

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND  
LEGISLATIVE SESSION DAY 13-09

RESOLUTION NO. 42-2013 AS AMENDED

**Title of Resolution:** Amendment - Cecil County Employee Manual

**Synopsis:** A Resolution to amend certain sections of the Cecil County Employee Manual, Section HR-001A – Cecil County Overview, HR-002B – Employment Types, HR-002E- Background Investigations, HR-002L – Separation, HR-006B – FMLA, HR-006C – Funeral Leave, HR-006H – Personal Floating Holiday, HR-006J – Sick Leave Insurance, HR-006L – Severe Weather Conditions & Unforeseen Designated Emergencies, HR-006M – Vacation Leave, HR-006N – Workers' Compensation, HR-007H – Direct Deposit, HR007L – Health Care Coverage, and HR-007R – Sick Leave Bank.

**Introduced by:** President on behalf of Human Resources Department

**Introduced and ordered posted on:** May 21, 2013

**Public hearing scheduled on:** June 18, 2013

**at:** 7:00 p.m.

**PUBLIC HEARING**

Notice of time and place of public hearing and title of Resolution having been posted by May 24, 2013 at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on May 29 and June 5, 2013, a public hearing was held on June 18, 2013, and concluded on \_\_\_\_\_.

By: James Massy  
Council Manager

1           **WHEREAS**, Article A384-2 of the County Code empowers the County Council to change the Cecil  
2 County Employee Manual at any time; and

3           **WHEREAS**, the County Executive has recommended the changes to the Cecil County Employee  
4 Manual to the County Council of Cecil County; and

5           **WHEREAS**, a public hearing was held on June 18, 2013 by the County Council in regard to said  
6 changes.

7  
8           **NOW, THEREFORE, BE IT HEREBY RESOLVED** by the County Council of Cecil County, Maryland that  
9 the proposed changes to the Cecil County Employee Manual are hereby approved as follows:

10 **HR-001A**      **Unclassified positions.**

11 Employees in the following *positions* are considered unclassified and serve *at the pleasure of* their  
 12 respective *appointing authority* and therefore, are not covered by the grievance procedures outlined in  
 13 this manual:

- |   |  |
|---|--|
| Chief Deputy Sheriff                            | Circuit Court Staff  |
| Council Manager                                 | Director of Information Technology   |
| Director of Administration                      | Director of Law Enforcement  |
| Deputy Director of Detention Center             | Director of Parks & Recreation   |
| Director of Senior Services & Community Transit | Director of Permits & Inspections  |
| Director of Community Corrections               | Director of Planning & Zoning  |
| Director of Detention Center                    | Director of Public Works   |
| Director of Economic Development                | Executive Secretary to the Sheriff   |
| Director of Emergency Services                  | Deputy & Assistant State’s Attorneys’, Criminal<br>Investigators and Executive Secretary |
| Director of Housing & Community Development     | Director of Finance  |
| Director of Human Resources                     | Regular Part-Time, Temporary, On-Call,<br>Contractual and Grant-Funded positions         |

**Comment [a1]:** Added "Council Manager"

14  
 15 **HR-002B**      **Employment Types**

16 Reflecting both the needs of individual agencies and the needs of employees to balance work and  
 17 personal life, Cecil County Government provides several types of employment which differ based on hours  
 18 worked, expected duration, *appointing authority*, applicable policies and available funds and benefits.

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Employment Type	Hours/Week	Duration	Probationary Period	Benefits Eligibility	Grievance Procedures
Regular Full Time	40 Hours	Indefinite	Sheriff’s Office – 12 months for sworn officers; Other Offices – 6 months	Full Benefits	Applies to classified employees
Regular Part Time	Less than 39	Indefinite	Do not apply	<b>30-39 Hours/Week</b> PTO, Health Care <sup>1</sup> ,	Do not apply

Employment Type	Hours/Week	Duration	Probationary Period	Benefits Eligibility	Grievance Procedures
	Hours			Dental <sup>1</sup> and Vision <sup>1</sup> Coverage, Pension, and State/Federal Mandated Laws  Less than 30 Hours/Week PTO, Pension, and State/Federal Mandated Laws	
Temporary	40	6 months or less	Do not apply	None	Do not apply
On-Call	As needed	Indefinite	Do not apply	State/Federal Mandated Laws	Do not apply
Contract/Grant	Set under contract	Set under contract	Do not apply	Established through the Personal Services Agreement	

**Comment [a2]:** Updated to reflect changes to regular part time employees eligible for benefits as of 1/1/2014.

<sup>1</sup>Health Care, Dental and Vision Coverage for 30-39 Hours/Week Regular Part Time employees effective January 1, 2014.

**Comment [a3]:** Added footnote to reflect effective date of health care coverage for 30+ hours/week employees.

**HR002E: Background Investigations**

Cecil County Government believes that employing the best-qualified individuals contributes to the County's overall strategic success. Pre-employment background checks are a critical part of the selection process and are to determine and/or confirm, within appropriate legal and professional limits, the qualifications and suitability of a job candidate for the particular position for which the candidate is being considered.

Cecil County Government will perform pre-employment background checks on all candidates for employment. In addition, should an employee transfer to another position whether voluntarily or involuntarily within the County, any additional required background checks for that position which have not previously been performed, will be performed prior to transfer. The components of each candidate's background check will depend on the position.

**Comment [vr4]:** New Section added to include County procedures.

35 **HR-002I: Separation**

36 Employment terminates at the end of the work shift of the last day worked. Cecil County Government  
37 encourages an employee who is considering leaving County employment to inform their supervisor prior  
38 to the required 2-week period to allow for advertising and filling the position as soon as possible.  
39 *Accrued, unused vacation leave* is paid in the final paycheck. Where the employee has not returned  
40 County-owned equipment, property, contracted uniforms and identification cards, or if more personal  
41 floating holiday hours are used than earned, the appropriate amounts are deducted from the employee's  
42 final paycheck.

Comment [a5]: Edited for format.

Comment [a6]: Added section "or if more personal floating holidays are used than earned" and updated for content.

44 **HR-006B: Family and Medical Leave**

45 **Purpose and Definition** – Certain life events may make it difficult for you to work. Federal law, under the  
46 Family and Medical Leave Act (FMLA), provides a means for employees to balance their work and family  
47 responsibilities by taking unpaid leave for certain reasons. FMLA is consistent with Cecil County  
48 Government's interest in promoting family stability and economic security. The FMLA provides an  
49 entitlement of up to 12 weeks of unpaid job-protected leave to eligible employees for the following  
50 reasons:

51 **Basic Leave Entitlement**

- 52  For incapacity due to pregnancy, prenatal medical care or child birth;
- 53  To care for the employee's child after birth, or placement for adoption or foster care;
- 54  To care for the employee's spouse, child (under age 18 unless he/she is "incapable of self-care  
55 because of a mental or physical disability"), or parent, who has a serious health condition; or
- 56  For employee's serious health condition that makes him/her unable to perform one or more  
57 *essential job functions*.

Comment [a7]: Edited to reflect FMLA language.

Comment [a8]: Edited to reflect FMLA language.

58 **Military Family Leave Entitlements**

- 59  Eligible employees with a spouse, child, or parent on active duty or called to active duty status in  
60 the National Guard or Reserves in support of a contingency operation may use their 12-week leave  
61 entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending  
62 certain military events, arranging for alternative childcare, addressing certain financial and legal  
63 arrangements, attending certain counseling sessions, and attending post-deployment reintegration  
64 briefings.
- 65  FMLA also includes a special leave entitlement that permits eligible employees to take up to 26  
66 weeks of leave to care for a covered service member during a single 12-month period. A covered

Comment [a9]: Edited to reflect FMLA language.

67 service member is a current member of the Armed Forces, including a member of the National Guard  
68 or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may  
69 render the service member medically unfit to perform his or her duties for which the service member  
70 is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the  
71 temporary disability retired list.

72 **Serious Health Condition** – A serious health condition is an illness, injury, impairment or physical or  
73 mental condition that involves either an overnight stay in a medical care facility, or continuing treatment  
74 by a health care provider for a condition that either prevents the employee from performing the essential  
75 functions of their job, or prevents the qualified family member from participating in school or other daily  
76 activities.

77 Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity  
78 of more than 3 consecutive calendar days combined with at least two visits to a health care provider or  
79 one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a  
80 chronic condition. Other conditions may meet the definition of continuing treatment.

81 **Eligibility** – An employee is eligible to apply for FMLA leave if they have worked for Cecil County  
82 Government for at least one year and for 1,250 hours over the 12 months preceding the requested leave.

83 **Requesting FMLA Leave and Providing On-going Documentation** – To procure FMLA leave, an employee  
84 contacts the County's third party administrator for initial FMLA paperwork. Where the initiating reason is  
85 foreseen, the employee should provide 30 days advance notice. Where the leave is requested to attend  
86 to an emergency, the request should be made as soon as possible and no later than the 4<sup>th</sup> consecutive  
87 day of Absence. Failure to submit the required forms timely will result in the FMLA entitlement being  
88 delayed.

**Comment [a10]:** Added verbiage to reflect new 3<sup>rd</sup> party administrator procedures.

**Comment [a11]:** Removed section referring to returning paperwork to FMLA due to 3<sup>rd</sup> party administrator.

89 **Medical Certification Process** – The County's third party administrator may communicate with the health  
90 care provider to authenticate or clarify the patient's health condition as part of the certification process.  
91 In addition, if it is deemed that additional information is required, a written notice will be provided by the  
92 third party administrator to the employee listing what information is lacking. The employee will have  
93 seven (7) calendar days to respond to the request for additional information.

**Comment [a12]:** Added verbiage to reflect new 3<sup>rd</sup> party administrator procedures.

94 Where there is a question regarding the FMLA request or documentation provided by the employee, Cecil  
95 County Government has the right to require a second, and, as necessary, third medical opinion to justify  
96 or refute the need for the FMLA leave.

**Comment [a13]:** Updated verbiage due to 3<sup>rd</sup> party administrator.

97 **FMLA Leave** – An employee approved for FMLA leave will be able to receive up to 12 weeks of job-  
98 protected leave (paid and/or unpaid) in a *rolling 12-month period* to manage the FMLA-qualifying event.

99 An employee on FMLA Leave to attend to their own serious health condition or for a dependent that  
100 qualifies under the Basic Leave Entitlement is first required to exhaust all accrued paid leave time (sick,  
101 vacation, and personal) and then the balance of the FMLA leave is unpaid time off.

102 Spouses working for Cecil County Government are both eligible for FMLA leave. However, the aggregate  
103 leave period for both employees may be limited to 12 weeks during any 12-month period if the leave is  
104 for birth of the employee's child, the adoption or placement of a foster child with the employee, or to  
105 attend to a sick parent.

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107 **HR-006C: Funeral Leave**

108 If you are a full-time active employee (including probationary employee) and experience a death in your  
109 immediate family, such as parent (including step-parent), spouse, child (including stepchild and legally  
110 adopted child), grandchild, grandparent, sibling, parent-in-law (must be married to child of in-law), or  
111 death of anyone living in the employee's household, Cecil County Government will pay up to 3 days  
112 straight wages to cover scheduled work time lost due to the death in the family. This is meant to cover  
113 time from the notification of the death up to and including the date of the burial. Vacation leave may be  
114 requested if the employee requires additional time off to attend to matters associated with the death.

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116 **HR-006H: Personal Floating Holidays**

117 The *County Executive*, at the beginning of each calendar year, announces the actual number of personal  
118 floating holidays. These hours are available for when an employee cannot report or needs to leave work  
119 early for personal reasons, or to attend wellness related appointments for themselves or immediate  
120 family members (such as, annual physicals, dental check-up, annual vision exam, colonoscopy, etc.).

121 Employees shall inform his/her supervisor or other designated person in his/her area as soon as practical  
122 of the need to use personal floating holiday hours. An employee in a twenty-four hour operation shall  
123 provide notice a minimum of 2 hours prior to the start of his/her shift. If such notification is not received,  
124 the *absence* is considered to be unauthorized.

125 These personal floating holidays may be scheduled and used in one-hour increments and must be used in  
126 the calendar year earned. Forty (40) hours of personal floating holidays are awarded to employees on  
127 payroll as of January 1<sup>st</sup>; however, if employment is severed during the calendar year, employee is only  
128 eligible for a pro rata cash balance of the hours based on the amount of the year worked per the chart  
129 below. If more floating holiday hours are used than earned, a deduction of the hours will be made from  
130 the final paycheck.

**Comment [a14]:** Revised to include 3 days (not 24 hours) for immediate family as noted. Removed section on 8 hours for attendance at funeral.

**Comment [a15]:** Added verbiage due to added days for wellness services.

**Comment [a16]:** Updated to reflect 40 hours per calendar year.

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**HR-006J: Sick Leave Insurance**

**□ Sickness in Family –**

- Non-FMLA *absence*: An employee may use accrued unused sick leave for an *absence* that does not qualify for FMLA for the illness or injury of an individual living in the employee’s household (or employee’s parents). *Absence* will be counted as an occurrence.

**Comment [a17]:** Removed “can” and added “may”.  
Removed “48 hours”

**Comment [a18]:** Removed “to be recorded on timesheet as SF”.

**HR-006L: Severe Weather Conditions & Unforeseen Designated Emergencies**

**□ Closed** – if or when the *County Executive* closes business due to inclement weather or other designated emergency:

- *Non-essential employees* are not required to report to work and will be paid for the full day the Government is closed. If the employee was previously scheduled for vacation, personal, or sick leave for the day, the day will be charged to the pre-approved leave.
- *Non-essential employees* already at work when the Government closes early shall be paid for the remainder of their workday at their regular rate of pay without charging leave time.
- *Non-essential employees* who choose to leave before an announcement is made that the Government is closed will be charged vacation or personal leave, or leave without pay for the remainder of the day.
- *Essential employees* who do not report for work shall be charged vacation or personal leave, or leave without pay for the time not worked and may be subject to *disciplinary action* for failing to report to work. *Essential employees* who call in sick will be required to provide a physician’s certification.
- *Essential employees* who are required to report to work, or at work when the Government closes, will receive up to 8 hours additional personal leave accruals for hours worked during closure.

**Comment [a19]:** Updated to reflect non charging leave time and additional personal added if essential and physician’s certificate required if call in sick and essential.

**Comment [a20]:** Updated to reflect if closed to be paid for full day.  
Essential employees not working charged leave.  
Essential employees calling in sick provide physician’s certification.  
Essential employees working receive up to 8 hours personal leave.

Non-essential and essential county employees will only be paid a maximum of 16 hours consecutively for days the county is closed and no more than five (5) paid closed days in a fiscal year.

**HR-006M: Vacation Leave**

Vacation leave may be used in 1-hour increments or consecutive days at a time up to the total number of hours accrued and unused. Vacation leave may be accrued to a maximum carryover of 280 hours from

**Comment [a21]:** Deleted “240” and increased to “280”



163 one fiscal year to the next. *Accrued, unused vacation leave* in excess of 280 hours at the start of a new  
164 fiscal year will be forfeited. In certain circumstances vacation time (above 280 hours) may be carried  
165 over into the new fiscal year based on recommendation from the department head and final approval of  
166 the County Executive.

Comment [a22]: Deleted "240" and increased to "280"

Comment [a23]: Deleted "240" and increased to "280"

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169 **HR-006N: Workers' Compensation**

170 **Return from leave** - Cecil County Government will make every effort to assist the employee in  
171 rehabilitation and ultimate return to work. All employees are required to obtain a statement of physical  
172 capabilities and/or work status from their physician, physician assistant or certified nurse practitioner.  
173 These physical capabilities and/or work status form must be turned into the Department of Human  
174 Resources no later than 1 day from the medical visit. Cecil County Government will make every effort to  
175 accommodate an employee's restrictions provided that they are provided by a licensed medical provider.  
176 Since work functions as a form of occupational therapy, employees are encouraged to return to work as  
177 soon as possible. If an employee refuses an offer by the County of modified duty, then Cecil County  
178 Government will notify their Third Party Administrator to terminate the employee's temporary total  
179 disability benefits, and the employee will not be reimbursed for any personal or unpaid leave that the  
180 employee has used.

Comment [a24]: Updated for content based on current return to duty procedure.

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182 **HR-007H: Direct Deposit**

183 Cecil County Government requires the payment of standard work time, overtime, expenses and premiums  
184 through the use of direct deposit to any participating financial institution.

Comment [a25]: Updated to reflect County's direct deposit procedure.

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186 **HR-007L: Health Care Coverage**

187 Newly hired, eligible regular full-time employees and part-time<sup>1</sup> employees working 30-39 hours per week  
188 may enroll and be covered in the plan within 45 days of continuous employment, depending on start  
189 date. Employees may make changes due to a life event within 31 days of that life event or during the  
190 open enrollment period each June for July 1st coverage.

Comment [a26]: Added regular part-time employee reference and life event verbiage.

191 <sup>1</sup> Health Care, Dental and Vision Coverage for 30-39 Hours/Week Regular Part-Time employees effective  
192 January 1, 2014.

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194 **HR-007R: Sick Leave Bank**

195 The Cecil County Sick Leave Bank is a voluntary program designed to provide additional sick leave to an  
196 employee who, as a result of a serious illness or off-the-job injury, exhaust their accrued paid leave. This  
197 program is completely voluntary on the part of the employee.

198 In order to participate, an employee must contribute eight (8) hours of their accrued, unused sick leave  
199 (or if none available: *accrued, unused vacation leave*) to the bank during the open window period in  
200 January. The Department of Human Resources notifies all employees in advance as to when the window  
201 will open. For an employee currently in the bank, an eight-hour day will automatically be deducted from  
202 their sick leave accrual (or if none available: *accrued, unused vacation leave*) unless the Department of  
203 Human Resources is notified by the employee in writing that they no longer wish to participate.

**Comment [a27]:** Updated to reflect use of vacation permitted and removed that they have to be actively at work.

204 For purposes of confidentiality, the Director of Human Resources serves as the administrator of the Sick  
205 Leave Bank and reviews all requests. Appeals of administrative decisions may be made to the Director of  
206 Administration, whose decision shall be final and binding. To be eligible to draw time from the bank, an  
207 employee:

- 208 1. Must be a regular full-time employee.
- 209 2. Must have completed the probationary period and/or have completed 6 continuous months  
210 of employment with Cecil County Government.
- 211 3. Must contribute to the sick leave bank.
- 212 4. Must be unable to work due to a serious, documented, non-job related illness or injury.

213 *Absences* related to elective procedures are examples of those that do not qualify.

**Comment [a28]:** Updated for content.

- 214 5. Employee must be unable to perform "light duty" functions as authorized by designated  
215 department and approved by their treating physician. An employee who refuses "light duty"  
216 functions does not qualify for sick leave bank use.

**Comment [a29]:** Updated to reflect stricter light duty requirements.

- 217 6. Must have an estimated return to work date from their treating physician.

**Comment [a30]:** Updated with estimated return to work date.

218

219 **HR-010D: Alcohol, Drugs and Fitness for Duty**

220 **D. Test Administration**

221 2. Alcohol Testing Procedures

- 222 a. After the identity of the donor is checked using a picture identification, a urine specimen will  
223 be collected to tests for alcohol concentration. Each specimen will be accompanied by a Chain  
224 of Custody and Control form and identified using a unique identification number that

225 attributes the specimen to the correct individual. The specimen analysis will be conducted at a  
226 HHS and Maryland certified laboratory. An initial drug screen and validity test will be  
227 conducted on the primary urine specimen. For those specimens that are not negative, a  
228 confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The  
229 test will be considered positive if the amount of alcohol identified by the GC/MS test is above  
230 the minimum thresholds established.

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**Comment [vr31]:** Added section to reflect modifications for non-DOT alcohol testing procedure authorized for Maryland employees.

231 INTRODUCED: May 21, 2013

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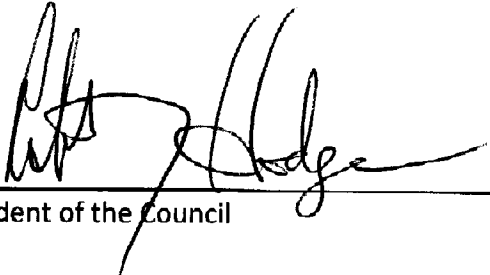
233 ADOPTED: July 2, 2013

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President of the Council

238 ATTEST:

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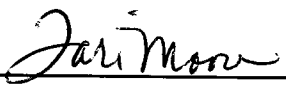
  
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Council Manager

243 By the Executive:

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\_\_\_\_\_  
County Executive

7/3/13  
\_\_\_\_\_  
Date