, through appropriate awards, the special talents, creativity, productivity, and  
 22 resourcefulness of employees.

23 (b) The incentive awards program may include provisions for appointing authorities to  
 24 recognize extraordinary performance by employees under their jurisdictions pursuant to agency  
 25 procedures approved by the Chief Administrative Officer. [Any award to an employee by the  
 26 employee's appointing authority under this Section may not exceed the value of One Thousand  
 27 Five Hundred Dollars (\$1,500.00) in any calendar year.]

28 (c) The incentive awards program may also include provisions for the nomination of  
 29 employees to receive, at the County Executive's discretion, County Executive awards for  
 30 distinguished or meritorious service. [Any award to an employee for distinguished or  
 31 meritorious service granted by the County Executive may not exceed the value of Three

1 Thousand Dollars (\$3,000.00) in any calendar year.]

2 (d) Any incentive award granted pursuant to this Section may be in the form of a gift, grant  
3 of annual leave, or nonbase salary payment [, provided that the value of any such award may not  
4 exceed the limits specified in Subsections (b) and (c), above].

5 (e) Pursuant to procedures promulgated by the Director, an appointing authority may  
6 recommend the additional accrual of annual leave days in any leave year for any eligible  
7 employee under the appointing authority's jurisdiction where the appointing authority believes  
8 the employee's performance justifies such award.

9 (f) Any revenue appropriated in any of the County's current expense budgets to support  
10 the incentive awards authorized by this Section shall be maintained in a special, nondepartmental  
11 or departmental account and no award authorized shall be granted in excess of the revenue  
12 appropriated in any fiscal year to support such program.

13 **Sec. 16-210. Tuition assistance program.**

14 [(a)] There is hereby established a Tuition Assistance Program for the purpose of providing  
15 tuition reimbursement to full- and part-time permanent status employees upon their successful  
16 completion of college-level courses attended at accredited institutions and related to the nature of  
17 such employee's duties, tasks, and responsibilities. The Tuition Assistance Program is designed  
18 to facilitate employee career development and upward mobility in the interests of quality public  
19 service and is subject to funding availability. The Tuition Assistance Program will be  
20 administered in accordance with established personnel procedures and will provide for the  
21 establishment of an oversight committee, development of criteria for participation and approval,  
22 and identification of available revenue .

23 [(b) There is hereby established a Tuition Assistance Program Committee (hereinafter  
24 referred to as the TAP Committee) composed of five (5) members who shall be appointed by the  
25 County Executive or the County Executive's designee and who shall be broadly representative of  
26 the County employee work force. The Personnel Officer's designee shall serve as chairperson of  
27 the TAP Committee. The term of office of each member of the TAP Committee shall be for two  
28 (2) years. No member of the TAP Committee shall serve more than two (2) consecutive terms.  
29 The preceding two (2) sentences of this paragraph shall not apply to the Personnel Officer or the  
30 Personnel Officer's designee.]

31 [(c) The TAP Committee shall be responsible for:

(1) Assisting the Personnel Officer in the development of personnel procedures, as defined in Section 16-102(a)(32), designed to fully acquaint employees with the tuition assistance program, to establish standards and criteria for the approval and disapproval of tuition reimbursement requests based upon the amount of revenue available in any fiscal year to support such requests, and to establish procedures for the submission, review, and approval or disapproval of tuition reimbursement requests; and,

(2) Subject to the provisions of Subsection (d), below, approving or disapproving, by a simple majority vote of its members, tuition reimbursement requests.]

[(d) Any revenue appropriated in any of the County's current expense budgets to support the tuition assistance program shall be maintained in a special, nondepartment account and no tuition reimbursement award shall be made in excess of the revenue appropriated in any fiscal year to support such program.]

**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 deferment plan and to obtain the tax advantages inherent in such a plan [similar to the advantages provided in tax sheltered voluntary income deferment plans specifically] as authorized by Section [403(b)] 457 of the Internal Revenue Code of [1954] 1986, as amended.

\* \* \* \* \*

**Sec. 16-213. Length of service awards.**

An appropriate [pin ] award shall be [awarded] given to each employee by the Personnel Officer upon each such employee's completion of the first five (5) years of County service, and an appropriate [pin] award of elevating value shall be awarded to each such employee for each subsequent five (5) year period of County service.

**DIVISION 16. PERSONNEL RECORDS.**

**Sec. 16-216. Official personnel records.**

\* \* \* \* \*

(b) Maintenance and Disposition.

(1) An official personnel file shall be established and maintained by the Personnel Officer 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



1 termination of County employment. Consistent with the provisions of Section 16-197 and any  
 2 other applicable law or regulation, the Personnel Officer shall develop personnel procedures[, as  
 3 defined in Section 16-102(a)(32),] providing for the designation and maintenance of all  
 4 employment records and documents in each employee personnel file as either temporary records  
 5 or permanent records. Said personnel procedures shall further provide for the disposal of  
 6 temporary records and the retention of permanent records.

7 \* \* \* \* \*

8 (e) The official personnel file includes any file that contains documents relating to  
 9 employment with the County, including, but not limited to, application, resumes, documentation  
 10 of disciplinary actions and related appeals, performance ratings and counseling forms, processed  
 11 employee actions[notification (EAN) forms], supervisor's report of injury, job-related letters of  
 12 commendation, training certificates, service awards, job-related personal information, and  
 13 personal information provided by the employee, such as emergency telephone numbers and next  
 14 of kin designations. Preemployment physical examination or fitness for duty examination  
 15 reports and evaluations, records of required vaccinations or related waivers, infectious disease  
 16 exposure reports, and benefit election and designation forms shall be maintained separately and  
 17 in a manner that protects the confidentiality of medical information relating to the employee. No  
 18 unofficial file shall be maintained without the express knowledge of the employee.

19 **Sec. 16-217.01. [Criminal penalties] Penalties; violations.**

20 Any person found to have violated any provision of Subtitle 16, Division 16, shall be fined  
 21 up to \$1,000.

22 **DIVISION 17. LEAVE.**

23 **Sec. 16-218. Administration of the leave program.**

24 The Personnel Officer shall be responsible for the administration of the leave program  
 25 established under this Division and, in furtherance thereof, shall develop personnel procedures [,  
 26 as defined in Section 16-102(a)(32),] to insure that the leave program is uniformly administered  
 27 within the various County departments, agencies, and offices.

28 **Sec. 16-219. Holiday leave.**

29 \* \* \* \* \*

30 (e) Leave Policy for Election Day. No regular or special holiday shall be observed on the  
 31 same day as a primary election, general election, or special election held for County or State

1 offices. On the aforesaid election days, a liberal annual leave policy shall be in effect.

2 Notwithstanding the provisions of Section 16-233 to the contrary, all collective bargaining  
3 agreements proposed for approval in accordance with Section 13A-109 for terms beginning on or  
4 after July 1, 1996, shall conform to the provisions of this Subsection in effect on the date that the  
5 collective bargaining agreement is executed by the County Executive.

6 \* \* \* \* \*

7 **Sec. 16-220. Annual leave.**

8 (a) General.

9 \* \* \* \* \*

10 (2) Annual leave for family and medical leave purposes as established in Section [16-  
11 225.02] 16-225.01 shall be approved by an employee's appointing authority pursuant to Section  
12 [16-225.02] 16-225.01.

13 \* \* \* \* \*

14 (d) [Additional Accrual as an Employee Award.

15 (1) Pursuant to procedures promulgated by the Personnel Officer, an appointing  
16 authority may recommend the additional accrual of from one (1) to three (3) days annual leave in  
17 any leave year for any eligible employee under the appointing authority's jurisdiction where the  
18 appointing authority believes the employee's performance justifies such award.

19 (e) Maximum Accumulation of Annual Leave.

20 (1) A maximum of 360 hours of accumulated annual leave earned beginning with the  
21 first pay period in Fiscal Year 1996, or such other amount established in an approved Salary Plan  
22 may be carried over from one (1) leave year to the next by an employee.

23 (2) An employee shall be allowed to carry over annual leave earned as of the last full  
24 pay period in Fiscal Year 1995, even if such accumulated amount is in excess of the maximum  
25 allowed in Subsection [(e)(1)] (d)(1), above.

26 (3) Annual leave hours in excess of the maximum allowed to be carried over to the  
27 next leave year [are forfeited] shall be converted to sick leave.

28 [(f)] (e) Annual Leave Day.

29 (1) An annual leave day shall mean a day when an employee would otherwise be  
30 required to work and receive pay, including regular and special holidays, sick leave days, and  
31 other nonwork days.

1 [(g)] (f) Charge Against Annual Leave.

2 (1) Charges against an employee's annual leave account shall be in even increments  
3 of one-half (1/2) hour for periods of time the employee is absent on approved annual leave.

4 [(h)] (g) Advancement of Annual Leave.

5 (1) Annual leave may be used by an employee only as earned, except that advance  
6 leave may be granted to an employee up to a maximum of ten (10) working days of leave at the  
7 discretion of the employee's appointing authority; provided however, that the combined total  
8 advance of annual and sick leave in any one (1) leave year shall not exceed ten (10) working  
9 days. If an employee is terminated from County service with a minus leave balance, the  
10 employee shall be indebted to the County for the monetary value of the leave advance.

11 [(i)] (h) Forfeiture of Accrued Annual Leave as a Disciplinary Action.

12 (1) Pursuant to the provisions of Sections 16-193 and 16-194, an employee may be  
13 required to forfeit from one (1) to twenty (20) days of accrued annual leave as a disciplinary  
14 action.

15 [(j)] (i) Payment for Accumulated Annual Leave Upon Separation from County Service.  
16 Provisions are set forth in Section 16-221.02 of this Code.

17 [(k)] (j) Credit for Previous County Employment or Employment in Other County Funded  
18 Activities.

19 [(l)] (k) \* \* \* \* \*

20 **Sec. 16-221. Sick leave.**

21 \* \* \* \* \*

22 (e) Granting of Sick Leave.

23 (1) Subject to the provisions of Subsection (f), below, an employee shall be entitled  
24 to use earned sick leave for any one (1) of the following reasons:

25 \* \* \* \* \*

26 (D) Illness or serious health condition of [an] the employee's spouse, parent,  
27 mother- or father-in-law, grandchild, grandparent; or child (including biological, adopted, foster,  
28 stepchild, or legal ward) that requires care by the employee during normal work hours;

29 \* \* \* \* \*

30 (k) The County Executive may [, by Executive Order,] establish procedures for the  
31 donation of accrued annual or sick leave by a County employee to another County employee for

1 use as sick leave.

2 **Sec. 16-221.02. Sick and Annual Leave disposition upon separation.**

3 (a) The annual and sick leave balances accumulated by an employee shall, upon the  
4 employee's separation from employment, with proper notice of separation as determined by the  
5 employee's appointing authority, be liquidated in the following manner:

6 (1) The employee may elect to retain all or any portion of the employee's sick and  
7 annual leave balances credited to the employee's leave record for the period of time equal to the  
8 employee's eligibility for reappointment as determined in accordance with Section 16-148(a)(8);

9 (2) The employee may elect to apply all or any portion of the employee's sick and  
10 annual leave balances to employment elsewhere, provided another employer has agreed to accept  
11 accumulated sick or annual leave balances for credit on behalf of the employee;

12 (3) Except in the case of an employee who is entitled to credit for sick and annual  
13 leave balances under the terms of an applicable County sponsored pension plan, the employee  
14 may elect to receive cash payment for all or any portion of the employee's annual leave balance  
15 in an amount equal to the total number of unused annual leave hours multiplied by the  
16 employee's final base hourly rate of pay, subject to the following limitation:

17 (A) The maximum total amount of annual leave eligible for cash payment upon  
18 separation shall be the amount of remaining accumulated leave earned as of the end of the last  
19 full pay period in Fiscal Year 1995, or 360 hours, whichever is greater;

20 (B) Any accrued annual leave not eligible for cash payment may be converted to  
21 sick leave.

22 (4) For all or any portion of the employee's sick leave balance earned as of the end of  
23 the last full pay period of Fiscal Year 1995, the employee may elect to receive cash payment in  
24 an amount equal to the total number of unused sick leave hours multiplied by one-half of the  
25 employee's base hourly rate of pay as of June 30, 1995, or as otherwise established by an  
26 applicable collective bargaining agreement and/or salary schedule. Sick leave earned beginning  
27 the first pay period of Fiscal Year 1996 is not subject to cash payment to the employee upon  
28 separation. Any employee who is entitled to credit for sick and annual leave under the terms of  
29 an applicable County sponsored pension plan will only be entitled to receive cash distribution for  
30 leave balances in accordance with the terms of the applicable pension plan.

31 (5) Notwithstanding any provision in this Section to the contrary, an employee who is

1 involuntarily separated from employment with the County for disciplinary reasons is not entitled  
2 to any payment for unused sick leave.

3 (6) Notwithstanding any provision in this Section to the contrary, an employee who  
4 has been separated from employment under a separation-disability action pursuant to Section 16-  
5 189 shall forfeit any sick leave hours accumulated at the time of the employee's separation.

6 (7) Upon retirement, an employee shall be entitled to receive credit on an actuarial  
7 equivalent basis for unused sick leave for which an authorized cash payment has not been elected  
8 as creditable service in accordance with the applicable provisions of the State Personnel and  
9 Pension Article, Annotated Code of Maryland, as amended, and the terms of any applicable  
10 County sponsored pension plan.

11 **Sec. 16-222. Administrative leave.**

12 (a) Administrative leave may be granted to any full-time or part-time employee by the  
13 employee's appointing authority for any one (1) of the following reasons:

14 \* \* \* \* \*

15 (10) For the employee in interest to consult with appropriate County personnel  
16 regarding grievances and adverse action appeals, applicable [affirmative action] equal  
17 employment opportunity programs, skills assessment and benefit planning and counseling;

18 \* \* \* \* \*

19 **Sec. 16-224. Disability leave.**

20 (a) An employee who is temporarily disabled in the performance of the employee's work  
21 shall be entitled to receive full salary for the period of the temporary disability without charge  
22 against the employee's annual or sick leave, subject to the following conditions:

23 \* \* \* \* \*

24 (3) A licensed physician employed or retained by the County shall provide a narrative  
25 report describing the nature of the illness/injury, the treatment plan and the prognosis and shall  
26 certify to the physical and/or mental ability of the employee to continue working, to return to  
27 work, or to accept a temporary detail; provided, however, that the County may accept the  
28 narrative report and certification of the employee's licensed physician in lieu of the certification  
29 by the County's physician;

30 \* \* \* \* \*

31 (5) The employee shall assign to the County such nonmedical benefits as awarded for

1 the temporary disability by the State [Workmen's] Workers' Compensation Commission for the  
2 State of Maryland; and,

3 (6) The Personnel Officer shall develop personnel procedures [, as defined in Section  
4 16-102(a)(32),] to implement the provisions of this Section.

5 **Sec. 16-225. Leave without pay.**

6 \* \* \* \* \*

7 (c) Granting of Leave Without Pay.

8 (1) Leave without pay may be granted by an appointing authority, with the approval  
9 of the Personnel Officer, for periods up to, but not to exceed, one (1) calendar year for any one  
10 (1) request, for any one (1) of the following reasons:

11 \* \* \* \* \*

12 (C) To allow an employee who has applied for a [workmen's] workers'  
13 compensation temporary total award to be placed directly on leave without pay without requiring  
14 the employee to exhaust accumulated sick or annual leave; or

15 (D) To allow an employee who has been on approved sick leave or annual leave  
16 to be retroactively placed in a leave without pay status after receipt of a [workmen's] workers'  
17 compensation temporary total award, pursuant to duly developed, approved and issued personnel  
18 procedures.

19 \* \* \* \* \*

20 (3) Upon exhaustion of an employee's sick leave, leave without pay shall be granted  
21 upon the written request of an eligible employee for family and medical leave, subject to the  
22 provisions of Section [16-225.02] 16-225.01(b).

23 (d) Status of an Employee While on Leave Without Pay.

24 \* \* \* \* \*

25 (4) If the employee receives a [workmen's] workers' compensation temporary total  
26 award for any portion of a period when the employee has been in an approved leave without pay  
27 status, the County shall reimburse the employee for the employer's cost of maintaining the  
28 benefits referred to in paragraph (2) of this Subsection, in accordance with duly developed,  
29 approved and issued personnel procedures.

30 \* \* \* \* \*

31 (6) If the employee is in an approved leave without pay status for family and medical

1 leave in accordance with Section [16-225.02] 16-225.01(b), the County shall make such  
 2 employer contributions as are required in order to maintain active coverage for the employee  
 3 under the County's health and life insurance plans, provided the employee has been employed by  
 4 the County for at least 12 months and has been in a paid status for at least 1,040 hours during  
 5 that time and elects to continue payments of required employee contributions. If the employee  
 6 fails to return from family and medical leave after the period of leave has expired, for a reason  
 7 other than the continuation, recurrence, or onset of a serious health condition that entitles the  
 8 employee to family and medical leave or other circumstances beyond the control of the  
 9 employee, the County shall recover the premium that the County paid for maintaining health and  
 10 life insurance coverage for the employee during any period of unpaid leave. The County may  
 11 require that a claim that an employee is unable to return to work because of the continuation,  
 12 recurrence, or onset of the serious health condition be supported by a certification issued by the  
 13 appropriate primary health care provider.

14 **Sec. 16-225.01. Parental ,family, and medical leave.**

15 (a) Parental leave. Up to five (5) days of paid parental leave shall be granted to employees  
 16 who are eligible for family and medical leave pursuant to this Section [16-225.02(c)(1) or (2)].  
 17 [Parental leave shall be granted and administered pursuant to Section 16-225.02.]

18 (b) Family and Medical leave.

19 **[Sec. 16-225.02. Family and medical leave.]**

20 [(a)] (1) General. Except as noted in this Subsection, family and medical leave shall be  
 21 granted to employees who are eligible to earn annual leave who have been employed by the  
 22 County for at least 12 months and who have been in a paid status for at least 1,040 hours during  
 23 the previous 12 months. Family and medical leave shall also be granted, for purposes of parental  
 24 responsibilities associated with the birth or adoption of a dependent child, to any employee  
 25 eligible to earn annual leave, regardless of the employee's length of service with the County. An  
 26 employee shall be entitled to a total of 15 workweeks of family and medical leave during any 12-  
 27 month period.

28 [(b)] (2) Duration. Family and medical leave shall not exceed fifteen (15) workweeks of  
 29 any combination of paid leave and leave without pay in accordance with Section 16-225.

30 [(c)] (3) Granting of family and medical leave. Subject to the provisions of [Subsection]  
 31 Subsections (c) and (d), below, an employee may be granted family and medical leave only for

one or more of the following:

[(1)] (A) Because of the birth of a child of the employee and in order to care for such child;

[(2)] (B) Because of the placement of a minor child with the employee for adoption or foster care;

[(3)] (C) In order to care for the spouse, child, [or ] parent, or parent-in-law of the employee, if such spouse, child, [ or] parent, or parent-in-law has a serious health condition;

[(4)] (D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee;

[(5)] (E) The employee may use any combination of earned and available parental, sick, annual, or personal [, or compensatory] leave for paid family and medical leave.

[(d)] (c) Approval of parental, family, and medical leave.

(1) Any employee may request parental, family [and], or medical leave.

(2) An appointing authority shall examine each request and determine whether the employee's request meets the provisions of [Subsection (c) 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 [Subsection (c) of] this Section.

[(e)] (d) Use of parental, family [and], 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.

#### **Sec. 16-227. Compensatory leave.**

\* \* \* \* \*

(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 [sixty (60) calendar days subsequent to its] a reasonable period of time after being earned or within such appropriate work period as may be required pursuant to any applicable Federal law.

**Sec. 16-228. Personal leave.**

(a) Personal Leave [Day]. [Eight (8) hours of personal] Personal leave [, or such other] in an 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] 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 on a prorated basis in accordance with hours worked [which may be used for any purpose]. 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 [not] be taken in increments in accordance with the Salary Plan.

\* \* \* \* \*

**Sec. 16-235. Prohibited personnel practices.**

(a) It shall be wrongful and illegal and a prohibited personnel practice for any employee who has authority to take, direct others to take, recommend, or approve any personnel action, to take or fail to take a personnel 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] Personnel Officer and the head of each department or agency shall be responsible for the prevention of prohibited personnel practices. Any individual to whom a department delegates authority for personnel management, or for any aspect thereof, shall be similarly responsible within the limits of the delegation. Nothing in this Subsection shall be

1 construed to create a civil or criminal liability on the part of the [Director of] Personnel Officer,  
 2 department head, or any other individual who did not directly engage in a prohibited personnel  
 3 practice.

4 (c) A prohibited personnel practice as defined in Subsection (a) shall constitute a basis for  
 5 the initiation of a grievance [as defined in Section 16-102(a)(28)].

6 (d) A prohibited personnel practice as defined in Subsection (a) shall constitute a defense  
 7 against an adverse action [as defined in Section 16-102(a)(1)] taken solely as a reprisal for a  
 8 disclosure of information as set forth in Section [16-110.01(a)] 16-235(a), above.

9 **Sec. 16-236. Testimony before County Council.**

10 (a) After authorization by a majority vote of the full Council and upon the receipt of a  
 11 written request by the [Chairman] Chair of the County Council, or [chairman] chair of a Council  
 12 committee, setting forth the time, place, and subject matter of a hearing, an employee or officer  
 13 of the County shall be required to be present and to testify to matters relative to the subject  
 14 matter of the hearing. When so requested, an employee shall produce documents or papers in his  
 15 possession or custody. An employee or officer shall not be required to testify on any matter that  
 16 is protected by Executive privilege as defined under Maryland law (generally policy discussion  
 17 with the Executive).

18 (b) An employee testifying at the request of the Council or committee chair[man] shall be  
 19 deemed on authorized County business and shall be granted compensatory time for time spent  
 20 outside of duty hours for the purpose of such testimony, as is consistent with existing salary  
 21 plans.

22 (c) It shall be a prohibited personnel practice for any employee or official of the County to  
 23 interfere with, threaten with disciplinary action, or otherwise attempt to restrain an employee  
 24 from testifying when so requested by the Council or committee [chairman] chair.

25 (d) A prohibited personnel practice as defined in Subsection (c) shall be a basis for the  
 26 initiation of a grievance [as defined in Section 16-102(a)(28)] and shall constitute a defense  
 27 against an adverse action [as defined in Section 16-102(a)(1)] taken solely as a reprisal for  
 28 testifying under this Section.

29 (1) Where an adverse action is taken within six months after the employee has  
 30 appeared before the Council, or a committee of the Council, it shall be presumed that such  
 31 adverse action is a prohibited personnel practice. Such presumption shall only be rebutted by

1 clear and convincing evidence to the contrary.

2       SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
3 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
4 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
5 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
6 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
7 Act, since the same would have been enacted without the incorporation in this Act of any such  
8 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

9       SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
10 calendar days after it becomes law.

Adopted this 17th day of October, 2000.

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.