

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2018-09**

RESOLUTION NO. 22- 2018

Title of Resolution: Amendment - Personnel Policies and Procedures Manuel

Synopsis: A Resolution to repeal the existing Cecil County, Maryland Personnel Policies and Procedures Manual , and to enact a new Personnel Policies and Procedures Manuel, pursuant to Cecil County Code Chapter A384, §§ A384-1 (Adoption of Personnel Policies and Procedures Manual) and A384-2 (Change or Repeal of Provisions; No Express or implied Contract of Employment).

Introduced by: Council President on behalf of County Executive

Introduced and ordered posted on: May 1, 2018

Public hearing scheduled on: June 5, 2018 at: 7:00 p.m.

Consideration scheduled on: June 19, 2018

PUBLIC HEARING

Notice of time and place of public hearing and title of Resolution having been posted by May 1, 2018 at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on May 23, 2018 and May 30, 2018, a public hearing was held on June 5, 2018, and concluded on June 5, 2018.

By: James Massey
Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.

~~Strike through~~ indicate language deleted from existing document.

Underlining indicates added to document by amendment.

~~Double Strike through~~ indicates language stricken from document by amendment.

1 **WHEREAS**, pursuant to Cecil County Code Chapter A384, § A384-1 (Adoption of Personnel
2 Policies and Procedures Manual) [Amended 11-13-2012 by Ord. No. 2012-12], the County Council
3 adopted those provisions contained in the current revision of the Cecil County, Maryland, Personnel
4 Policies and Procedures Manual as the personnel policies and procedures that apply to Cecil County
5 employees, when relevant; and

6 **WHEREAS**, pursuant to Cecil County Code Chapter A384, § A384-2 (Change or Repeal of
7 Provisions; No Express or Implied Contract of Employment), the County Council reserves the right to
8 change or repeal any or all of the provisions of said Cecil County, Maryland, Personnel Policies and
9 Procedures Manual at any time; and

10 **WHEREAS**, the County Executive has determined that it is in the best interest of Cecil County to
11 repeal the existing Cecil County, Maryland Personnel Policies and Procedures Manual, and to replace the
12 repealed regulations by enacting a new Personnel Policies and Procedures Manual, in order to comply
13 with changes in applicable laws, to respond to certain changes to employee benefits and expectations
14 for employment, and to further the County Executive's commitment to the citizens of Cecil County by
15 instilling the following values as guiding principles for all interactions with each other and with County
16 citizens: teamwork, flexibility, accountability, mutual respect, excellence, and open and effective
17 communication; and

18 **WHEREAS**, the new Cecil County, Maryland Personnel Policies and Procedures Manual presented
19 for adoption by the County Council is attached as Appendix 1 hereto and incorporated by reference as
20 more fully set forth herein.

21 **NOW, THEREFORE, BE IT ENACTED THAT THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,**
22 finds that the proposed amendment to the Cecil County, Maryland Personnel Policies and Procedures
23 Manual is in the best interest of Cecil County, Maryland.

24 **AND IT IS FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that the
25 existing Cecil County, Maryland Personnel Policies and Procedures Manual is hereby repealed.

26 **AND IT IS FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that the
27 Cecil County, Maryland Personnel Policies and Procedures Manual as appended hereto and incorporated
28 by reference herein, as Appendix 1, is hereby adopted.

29 **AND BE IT FURTHER ENACTED** that this Act shall take effect on July 1, 2018.

INTRODUCED: May 1, 2018

ADOPTED: June 19, 2018

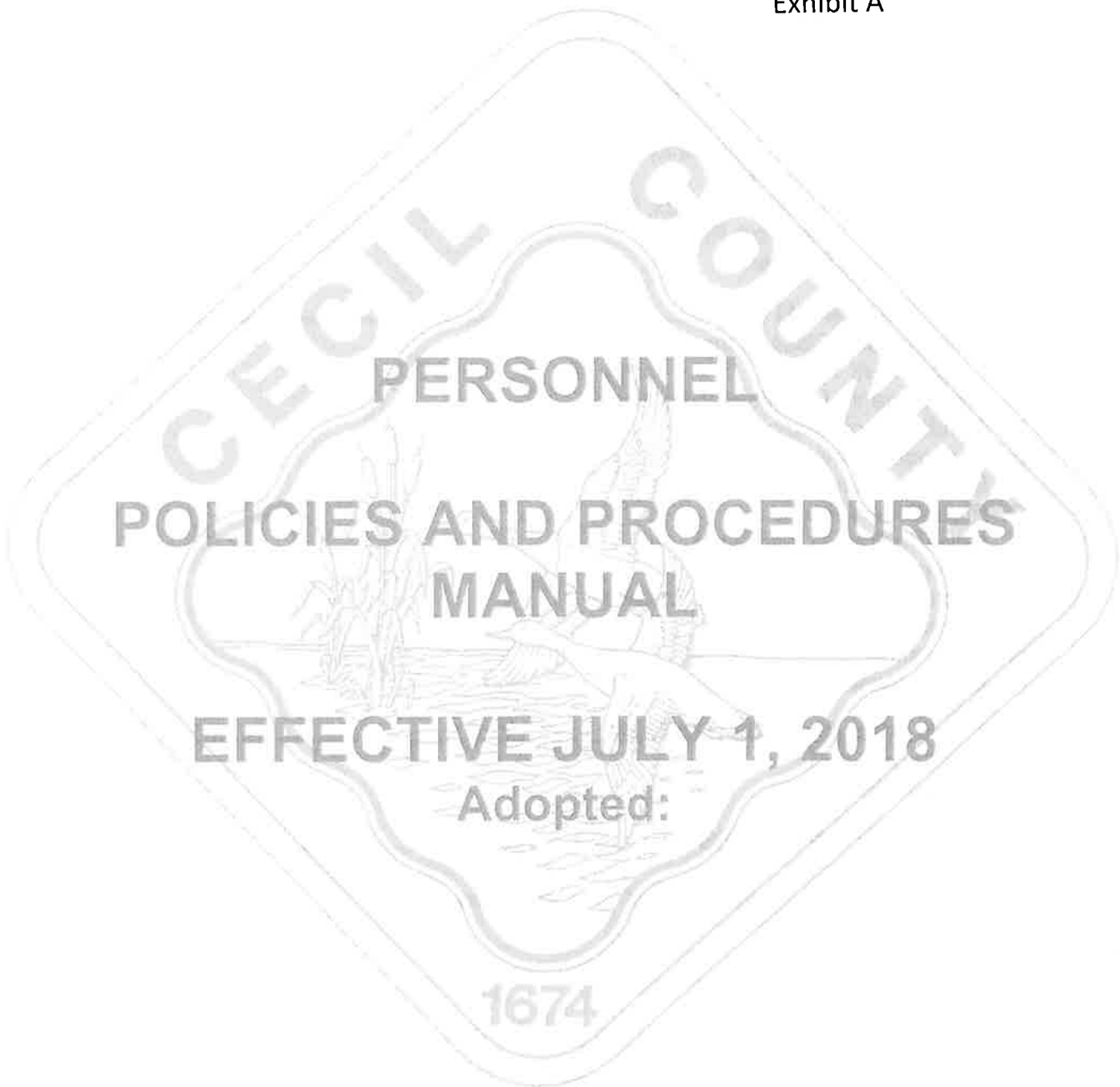


President of the Council

ATTEST:



Council Manager



**PERSONNEL
POLICIES AND PROCEDURES
MANUAL**

EFFECTIVE JULY 1, 2018

Adopted:

1674

Table of Contents

HR-001 INTRODUCTION & OVERVIEW	1 – 5
A. Cecil County Overview	
B. Equal Employment Opportunity	
C. Non-Discrimination Policy	
D. Americans with Disabilities Act, including Pregnancy	
E. Harassment Free Work Place	
F. Silent Whistle Program	
HR-002 EMPLOYMENT	6 – 12
A. Positions and Classification Plan	
B. Employment Types	
C. Employment of Relatives/Nepotism	
D. Conditions of Employment	
E. Secondary Employment	
F. Background Investigations	
G. Probationary Period	
H. New Employee Orientation	
I. Supervisor Orientation	
J. Recruitment and Selection Practices	
K. Rehire	
L. Separation	
M. Exit Interview	
HR-003 SALARY ADMINISTRATION.....	13 – 17
A. Pay Structure(s)	
B. Changes in Position	
HR-004 PAYROLL POLICIES	18 – 22
A. Payroll Period	
B. Timely & Accurate Submission of Time and Leave	
C. Overtime	
D. Holiday Pay	
E. Shift Differential	
F. Emergency Work	
G. Call Out	
HR-005 PERFORMANCE APPRAISALS	23 – 25
A. Performance Appraisals	
B. Probationary Progress Review	
C. Annual Performance Appraisals	
D. Performance Improvement Plan	
E. Special Performance Appraisal	

HR-006 TIME OFF..... 26 – 41

- A. Administrative Leave
- B. Bereavement Leave
- C. Employee to Employee Leave Donations
- D. Family and Medical Leave Act
- E. Holidays
- F. Leave of Absence
- G. Military Leave
- H. Paid-Time-Off (PTO)
- I. Personal Leave
- J. Sick Leave
- K. Special Administrative Limited Leave
- L. Severe Weather Conditions & Unforeseen Designated Emergencies
- M. Vacation Leave
- N. Workers' Compensation
- O. Unauthorized Absence

HR-007 BENEFITS..... 42 – 47

- A. Accident and Disability Insurance
- B. Blood Bank of Delmarva
- C. Cancer/Intensive Care Insurance
- D. COBRA
- E. Credit Union
- F. Deferred Compensation
- G. Dental Insurance
- H. Direct Deposit
- I. Employee Assistance Program
- J. Employee Continuing Development
- K. Flexible Spending Account
- L. Health Care Coverage
- M. Life Insurance & Accidental Death & Dismemberment
- N. Meal Allowance
- O. Pension Systems
- P. Personal Car Usage
- Q. Prescription Plan
- R. Sick Leave Bank
- S. Vision Insurance
- T. Voluntary Term Life Insurance

HR-008 STANDARDS OF CONDUCT, PERFORMANCE & DISCIPLINE 48 – 53

- A. Overview
- B. Applicability
- C. Performance Expectations for Employees
- D. Expectations for Supervisors
- E. Corrective Measures and Processes
- F. Group Offenses
- G. Guidelines for Use - Mitigating Circumstances
- H. Immediate Removal from the Position (Suspension)
- I. Discipline Records
- J. Secondary Employment
- K. Employee Pay and Benefit Status While on Suspension
- L. Excessive Absenteeism and Dependability

HR-009 GRIEVANCE PROCEDURES..... 54 – 57

- A. Overview
- B. Applicability
- C. First Step - Discussion of Problem, Attempt to Resolve
- D. Second Step - Written Grievance to Department Head/Director of Administration
- E. Third Step - Review of Personnel Board, Hearings & Findings
- F. Time Limitations
- G. Employee Representation

HR-010 HEALTH AND SAFETY..... 58 – 68

- A. Overview
- B. Requirements and Responsibilities
- C. Hazard Communication Program
- D. Alcohol, Drugs and Fitness for Duty
- E. Work Place Violence
- F. Tobacco Use
- G. Protecting Employees

HR-011 MISCELLANEOUS TOPICS.....69 – 71

- A. Personal Appearance
- B. Confidentiality of Records, Hearings, and Meetings
- C. Employment References, Verification of Employment
- D. Reporting of Claims
- E. Employee Incentive Program
- F. Driver's Guidelines
- G. Motor Vehicle Operators Regulations

HR-012 COMPUTING & ELECTRONIC COMMUNICATIONS 72 – 81

- A. Overview
- B. Scope and Applicability
- C. Definitions
- D. Ownership
- E. Installation, Repair, Removal & Maintenance of Hardware & Software
- F. Personal Use
- G. Email Use
- H. Prohibited Use
- I. Outside Use
- J. User Obligations and Responsibilities
- K. Social Media
- L. Telephone Use
- M. Retention Policies and Intellectual Property
- N. Rights of the County
- O. Disciplinary Actions
- P. Confidentiality

HR-013 SUBSTANCE ABUSE PREVENTION POLICY FOR FTA SAFETY

SENSITIVE EMPLOYEES82 – 101

- A. Purpose, Applicability, Implementation & Training
- B. Glossary of Terms & Definitions
- C. Employee Compliance Requirements
- D. Covered Employees
- E. Test Administration
- F. Drug & Alcohol Testing
- G. Drug & Alcohol Test Results
- H. Grievance and Appeal
- I. Delegated Responsibilities
- J. Policy Contacts
- K. Minimum Thresholds
- L. FTA Safety Sensitive Employee Position Classification Listing

HR-014 ALTERNATIVE WORK SCHEDULE POLICY..... 102 - 103

- A. Compressed Work Schedule
- B. Hours of Work
- C. Option I – 10-hour Compressed Time
- D. Option II – Flexible Time
- E. Paid Leave
- F. Written Agreement

GLOSSARY OF TERMS 104 - 106

Policy #:	HR-001
Subject:	INTRODUCTION & OVERVIEW
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

The Personnel Policies and Procedures Manual provides vital employment *information* to the employees of Cecil County, Maryland (hereafter referred to as the "County"). The manual details the County's employment policies and *information* on compensation and benefits. All employees receive this Manual at *New Employee Orientation* and acknowledge receipt with an Acknowledgement Form.

This manual in no way creates an expressed or implied contract of employment. Further, the *County Executive*, the *Appointing Authority* responsible for County Government operations, may change the terms of this Manual without notice at any time. Revisions to the manual containing effective dates and updated *information* will be available to employees as policies and/or procedures change.

HR-001A: Cecil County Overview

The County is led by a *County Executive* and overseen legislatively by a five (5) member *County Council* elected by the citizens of the County. In addition, a Director of Administration appointed by the *County Executive*, manages each County department. The County embraces innovation, diversity, and collaboration in meeting the needs of its citizens.

County departments include the following:

Administration	Public Works
Finance	Economic Development
Community Services	State's Attorney's Office
Human Resources	Circuit Court
Emergency Services	Sheriff's Office
Parks and Recreation	Liquor Board
Land Use & Development Services	Soil Conservation

Unclassified positions:

Employees in the following *positions* are considered unclassified and serve *at the pleasure* of their respective *Appointing Authority*, and therefore are not covered by the grievance procedures outlined in this manual:

Chief Deputy, Sheriff's Office	Circuit Court Staff
Council Manager*	Director, Information Technology*
Director, Administration*	Director, Land Use and Development Services*
Deputy Director, Detention Center	Director, Law Enforcement
Director, Work Release	Director, Parks and Recreation*
Director, Community Services*	Director, Public Works*
Director, Detention Center	Executive Secretary to the Sheriff
Director, Economic Development*	Deputy & Assistant State's Attorneys', Criminal Investigators and Executive Secretary
Director, Emergency Services*	Director, Finance*
	Regular Part-Time, Temporary, On-Call, Contractual and Grant-Funded positions
Director, Human Resources*	Executive Secretary to the County Executive

Sheriff's Office: Sworn law enforcement officers are covered by the provisions of the Law Enforcement Officers' Bill of Rights as contained in the Annotated Code of Maryland. Sworn correctional personnel are covered by the provisions of the Correctional Officers' Bill of Rights, as contained in the Annotated Code of Maryland effective October 2008.

If the *County Executive* creates a new department, the Department Head will automatically be an *unclassified position*. All of these organizations aid the *County Executive* in providing a quality of life consistent with the expectations of County citizens.

Although the *County Executive* is not the "Statutory *Appointing Authority*" for all *positions* within County government, these policies are intended to provide guidance for all County employees (including all *positions* funded by the County). Individual County agencies may have additional policies and procedures specific to their organizations that support and expand upon these policies.

There are five separate *Appointing Authorities* for the County, each with responsibility for specific areas:

1. Sheriff – Sheriff's Office personnel;
2. State's Attorney – State's Attorney's Office personnel;
3. Administrative Judge of the Circuit Court of Cecil County – Circuit Court personnel;
4. *County Council* – office personnel; and
5. *County Executive* – all other personnel.

***Employees in these positions may have alternate Time Off agreements under their employment contract.**

HR-001B: Equal Employment Opportunity

The County is committed to equal opportunity employment and work force diversity. The County respects the multiplicity of ideas and the creativity generated by different cultures and backgrounds, and strives to create a *work place* that promotes, values, and makes optimal use of individual styles and differences.

The County's policy requires equal employment opportunity in the employer-employee relationship. This includes recruiting, hiring, transfers, promotion, conditions of employment, compensation and benefits, training, social and recreational programs, discipline, layoff, recall, and termination of employment.

HR-001C: Non-Discrimination Policy

The County will not discriminate against any applicant or employee based on age, citizenship, color, disability, marital status, national origin or ancestry, race, religion, gender identity, genetic background, sexual orientation, veteran status, pregnancy, or other conditions protected by law. This applies to the recruiting, hiring, training, assigning, and promoting of individuals, as well as administering all personnel actions.

The County generally has no *position* in which age, citizenship, color, disability, marital status, national origin or ancestry, race, religion, gender, sexual orientation, or veteran status is a bona fide occupational qualification. In only very specific *positions*, gender may be a bona fide occupational qualification, but only after stringent review by the Department of Human Resources. An example where gender may be a bona fide occupational qualification is Resident Assistant for the Domestic Violence Shelter.

Any incident or situation that an employee believes involves discrimination or harassment based on these defined personal attributes should be brought to the immediate attention of management or the Department of Human Resources. Retaliation for reporting or complaining of discrimination is prohibited.

HR-001D: Americans with Disabilities Act, including Pregnancy

The County is committed to complying with the Americans with Disabilities Act (ADA) and state and local laws ensuring equal opportunity in employment for qualified persons with disabilities, including any law requiring reasonable accommodation for any temporary disability caused or contributed to by pregnancy. All employment practices and activities are conducted on a non-discriminatory basis.

Reasonable accommodations are available to disabled employees, where a disability affects the performance of the essential functions of the *position* and the accommodation necessary for the employee to perform those essential functions does not constitute an undue hardship on the County. Should an employee require an accommodation to perform the essential functions of his or her position, the employee should contact the Department of Human Resources to identify a reasonable accommodation.

An employee seeking reasonable accommodation may be required to provide medical documentation to establish the existence of the disability and the need for the requested reasonable accommodation. This policy is neither exhaustive nor exclusive. The County is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

HR-001E: Harassment-Free Work Place

County employees shall act with integrity and demonstrate respect and professionalism. Employees are expected to conduct themselves in a professional and pleasant manner. The County has **ZERO TOLERANCE** for harassment of any kind. The County encourages the reporting of all *information* relating to *work place* harassment without regard to the identity of the alleged harasser or victim. The County is committed to the prompt investigation of all complaints of harassment and prompt and effective corrective action to prevent such conduct.

What Constitutes Harassment?

Prohibited harassment is conduct with the purpose or effect of unreasonably interfering with an individual's work performance, creating an intimidating, hostile, or offensive work environment, or otherwise adversely affecting an individual's employment opportunity. Harassment can be related to:

Age	Citizenship
Color	Disability
Marital Status	National Origin or Ancestry
Race	Religion
Gender Identity	Genetic Background
Veteran Status	Pregnancy
Other Conditions Protected by Law	

Harassment may include, but is not limited to, the following:

- Verbal abuse and/or ridicule, including slurs
- Offensive gestures, language, or discussion of offensive matters
- Unwanted physical contact or touching
- Displaying and/or distributing offensive electronic mail, materials, writings, graffiti, or pictures
- Offensive jokes and/or comments included in email, instant messages, etc.

What Constitutes Sexual Harassment?

Sexual harassment, according to the federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is the basis for an employment decision affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include, but is not limited to, intentional physical conduct that is sexual in nature, such as:

- Touching, pinching or patting
- Sexually-oriented gestures, noises, remarks, or jokes
- Comments about a person's sexuality or sexual experience, and
- Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials (including electronic mail messages) that are sexually suggestive, sexually demeaning, and/or pornographic.

Sexually oriented acts or sex-based conducts have no legitimate business purpose. If an employee engages in prohibited conduct, corrective action up to and including *involuntary termination* may be imposed.

Reporting and Investigating Complaints

An employee **must** contact management or the Department of Human Resources directly, in writing, if subjected to harassment, or a witness to harassment. Complaints are treated confidentially to the extent allowed for a thorough investigation and resolution.

Any supervisor who receives a report of, or has knowledge of, harassment must contact the Department of Human Resources immediately. Supervisors should clearly state the County's commitment to maintaining a *work place* that is free from any type of intimidating, hostile, or offensive behaviors and/or displays. This can be accomplished by making regular work area visits to ensure there are no visual displays of a sexual nature (pictures, slogans, posters, etc.) that could be considered offensive to others. Supervisors should immediately remove such materials and counsel any employee displaying them.

Each complaint of harassment will be fully investigated and a determination of appropriate response will be made on a case-by-case basis.

Retaliation Prohibited

The County has **ZERO TOLERANCE** of harassment or any form of retaliation against an employee who has either complained about or cooperated in an investigation of alleged harassment or discrimination. All individuals involved in an investigation will be treated professionally and will not be subjected to retaliation or reprisal. Employees who are found to have engaged in retaliation or who fail to cooperate with investigations of harassment, discrimination, or retaliation complaints will be subject to corrective action, which may include *involuntary termination*.

Employees subjected to harassment should clearly tell the other party of their objection to such behavior. In addition, notification of the supervisor should occur immediately. Employees may also contact the Department of Human Resources if subjected to harassment, discrimination, or retaliation. The complaint will be treated confidentially to the extent possible, but absolute confidentiality cannot be guaranteed to the extent an investigation is required.

HR-001F: Silent Whistle Program

The Silent Whistle Program allows County employees to confidentially report business abuse and or dishonesty, and to communicate ideas, suggestions, questions and concerns to management. Reports are handled through a third party provider so employees may anonymously and openly share concerns or ideas. To make a report, log on to <http://ccgov.silentwhistle.com> or call 1-877-874-8416.

Policy #:	HR-002
Subject:	EMPLOYMENT
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-002A: Positions and Classification Plan

A *position* is the total collection of tasks, duties and responsibilities assigned to one or more individuals. All County *positions* are described by written *position descriptions*. A *position description* is a summary of the most important features of a *position* and includes:

- The general nature of the work performed (duties and responsibilities).
- The level of the work performed (skill, effort, responsibility and working conditions).
- *Position specifications* or employee characteristics required for competent performance of job.

Position specifications include required knowledge, skills and abilities to perform the *position* competently as well as minimum education, training, experience and any required licenses. The *position description* describes the general nature and level of work being performed by individuals assigned to the classification. It is not intended to be construed as an all-exhaustive list of responsibilities, duties and skills for the *position*. The *position description* also indicates the class (manual, trade, clerical, administrative or managerial), the level of work (entry, experienced, supervisory, managerial or master) and reporting relationships. Written *position descriptions* describe and focus on the *position* itself and not any specific individual who might fill the *position*. The County uses *position descriptions* for determining pay rates, recruiting employees for vacancies, assigning employees to appropriate *positions*, and managing employee performance.

HR-002B: Employment Types

The County provides several types of employment, which differ, based on hours worked, expected duration, *Appointing Authority*, applicable policies and available funds and benefits.

Employment Type	Hours/Week	Duration	Probationary Period	Benefits Eligibility	Grievance Procedures
Regular Full Time	40 Hours	Indefinite	Sheriff's Office – 18 months for sworn law enforcement deputies; Sheriff's Office – 12 months for sworn correctional deputies' Other Offices – 6 months	Full Benefits	Applies to classified employees
Regular Part Time	Less than 39 Hours	Indefinite	Does not apply	30-39 Hours/Week¹ PTO, Health Care ¹ , Dental ¹ , and Vision ¹ Coverage, Pension, and State/Federal Mandated Laws Less than 30 Hours/Week PTO, Pension, and State/Federal Mandated Laws	Does not apply
Temporary	Up to 40	6 months or less	Does not apply	None	Does not apply
On-Call	As needed	Indefinite	Does not apply	State/Federal Mandated Laws	Does not apply
Contract/Grant	Established through Personal Services Agreements		Does not apply	Established through Personal Services Agreements	

¹Health Care, Dental and Vision Coverage for thirty- thirty-nine (30-39) Hours/Week employees will become effective in accordance with the deadlines imposed by the Federal Government, including any extensions.

Regular Full Time Appointment: A *position* requiring eighty (80) hours or more per pay period (or seventy-six (76) hours per pay period for twelve (12) -hour shift employees in the Department of Emergency Services) with indefinite duration. These employees are eligible for full benefits. Classified employees shall serve a minimum probationary period of six (6) months (see Probationary Period HR-002 E).

Regular Part Time Appointment: *Position* requiring less than thirty-nine (39) hours per week with a fixed work schedule and indefinite duration.

- Employees hired as regular part time at thirty to thirty-nine (30-39) hours per week are eligible for *Paid Time Off* (PTO), health care¹, dental¹, and vision¹ coverage, and the applicable pension system.
- Employees hired as regular part time at less than thirty (30) hours per week are eligible for *Paid Time Off* (PTO) and the applicable pension system.
- The following employment types serve *at the pleasure of the Appointing Authority* and are unclassified. Grievance procedures as described in the personnel policies do not apply in the case of discipline or discharge of these employees. They do not accrue benefits or employment rights based on length of service.
 - **Temporary Appointment:** A Temporary Employee is an at-will employee who serves *at the pleasure of the County Executive* in a *position* with duration not to exceed six (6) months.
 - A Temporary Employee is entitled only to workers' compensation benefits and shall not accrue any leave or benefits pursuant to these Personnel Policies & Procedures.
 - The Department Head for whom a Temporary Employee is working is responsible for monitoring the performance of and disciplining such Temporary Employee.
 - **On-Call Appointment:** *Position* filled at the discretion of the *Appointing Authority* based on business needs, generally for emergencies or short-term labor needs with minimum staffing requirements.
 - An On-Call Employee is entitled only to workers' compensation benefits and shall not accrue any leave or benefits pursuant to these Personnel Policies & Procedures.
 - The Department Head for whom an On-Call Employee is working is responsible for monitoring the performance of and disciplining such On-Call Employee.
 - **Contract/Grant Employee:** A Contractual/Grant employee is non-permanent, not in the compensation plan, hired pursuant to a written Personal Services Agreement that specifies the term of employment and the right to leave and benefits, if any. Often hired pursuant to a grant to perform a specific task or project in accordance with the terms of such grant.
 - Individual with specialized knowledge, skills and abilities needed to perform an assignment for a defined period retained by a Personal Services Agreement.
 - A Contractual/Grant employee is an at-will employee and may be dismissed *at the pleasure of the County Executive*, unless the contract terms specifically provide otherwise.
 - The Department Head for whom any Contractual Employee is working shall be responsible for monitoring the performance of, and discipline, such Contractual Employee.
 - A Contractual Employee is not entitled to any of the Grievance Procedures set forth in these Personnel Policies and Procedures.
 - The contract/grant employee may be retained after the Personal Services Agreement if the funding source is approved by the *County Executive* and after review by the Director of Human Resources.

¹Health Care, Dental and Vision Coverage for thirty- thirty-nine (30-39) Hours/Week employees will become effective in accordance with the deadlines imposed by the Federal Government, including any extensions.

HR-002C: Employment of Relatives/ Nepotism

The County does not discriminate in its employment and personnel actions with respect to its employees or applicants based on marital, familial, or residential cohabitation status. However, the County will not accept any **application** in which the employment of an employee's relative would result in the types of prohibited relationships identified below:

1. No employee may appoint, employ, promote or advance, or advocate for the appointment, employment, promotion or advancement an individual to a County *position* if that employee exercises jurisdiction, supervision, or control **of** any individual who is related to the employee by blood, marriage, or adoption, or other close personal relationship, including a domestic partnership, or cohabitation.
2. No employee shall otherwise be appointed, employed, promoted or advanced to a *position* within the jurisdiction, supervision, or control of any individual who is related to such employee except on the written approval of the *County Executive* (or designee).
3. Other circumstances that would exist which would place employees in a situation of actual or foreseeable conflict between the interest of the County and their own familial relationship.
4. Should employees become related during the course of their employment, each individual must make a report to their respective Department Heads and the Director of Human Resources within thirty (30) days of the date of the event. The Department Head and the Director of Human Resources shall determine if the relationship may result in a situation prohibited by this policy.

If one of the prohibited situations does occur, attempts will be made to find another *position* within the County to which one of the employees can transfer. All practical efforts will be made to arrange such a transfer at the earliest possible time. If accommodations of this nature are not feasible, then one of the employees at the County's discretion will be discharged.

For the purposes of this policy, relatives include spouses, parents, children, siblings, in-laws, grandparents, grandchildren, aunts, uncles, cousins, step-relatives, co-habitant or significant other. The County expects each employee who is aware of the potential conflict or perceived conflict of interest generated by the prospect of hiring a relative to disclose this to management immediately.

HR-002D: Conditions of Employment

As a condition of employment, all candidates for employment must complete an employment application, including disclosure of past employers, and sign a release allowing the County to obtain copies of records such as credit reports, background checks, criminal histories, and driving records. Candidates must also successfully complete *pre-employment drug testing and/or pre-placement medical examinations*¹.

Candidates may be employed after appropriate *background investigations* have been completed, and after meeting conditions related to eligibility for employment under immigration laws, after providing documentation that constitutes proof of identity and proof of right to work in the United States. Information obtained from the background investigation process, including information from professional and personal references will be used by the County only as part of the employment process and will be kept confidential.

Criminal backgrounds and credit histories are only utilized in making employment decisions when the applicant or employee's criminal history is position related and consistent with County policies, such as (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct; and (3) the nature of the job held or sought. If these conditions are not met, or any *information* provided is found to be untrue or falsified by the applicant, employment will be denied or active employment will be terminated.

¹ Results of any physical examinations and pre-employment drug screening are filed in separate medical records and maintained in accordance with regulations, which protect the privacy and confidentiality of the candidate. To protect medical privacy, the Department of Human Resources only receives information, which indicates the candidate's affirmative or negative ability to meet pre-employment screening requirements.

HR-002E: Secondary Employment

An employee must notify the Department Head before accepting secondary employment to ensure that no conflict of interest occurs. If the Department Head has concerns about conflicts of interest with the secondary employer, the County Ethics Commission shall review and determine if the employment is allowable. The Department Head shall advise employees that County employment is their primary occupation, and that secondary employment is never a valid reason for inadequate work performance or absence from work. Further, if a conflict of interest is indicated, the employee will be advised to cease the secondary employment or face *disciplinary action*. (see HR-008J)

HR-002F: Background Investigations

The County 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 candidate for the particular *position* for which the candidate is being considered.

The County 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*.

HR-002G: Probationary Period

Employees hired or appointed to a regular full-time appointment within the *classified system* serve *at the pleasure of the Appointing Authority* during any probationary period. An employee is not eligible to post for vacancies until the completion of their probationary period. Discipline or discharge of a probationary employee is not subject to the grievance procedures of the County's Personnel Policies & Procedures Manual. An employee not successfully completing the probationary period may be subject to *involuntary termination*.

Probationary periods differ according to the *Appointing Authority* and are summarized in the chart below:

Appointing Authority	Probationary Period
<i>County Executive</i>	Unclassified Positions: None All others: 6 months
Sheriff's Office	Sworn Officers: 18 months Sworn Correctional Officers – 12 months All others: 6 months
State's Attorney's Office	Deputy or Assistant State's Attorney; Criminal Investigators or Executive Secretary: None All others: 6 months
Circuit Court Administrative Judge	None
<i>County Council</i>	Unclassified Positions: None All Others: 6 months

HR-002H: New Employee Orientation

New employees of the County must participate in *New Employee Orientation*. Orientation includes important *information* to introduce new employees to County employment. A review of the Personnel Policies & Procedures Manual, payroll and benefits, is included.

HR-002I: Supervisor Orientation

To introduce supervisors to their new role, a Supervisor Orientation is mandatory. The Orientation will include training on topics such as performance appraisals, discipline, grievances, and other important information in preparation for supervisory responsibilities. Refresher training for tenured supervisors is also offered.

HR-002J: Recruitment and Selection Practices

The County's ability to provide excellent customer service to citizens is dependent upon our human assets. Therefore, it is critical that the County hires the best-qualified candidates while providing opportunities for advancement to current employees. The County first considers internal candidates as part of general business practices providing for promotional opportunities. If it is determined that there are insufficient qualified internal candidates, the County will recruit externally by advertising openings via various media, such as web pages, newspapers, or other sources.

Employment vacancies are those *positions* authorized and funded during the budgeting process. Full-time *positions* are generally posted on County bulletin boards for six (6) working days before being advertised to the public. However, some *positions* are advertised internally and to the public simultaneously. Candidates submit applications for vacancies to the Department of Human Resources via an electronic application on the County's website. The employment process focuses on identifying and weighing job-related skills, knowledge, abilities and competencies necessary for performance of the work, screening applicants against those qualifications, and performing valid selection processes to select the best candidates.

The Department of Human Resources manages the recruitment process and ensures that the activities are conducted in an efficient, fair, and organized manner, consistent with appropriate employment practice standards. The Department of Human Resources and the hiring authority conduct recruitment and selection ethically, professionally, and in a non-discriminatory manner.

HR-002K: Rehire

A former employee who resigned in good standing is eligible as a rehire within one (1) year of the termination date. Rehires are able to resume their accrual rate for Vacation Leave. Employees who are terminated for misconduct or resign in lieu of termination for misconduct are not eligible for rehire.

HR-002L: Separation

Employment terminates at the end of the work shift of the last day worked. The County encourages an employee who is considering leaving County employment to inform their supervisor prior to the required two-week period to allow for advertising and filling the *position* as soon as possible. Accrued, unused Vacation and Personal Leave is paid out in the final paycheck; sick leave is not paid out. It is the supervisor's responsibility to notify Department of Human Resources when an employee informs them of the intention to separate from County employment.

When the employee has not returned County-owned equipment, property, uniforms, identification cards, or if more personal hours are used than earned, the appropriate amounts are deducted from the employee's final paycheck.

Employment with the County may end under several circumstances:

□ **Quit**

An employee quits by leaving County employment without giving two weeks' notice. An employee who terminates employment without providing two weeks' written notice is not considered to have resigned in "good standing." An employee who quits is not eligible for rehire.

□ **Resignation**

To resign in good standing, an employee must:

1. Provide two weeks' written notice of the intention to terminate employment, and
2. Work the full two weeks of the notice period. (Must have a physician's certificate for payment of any Sick Leave taken during the notice period.)
3. Once the *Appointing Authority* accepts a resignation, it may not be withdrawn. An employee who resigns in "good standing" can only be rehired as a new employee.

□ **Retirement**

An employee meeting applicable pension requirements and eligibility may apply for retirement benefits. Retirement can be in the form of *early retirement*, *disability retirement* or normal retirement. An employee who retires from the Maryland State Retirement must have a break in service of forty-five (45) days before they can be re-employed. Retiree health benefits may be available to those employees who have met the criteria of the Post-Retirement Benefits for Eligible Employees.

□ **Death**

In the event of the death of an active employee, the employee's estate will be paid any owed compensation including accrued, unused Vacation and Personal Leave and other entitlements, as appropriate.

□ **Termination**

An employee can be terminated under situations, including but not limited to:

1. Inability to perform *essential position functions*: The employee is consistently unable to perform the essential functions of the *position* with or without reasonable accommodations, as defined under the ADA, when appropriate.
2. Failure to meet performance expectations: The employee fails to meet performance expectations after successive attempts to provide coaching, retraining, performance improvement plans, and performance *counseling*.
3. Serious or repeat violations of County rules and/or policies: An employee terminated for violations may be terminated the day the *Appointing Authority* reaches the decision to dismiss the employee.
4. Lack of work, lack of funds, reorganization, change in budget, or change in technology, resulting in reduction in force or elimination of a *position*: An employee terminated for these reasons may be recalled to the former *position* classification in the reverse order of the separation (i.e., those terminated first are eligible to return to their former *position* before those terminated last).
5. Exhaustion of all applicable leave entitlements (i.e. FMLA, Leave of Absence, etc.)
6. Termination of a County employee supervised by an employee of another governmental agency under a Memorandum of Understanding governing the employment of such County employee between said agency and the County.

□ **Involuntary reduction of work hours and pay**

Due to a sudden unexpected lack of funds to operate, all employees, including probationary, contractual, and part-time employees, may be subject to furlough. Employees are strictly prohibited from performing any County work during the furlough period. This includes checking work-related email and voice mail.

The *Appointing Authority* may manage this situation differently due to the nature of the services they provide.

HR-002M: Exit Interview

The process of separation from employment or transfer to another Department may, upon the request of the employee or Department of Human Resources, include an exit interview conducted by the Department of Human Resources and the completion of an Exit Questionnaire. The exit interview shall be held immediately after notification by the employee of plan to transfer, resign or retire.

The purpose of the exit interview is to ensure that exiting employees are informed of their benefits and rights upon separation of employment from the County's service and to maintain accurate records on reasons for employee separations or transfers.

Policy #:	HR-003
Subject:	SALARY ADMINISTRATION
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

The County strives to attract, motivate and retain exceptional talent. To help accomplish this goal, the County has a market-based compensation program that establishes parameters for base pay and benefit programs. Total compensation includes cash compensation as well as benefits. The program is intended to compensate all employees on a fair, equitable basis and to recognize demonstrated performance and employee contributions.

HR-003A: Pay Structure(s)

Employees hired into authorized *positions* are paid according to the *pay scale* as described below unless the *position* is ungraded or contractual. Each *position* is placed on the appropriate *pay structure* by assigning it to a *pay grade*. Departments and agencies have the authority to negotiate and determine placement within the specific *pay grade*, as long as the pay rate does not exceed the maximum of the *pay grade* or surpass the **departmental** budget. The request may include any of the following:

- (1) The reason the candidate should be hired above Step 1 of the *pay grade*;
- (2) Evidence of recruitment and retention issues for the *position* (i.e. the existing candidate pool is minimal);
- (3) Evidence the candidate has specialized or unique skills, certifications, licensing, and/or experience and the evidence is used to support a higher salary than the salaries of existing employees.

The Department Head cannot communicate the requested salary to the candidate prior to approval from the Department of Human Resources.

Pay ranges are established for each *pay grade*. The *pay range* sets minimum and maximum pay values for the *position*. *Pay ranges* are regularly compared to appropriate labor markets through surveys and studies. Ranges are adjusted, as needed, to reflect changes in competitive pay levels and economic factors such as significant increases in inflation or consumer prices and the County's ability to fund.

The *pay scales* include only the *positions* listed on the Position Allocation for the appropriate *pay scale*. Employees move through the *pay ranges* based on approval from the *Appointing Authority* and budgetary constraints.

The Public Safety *pay scales* are applicable to employees who are regularly scheduled to work 24 hours/7 days per week operation in the Sheriff's Office (Patrol or Corrections) or Department of Emergency Services. Public safety includes emergency medical services, hazmat response, law enforcement, correctional officers and counselors, emergency management preparedness and mitigation and the 911 dispatchers.

Shift Accumulator (Sworn Law Enforcement Officer – Patrol):

- The employee's normal regularly scheduled shift shall be 11.25 hours, but salary is paid at a total of eighty (80) hours per pay period cycle. The payroll system tracks actual hours worked as well as hours paid. **Annually**, the accumulator will be zeroed out and if an employee is in an overage, these hours are added to their Vacation Leave accruals. If the employee should owe, the time owed will be withdrawn from the employee's Vacation or Personal Leave accruals (Sick Leave accruals cannot be used).

Annual Salary Increases

1. **COLA or Pay Scale Adjustment:** Employees on a *pay scale* (or non-contractual ungraded *positions*) would be eligible for an increase for Cost of Living Allowance (COLA) or *pay scale* adjustments if funded during the budgeting process.
2. **Step Increase:** (if funded during the budgeting process)
 - ❑ **Regular Full-Time employee:** A regular, full-time employee who has a Satisfactory or better performance appraisal and completed one (1) year of service may be eligible to receive a step increase. Step increases will be effective on the pay period following the anniversary of the employee's date of hire, if funded.
 - ❑ **Regular Part-Time employee:** Any regular part time employee who has a Satisfactory or better performance appraisal and has completed one (1) year of service may be eligible for a step increase. Step increases will be effective on the pay period following the anniversary of the employee's date of hire, if funded
 - ❑ **Contract and Grant-Funded:** If a Personal Services Agreement and grant funding provide for an increase, it would be effective upon renewal of the Personal Services Agreement.
 - ❑ **On-call, Substitute and Temporary employee:** Ineligible for step increases.

HR-003B: Changes in Position

Acting Pay

With *Appointing Authority* and budgetary approval, temporary placement into *Acting Pay status* may be made from one department or *position* classification to another to meet County needs. If an employee meets the *position* requirements and is temporarily placed into *Acting Pay status* in a higher *pay grade* classification, the employee is paid at the new pay rate beginning after ten (10) consecutive working days from the date of *Acting Pay status*.

The pay rate is adjusted so the employee receives an increase equivalent to 5% of the current rate and placed on the closest step or to the minimum of the *pay range* (whichever is greater). If *Acting Pay status* warrants more than a one grade increase, the employee will receive a 5% increase (in addition to any other authorized salary increase) for the first grade, then 2.5% increase for any additional grades, to a maximum increase of 10% and be placed at the appropriate step of the new *pay grade*.

The pay rate is automatically adjusted to the rate approved by the *County Executive* at the completion of the *Acting Pay status*. The duration of the *Acting Pay* shall not exceed six (6) months. *Acting Pay* may not be used to cover scheduled vacations.

Attainment of Special Certifications, Degrees or Additional Responsibilities

An employee is encouraged to develop job-related skills, knowledge and abilities on a continuous basis. An employee may occasionally attain additional professional certification(s) and degrees pertinent to their *position*. Under these circumstances, the *County Executive* reserves the right to award an additional percentage increase of up to 6% to recognize these accomplishments. Each Department will establish a tiered system for such attainments pertinent to the *positions* within the Department.

When an employee takes on additional responsibilities clearly beyond the scope of their current position (but not sufficient to justify an upgrade or employee does not qualify for Acting Pay), the County Executive reserves the right to award an additional percentage increase of up to 6% to recognize the additional responsibilities.

Demotion

A demotion may be approved by the *County Executive* (or designee) upon the recommendation of the Department Head, and shall be limited to those employees within the rank structure within that employee's division. Involuntary demotion may be imposed at any time as a means of discipline (in lieu of dismissal) or as a result of a less than satisfactory follow-up performance appraisal.

Under demotion (voluntary or involuntary), the employee's pay is reduced by a minimum of 10% and placed at the appropriate step in the lower grade. Some positions are not eligible for demotion.

Employee Reclassification

Duties of employees may alter to meet changes in technology, processes or customer expectations. When the employee's duties change, the Department Head can submit a request for *reclassification* form, with a recommended *position* title to the Director of Human Resources. If the *reclassification* is approved, the employee is assigned to the new class and grade with an effective date agreeable to the *County Executive* or *Appointing Authority* and the Department Head. This is normally done at the beginning of the fiscal year.

A salary adjustment consistent with the new class and grade is made. An employee receives a minimum 5% increase (in addition to any other authorized salary increase) and is placed on the closest step or to the minimum of the *pay grade* (whichever is greater). If a *position upgrade* warrants more than a one grade increase, the employee will receive a 5% increase (in addition to any other authorized salary increase) for the first grade, then 2.5% increase for any additional grades, to a maximum increase of 10% and be placed at the appropriate step of the new *pay grade*.

The Department Head may submit a request to the Department of Human Resources for approval to place a reclassified employee at a *pay grade* greater than 5% as long as the pay rate does not exceed the maximum of the *pay grade* or surpass the **departmental** budget. The request shall include the reason the employee is to be placed at a *pay grade* greater than 5%.

Position Upgrade

When a Department Head determines a *position's* duties have significantly changed, the Department Head recommends a review of the *position* for upgrade. A process is initiated to produce a *position* upgrade:

1. The employee completes a written position evaluation questionnaire form (available from the Department of Human Resources), which is approved by the Department Head and submitted to the Director of Human Resources.
2. The Director of Human Resources conducts an internal position evaluation, and, as necessary, a market comparison. Based on this *data*, the Director of Human Resources determines any appropriate changes to the *position's* grade level for the *position*. The upgrade recommendation is forwarded to the *County Executive* for final approval and implementation.
3. Once the upgrade is approved, any employee in the affected *position* is assigned to the new class and grade on a date agreeable to the *County Executive* or other *Appointing Authority* and the Department Head. The employee receives a pay increase of 5%, and placed in the new grade.
4. The upgrade process normally takes place in advance of the annual budget process so that any necessary funds can be included in the upcoming fiscal year's budget.

The Department Head may submit a request to the Department of Human Resources for approval to place the upgraded employee at a *pay grade* greater than 5% as long as the pay rate does not exceed the maximum of the *pay grade* or surpass the **departmental** budget. The request shall include the reason the employee should be placed at a *pay grade* greater than 5%.

If a *position upgrade* warrants more than a one grade increase, the employee will receive a 5% increase (in addition to any other authorized salary increase) for the first grade, then 2.5% increase for any additional grades, to a maximum increase of 10% and be placed at the appropriate step of the new *pay grade*.

Promotion

Promotions occur within the same *pay scale* (see Transfers) only. An employee is selected for promotion when they can demonstrate the appropriate skills, knowledge, abilities, past performance and experience for the vacancy. The employee receives a promotional increase of minimum of 5%, and then placed in the *pay grade* of the new *position*. The new pay rate will not exceed the maximum of the new *pay grade*. Employee would receive a minimum of 5% increase (in addition to any other authorized salary increase) and placed on the closest step or to the minimum of the *pay grade* (whichever is greater).

The Department Head may submit a request to the Department of Human Resources for approval to place the upgraded employee at a *pay grade* greater than 5% as long as the pay rate does not exceed the maximum of the *pay grade* or surpass the departmental budget. The request shall include the reason the employee should be placed at a *pay grade* greater than 5%.

If a promotion warrants more than a one grade increase, the employee will receive a minimum 5% increase (in addition to any other authorized salary increase) for the first grade, then 2.5% increase for any additional grades, to a maximum increase of 10% and be placed at the appropriate step of the new *pay grade*.

A promoted employee serves a probationary period of 6 months (or 1 year for Sheriff's employee). Discipline or discharge of a probationary employee is not subject to the grievance procedures of the County's Personnel Policies and Procedures Manual. An employee not successfully completing the probationary period may be subject to *involuntary termination*.

NOTE: When an employee is transferred to a lower-graded *position* and later returns to a *position* in a higher grade, a second promotional increase will not be awarded. In this case, the employee will be placed in the appropriate grade at the closest step but not greater than the current rate or the maximum of the *pay grade*.

Regular Part-Time To Full-Time Employment

If a regular part-time employee is hired full-time in the same *position*, they keep their current step and original date of hire and will serve a new probationary period.

Transfers:

1. Voluntary

Non-probationary employees may request a transfer to another County department with a vacancy if they meet the required qualifications of the *position*. If the employee is transferred to an equal or lesser-paid *position* within the same *pay scale*, the employee is placed in the grade and step closest but not greater than their current pay rate unless the current pay rate is above the maximum of the *pay grade* for the new *position*. In this case, the employee's pay rate is reduced to the maximum of the new *pay grade*. A transferred employee serves a probationary period of six (6) months (or eighteen (18) months for Sheriff's employees).

If an employee transfers to a different *pay scale*, they are placed in the step closest to, but not greater than their current salary, of the appropriate grade for the *position*.

2. Involuntary

An employee may be involuntarily transferred from one department to another or from one *position* classification to another. Involuntary transfers may include, but not limited to:

- ❑ Technological change
- ❑ Lack of funds
- ❑ Lack of work
- ❑ Reorganization
- ❑ Reduction in force
- ❑ An employee's inability to obtain or retain necessary job-related certifications

Involuntary transfers resulting from a reduction in force are made after considering employee expertise, experience and length of service. Significant weight is given to performance evaluations most recently preceding the reduction in force.

An involuntarily transferred employee is moved to a *position* at the step closest but not greater than the current rate or the maximum of the *pay grade* and serves a probationary period of six (6) months or eighteen (18) months for Sheriff's Office employees.

Policy #:	HR-004
Subject:	PAYROLL POLICIES
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-004A: Payroll Period

The payroll period consists of two consecutive work weeks with each week starting Saturday at 12 a.m. and ending Friday at 11:59 p.m. *Non-exempt* employees are required to complete an electronic timesheet for submission to the Department of Human Resources for calculation of pay. Electronic timesheets are legal documents and must be completed accurately and timely. The hours paid are for the hours worked during the previous two-week period. There are 26 biweekly pay periods annually. Pay day is every other Friday.

HR-004B: Timely and Accurate Submission of Time and Leave

Accurately recording time worked is the responsibility of every employee. Supervisors are responsible for reviewing timesheets for accuracy and approving them biweekly. Federal and state laws require the County to maintain an accurate record of time worked in order to calculate pay and benefits. Employees shall provide timely and accurate submission of hours worked, and any leave used, to the supervisor, Department Head, or designee. Advance approval is required for time off and overtime.

Late or incomplete submission of hours worked or time off by the employee or the department may result in the delayed processing of pay. In such cases, manual checks shall not be issued but the additional pay will be reflected in the next regularly scheduled paycheck. If the employee has accrued Vacation or Personal leave it will be reduced to cover any unsubmitted hours worked. When the time is submitted, the leave used will be reversed. Repeated instances of failure to submit timely and accurate hours may result in disciplinary action for the employee and supervisor.

HR-004C: Overtime

Work may be performed on an overtime basis to meet emergencies or other situations that cannot reasonably be met during regular work hours. Overtime is an acceptable alternative to hiring more employees. When overtime is assigned, employees are given as much advance notice as is reasonable. Because operating needs may change, employees may not always be given advance notice of overtime. All overtime must be authorized in advance by the supervisor and documented with justification for the overtime.

Position descriptions indicate whether they are *exempt* or *non-exempt* from the overtime provisions of the Fair Labor Standards Act.

- Employees in official, executive, administrative or professional *positions* are *exempt* from overtime pay requirements of the FLSA, as provided pursuant to the Wage and Hour regulations of the Department of Labor and will not be afforded overtime compensation.
- *Non-exempt* employees are eligible for overtime compensation. The availability of budgetary funds and the *Appointing Authority* will determine how hours will be compensated. However, all regulations as outlined by the Fair Labor Standards Act will be followed in the administration of overtime. The chart on the following page is used in calculation of overtime pay for full-time *non-exempt* employees.

- If *offset time* is used in lieu of overtime for a *non-exempt* employee, the *offset time* must be taken during the same week (hour-for-hour) the employee works the extra hours.
 - If the *offset time* is given the 2nd week of the pay period, it needs to be taken at time and a half.
 - *Offset time* earned in the 2nd week of a pay period cannot be taken in the 1st week of the same pay period; it would be paid in accordance with the pay policy.
 - *Offset time* cannot be carried over into another pay period.
- Hazardous Material (HazMat) Employees: When covering a hazardous material (hazmat) incident outside of a regularly scheduled shift, HazMat employees will be paid for hours worked at a hazmat site at the appropriate rate of pay, and will not be eligible for overtime for or based upon such hours worked.

Department	Regular Overtime Compensation	Emergency Work	Call Out Pay
Roads, Landfill, Wastewater Operators, Facilities Management, Information Technology, Parks & Recreation, Animal Services, Community Services – Transit, & Land Use and Development Inspectors	Time & ½ paid for hours worked in excess of forty (40) hours in a single workweek; hours not worked due to holiday and personal leave are counted as hours worked;	All paid <i>absences</i> will be counted as hours worked	Automatic two (2) hours overtime compensation for any call out situation
Sworn Law Enforcement Officers - (Patrol)	Time & ½ is paid for hours worked in excess of 11.25 hours in a single day; if employee works any hours on scheduled day off, time & ½ is paid for those hours; hours not worked due to holiday, vacation, and personal leave are counted as hours worked.	Not Applicable	Not Applicable
Sworn Law Enforcement Officers - (Non-Patrol)	Time & ½ is paid for hours worked in excess of eight (8) hours in a single day; if employee works any hours on scheduled day off, time & ½ is paid for those hours; hours not worked due to holiday, vacation, and personal leave are counted as hours worked.	Not Applicable	Not Applicable

Correctional Officers	<p>8 hour Shift Configuration*: Time & ½ paid for hours worked in excess of forty (40) hours in a single workweek; hours not worked due to holiday, vacation, and personal leave are counted as hours worked.</p> <p>12 hour Shift Configuration*: Time & ½ paid for hours worked in excess of eighty-four (84) hours in a two (2) week pay period; hours not worked due to holiday, vacation, and personal leave are counted as hours worked.</p>	Not Applicable	Not Applicable
Work Release Officers	Time & ½ paid for hours worked in excess of forty (40) hours in a single workweek; hours not worked due to holiday, vacation, and personal leave are counted as hours worked.	Not Applicable	Not Applicable
<p>Emergency Services [effective pay period starting 07/03/10]</p> <p>12-hour shifts: Regular schedule is 7 twelve-hour days per pay period: * 4 twelve-hour shifts (48 hours/week) and * 3 twelve-hour shifts (36 hours/week)</p>	<p>Time & ½ is paid for hours worked beyond forty (40) hours in a single workweek; hours not worked due to vacation, sick, holiday and personal hours are not counted as hours worked for calculation of overtime pay.</p> <p>NOTE: If on leave for the two (2) week pay period, eighty-four (84) hours will be charged to accruals (48 + 36). Maximum of forty-eight (48) hours will be charged to leave accruals in one (1) week.</p>	<p>When covering an open shift or attending mandatory training beyond the regularly scheduled workweek, compensation will be paid at time and ½.</p> <p>NOTE: Any training attended that is not mandatory will be paid at a straight rate of pay, unless hours worked are over forty (40) hours in the week training is attended.</p>	Not Applicable
All other departments	Time & ½ paid for hours worked in excess of forty (40) hours in a single workweek; hours not worked due to holiday and personal are counted as hours worked	Not Applicable	Not Applicable

*Shift configuration determined by Sheriff's Office Administration to meet operation requirements.

HR-004D: Holiday Pay

Holidays (see HR-006D) falling within an employee's scheduled paid Vacation or Sick Leave are counted as holiday pay and do not reduce the employee's leave balances. If an employee is on unpaid leave the day before or after the holiday, the holiday will not be paid.

Regular full-time employees are eligible for holiday time off with pay at a rate of eight (8) hours per holiday at their regular rate of pay provided that the employee would have worked on that day had it not been an observed holiday.

The following exceptions apply to specified departments:

24-hour Operations (Law Enforcement, Detention Center, Community Corrections, Domestic Violence, and Emergency Services):

- 1) Employees will be provided holiday time equal to the adopted holiday listing each year to be used as follows:
 - a. Employees working on an observed holiday to meet operating needs will receive additional pay up to the employee's normal regularly scheduled shift hours at the regular rate of pay; or
 - b. Employees not scheduled to work on an observed holiday will earn eight (8) hours of holiday time that may be scheduled off at a later date. Unused holiday time, although earned on a calendar year basis, may be carried over until June 30th of the following year.

Parks and Recreation, Community Services (Cecil Transit, Animal Services):

- 1) Employees working on an observed holiday to meet operating needs will receive additional pay up to the employee's normal regularly scheduled shift hours at the regular rate of pay.

Wastewater:

- 1) Employees required to work on any of the six (6) major holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas) may elect to receive up to eight (8) hours holiday pay (if there is funding in the departmental budget) for those days in lieu of *offset time*.
- 2) An employee scheduled to work the non-major holidays is required to offset the hours within the same pay period cycle or be paid for up to eight (8) hours at the regular rate of pay.

Solid Waste Division:

- 1) An employee required to work on the Friday after Thanksgiving Day may elect to receive up to eight (8) hours holiday pay (if there is funding in the departmental budget) for that day in lieu of *offset time*.
- 2) An employee scheduled to work a holiday is required to offset the hours within the same pay period cycle or be paid for up to eight (8) hours at the regular rate of pay

HR-004E: Shift Differential

Due to the County's service responsibilities, some employees are required to operate on a shift basis. Shift differential is paid to compensate the employee for disruption to family life or normal day/night schedules. Shift workers are those *non-exempt* full-time employees who replace or are replaced by another employee in a 24/7 operation or are assigned to work on a shift basis (Facilities Management, Domestic Violence Shelter) and work a *qualifying shift*. The rate of shift differential pay is set by the *County Executive* and may be adjusted from time to time.

1. **Shift Differential will be paid to eligible full time and regular part-time employees who work any hours of a *qualifying shift* (as determined by the individual department based on operational needs);** and
2. If an employee is held over from a regularly scheduled shift into a *qualifying shift*, they will be paid shift differential in addition to any overtime hours paid.

3. Employees responding to emergency calls are ineligible to receive shift differential for those hours.

HR-004F: Emergency Work

On occasion, employees may be required to work additional hours where the tasks to be performed, if left uncompleted, would create risk of danger or damage to County residents, visitors or property. *Non-exempt essential employees* called in and required by supervision to work emergency hours in excess of forty (40) hours per week will receive overtime compensation.

HR-004G: Call Out

Some County employees have important safety-related duties during specific emergency situations. These include *non-exempt*, essential full-time employees of the Public Works, Facilities Management, Information Technology, Parks and Recreation, Community Services (Cecil Transit, Animal Services), and Land Use and Development departments. As required and monitored by the supervisor, these employees will receive an automatic two hours in overtime compensation at the one and one-half rate for any call out situation, to recognize and compensate employees for the disruption to their off duty schedules.

Policy #:	HR-005
Subject:	PERFORMANCE APPRAISALS
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-005A: Performance Appraisals

Performance appraisals are utilized to evaluate and review employee performance; to recognize work quality; to identify areas of improvement; and to guide employees in maximizing job knowledge, skills and abilities.

Performance appraisals provide a structured opportunity for the supervisor to meet with the employee to discuss the supervisor's expectations, the employee's strengths and weaknesses, and other issues that affect the *position* and the employee's ability to succeed.

HR-005B: Probationary Progress Review

During the probationary period, employees serve *at the pleasure of the Appointing Authority* and are subject to greater performance review, coaching and leave usage restriction. Supervisors are expected to communicate frequently with employees throughout the probationary period to guide performance. Feedback is most effective in rewarding good performance or correcting performance problems when observed.

- At three (3) months and six (6) months of employment as a new employee, the supervisor completes a probationary progress review. The supervisor determines whether the employee's performance and development meet expectations. The supervisor provides the review to the Department of Human Resources.
- If an employee transfers to a new *position*, the supervisor completes a probationary progress review at six (6) months of employment in the new *position*. The supervisor determines whether the employee's performance and development meet expectations. The supervisor provides the review to the Department of Human Resources.
- In both cases, at the six (6) month evaluation, if the supervisor determines that performance is satisfactory, the employee has successfully completed the probationary period and granted regular status in the *classified system*. If the supervisor determines that performance is not "Proficient," but that the employee may achieve proficiency with additional time, the supervisor may extend the probationary period for an additional six (6) months at a minimum.
- If, at any time during the probationary period, the supervisor determines that performance is unsatisfactory and that the employee is unlikely to meet expectations with probationary period extension, the employee is terminated/ demoted. Failure to conduct a written review within the probationary period does not deprive the County of its right to terminate a probationary employee at will, and without cause with the concurrence of the Director of Human Resources.

Discipline or discharge of a probationary employee is not subject to the County's Policies and Procedures grievance procedures.

HR-005C: Annual Performance Appraisals

Each permanent employee shall receive an annual performance appraisal to discuss performance and specific achievements on the anniversary of the employee's date of hire. Appraisal forms are reviewed during *New Employee Orientation*.

Supervisors are expected to maintain a working file for each employee that documents specific accomplishments, commendations and/ or needed performance improvements of the employee for the next formal appraisal period. The supervisor completes a performance appraisal reviewing the prior year's performance. Feedback is discussed during a meeting between supervisor and employee, at which time the following items are reviewed:

- ❑ Accomplishments
- ❑ Skills
- ❑ Areas for improvement
- ❑ Overall rating
- ❑ Performance expectations
- ❑ Professional development suggestions to address specific areas of improvement

After meeting with the supervisor to discuss the performance appraisal, the employee shall sign the appraisal. The signature by itself shall not signify that an employee agrees with the appraisal. The signature shall signify that the employee has received the appraisal and is aware of its content. The employee may add appropriate comments. The employee receives a copy of the performance appraisal. The original is forwarded to the Department of Human Resources for the personnel file.

An overall rating of Exemplary or Satisfactory on the annual performance appraisal is required for an employee to be eligible for a step increase if budgeted. An employee who receives an overall rating of Needs Improvement or Unsatisfactory is not be eligible to receive a step increase and is subject to a Performance Improvement Plan.

HR-005D: Performance Improvement Plan

If an employee receives an overall rating of "Needs Improvement" or "Unsatisfactory" on an annual performance appraisal, the supervisor shall prepare a Performance Improvement Plan that identifies the steps required for improvement and continued employment. The contents are discussed with the Director of Human Resources in advance of issuing to the employee. Following the initial delivery of the Performance Improvement Plan, follow-up meetings are scheduled at thirty (30) days and sixty (60) days. A copy of the signed Performance Improvement Plan shall be provided to the Department of Human Resources and placed in the employee's personnel file.

Employees that **show improvement** during the Performance Improvement Plan, will receive a revised Annual Performance Appraisal ninety (90) days after the start of their Performance Improvement Plan and may be eligible for a step increase, if budgeted.

A second sixty (60)-day Performance Improvement Plan may be required to ensure the employee sustains an acceptable level of performance. Any employee that fails to show significant and sustained improvement in the interim sixty (60) day follow up Performance Improvement Plan and/or the next annual performance appraisal period shall be subject to dismissal.

The following chart summarizes the major features of the different performance appraisal systems in use in County government:

	Performance Appraisal For Non-Public Safety & Department of Emergency Services	Performance Evaluation Review for Sheriff's Office (Law Enforcement & Corrections)
Key Performance Factors	<p>Non-Supervisory Appraisal</p> <ul style="list-style-type: none"> ▪ Customer Service ▪ Position Knowledge ▪ Productivity ▪ Communication ▪ Teamwork ▪ Initiative ▪ Attendance <p>Supervisory-Managerial Appraisal</p> <ul style="list-style-type: none"> • Customer Service • Supervision/ Leadership • Job Knowledge/ Skills • Communication • Relationship with Management • Budgeting & Fiscal Management • Planning & Organization • Innovation & Creativity • Professionalism • Risk Management 	<ul style="list-style-type: none"> ▪ Position Knowledge & creativity ▪ Attitude ▪ Communication ▪ Interaction with others ▪ Productivity & work quality ▪ Assertiveness & Motivation ▪ Problem solving/decision making ▪ Concern for quality ▪ Personal Growth ▪ Judgment ▪ Attendance
Performance Rating	<ul style="list-style-type: none"> ▪ Exemplary ▪ Satisfactory ▪ Needs Improvement ▪ Unsatisfactory 	<ul style="list-style-type: none"> ▪ Commendable ▪ Satisfactory ▪ Needs Improvement ▪ Unsatisfactory
Pay Increase	If funded and approved, the employee is eligible for a step increase. Ungraded employee is eligible for a percentage increase based on the approved budget. Employee on the step-rated scale is eligible for a lump-sum increase if over maximum of <i>pay range</i> .	If funded and approved, the employee is eligible for a step increase. Ungraded employee is eligible for a percentage increase based on the approved budget; Employee on the step-rated scale is eligible for a lump-sum increase if over maximum of <i>pay range</i> .
Basis for Pay Increase	Employee rated below Satisfactory does not qualify for an increase until performance improves.	Employee rated below three (3) will not qualify for an increase until performance improves. Employee will be reevaluated in sixty (60) days
Frequency of Performance Appraisal	A Probationary Progress Review for new/promoted employee is done at three (3) and six (6) months of employment. Non-probationary employee appraisals are done on their anniversary date	A Probationary Progress Review for new/promoted employee is done at three (3) and six (6) months of employment. Non-probationary employee appraisals are done on their anniversary date

HR-005E: Special Performance Appraisal:

When an employee has a change of *position* or supervisor, the out-going supervisor will complete an ending performance appraisal on the employee.

Policy #:	HR-006
Subject:	TIME OFF
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-006A: Administrative Leave

Administrative leave is a paid *absence* from work without charge to earned leave. The *County Executive* (or designee) may grant administrative leave to employees when special activities or unforeseen events occur that prevent employees from reporting to duty. Administrative leave with pay may be authorized for full time and regular part time employees and includes, but is not limited to, the following:

1. Jury Duty - The employee must submit a Certification of Jury Duty to the Department of Human Resources in order to receive pay for the leave. Employee must also give the supervisor adequate prior notice and provide satisfactory evidence of performance of those duties.
2. Election Judge - The employee may use one (1) hour of administrative leave for each hour of service as an election judge, up to a total of eight (8) hours for each day of service. The employee must furnish satisfactory evidence that they served as an election judge on the day(s) for which they are charging the administrative leave.
 - a. If more than one (1) employee is performing early election judge service, the department is charged with ensuring proper staffing and requests may be denied.
3. Relief of Duty pending:
 - a. An investigation of an incident or charge;
 - b. Removal from a *position*; or
 - c. A determination of fitness for duty.
4. Attendance at an officially approved meeting, County department interview, conference, seminar, or training.
5. Subpoenaed as a witness in a work-related civil or criminal case or an administrative proceeding.
6. Subpoenaed as a witness in a civil or criminal case or an administrative proceeding unrelated to personal matters.
7. Under other circumstances where the County determines that granting administrative leave is in the best interest of the County.
8. Until a determination of fit-for-duty is completed.
 - a. The employee is immediately removed from County premises if behavior or performance endangers anyone's health or safety, or impedes the ability to conduct County business pending receipt of a confirming medical opinion or other resolution of the matter up to forty (40) hours.

HR-006B: Bereavement Leave

Full time permanent employees (including probationary employees) shall be paid for three (3) days of bereavement leave. A part time permanent employee shall be paid on a pro-rated basis of the three (3) days bereavement leave based on their full time equivalent. Full time permanent employees shall not be entitled to more than six (6) days of bereavement leave per calendar year; if needed, the employee may use Vacation or Personal Leave for any additional losses within the immediate family.

Bereavement leave shall be provided only for the death of an employee's spouse, child (including stepchild and legally adopted child), parent or parent in-law (if employee married to child), grandparent or grandchild, sibling, or death of anyone living in the employee's household. Bereavement leave must be taken within two (2) weeks from the date of death, unless Department Head authorizes alternate usage. Vacation leave may be requested if the employee requires additional time off to attend to matters associated with the event.

Employees should notify supervisor of the death and need for bereavement leave as soon as reasonably possible. Employees must provide documentation of funeral services (obituary, funeral home booklet) to the Department of Human Resources to receive pay for this leave.

HR-006C: Employee-to-Employee Leave Donations

Employees may voluntarily donate unused Sick Leave to another employee. An employee who donates Sick Leave to another employee must maintain a Sick Leave balance of at least 240 hours after the donation is deducted. An employee who donates leave shall designate the recipient of the leave. If an employee who receives leave does not use all of the donated leave, the remaining hours of leave shall be automatically transferred to the County's Sick Leave Bank.

To qualify for leave from the Employee-to-Employee Leave Donation Program, an employee must:

- Have exhausted all available Vacation, Personal and Sick Leave because of:
 1. A personal, serious, and prolonged medical condition that exists at the time the leave is donated; or
 2. A catastrophic illness or injury of a member of the employee's immediate family for whom the employee is needed to provide direct care. Catastrophic illness or injury is defined as a condition that is incapacitating or life threatening as certified by a health care provider. An employee may use leave from another employee to care for a family member only after obtaining approval from the employee's appointing authority. The *Appointing Authority's* approval is discretionary and denial may be based on any reason which is consistently applied and is not illegal or unconstitutional.
- Qualify for the use of Sick Leave under the requirements of the County's Personnel Policies & Procedures;
- Must provide sufficient medical documentation to substantiate absence for the time period covered by the Employee-to-Employee Leave request;
- Documentation includes a return to work date;
- Have not received leave from the Sick Leave Bank or the Employee-to-Employee Leave Donation Program in the last rolling 12 months; and
- Have not exhausted all available leave through Family and Medical Leave or Leave of Absence; and
- Not used more than 9 months of leave from the Sick Leave Bank, Employee-to-Employee Leave Donation Program, and all other forms of paid leave.

NOTE: The County Executive may authorize extensions of donated leave based on documented special circumstances.

HR-006D: Family and Medical Leave Act

Purpose and Definition – The Family and Medical Leave Act (FMLA), provides a means for employees to balance work and family responsibilities by taking unpaid leave for certain reasons. FMLA is consistent with the County's interest in promoting family stability and economic security. FMLA provides up to twelve (12) weeks of unpaid job-protected leave to eligible employees for the reasons, including, but may not be limited to:

Basic Leave Entitlement

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

Military Family Leave Entitlements

- Eligible employees with a spouse child or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain *counseling* sessions, and attending post-deployment reintegration briefings.
- FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

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

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

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

Requesting FMLA Leave and Providing On-going Documentation – To request FMLA leave, an employee contacts the County's Third Party Administrator for initial FMLA paperwork. Where the initiating reason is foreseen, the employee should provide thirty (30) days advance notice. Where the leave is requested to attend to an emergency, the request should be made as soon as possible and no later than the 4th consecutive day of *absence*. Failure to submit the required forms timely will result in the FMLA entitlement being delayed.

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

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

FMLA Leave – An employee approved for FMLA leave will be able to receive up to twelve (12) weeks of job-protected leave (paid and/or unpaid) in a *rolling 12-month period* to manage the FMLA-qualifying event. An employee on FMLA Leave to attend to their own serious health condition or for a dependent that qualifies under the basic leave entitlement is first required to exhaust all accrued paid leave time (Vacation, Sick, and Personal) and then the balance of the FMLA leave is unpaid time off.

An employee on FMLA Leave for to care for the employee's child after birth, or placement for adoption or foster care (i.e. baby bonding) is required to exhaust all paid Vacation and Personal Leave and then the balance of the FMLA leave is unpaid time off.

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

Intermittent Leave – Time off under this policy may also be granted on an intermittent or reduced schedule leave, subject to the guidelines in this policy and when medically necessary, in accordance with the provisions of FMLA. An employee approved to use intermittent FMLA leave must provide documentation of medical treatment with a prognosis date certifying their need for FMLA leave.

Benefits While on FMLA Leave - Employee is able to continue health benefits during the period of leave under the same conditions applicable to active employees. Employee is required to continue contributions for each pay period. The law further provides that the County may recover from the employee any premiums it pays if the employee fails to return to work after the leave period. There will be no accruals of Vacation or Sick Leave during this time. Use of FMLA leave will no longer be eligible for any perfect attendance awards effective January 16, 2009.

Fitness-For-Duty Certification – The County may require that the certification specifically address the employee's ability to perform the essential functions of their *position*; and, where reasonable safety concerns exist, may require a fitness-for-duty certification before an employee returns to work after taking intermittent leave.

Return from FMLA Leave – If returning from FMLA leave as scheduled, the employee is granted service credit for the period of the leave. If qualified and available to return to work, the employee is reinstated to their same *position* and salary in effect at the beginning of the leave (plus the benefit of any applicable salary adjustment that may have occurred during their *absence*), or to a *position* of like status and pay, unless the County's circumstances have changed so as to make it impossible or unreasonable to do so. If the employee fails to return as scheduled, employment is terminated effective the last day covered by FMLA.

Employee Protections under FMLA - No employee will be discriminated against for proper use of leave afforded under the provisions of the FMLA. Employee concerns regarding discrimination are to be reported to the employee's supervisor or to the Department of Human Resources.

The County will not interfere with, restrain, or deny an employee's exercise of rights under the FMLA. Questions or concerns that involve rights under FMLA should be directed to the Department of Human Resources.

Outside Employment During FMLA Leave – Employees on FMLA leave (paid and/or unpaid) are restricted from secondary employment including volunteer work.

FMLA Notices and Information - Each County department has FMLA notices posted that outlines provisions of the Act.

HR-006E: Healthy Working Families Act (effective February 11, 2018)

To comply with this Act, the County will provide paid leave to those employees working 12 hours or more per week, who are ineligible for other leave accruals. Employees covered by this policy will receive 40 hours each January 1st. Unused leave will not roll over from year to year. There is no payout of this leave at termination. Employees hired after January 1 will receive a lump sum of hour at hiring based on the total amount of sick and safe leave that the employee would earn over the course of the remaining year at a rate of 1 hour of paid leave for every 30 hours worked, but may not use leave until after the 106th day of employment.

Sick Leave Use – Leave may be used to cover:

- ❑ Care for or to treat the employee's or family member's mental or physical illness, injury or condition;
- ❑ Obtain preventative medical care for the employee or employee's family member;
- ❑ Absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member; or
- ❑ Maternity or paternity leave.

Supervisor Notification - Timely notification of the need for leave is critical to maintaining adequate staffing levels. An employee who cannot report to work for any reason must follow the normal call in procedures for the department. If the leave is foreseeable, the employee must provide notice 7 days before use. All Leave use exceeding three (3) consecutive days require a physician certificate.

Sick Leave Restrictions - Leave for which the employee does not meet notification requirements or for which the employee does not provide appropriate documentation will be considered as an *unauthorized absence* and will not be paid.

The supervisor notifies the employee in writing when an *absence* is considered to be an *unauthorized absence* and forwards a copy of the notification to the Department of Human Resources for inclusion in the employee's personnel file and documents the unpaid status on the employee's timesheet.

Secondary Employment – Employees on Leave are restricted from secondary employment including volunteer work.

Sick Leave Balance upon Termination - Upon termination unused leave is not paid out in the final check. If the employee is re-employed within 37 weeks from the date of termination, the unused leave is reinstated.

Employees Excluded from this Policy – Employees who regularly work less than 12 hours a week, or individuals younger than age 18 before the beginning of the year.

HR-006F: Holidays

The County observes the following as paid holidays:

- | | |
|---|---|
| New Year's Day * | Columbus Day |
| Martin Luther King Day | General Election Day (every other year) |
| Presidents Day (3 rd Monday in February) | Veterans Day |
| Memorial Day (last Monday in May)* | Thanksgiving Day (4 th Thursday in November) * |
| Independence Day * | Day after Thanksgiving |
| Labor Day (first Monday in September) * | Christmas Day * |

*Major holiday for applicable Departments and Divisions

The actual calendar dates that will be scheduled and observed by the County as holidays will be announced at the beginning of each calendar year. From time to time, the *County Executive* may add or delete paid holidays.

HR-006G: Leave of Absence

Medical:

Employees who exhaust FMLA leave, or whose *absence* does not qualify under FMLA, may apply for a Medical Leave of Absence. This leave may be with pay (if the employee has available leave) or without pay (if available leave is exhausted) and must be for a continuous period (not intermittent leave). A written request must be submitted for approval by the employee's supervisor, who forwards the request to the Director of Human Resources. (See Benefits while on Leave without Pay.)

If the employee's application for a Medical Leave of Absence is rejected (or if the maximum approved is exhausted) and the employee has not returned to work, the employee may be terminated or, if eligible, may apply for disability status under applicable provisions of the pension/retirement plan for which they are eligible.

Personal:

A Personal Leave of Absence may be approved for study, training, personal emergency reasons, or running in a primary or general election for a recognized political office. Leave may be with pay (if the employee has available Vacation, Personal, or PTO Leave) or without pay (if all available leave is exhausted).

A full time or regular part time employee who has completed the initial probationary period may request a Personal Leave of Absence without pay to attend to personal, non-medical reasons. Employees are eligible for a Personal Leave of Absence after exhausting paid leave, but should make application prior to the paid leave being actually exhausted. A written application, which includes the nature, cause and duration of the leave, is submitted to the *Appointing Authority* via the Department of Human Resources.

A Personal Leave of Absence is granted at the sole discretion of the *Appointing Authority*. A Personal Leave of Absence may be approved for a specific duration of not less than one (1) week, nor longer than 6 months, and is based on recent length of continuous service. Requests for less than one (1) week can be approved by the Department Head and submitted on the electronic timesheet. A Personal Leave of Absence will count for disciplinary purposes.

Duration of Leave of Absence

If granted, the maximum amount of extended leave available to the employee is based upon most recent length of continuous service with the County at the time the original Leave of Absence commenced, as follows:

Amount of Service	Maximum Duration of Extended Leave (in a rolling 12-month period)
Up to 2 years	1 month
2 years to 4 years	2 months
4 years to 6 years	3 months
6 years to 8 years	4 months
8 years to 10 years	5 months
Over 10 years	6 months

Benefits while on Leave of Absence

During any full month an employee is on an approved Leave of Absence, salary increases and fringe benefits (other than insurance) provided by the County, such as leave accruals, paid holidays and other paid leave, shall cease until the employee returns to active duty with the County. The selected insurance coverage(s) shall continue while the employee is on leave status as long as the employee pays the contribution(s). At the time of exhaustion of approved leaves and termination of employment, health insurance coverage(s) may be continued only if the employee contributes to its cost in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

Reinstatement from Leave of Absence

An employee returning from a Leave of Absence may be reinstated to the *position* the employee held prior to the leave, with past credited service and at the same pay level, provided the employee has met all provisions of the authorized leave. The County does not guarantee reinstatement to the same *position* held prior to the leave and may place the employee in another County *position*, as available.

Failure to Return from Leave of Absence

An employee who fails to return to work on the approved date will be terminated from employment. Additionally, if the County determines that the employee has violated County policies during the leave, the *Appointing Authority* may notify the employee that the leave has been terminated, that the employee must return to work, or that the individual’s employment has been terminated.

HR-006H: Military Leave

The County complies with the Uniform Services Employment and Reemployment Rights Act (USERRA) and strongly supports employee military service to the state and the nation.

To ensure proper treatment under these laws, including grant of military leave, an active employee who is a member of the Uniformed Services must provide the supervisor with official notification from the appropriate military authorities (official military orders). Military leave coverage includes the following:

- **Annual Training Duty** (limited to fifteen (15) days in one calendar year): Eligible employees are granted military leave with pay not to exceed one hundred twenty (120) hours. Actual payment will be the amount of the employee’s regular base salary for work time missed (up to 120 hours), less the gross military earnings. To ensure prompt payment for the leave, the employee must submit appropriate documentation on the military leave and earnings statement to the Department of Human Resources within thirty (30) days of the leave.

Extended Leave (in excess of 15 days): Written requests for military leave in excess of fifteen (15) days must be submitted to the immediate supervisor. An extended leave will be treated as an unpaid leave of *absence*.

- **Active Duty** (Due to act of War or National Emergency declared by the President or Congress): Employees who are called to active duty in one of the Uniformed Services will be paid the difference between the amount of their base salary and the gross military earnings. This amount will be determined upon receipt of an earnings statement from the military. The earnings statement must be received as soon as possible (not to exceed three (3) months) in order to determine the payment due. Until the required documentation is received in the Department of Human Resources, the leave will be unpaid.

Continued Benefits While on Military Leave - While on Military Leave, employees who are enrolled in the health insurance or optional benefit plans are responsible for maintaining contributions. Employees need to pay contributions monthly directly to the County or, if continuing to receive paychecks from the County, contributions will be taken through payroll deduction.

HR-006I: Paid-Time-Off (PTO)

Regular Part-Time (RPT) employees are eligible for PTO equal to their full time equivalent (FTE); i.e. *positions* with a .5 FTE would receive four (4) hours/month, *positions* with .75 FTE would receive six (6) hours/month. Hours are awarded at the beginning of each fiscal year or prorated based on date of hire and can be used for Holiday, Vacation or Sick Leave. No rollover from one fiscal year into the next is permitted or if the regular part-time employee is hired full-time. Payout will be prorated for the months worked. The amount of hours paid in any two-week period cannot exceed the amount of hours regularly scheduled. PTO may be taken in 1/2 hour increments.

HR-006J: Personal Leave

Personal Leave hours are available for when an employee cannot report or needs to leave work early for personal reasons. Forty (40) hours of Personal Leave are awarded to employees on payroll as of January 1st and may be used in 1/2 hour increments.

Employees shall inform their supervisor or designee as soon as possible for the need to use Personal Leave. Departments shall determine the minimum notification time required based on work assignments. If such notification is not received, the *absence* is considered to be unauthorized. If the request creates a hardship on the department the request may be denied.

Personal Leave must be used by December 31st or it is forfeited; it cannot be carried over from one calendar year into another. If employment starts or is severed during the calendar year, the leave is prorated based on the chart below. If a terminated employee uses more Personal Leave hours than earned, a deduction of the hours will be made from the final paycheck.

To receive Personal Leave, an employee must be at work on January 1st. Employees on extended leave shall not receive Personal Leave until returning to work and the leave will be prorated as if a new employee.

Employee on Payroll as of January 1 st	Employee who Terminates During the Calendar Year	Newly Hired Employee for the Calendar Year
Eligible for 40 hours to use anytime during the calendar year	January through March - Eligible for 10 hours	January through March - Eligible for 30 hours
	April through June - Eligible for 20 hours	April through June - Eligible for 20 hours
	July through September – Eligible for 30 hours	July through September – Eligible for 10 hours
	October through December - Eligible for 40 hours	October through December - Ineligible for hours

HR-006K: Sick Leave

The County provides Sick Leave to protect an employee and the employee’s family from loss of income due to an employee’s incapacitating illness or injury. In addition, the County promotes employee health through supporting employee utilization of preventive services provided by health insurance plans. Employees are encouraged to conserve Sick Leave in the event of a long-term illness or period of incapacitation. Use of Sick Leave by the employee for the purpose of his/her own illness, or that of a family member, that is documented by an approved medical provider is not counted for disciplinary purposes or included in an employee’s annual performance appraisal.

1. **Sick Leave Accrual** – Full-time, active employees begin to accrue Sick Leave at hire at the rate of ten (10) hours for each full month worked; however, paid leave cannot be received until the successful completion of the initial 6-month probationary period.
2. **Sick Leave Use** – After the initial 6-month probationary period, Sick Leave may be taken in ½ hour (or multiple) increments, up to the employee’s normal regularly scheduled shift, or for consecutive days up to the total number of accrued Sick Leave hours. Sick Leave may be used to cover:
 - ❑ An employee’s personal, non-work related illness or injury;
 - ❑ A physical incapacity associated with an employee’s pregnancy;
 - ❑ **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).
NOTE: A Leave of Absence (HR-006F) will count for disciplinary purposes.
 FMLA Approved *absence*: An employee can use accrued unused Sick Leave to care for a spouse, child (under age 18 unless he/she is “incapable of self-care because of a documented mental or physical disability”), or parent, who has a serious health condition.
 - ❑ **Physician’s Certificate** – An employee must submit a physician’s certificate to the Department of Human Resources if Sick Leave is taken in excess of three (3) consecutive work days and it should indicate an expected return to work date. An employee refusing to submit a physician’s certificate will not be entitled to paid Sick Leave.

- **Fit-for-Duty Certification** – Upon receipt of a confirming medical opinion requested and received by the County, the *Appointing Authority* may place employee in Sick Leave status pending corrective treatment or other resolution of the matter.

Use of sick leave for the above instances is subject to the County's approval. Management will closely monitor all sick *absences* and may request a physician's certificate from the employee at any time.

An employee with an extended period of non-work related illness or injury who exhausts accrued Sick, Vacation and Personal Leave, may be eligible to apply for and receive additional leave from the Sick Leave Bank or Employee to Employee Donation programs to allow for continued time off for recuperation. Alternatively, the employee may be eligible for leave under FMLA or a Medical Leave of Absence. (See HR-006B: Family and Medical Leave, page 22.)

3. **Supervisor Notification** - Timely notification of the need for Sick Leave is critical to maintaining adequate staffing levels. An employee who cannot report to work for any reason shall inform his/her supervisor or designee to ensure staffing requirements are met, and to inform the supervisor of the type of leave to be used to cover the *absence*. If such notification is not received, the *absence* is considered to be unauthorized. The employee must report *absence* on each subsequent day, as indicated above, until one of the following are met:

- Return to work;
- Family and Medical Leave Act approved - Employee on long-term sick leave (paid and/or unpaid) must contact their department weekly for the duration of their absence; or
- Approved Medical Leave of Absence - Employee on long-term sick leave (paid and/or unpaid) must contact their department weekly for the duration of their *absence*.

All *absences* exceeding three (3) days require a physician certificate and should include an expected return to work date.

4. **Sick Leave Restrictions** - The supervisor may require the employee to provide written verification to the Department of Human Resources from a physician of the necessity of the *absence* prior to authorizing the *absence*. Sick Leave for which the employee does not meet notification requirements or for which the employee does not provide appropriate requested verification will be considered as an *unauthorized absence* and will not be paid.

The supervisor notifies the employee in writing when an *absence* is considered to be an *unauthorized absence* and forwards a copy of the notification to the Department of Human Resources for inclusion in the employee's personnel file and documents the unpaid status on the employee's timesheet.

Secondary Employment – Employees on Sick Leave (paid or unpaid) are restricted from secondary employment including volunteer work. See HR-002E and HR-008J for additional information.

5. **Excessive Sick Leave Use** – Excessive use of undocumented Sick Leave can be defined as a consistent pattern of unscheduled *absences* which have a negative impact on the employee's ability to accomplish the duties and requirements of their *position*, such as but not limited to:
 - a. Any pattern of sick leave usage, such as the use of six (6) days in a six (6) month period, one or two days at a time, to include habitual sick leave absences before and after weekends or holidays.
 - b. An employee who consistently maintains a low Sick Leave balance after three (3) years of service, without sustaining a major illness during that time period.

An employee who exhibits excessive abuse of Sick Leave will be required to provide an original physician's certificate, signed by the physician, for all *absences*. The employee will be notified in writing by the Department Head of such requirement.

7. **Sick Leave Balance upon Retirement** - Upon retirement, accrued unused Sick Leave may be applied to an employee's pension under applicable rules and regulations of the pension plan.
8. **Transferring leave** - If there has been no break in service from resignation or *involuntary termination*, employees transferring from one County funded *position* to another may transfer their accrued unused Sick Leave.
9. **Light Duty** – Employees must be able to perform all of the activities and responsibilities of the *position* to which assigned. Injuries and illnesses may temporarily render an employee unable to perform all duties. Therefore, the County seeks to have injured or ill temporarily employees return to work in a timely fashion, compatible with the medical condition of the employee and work place safety. Employees authorized for light duty must have a return to work date.

Light duty will be considered, at the County's discretion, unless an employee is totally disabled or medically determined unable to work. Light duty will be authorized for a maximum period of three (3) months per rolling calendar year. If additional time beyond three (3) months is required, the employee shall submit a written request and medical documentation to substantiate the request to the *County Executive* (or designee).

Sick Leave Balance upon Termination - Upon termination, accrued unused Sick Leave, may be applied to an employee's pension under applicable rules and regulations of the pension plan. Otherwise, accrued unused Sick Leave is not paid out.

HR-006L: Special Administrative Limited Leave

In addition to the benefits available under Workers Compensation Law, personnel who are injured in the line of duty shall be eligible for Special Administrative Limited Leave.

Special Administrative Limited Leave is a benefit that may be granted to an eligible employee if the employee is disabled from work as a result of an injury or illness sustained in the performance of said employee's work. This leave will not be granted for *absences* or illnesses that may occur in performing normal office or clerical duties, but shall be restricted to *absences* or illnesses caused when performing uniquely dangerous governmental duties such as roadwork or law enforcement duties. Granting of this leave shall be discretionary to the *Appointing Authority*.

Special administrative limited leave may be granted only when all other leave has been exhausted including FMLA leave, Sick Leave, Personal Leave and Vacation Leave. While on special administrative limited leave, an employee shall not be paid his/her wages or salary and shall not accrue retirement benefits, vacation, or additional leave time, but shall be eligible for continuing health care coverage for the employee and his/her spouse and/or children. Special administrative limited leave shall expire, if not sooner, no later than two (2) years from the date of relevant work-related injury or illness.

An employee shall file a written request with the Director of Human Resources for consideration for special administrative limited leave. The request shall include the following: a detailed description of when, where and how the injury or illness occurred, a certification from a physician that the employee is unable to return to work, and a statement of when the employee's other forms of leave shall be exhausted. Upon receipt of the request, the Director of Human Resources shall have the request reviewed by his/her staff in a prompt fashion and shall also review the request with the employee's supervisor(s) and shall grant the request subject to final approval by the *Appointing Authority* if the following conditions having been met:

1. The employee sustained an injury or illness as a direct result of the performance of employment duties of a dangerous nature; and
2. The employee is unable to work as a result of the injury or illness; or
3. The employee is able to perform light duty; the employee has submitted a request to do so and is awaiting approval to return to work.

An employee on special administrative limited leave shall be required to submit continuing medical reports of his/her status and ability to return to duty as required by the Director of Human Resources which shall not be in less than 60-day intervals. Failure to provide such reports shall result in termination of the special administrative limited leave unless the Director determines that the employee has used his/her best efforts to obtain such an updated report but, through no fault of the employee, has been unable to do so. The employee shall submit to an independent medical evaluation when requested by the Director to do so. Upon notification of approval, special administrative limited leave will expire on the earlier of:

1. The date the Director terminates the leave for failure to provide updated medical reports;
2. The date when the employee's medical practitioner or an independent medical examiner certifies that the employee may return to full or light duty and if light duty, the employee has been notified that light duty is available;
3. The earliest effective date on which an employee who is approved for a *disability retirement* may retire;
4. The date when the employee fails to comply with any reasonable directive of the Director;
5. The expiration date indicated on the notification of approval given to the employee. If no such date is stated, this leave shall expire no later than two (2) years from the date of the work-related injury or illness.

The County will be subrogated to the rights of the employee to the extent of the costs of any benefits provided. If, within ninety (90) days after such leave has been granted, the employee has not made a claim against a responsible third party, the County may make a claim or join in an action against said third party in its own name for its own benefit. Any action brought by the County under these circumstances will not bar any other claim the employee may choose to make.

HR-006M: Severe Weather Conditions & Unforeseen Designated Emergencies

The County provides essential services to the public; therefore, it is critical that departments and agencies are open for business as scheduled. However, in the interest of the welfare and safety of its employees, the County may curtail some, or all, routine operations due to severe weather. During severe weather events, employees have a continuing obligation to report for work as normally scheduled or as required by the supervisor.

The County also realizes that adverse travel conditions resulting from a severe storm may compromise employee safety. There are four levels of weather related emergencies:

□ Open

- All personnel are required to report as scheduled;
- Employees failing to report to work shall be charged Vacation Leave, Personal Leave or Leave Without Pay for the entire day without prior approval from the supervisor. However, this requires the concurrence of their supervisor; and
- Employees who report to work late shall be charged Vacation Leave, Personal Leave or Leave Without Pay for the hours not worked.

□ Partial Closure

- The *County Executive* may authorize *liberal leave* and the partial closure of County offices.
- *Non-essential* employees shall be paid for the hours not worked during the partial closure at their regular rate of pay without charging leave time.
- *Non-essential* employees already at work when the County closes shall be paid for the remainder of the assigned workday at the regular rate of pay without charging leave time.
- *Non-essential* employees who choose to leave before a closure announcement is made will be charged Vacation or Personal Leave, or leave without pay for the remainder of the day.

Essential employees will receive an additional \$1.00 per hour and additional personal leave accruals for hours worked during a partial closure. If an *essential employee* does not work during a partial closure, he/she shall be charged Vacation or Personal Leave or Leave Without Pay for hours not worked and may be subject to *disciplinary action* for failing to report to work.

□ **Liberal Leave**

Liberal leave allows *non-essential* employees to use Personal or Vacation Leave if severe weather conditions and/or unforeseen designated emergencies prevent them from reporting to work on time, or not at all. However, employees must report their tardiness or *absence* to the supervisor.

□ **Offices Closed**

The *County Executive* closes County offices due to severe weather or other designated emergency, normally based on the declaration of a state of emergency by the Governor.

- *Non-essential* employees are not required to report to work and will be paid for the full day the County offices are 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.
- *Essential employees* who are required to report to work, or at work when the County closes, will receive an additional \$1.00 per hour and up to eight (8) hours additional personal leave accruals for hours worked during closure.
- *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.
- When the building an employee works in is closed due to a designated emergency (electrical, heating, water, etc.), only *non-essential* employees assigned to that building will be paid for hours not worked. *Essential employees* assigned to that building will receive an additional \$1.00 per hour and up to eight (8) hours additional Personal Leave accruals for hours worked during closure.
- County employees (essential or non-essential) are eligible to receive a maximum of 16 consecutive hours during any closure and no more than five (5) paid days per fiscal year for closures.

Some full-time *non-exempt, non-essential* employees who, are not generally required to respond to emergencies may be designated as *Temporary Essential Employees* for a period of time by their Department Head and required to respond. When a *non-essential* employee is temporarily assigned as essential during a closure, they will receive an additional \$1.00 per hour and up to 8 hours additional personal leave accruals for hours worked during the closure (but no more than five (5) paid days per fiscal year for closures).

Television, radio stations and/or supervisor's notification will be used to disseminate weather-related announcements as well as the County's website, www.ccgov.org.

HR-006N: Vacation Leave

Eligibility

Full time active employees begin to accrue Vacation Leave at date of hire for each full month worked, however, they are unable to be paid leave until the successful completion of the probationary period ². The rate at which employees accrue Vacation Leave is based on length of service with the County per the chart below.

Service	Leave Accrual
Less than 5 years	8 hours/month worked
6 – 10 years	10 hours /month worked
11 - 15 years	12 hours/month worked
16 - 20 years	14 hours/month worked
20+ years	16 hours/month worked

Scheduling

Vacation leave is generally granted at the convenience of the employee. However, employees should submit requests to schedule Vacation Leave to the supervisor at least two (2) weeks in advance. If there is a scheduling conflict between two (2) or more employees within a department, the Department Head shall grant Vacation Leave with consideration of the length of service of the employees. All Vacation leave requests exceeding eighty (80) consecutive hours must be approved by the *County Executive* or designee.

Vacation Leave may be used in ½ 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 two hundred-eighty (280) hours from one fiscal year to the next. *Accrued, unused Vacation Leave* in excess of two hundred-eighty (280) hours at the start of a new fiscal year will be forfeited. In certain circumstances Vacation Leave (above two hundred-eighty (280) hours) may be carried over into the new fiscal year based on recommendation from the Department Head and final approval of the *County Executive*.

Transferring Leave

Provided there has been no break in service from resignation or *involuntary termination*, employees transferring from one County funded *position* to another may transfer their accrued unused Vacation Leave.

Termination

A terminated employee is paid in a lump sum for any unused Vacation Leave accruals upon resignation, severance, discharge, or death. (Employees leaving the County within their first six (6) months of employment will not be paid out for accrued vacation). Payment will not exceed four hundred seventy two (472) hours.

Rehired County Employees – Rehired County employees may accrue based on prior years of full time or part time service if they are reemployed with the County within one (1) year of resignation (see HR-002K).

² Sheriff's Office sworn employees may use annual leave after six months of continuous employment, before completion of the 18-month probationary period.

HR-006O: Workers' Compensation

The County strives to ensure that the *work place* is safe and free from recognized hazards that could result in an occupational injury or illness. Employees are actively engaged in efforts to eliminate unsafe acts and conditions that could cause on-the-job injury or illness.

When an employee sustains a job-related injury or illness, prompt and effective medical treatment is the first priority. An employee who sustains an illness/accident while on the job is recommended to seek treatment by a physician chosen by the *County Executive*. Recommended physicians will provide treatment and referrals to appropriate specialists and will also provide all follow-up case management and fitness-for-duty determinations. The County and its Third Party Administrator will utilize the medical documentation to the extent necessary to make a determination regarding approval of the claim.

Workers' Compensation is a State program that provides, at no cost to employees, various benefits for employees who experience an occupational injury or illness that arises out of and in the course of employment in certain statutorily defined circumstances. Benefits include compensation for temporary or permanent disability and medical expenses. Survivor benefits may be provided following fatal injuries.

Reporting, Eligibility, and Receiving Benefits

The injured employee notifies his/her supervisor immediately, and after receiving any emergency attention, the employee who sustains an on-the-job injury or illness must complete a Risk Management Report of Incident and submit it to the Department of Human Resources' Risk Manager no later than the beginning of the next business day. Failure to report a work place injury or illness may result in disciplinary action. An employee is eligible for Workers' Compensation leave if an injury or disease which causes the employee to be disabled is *compensable* under Maryland's Workers' Compensation Law; the employee is completely unable to work at their regular or modified duty *position*; and their inability to work is supported by sufficient medical evidence. The County's Workers' Compensation Administrator will review the *information* and determine whether the incident is *compensable* under Maryland's Workers' Compensation laws and regulations. If applicable, use of FMLA will be concurrent with any workers' compensation *absences*.

While this compensability determination is being made, the employee will use accrued Sick Leave first and then any additional accrued leave to cover missed work time.

If the County's Workers' Compensation Administrator determines the injury or illness to be *compensable* under the Maryland Workers' Compensation laws, the County will pay the first three (3) days (in addition to the date of injury/illness) of any *compensable* disability (per the medical documentation) as defined by Maryland's Workers' Compensation Law, in full, for any days the employee was normally scheduled for work. On the fourth day of *compensable* disability, the employee will be eligible for temporary total disability benefits as defined by the Maryland Workers' Compensation Law. The current law defines this benefit as equal to 66 2/3 of the employee's average weekly wage as defined by the Maryland Workers' Compensation Law (subject to the state mandated maximum for the year of injury). Please read section "Return from Leave" section below for *information* regarding refusal of modified duty and its possible effect on temporary total disability benefits.

If the injury or illness is determined to be *compensable* by the County's Workers' Compensation Administrator, all Sick and Vacation Leave used will be credited back to the employee's leave record. After reconciling payments from the County's Workers' Compensation Administrator, employee will receive all future payments directly from the Workers' Compensation Administrator for the duration of the employee's *compensable* work-related injury or illness as defined by the Maryland Workers' Compensation Laws and Regulations and will not receive a County paycheck until the employee returns to work.

Return from Leave

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

If the employee returns to modified duty and the employee's net pay is less than the temporary total disability benefit, then the employee may be eligible to receive temporary partial disability benefits. The current law defines this benefit as 50% of the difference between the average weekly wage of the employee and the wage earning capacity of the covered employee in the same or other employment while temporarily partially disabled. The County may place another individual in a *position* that is vacant during an employee's extended recuperation from a *work place* injury or illness. Upon the employee's return to work, the County is committed to place the returning employee in a similar comparable *position*, as one becomes available, at no decrease in salary. If an employee is not expected to return or refuses an offer of modified duty which accommodates the employee's medical restrictions, and/or has exhausted all leaves for which he or she is eligible, including FMLA, the County or the appropriate *Appointing Authority* may terminate the employee or recommend that the employee apply for permanent disability status under the retirement/pension system, as appropriate.

HR-006P: Unauthorized Absence

Absence from any part of the work period for which the employee fails to properly notify supervision or fails to provide verification (i.e. no call, no show) will be considered an *Unauthorized Absence* and will not be paid. The *absence* will count for disciplinary purposes.

Policy #:	HR-007
Subject:	BENEFITS
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

The County offers a variety of benefit programs designed to protect employees and their families, as well as programs that aid employees in planning for the future. Contact the Department of Human Resources for additional information or to review the *summary plan description* on a specific benefit plan. The *County Executive* may make changes to the benefits available to employees to maintain a balanced budget and to be fiscally responsible.

HR-007A: Accident and Disability Insurance

The County offers a voluntary payroll-deducted Accident and Disability Insurance program. The plan will be fully explained by an insurance agent so to customize the coverage.

HR-007B: Blood Bank of Delmarva

The County is a group sponsor of the Blood Bank of Delmarva. Membership benefits allow an employee and their dependents to receive whole blood at no charge. To receive benefits, the employee must donate blood when solicited or pay a fee.

HR-007C: Cancer/Intensive Care Insurance

The County offers a voluntary payroll deducted Cancer/Intensive Care insurance program. Plans are explained by an insurance agent to obtain optimal coverage based on the employee's and/ or dependent(s) needs.

HR-007D: COBRA⁴

Some events may cause an employee and/or his or her dependents to lose group health coverage and/or the Flexible Spending Account:

- ❑ Employee's termination of employment for any reason except gross misconduct;
- ❑ Employee's reduction in hours to fewer than the number required for plan participation;
- ❑ Employee's divorce or legal separation from spouse;
- ❑ Employee's death;
- ❑ Child's loss of dependent status as defined under the plan;
- ❑ Retiree's (or a retiree's spouse's or child's) substantial loss of coverage within one year before or after the employee is subject to a Title XI bankruptcy proceeding.

When such events occur, the individual losing the group health plan coverage is offered the opportunity to continue their coverage for a period of time at their expense³. Employees are responsible for notifying the Department of Human Resources within thirty-one (31) days in the event of a divorce, legal separation, or children becoming ineligible under the County's group health insurance plan. This notification initiates a sequence of events culminating in notifying the qualified individual of their opportunity to enroll in COBRA coverage. Employees who terminate employment will be notified by the County of their opportunity to continue their coverage. The Department of Human Resources should be contacted for any further information.

³ This is provided in compliance with the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).
 HR-008 Standards of Conduct, Performance & Discipline
 HR-007 Benefits

HR-007E: Credit Union

Employees may join one of the affiliated credit unions that offer checking and savings accounts; personal, automobile and home equity loans; and discounted admissions to area attractions. Optional payroll deduction with direct deposit to a credit union is provided for employee convenience.

HR-007F: Deferred Compensation

The County provides a tax-advantaged plan (under Internal Revenue Service code 457) in which a full-time employee can contribute a portion of their compensation for later receipt, thereby deferring income tax payments on that savings. To encourage participation, the County provides a limited dollar-per-dollar match when funding is available per full-time participant who is employed and contributing on the last pay of June. Employee must be on payroll when the disbursement is made to the provider in August. An eligible employee may complete an application, enroll on-line or meet with the on-site representative.

HR-007G: Dental Insurance

Employees participating in the Health Care Coverage are eligible for Dental Insurance. The amount of coverage provided is based on the specific services rendered.

HR-007H: Direct Deposit

The County processes employee base hours worked, overtime, expenses and premiums on regular schedules. For the greatest reliability in receiving paychecks, the County encourages full use of direct deposit into a maximum of three (3) participating financial institution.

Employees receive many benefits as a result of using direct deposit. In addition to benefits provided by financial institutions to direct deposit customers, direct deposit ensures that pay is in the employee's account on the date of payment, does not rely on conditions which might impede the U.S. mail, does not depend on internal mail deliveries, and is generally free to the account holder.

For employees who separate employment with the County, the final paycheck will not be direct deposited.

HR-007I: Employee Assistance Program

The County's EAP provides confidential *counseling* services at no cost to employees and their dependents (for specific details on available sessions, please consult the Department of Human Resources). All full-time employees are eligible to use this resource. Services include adolescent *counseling*, substance abuse assessment and treatment referral, marital *counseling*, legal, bereavement, financial or any issue involving the *work place*. Counselors are available 7 days/week, 24 hours/day.

HR-007J: Employee Continuing Development

The County encourages employees to develop *work place* skills for current and future assignments. Several enrichment benefits are available to support those full-time, non-probationary active employees who wish to continue to develop their skills. These include:

- ❑ **Training and Discussion Sessions:** Through the annual performance review meeting with the supervisor, an employee can identify training and educational experiences that will support long term career plans.
- ❑ **Educational or Conference Leave:** To attend courses determined by the Department Head to be directly related and necessary to the work, employees may be granted education leave with pay, not to exceed two (2) weeks. Written requests for educational leave with pay, including the specific course and its duration, are reviewed and approved by the employee's Department Head or *Appointing Authority*.

- **Mandated Training:** With prior approval by the *County Executive*, employees are reimbursed for reasonable expenses associated with attending mandated training. Prior to reimbursement, an employee agrees in writing to repay expenses paid by the County if the employee leaves prior to two years after completing the training. An employee who leaves prior to completing two (2) years of creditable service must repay the expenses advanced by the County proportionate to the number of months shy of completing the 2-year period (e.g., employee leaving after twelve (12) months must repay 12/24 of the expenses). The signed agreement allows the County to recover these expenses in an employee's final paycheck, as necessary. The *Appointing Authority* has the discretion to waive the reimbursement, as appropriate.
- **Tuition Reimbursement:** When funding is available, an employee may elect to enroll in college or university courses for credit determined appropriate the *position* or the employee's development related to County government *positions*. Written requests for tuition reimbursement are reviewed and approved by the Director of Human Resources after review and approval by the Department Head. Upon satisfactory completion of the course, the employee will be reimbursed provided that the employee received prior approval for the courses. In the written training agreement, the employee agrees to allow the County to deduct those expenses from the final paycheck, as necessary, if the employee leaves County employment within six (6) months of course completion.

HR-007K: Flexible Spending Account (FSA)

A Flexible Spending Account (FSA) is a benefit that allows employees to pay for dependent care and most non-covered medical expenses (co-pays, prescriptions, dental and vision expenses, etc.) with your pre-tax income. Employees can enroll during an open enrollment period each December with benefits starting in January and continuing on a calendar year basis.

HR-007L: Health Care Coverage¹

The County provides health care coverage to employees and eligible dependents. Health care coverage covers a significant portion of the costs for eligible medical expenses arising from a personal illness or injury and, therefore, protects the employee and his or her family from resulting financial losses or hardships. The County offers regular full-time employees and regular part-time employees health care options through a third-party-administered, County-funded insurance program. All plans cover the same types of services and procedures, but may differ in respect to deductibles, coinsurances, and out-of-pocket expenses.

Newly hired, eligible regular full-time employees and part-time¹ employees working 30-39 hours per week may enroll in health care coverage within forty-five (45) days of continuous employment, depending on start date. Employees may make changes due to a life event within thirty-one (31) days of that life event or during open enrollment.

Retiree health benefits may be available to those employees who have met the criteria of the Post-Retirement Benefits for Eligible Employees. Check with Department of Human Resources for details.

HR-007M: Life Insurance & Accidental Death/Dismemberment

To provide income replacement to the surviving dependents of an employee in the case of an employee's death, the County pays the entire cost to provide regular full-time employees working 40 hours per week term life insurance (for specific details on the coverage, please consult the Department of Human Resources). The coverage amount is adjusted at the beginning of each fiscal year.

HR-007N: Meal Allowance

A County employee who is required to work extended hours associated with job-related travel, seminars and conferences may qualify for a meal allowance.

HR-007O: Pension Systems

It is mandatory for eligible County employees to participate in either the Maryland State Employees' Retirement and Pension System or the Cecil County Pension Plan for Public Safety Employees. Retiree health benefits may be available to those employees who have met the criteria of the Post-Retirement Benefits for Eligible Employees.

The main features of the plans are listed on the following chart:

Plan Features	Maryland State Employees' Retirement and Pension Plan (effective 07/01/11)		Cecil County Pension Plan for Public Safety Employees
	Employed as of 6/30/2011	Employed on or after 7/1/2011	
Minimum Continuous Service	5 years	10 years	5 years
Employee Contributions	7% of base pay contributed through payroll deduction	7% of base pay contributed through payroll deduction	8% of base pay contributed through payroll deduction
Normal Retirement Eligibility	30 years of eligibility service regardless of age; OR Age 62 with 5 years of eligibility service	Rule of 90 – age and service must equal 90; OR Age 65 with 10 years of eligibility service	25 years of eligibility service regardless of age; OR Age 55 with 5 years of eligibility service
Eligibility Service (determines vesting and when you can retire)	Minimum of 500 regular hours worked in a fiscal year		One month is earned for each full month worked
Creditable Service (determines amount of benefit)	Earn one month of creditable service for each month of employment; May include periods of service in the Armed Forces of the United States		Earn one month of creditable service for each month of employment; May include periods of service in the Armed Forces of the United States
Normal Retirement Benefit	1.2% x average final salary up to 06/30/98, plus 1.8% x average final salary x creditable service after 06/30/98	1.5 x average final salary x creditable service	2% x Average Annual Compensation times each year or fractional year of Creditable Service, up to a maximum of 25 year (50% benefit)
<i>Early Retirement Benefits</i>	Age 55 and 15 years of eligibility service; reduction of ½% for each month (6% per year) by which retirement date precedes age 62.	Age 60 with at least 15 years of eligibility service.	Any age with 20 years of eligibility service; reduction of ½% for each month (6% per year) by which retirement date precedes age 55.
<i>Service-Connected Disability Retirement Benefits</i>	66 2/3% of average final salary plus annuity based on your accumulated contributions but not in excess of your average final salary. Benefits may be reduced by workers' compensation benefits payable when retired.		66 2/3% of average pay reduced, but not below 1/3, by workers' compensation or comparable benefits.
Cost Of Living Adjustment	Each July, to those annuitants since the prior July 1. When system earns assumed rate of return, COLA capped at 2.5%; capped at 1% in years in which it is not met.		Each July, to those annuitants since the prior July 1, based on the March CPI, to a maximum of 2%

HR-007P: Personal Car Usage

With authorization, employees may use a personal vehicle while traveling on County business. Generally, the employee is reimbursed for tolls and parking expenses incurred. Mileage is reimbursed to cover such expenses as gasoline, oil, insurance and depreciation.

When submitting mileage reimbursement requests, the employee must deduct their normal commuting mileage traveled to and/or from work in situations where they did not depart from and/or return to their place of employment (i.e. left from and/or returned home instead of place of employment).

Mileage reimbursement is meant to cover the miles driven above and beyond the employee's normal commute to his/her place of business. Additionally, mileage should be adjusted in situations where either the employee departs from work and then returns home or travels for business before coming to work.

When an employee travels for business on a day not scheduled for work, and the business meeting or event occurs on a day not scheduled for work, then mileage need not be adjusted (not applicable to those employees "on-call").

HR-007Q: Prescription Plan

A Prescription Plan is included in the cost of the Health Care Coverage. Prescriptions may be obtained at a pharmacy or through a mail-order program (maximum quantities apply).

HR-007R: Sick Leave Bank

The Sick Leave Bank is a voluntary program designed to provide additional Sick Leave to an employee who, due to a serious illness or off-the-job injury, exhaust accrued paid leave.

To participate, an employee must contribute eight (8) hours of accrued, unused Sick Leave (or if none available; *accrued, unused Vacation Leave*) to the bank during the open enrollment period in January. For an employee currently in the bank, an eight-hour day will automatically be deducted from sick leave accrual (or if none available: *accrued, unused Vacation Leave*) unless the Department of Human Resources is notified by the employee in writing that they no longer wish to participate.

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

1. Must be a regular full-time employee;
2. Must have completed the probationary period and/or have completed 6 continuous months of employment with the County;
3. Must contribute to the sick leave bank;
4. Must be unable to work due to a serious, documented, non-job related illness or injury. *Absences* related to elective procedures are examples of those that do not qualify;
5. Employee must be unable to perform "light duty" functions as authorized by designated department and approved by the treating physician. An employee who refuses "light duty" functions and has exhausted available FMLA does not qualify for sick leave bank use;
6. Must have an estimated return to work date from the treating physician;
7. Intermittent *absences* do not qualify;
8. Must have exhausted all other accrued paid (sick, vacation, personal) leave time. (Employee will not accrue leave for any month that they use the sick leave bank.)

9. Must have leave records that do not reflect past attendance problems or leave abuse;
10. Must complete the appropriate application (available from the Department of Human Resources) and submit documentation from the health care provider; and
11. Supervisor/Department Head must make a recommendation to the Director of Human Resources for approval of application.

Employee is encouraged to apply for leave from the bank before exhausting own leave if anticipating being out of work for an extended period.

The Department of Human Resources will notify the applicant as to the status of the request within five (5) working days of receipt of application. If approved, the employee will receive a maximum of two hundred-forty (240) hours of additional sick leave from the bank. Any employee needing additional days must reapply. For any off-the-job illness or injury, an employee may not receive a total of more than four hundred-eighty (480) hours sick leave from the bank in a *rolling 12-month period*.

HR-007S: Vision Insurance

An employee participating in the Health Care Coverage is eligible for Vision Insurance. The insurance provides an employee and their dependents eye exams, new glasses or contact lenses.

HR-007T: Voluntary Term Life Insurance

The County offers optional voluntary term life insurance for employees to purchase life insurance that best suit their needs. Voluntary term life insurance is also offered for purchase for the employee's spouse and dependent children.

¹Health Care, Dental and Vision Coverage for 30-39 Hours/Week employees will become effective in accordance with the deadlines imposed by the Federal Government, including any extensions.

Policy #:	HR-008
Subject:	STANDARDS OF CONDUCT, PERFORMANCE and DISCIPLINE
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-008A: Overview

The County's Standards of Conduct & Performance are designed to protect the well-being and rights of all employees and citizens. This section also includes disciplinary processes and consequences.

The County has adopted and communicated Standards of Conduct and Performance to:

1. Clearly state expectations for all employees;
2. Establish a fair, objective and consistent process for correcting or treating unacceptable conduct or work performance; and
3. Create distinctions between less and more serious infractions and create guidelines for appropriate responses.

The County's *values* and employee policies summarize expectations for employees as they perform their *position*. Supervisors and employees work together to develop clear expectations for specific *position* behaviors and performance. The County expects employees to achieve results by acting in accordance with the County's *values*. When an employee fails to meet these expectations, violates work rules, or otherwise acts in ways contrary to our *values*, corrective action taken. The purpose of performance management, which includes regular performance appraisals and corrective action, is to give specific feedback that allows employees an opportunity to change behavior and improve performance. When corrective action is taken, employees are provided an explanation of the reasons for the action and what further corrective action is possible if behavior or performance fails to improve. The failure to improve may result in further corrective action, which may include termination of employment.

HR-008B: Applicability

All employees are expected to comply with these Standards of Conduct and Performance Policy. Disciplinary policies, intended to encourage correction of inappropriate behaviors and when appropriate, suspend or dismiss employees, apply to all **classified** employees. Conduct that fails to conform to the County's *values* or expectations may be subject to accelerated discipline.

HR-008C: Performance Expectations for Employees

In addition to the Standards of Conduct and Performance, there are critical performance expectations of County employees. These pertain to any time employees are at work (including rest breaks, meal breaks, and any non-work times during the work day) or when otherwise representing the County in an official or work-related capacity:

1. **Timely and Regular Attendance:** Employees are expected to report on time for each and every work shift. *Absences* must be scheduled and approved in advance by supervision. Unexpected *absences* should be avoided; however, when unavoidable, employees should report an unexpected *absence* as per applicable department policy to their supervisor.
2. **Dedicated and Efficient Service:** While at work, employees are expected to attend fully to their assigned duties during their entire work shift. Distractions and personal business should be minimized.
3. **Satisfactory Work Performance:** Employees have been carefully selected for each *position* based on their qualifications relative to the *position* requirements. As such, employees are expected to meet established performance expectations. When conditions arise that prevent effective performance or completion of assignments, employees are expected to report such conditions to management. When instructions are unclear, procedures are uncertain, or working conditions unsafe, employees are responsible for reporting these problems to management.

HR-008D: Expectations for Supervisors

The supervisor's primary goal is to help employees fulfill their job duties while following the County's *values*. A supervisor's role is to describe expectations for acceptable behavior and to model those behaviors. Additionally, the supervisor works with employees to set measurable goals, objectives and performance expectations for their *positions*.

When an employee is unable or unwilling to either fulfill job duties, or follow the *values*, the supervisor's role is to manage the performance or restate/revise expectations to guide the employee toward success. Depending on the severity of the situation, the supervisor takes appropriate corrective action through the use of informal or formal means.

HR-008E: Corrective Measures and Processes

To improve performance, supervisors use a number of corrective measures. These measures include: coaching and *counseling*, performance appraisal, Performance Improvement Plan, *disciplinary action* issued through Group Offenses, probation, suspension, demotion/reduction in pay, and/or removal from *position*. Supervisors are responsible for removing employees immediately from County premises if behavior or performance endangers anyone's health or safety, or the ability to conduct County business. Under these circumstances, supervisors are expected to take such action immediately, without waiting to prepare supporting documentation.

Initial observances of performance and behavior problems should be approached through *counseling*. *Counseling* is a one-on-one meeting between supervisor and employee to alleviate minor performance problems. A supervisor should make note of each *counseling* meeting in the supervisor's working file. If repeat *counseling* on the same matter becomes necessary, notes are used to prepare documented *counseling* or disciplinary action that then becomes part of an employee's personnel file and may be grieved pursuant to the applicable section.

Documented *counseling* is a verbal discussion that is documented by completion of an Employee Warning/ Disciplinary Report. Documented *counseling* should be used by a supervisor to document a repeat violation of a relatively minor infraction, minor violation of policy or procedure, or to alert an employee of unsatisfactory performance that could result in a poor Performance Appraisal and/or further *disciplinary actions*. A copy of the Employee Warning/ Disciplinary Report is forwarded to the Department of Human Resources for processing of any discipline and inclusion in the employee's personnel file

Supervisors are encouraged to consider referral to EAP prior to or in addition to applying corrective action. Referral to the EAP will not be considered a substitute for corrective action for a serious violation of Standards of Conduct and Performance.

HR-008F: Group Offenses

The list below includes types of rule infractions that interfere with safe, orderly and efficient County Government operations. It provides guidelines for *disciplinary action*, with sample offenses placed in one of three groups based on severity of the infraction. Each level is associated with progressively more severe personnel action(s) and longer retention in the official record for subsequent infractions. These are illustrative, but not all inclusive. The County has discretion to take disciplinary action when an employee's action is judged to impede County operations.

The following chart describes each Group Offense and provides some examples of infractions under each Group:

Sample Offenses and Infractions by Group

General Guidelines and Descriptions of Group Offenses			
	Group I Offenses	Group II Offenses	Group III Offenses
General Description	Least severe offense. Corrective action required to maintain a productive work force.	More severe offense. One (1) additional incidence normally warrants removal from the job.	Most severe offense. An act and/or behavior of such a serious nature that warrants removal without prior warning or <i>counseling</i> .
Procedure	Supervisor issues an Employee Warning/ Disciplinary Report as soon as practicable after the observed or identified behavior problem. Notice includes justification for the charge of infraction, and the employee is provided a reasonable opportunity to respond.	Department Head issues an Employee Warning/ Disciplinary Report as soon as practicable after the observed or identified behavior problem. Notice includes justification for the charge of infraction, and the employee is provided a reasonable opportunity to respond.	Director issues an Employee Warning/ Disciplinary Report as soon as practicable after the observed or identified behavior problem. Notice includes justification for the charge of infraction, and the employee is provided a reasonable opportunity to respond.
Review	Director of Human Resources	Director of Human Resources	Director of Human Resources
Consequences	<p>Cumulative: Three (3) or more active Group I offenses may result in suspension without pay for up to five (5) working days.</p> <p>Employee placed on <i>position</i> probation up to a maximum of one (1) year.</p> <p>Forfeiture of up to a maximum of five (5) days of vacation leave.</p>	<p>Cumulative: Discipline includes written notice only, or notice and suspension without pay for up to ten (10) working days.</p> <p>One (1) additional Group II offense results in removal from job unless <i>mitigating circumstances</i> justify demotion, suspension for up to thirty (30) working days.</p> <p>Four (4) Group I Written Notices results in removal from job unless <i>mitigating circumstances</i> justify demotion or suspension for up to 30 working days.</p> <p>Employee may be placed on <i>position</i> probation for maximum of one (1) year.</p> <p>Forfeiture of up to five (5) days of vacation leave.</p>	<p>Discipline includes written notice and removal from the job, or notice and suspension without pay for up to 30 working days in lieu of termination, unless <i>mitigating circumstances</i> justify the use of demotion or, suspension.</p> <p>Employee placed on <i>position</i> probation for up to a maximum of one (1) year.</p> <p>Forfeiture of up to five (5) days of vacation leave.</p>
Retention	Remains active for 2 years from date of issuance	Remains active for 3 years from date of issuance	Remains active for 4 years from date of issuance

Group I Offenses	Group II Offenses	Group III Offenses
Unsatisfactory attendance or excessive tardiness. Undocumented Sick Leave <i>absences</i> that are not protected by FMLA and/or leave without pay <i>absences</i> that reflect a pattern of abuse.	Failure to report to work as scheduled (<i>Unauthorized Absence</i>). Additional undocumented Sick Leave <i>absences</i> that are not protected by FMLA and/or leave without pay absence after notification of Group I offense.	Consecutive <i>Unauthorized Absence</i> totaling three (3) days. One undocumented additional Sick Leave <i>absence</i> following notification of Group II offense.
Abuse of County work time.	Leaving the work site without permission or, for continuous operations, leaving work site prior to being replaced.	Unauthorized possession or use of firearms, dangerous weapons or explosives.
Smoking in a County owned, leased and/or operated building, vehicle or property, customer or vendor premises.	Violation of Information Technology Policy HR-012.	Violating safety rules, horseplay or other misconduct endangering own safety or safety of others.
Inappropriate work place attire; wearing County uniforms to other work sites or outside work functions.	Failure to follow supervisor's instructions (insubordination), perform assigned work or comply with written policy.	Participation in any kind of work slowdown, sit-down or concerted interference with County operations.
Providing discourteous or unprofessional customer service to the public or to coworkers.	Refusal to work assigned overtime as per HR-004B.	Fighting or acts of physical violence, or threatening or coercing individuals associated with any County agency; <i>work place harassment</i> .
Unauthorized posting on or removal of notices from County bulletin boards or premises.	Unauthorized use or misuse of County property or records.	Falsifying any records, such as (but not limited to) vouchers, reports, insurance claims, time records, leave records, or other official County documents.
Minor moving traffic violation while using County or other public-use vehicle.	Engaging in private business which constitutes a conflict of interest.	Accumulation of 6 or more points on driving record that restricts employee from performing the <i>position</i> ; at fault (chargeable) accident with citation while operating a County owned/ leased vehicle.
Failure to report secondary employment to supervisor.	Taking anything of value for personal use with the implied expectation of acting on the gifter's behalf, rather than in the best interests of the County.	Willfully/negligently damaging or defacing, or theft or unauthorized removal of, County property or records, or another person's property.
Speeding ticket while operating County owned/leased vehicle.	Selling or soliciting on County property without prior authorization from the appropriate <i>Appointing Authority</i> .	Use of alcohol or unlawful use/possession of controlled substances during working hours, on County premises or in County vehicles, and/or a positive test for drug and/or alcohol or refusal to test.(HR-013)
Initial failure to complete time sheet or time off requests as required.	Disruptive behavior, or obscene, harassing or abusive language.	Failure to complete, receive or maintain mandated training or certification.
At fault vehicle accident without citation while operating a County owned/ leased vehicle.	Conduct or behavior that would bring discredit to the County, or discredit to the reputation of another employee (including social media).	Criminal convictions for off-the-job behavior. Gambling on County property or during work hours.
		Unethical behavior as outlined in the Ethics Code, including continued participation in Secondary Employment deemed unethical.
		Sleeping while on County work hours.
		Violation of Employment of Relatives/Nepotism Policy.

HR-008G: Guidelines for Use, Mitigating Circumstances

Specified corrective action should not be exceeded unless the offense is sufficiently severe to warrant immediate removal from the *position*. *Mitigating circumstances* may influence the agency head, Director of Human Resources, Department Head and/or the *Appointing Authority* to reduce the severity of the action. Depending on the specific situation, *mitigating circumstances* may prompt consideration of demotion, transfer and/or suspension as alternatives to removal from the *position*. Where suspension in lieu of removal is used, the suspension will not exceed thirty (30) workdays for a Group III offense, or an accumulation of Group I or Group II offenses.

HR-008H: Immediate Removal from the Position (Suspension)

Suspension is the barring of an employee from work for a period of time (not to exceed five (5) working days) and the withholding of the wages for the employee. An employee who receives a suspension shall not receive an annual merit increase during the fiscal year of the suspension. No suspension shall be imposed without the approval of the Director of Human Resources, or the *County Executive* (or designee). A suspension may be issued for any of the following: Immediate removal from the *position* is warranted when an employee is unable to meet essential *position* requirements and, therefore, unable to perform the *position*. These include, but are not limited to:

- ❑ Serious infraction of County Policies and Procedures;
- ❑ Loss of certification or license (including driver's license) required for the *position*;
- ❑ Behavior that creates an imminent threat of danger to the employee, other employees or citizens.

An employee may be immediately sent away from the work area prior to receiving written notice. This will occur when the employee's continued presence (1) may be harmful to self or other employees or citizens, (2) impedes the County's exercise of its functions, or (3) could jeopardize the County's fulfillment of its duties to the public or to other employees. When this occurs, the employee receives written notice as soon as possible after removal and is given an opportunity to respond prior to being placed on suspension without pay or being permanently removed from the *position*.

An employee may also be suspended for up to ten (10) days with pay pending completion of an agency disciplinary investigation of employee misconduct or rules infraction. Time off is recorded as administrative leave with pay. The employee is notified of the suspension via a memorandum from the Department Head. The employee will be treated as follows depending on the investigation outcome:

1. Employee determined not to have violated Standards of Conduct: The employee returns to work as soon as possible after the resolution of the investigation.
2. Employee violated rules and discipline warranted: Suspension begins as determined by the Department Head with past time on suspension changed to time off without pay.
3. Investigation unresolved after ten (10) days: Employee returns to work pending a final decision unless immediate removal is warranted.

Suspension, Pending Resolution of Criminal Charges: An employee who is charged with committing an indictable offense while in the execution of their *position* may be suspended without pay at the discretion of the *County Executive* (or designee) until such time as the case has been resolved by the appropriate court. Once the court action or investigation is concluded, the employee may be reinstated if acquitted or disciplined or removed by use of written notice if found guilty.

Suspended employees shall not be allowed on agency premises, nor shall they be allowed to work except to fulfill previously scheduled court obligations or to file and process a grievance.

HR-008I: Discipline Records

Any records related to employee discipline shall be maintained in the employee's personnel file in the Department of Human Resources. During the active life of the action, as noted in HR-008F, subsequent infractions will result in more severe *disciplinary action*. Once a written notice is no longer active it is no longer considered in determining *disciplinary action* for a subsequent offense; however, it is retained in the personnel file.

HR-008J: Secondary Employment

Outside employment will be permitted only if such employment does not represent a conflict of interest or adversely affect performance. Employees must notify the Department Head of the intent to engage in Secondary Employment. If the Department Head has a concern of a potential conflict of interest, the Ethics Commission will review the request and determine if acceptable. Employees approved for any type of continuous Leave of Absence, FMLA, medical or personal, from County employment, are prohibited from working another job while on leave unless and until the outside job duties are approved by the Director of Human Resources. (see HR-002E)

HR-008K: Employee Pay and Benefit Status While on Suspension

The Department Head must notify the Department of Human Resources immediately when an employee is suspended without pay, and/or subsequent removal, demotion, transfer or reinstatement, to maintain accurate payroll records. The *County Executive*, based on the recommendation of the Personnel Board (HR009E), may return an employee to work with full, partial or no back pay. Any interim earnings the employee received while suspended offset back pay awards.

Health Care Coverage: Selected health care coverage(s) shall be continued while the employee is on suspension as long as the employee pays the contribution(s). At the time termination of employment, health insurance coverage(s) may be continued only if the employee contributes the full cost of the coverage (employee and employer costs) in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

HR-008L: Excessive Absenteeism and Dependability

To provide excellent customer service to the County's citizens, it is essential that employees report for scheduled work shifts as scheduled. County policies recognize that employees will occasionally miss work shifts due to illness, injury or personal responsibilities. However, abuse of attendance policies – including repeated absenteeism, tardiness or leaving work early - compromises County operations and burdens co-workers.

When poor attendance patterns are observed, the supervisor encourages the employee to correct the behavior. If initial informal discussions with the employee fail to correct an *absence* problem, the supervisor proceeds to take formal *disciplinary actions* outlined in the Group Offense policies.

While each case is handled individually, management is accountable for setting consistent and fair practices. In administering discipline factors such as employee's length of service, causes of *absence* and overall past attendance history may be considered.

Policy #:	HR-009
Subject:	GRIEVANCE PROCEDURES
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-009A: Overview

The County is committed to resolving employment disputes in a fair, equitable and timely manner, protecting employees against reprisals or retaliation, and minimizing operational disruptions. The Grievance Procedures describe a multi-step process for eligible employees to follow to address and resolve employment concerns.

A grievance is a formal complaint filed with respect to the matters listed below, provided an employee has suffered or incurred an adverse employment impact as a result of the matter grieved.

HR-009B: Applicability

The Grievance Procedures apply to classified employees. Recently hired probationary employees, temporary employees, on-call employees, and Contract/Grant employees, have no rights under the County's grievance procedure system and may not file a grievance.

The following matters may be grieved:

1. Any *disciplinary action* against a classified employee;
2. A violation, misinterpretation or improper application to a classified employee of laws or regulations governing or applicable to the employee/employer relationship;
3. An allegedly improper or unreasonable act directed at a classified employee by a supervisor, employee, or other person, including an act of coercion, restraint, reprisal, harassment, or intimidation; or
4. An improper, inequitable, or unreasonable application of compensation policies or benefits, which may include salary, pay differentials, awards, overtime, leave, insurance, retirement, and holidays.

The Grievance Procedures are not applicable under the following circumstances:

1. Actions taken in accordance with the Law Enforcement Officers Bill of Rights.
2. Actions taken in accordance with the Correctional Officers Bill of Rights.
3. Supervisory determination of *position* responsibilities or assignments, and performance standards, as well as actual performance ratings.
4. Pay classifications approved by the Council or any other action taken per the direction of the *County Council and/or County Executive*.
5. Adverse action taken against employees in their probationary period, contractual/personal services employees, or other employees exempted (excluded) in the Personnel Manual.
6. Non-selection for a *position* or for a promotion.
7. Oral and written warnings not filed within the employee's official personnel records.
8. An action that terminates "Acting" capacity or temporary pay.
9. Withholding a merit increase due to unsatisfactory performance.
10. Employee terminations or separations due to *position* elimination, reduction in force, reorganization, exhaustion of all approved leaves, or loss of funding.

HR-009C: First Step - Discussion of Problem, Attempt to Resolve

The Grievance Procedure process requires an employee to try to resolve the problem or issue with the supervisor as the first step. This step should be initiated within ten (10) working days of the action giving rise to the grievance.

- a. If a problem or issue cannot be settled informally through oral discussion, within ten (10) calendar days after the event that caused the problem or issue, the employee may file a written grievance with the supervisor and Department of Human Resources.
- b. Subsequently, the supervisor will meet, discuss, and attempt to resolve the grievance with the employee within three (3) working days after receipt of the written grievance. Three (3) working days following the meeting the supervisor will submit a written response to the employee.

Any grievance filed not in compliance with the above timeline shall be time-barred.

HR-009D: Second Step - Written Grievance to Department Head/Director of Administration

If an employee is dissatisfied with the supervisor's decision regarding the submitted grievance, the employee may submit a written grievance within five (5) working days to the Department Head. (Time barred if request not filed within five (5) working days.) After receipt of the written grievance, the Department Head will investigate the written grievance via an interview with the employee and any others believed to have knowledge of the issue. Relevant documentation is also reviewed. Following the investigation, the Department Head meets with the employee within twenty (20) working days from the receipt of the written grievance.

If the employee remains dissatisfied with the resolution of the grievance after pursuing an appeal to the Department Head, the employee may submit a written request for review by the *County Executive* (or designee). This request must be submitted to the Director of Human Resources within five (5) working days of receipt of the Department Head's response. The written request must present:

- The employee's version of the facts giving rise to the grievance;
- Any provisions of the County Policies and Procedures Manual alleged to have been violated by the action; and
- The employee's proposed action to resolve the grievance.

The *County Executive* (or designee) will review the facts provided by the employee and those obtained through the grievance process and provide a written response to the employee within seven (7) working days from receiving the written request.

A written request for hearing submitted more than five (5) working days following receipt of the Department Head response is time barred.

HR-009E: Third Step - Review of Personnel Board, Hearing/Findings

The County Personnel Board is an independent body with broad representation that reviews the written record of the grievance, the employee's *position* regarding the grievance, relevant *data* and supervisor, Department Head, and *County Executive* (or designee) analysis and recommendations. The Director of Human Resources presents all available written *information* and *data* to the Board in advance of the scheduled hearing. The Board reviews the written record of the case and may issue an administrative decision if there is adequate *information*. A letter of finding is issued to notify all parties of the Personnel Board's decision.

Hearings: Where warranted, the Personnel Board may grant a hearing. Granting a hearing is at the sole discretion of the Personnel Board, except where a loss of income has occurred (such as a suspension without pay, termination of employment, or demotion with a reduction in pay). In those instances, the employee is entitled to a hearing upon request. The Personnel Board may opt to forego a hearing and issue an administrative decision on a matter in which an agency has previously conducted a hearing on the same or substantially similar facts and an adequate written record is available for review.

Grievance hearings are held during normal working hours. The grievant and employee witnesses are paid for work time lost while attending the hearing. However, the County is not responsible for any expenses for witnesses called by the employee but not employed by the County. Hearings that have not been scheduled within sixty (60) days of request (through no fault of the Board) will not be heard.

Hearing Process: The County Personnel Board convenes the hearing as soon as reasonably possible with the employee, the employee's representative (as requested), the appropriate Department Head, and witnesses with direct knowledge of the issue at question as called by either party. The County Personnel Board issues its findings in writing to the employee, the *County Executive* (or designee), and the Department of Human Resources within ten (10) working days of the hearing.

Possible Outcomes: The Personnel Board may consider any applicable matters and affirm, increase, decrease or cancel *disciplinary actions* taken. Included are terminations, suspensions, demotions, and written warnings that could eventually result in future suspension or termination. Employees encountering problems with any other aspect of their employment relationship, including matters specifically excluded above (see Applicability), may seek redress through the immediate supervisor, Department Head, or Director of Human Resources (one not being exclusive of the other). The decision of the County Personnel Board is final and binding on both parties.

County Personnel Board: The County Personnel Board consists of three members and an alternate. Three members constitute a quorum for conducting business and rendering a valid decision. Members serve a term as outlined below. Members are appointed as follows:

- Three members and one alternate chosen by the *County Executive* with at least one member being a person working in the area of Human Resources Management with each to serve a two-year term. A member may be reappointed for an unlimited number of terms.

The County Attorney represents management at Step Three hearings, as required. The Personnel Board also has access to legal counsel as warranted.

Process: The members of the Personnel Board elect a Chairperson for each case reviewed. In the *absence* of a regular member, the alternate participates. The Director of Human Resources acts as the Executive Secretary of the Personnel Board and issues to all parties the notices of hearing and procedures to be followed.

Reinstatement Recommendations by Personnel Board: Where the Personnel Board recommends reinstatement of a separated, suspended, or demoted employee, *County Executive* approval is required to award full or partial back pay for the period of separation or demotion as deemed appropriate.

HR-009F: Time Limitations

Employees must meet time limits to appeal to subsequent levels in the Grievance Procedure process, otherwise the appeal is time barred and determined to be settled on the last answer of the County. If the County fails to respond within prescribed time limits, the employee may immediately appeal to the next level. If both parties mutually agree to extend time limits, appeals can proceed past time limits as prescribed.

The times set forth in HR-009 Grievance may be extended, provided all parties agree to such an extension of time in writing.

HR-009G: Employee Representation

An employee has the opportunity to be accompanied at each step in the grievance process by another fellow employee. The employee representative may accompany the employee at a Third Step Hearing. Alternatively, the employee may retain legal counsel, at the employee's expense, to attend the hearing. In either case, all meetings between the employee and employee's representative occur outside of working hours.

Policy #:	HR-010
Subject:	HEALTH and SAFETY
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-010A: Overview

The County is committed to providing a safe and healthy *work place*, free of recognized hazards and staffed by employees fully trained on eliminating unsafe actions. Ultimately, all accidents are preventable. To maintain employee safety and minimize injuries, employees are expected to follow safety rules at all times, use care in all work activities and be alert for co-workers' safety.

HR-010B: Requirements and Responsibilities

The following covers general safety rules for all employees. Specific safety rules supplementing these rules may be posted in the work area or reviewed by supervision in periodic safety meetings.

1. Employees are responsible for following safe work practices and accident prevention.
2. Employees observing a potentially unsafe condition must report it immediately to supervision to allow for prompt remediation.
3. All on-the-job injuries, regardless of how slight the injury must be reported to supervision.
4. Employees must adhere to all instructions given by the treating physician or designated first aid personnel.
5. Each employee is responsible for maintaining a neat and orderly work area, free of recognizable hazards.
6. Employees must wear personal protective clothing and equipment correctly and as required. This includes:
 - a. Eye protection: Safety glasses must be worn at all times in areas designated by signs or supervision.
 - b. Hearing protection: Earplugs or muffs must be worn at all times in areas designated by signs or supervision. Non-work time in high noise areas is to be minimized.
 - c. Foot protection: Safety shoes covering the entire foot with steel toes must be worn at all times in designated *positions*.
 - d. Hand protection: Work gloves must be worn when working in *positions* so designated by the supervisor.
 - e. Other protective equipment: When necessary for the safe performance of duties, other types of protective clothing and equipment are to be worn as specified by the supervisor. This includes hard hats, safety vests, chemically protective clothing and respiratory protection.
7. Only designated personnel will operate machinery and County vehicles. All equipment and vehicles will be operated in accordance with safe operating procedures and instructions. Any employee who operates equipment or drives a County vehicle must adhere to the County Driver's Guideline policy and State laws. Supervisors may refer to the policy for questions or policy clarifications or contact the County's Risk & Safety Manager.
8. Protective safety guards are not to be removed from machines. If guards have been removed, they must be replaced before operating the machine.
9. Only authorized County maintenance personnel will perform electrical and wiring repairs and installations.

HR-010C: Hazard Communication Program

The best protection an employee can have against hazardous chemical is *information*. As such, the County has a Hazard Communication Program to provide *information* about hazardous and toxic substances in use in County *work places*. By referring to the *information* provided, employees can take appropriate precautions to minimize exposure.

The Hazard Communication Program includes container labeling, provision of Material Safety Data Sheets (MSDS), a chemical *information* listing, and employee training.

Labeling - All chemicals brought into the County work facilities are labeled by the manufacturer with respect to the substances (trade names) and types of hazards they present. Labeling includes a color code and numbers or symbols. These represent the following:

Colors

Blue – Health

Red – Flammability

Yellow – Reactivity

White – Required Personal Protective Equipment (designated by a letter)

Numbers: Degree of hazard

4 = Severe

3 = Serious

2 = Moderate

1 = Slight

0 = Minimal

Posters are located throughout the County work areas to help employees interpret identifying labels. Copies of MSDS are available for review in the Risk Manager's Office and other designated areas.

Employees are responsible for using only approved storage containers in transferring any substance from the original source. After transfer, the employee is responsible for placing the appropriate hazard warning label with the same *information* on the new container if not previously labeled. Employees are also responsible for being familiar with the location of the MSDS for the materials they commonly use to facilitate response in case of emergency exposure or spill. Employees should consult supervision with any questions regarding container labeling.

As with all safety regulations, compliance with the Hazard Communication Program is mandatory. Failure to comply may result in *disciplinary action* (Refer to Standards of Conduct and Performance & Discipline section).

HR-010D: Alcohol, Drugs and Fitness for Duty (see HR-013)

A. Overview

The County promotes the safety and health of all employees and the public by having a **ZERO TOLERANCE** policy on drug and alcohol use. Employee involvement with drugs or alcohol on or off the job may adversely affect performance, compromise employee or public safety, or impair the public's trust in the County to provide services. Participation in the County's testing program for controlled substances and alcohol is required for employees and is a condition of continued employment.

The County prohibits the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances or misuse of alcohol affecting the *work place*. The purpose of this policy is to establish guidelines for maintaining a drug and alcohol free *work place* in compliance with the Drug Free Work place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991.

This Policy is applicable to all employees (full- or part-time) when performing County business. Employees responsible for the safe operation of mass transit service (operation, maintenance, dispatch, or security) are covered by an additional Substance Abuse Prevention Policy for FTA Safety.

Sensitive Employees: Employees responsible for the safe operation of other CDL required equipment are covered by 21 CFR Part 40, as amended.

There are several foundations to the County's policy regarding drugs and alcohol use:

- ❑ The County adheres to a **ZERO TOLERANCE** policy. This means that a verified positive drug screen and/or confirmed positive alcohol screen with an alcohol concentration of 0.02 or greater will result in immediate removal from all duties and, barring any *mitigating circumstances*, termination of employment.
- ❑ Consistent with the Drug Free Work Place Act of 1988, all employees are required to notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring while employed within five (5) days after such conviction. Failure to comply with this provision shall result in *disciplinary action*.
- ❑ An employee who refuses to cooperate with this policy shall be immediately removed from performing work and dealt with per the "Consequences of a Positive/Refusal to Test" section of this policy, and the disciplinary sections of this manual.
- ❑ The consumption of alcohol while performing work, or within four (4) hours of reporting for work, is prohibited.
- ❑ Every new and current employee receives and acknowledges by signature a copy of the Policies and Procedures Manual, which includes this policy. Acknowledgements are maintained in the personnel file located in the Department of Human Resources.

The requirement for employees to be unimpaired by the use of drugs and/or alcohol while on the job in no way alters the County's commitment to assisting you with treatment, as needed. Employees are urged to access the County's free, confidential EAP for assessment and referral. Employees are responsible for seeking assistance before substance or alcohol abuse impairs judgment, work performance, or behavior.

B. Prohibited Substances

1. Under the Drug Free Work Place Act of 1988, any drug or substance identified in Schedule 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the *work place* unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.
2. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.
3. Under certain conditions, when illegal and/or other drug usage is suspected, the County reserves the right to perform an expanded drug-testing panel to include other substances. This testing will be conducted solely under the auspices of the County's Substance Abuse Policy, and the specimen would be collected using non-DOT collection procedures.
4. The appropriate use of legally-prescribed drugs and non-prescription, over-the-counter (OTC) medications is not prohibited. However, under the County's authority, an employee must inform any physician prescribing medication that the employee is enrolled in a Drug Free Work Place Program.

C. Prohibited Conduct

1. Each employee is prohibited from consuming alcohol while performing work or while on-call. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline up to and including termination.
2. The County shall not permit any employee to perform or continue to perform work if it has actual knowledge that the employee is using alcohol.
3. Each employee is prohibited from reporting to work or remaining on duty while having an alcohol concentration of 0.02 or greater, regardless of when the alcohol was consumed.
4. No employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post accident drug/alcohol test, whichever occurs first.

If an employee has reason to believe he or she is unfit to perform work and voluntarily seeks treatment due to a drug and/or alcohol problem, the employee must contact the Director of Human Resources and request a temporary leave of duty. The employee will be tested prior to returning to work, or certification will be obtained by other reasonable means to ensure that the employee is no longer utilizing drugs or alcohol. The County will not consider a request for assistance with a drug and/or alcohol problem, after an employee is required to report for testing. In any case, the employee would still be required to submit to any requested drug and/or alcohol test, and subsequently be terminated if positive test results are received.

D. Test Administration

1. Drug Testing Procedures
 - a. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability. The County's testing program will use techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Service (HHS) and are certified by the State of Maryland. The procedures will be performed in a private, confidential manner. Every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
 - b. After the identity of the donor is checked using a picture identification, a urine specimen will be collected using the split specimen collection method. Each specimen will be accompanied by a Chain of Custody and Control form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS and Maryland certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established.
 - c. The test results from the HHS certified laboratory will be reported to the Medical Review Officer (MRO). The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO, or their subordinate, will contact the employee directly to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive and reported to the County's Director of Human Resources. If a legitimate explanation is found, the MRO will report the test result as negative to the Director of Human Resources and no further action will be taken.

- d. When an employee has tested positive for the use or abuse of any controlled dangerous substance, the County will, after confirmation of the test result, provide the employee, contractor, or other person with: (i) a copy of the laboratory test indicating the test results; (ii) a copy of this policy on the use or abuse of controlled dangerous substances or alcohol by employees; (iii) if applicable, written notice of the employer's intent to take *disciplinary action* and/or terminate employment, and (iv) a statement or copy of the statutory provisions permitting an employee to request independent testing of the same sample for verification of the test result. This *information* will be delivered to the employee either in person or by certified mail and within thirty (30) days from the date the test was performed.
- e. Any employee who questions the results of a required drug test may request that the split specimen sample be tested. The split sample test must be conducted at a second HHS and Maryland certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The employee's request for a split sample test must be made to the Director of Human Resources within 72 hours of notice of the original sample's verified test result. The County will ensure the cost for the split specimen test is covered in order for a timely analysis of the sample; however the County will seek reimbursement for the split specimen sample test from the employee. While the employee is responsible for paying the cost of the split specimen testing, they will not be denied such based on inability to pay for the testing.
- f. The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split specimen will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the MRO. Positive specimens will be retained in frozen storage for one (1) year and the split specimen will also be retained for one (1) year.
- g. A DOT covered employee who has a confirmed positive drug test will be referred to a Substance Abuse Professional.
- h. Collection under direct observation (by a person of the same gender) with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the County that there was not an adequate medical explanation for the result;
 - ii. The MRO reports to the County that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
 - iii. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
 - iv. The temperature on the original specimen was out of range.
- i. The County affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test result is compromised, the test will be cancelled. Minor inconsistencies or procedural flaws that do not impact the test results will not result in a cancelled test.

2. Alcohol Testing Procedures

- a. After the identity of the donor is checked using a picture identification, a urine specimen will be collected to tests for alcohol concentration. Each specimen will be accompanied by a Chain of Custody and Control form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS and Maryland certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amount of alcohol identified by the GC/MS test is above the minimum thresholds established.
- b. Tests for breath alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen (15) minutes after the completion of the initial test. The confirmatory test will be performed using a National Highway Traffic Safety Administration (NHTSA) approved EBT operated by a trained BAT.
- c. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- d. When an employee has tested positive for the use or abuse of alcohol, the County will, after confirmation of the test result, provide the employee, contractor, or other person with: (i) a copy of the laboratory test indicating the test results; (ii) a copy of this policy on the use or abuse of controlled dangerous substances or alcohol by employees; (iii) if applicable, written notice of the employer's intent to take *disciplinary action* and/or terminate employment. This *information* will be delivered to the employee either in person or by certified mail and within thirty (30) days from the date the test was performed.
- e. An employee who has a confirmed alcohol concentration of 0.02 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in the disciplinary section of this policy. An alcohol concentration of less than 0.02 will be considered a negative test. A DOT covered employee who has a confirmed alcohol concentration of 0.04 will be referred to a Substance Abuse Professional.
- f. The County affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test result is compromised, the test will be cancelled. Minor inconsistencies or procedural flaws that do not impact the test results will not result in a cancelled test.

E. Types of Testing

All supervisory personnel or company officials who are in a *position* to determine employee fitness for duty will receive 60 minutes of training (including reasonable suspicion training) on the physical, behavioral, speech and performance indicators of probable alcohol and drug misuse every two (2) years.

All employees may be tested for pre-employment, reasonable cause, post-accident, return-to-duty and follow-up. In addition, individuals who, by the nature of their *positions*, are subject to drug and/or alcohol testing may be subject to random testing in addition to the other types of testing. The types of drug and/or alcohol testing to be provided are thus listed as follows:

1. Pre-employment:

- a. All applicants shall undergo urine drug testing within ninety (90) days prior to performing work.
- b. All offers of employment shall be extended conditional upon the applicant passing a pre-employment drug test. An applicant shall not be hired unless the applicant takes a drug test and receives a verified negative result.
- c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug test shall disqualify an applicant for employment for a period of at least two (2) years.
- d. If an applicant's drug test is cancelled, the County shall require the applicant to take another pre-employment drug test and receive a verified negative result.
- e. An applicant who receives a dilute negative test result will be required to retest. In such cases, the employment offer will be contingent upon the results of the second test.
- f. Applicants for temporary or part-time *positions* will be eligible to take a "rapid test" to permit an expedited start date.

2. Reasonable Suspicion:

- a. All County employees will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting performance or safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odor that are consistent with possible drug use and/or alcohol misuse.
- b. Reasonable suspicion referrals must be made by one supervisor who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion drug or alcohol test may be performed any time the employee is on duty.
- c. The County shall be responsible for transporting the employee to the testing facility. The employee shall be placed on unpaid leave pending the test results. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on unpaid leave, pending *disciplinary action*.
- d. A written record of the observations that led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation prior to the release of the test results. This written record shall be submitted to the Director of Human Resources and attached to the forms reporting the test results. Please note that reasonable suspicion does not exist if it is solely based upon a supervisor's intuition.
- e. If a reasonable suspicion alcohol test is required but not performed within two (2) hours, the reason for the delay must be documented. If not completed within eight (8) hours, attempts to administer an alcohol test shall cease. The documentation of the reason for the delay must be maintained.
- f. An employee who receives a dilute negative reasonable suspicion test result will be required to retest. In such cases, the employee will be placed on unpaid leave pending the test results of the retest.

3. **Random:**

- a. Applicable employees will be subject to random, unannounced testing. The selection of these employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of employees.
- b. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
- c. The number of employees randomly selected for drug and alcohol testing during the calendar year shall not be less than the percentage rates established by the County and federal regulation.
- d. Each applicable employee shall be in a pool from which the random selection is made. Each employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
- e. Random tests can be conducted at any time the employee is on duty.
- f. Employees selected for testing are to "Immediately Proceed and Report without Delay" to the appropriate collection site.
- g. An employee who receives a dilute negative test result will be required to retest. In such cases, the employee will be placed on administrative leave until the results of the second test are obtained.

4. **Post-Accident:**

- a. All employees will be required to undergo drug and alcohol testing if involved in an accident with a vehicle or equipment or whose actions on-the-job could have contributed to the accident. This includes all employees that were operating the vehicle or equipment at the time of the accident and any other employee whose performance cannot be completely discounted as a contributing factor to the accident.
- b. The County requires post-accident drug and alcohol testing when medical treatment is obtained, or when there is damage to any vehicles, mobile equipment or property.
- c. Post-accident testing procedures include the following:
 - i. As soon as practicable following an accident, as defined in this section, the supervisor investigating the accident will notify the employee of the need for the test. The supervisor will make the determination using the best *information* available at the time of the decision.
 - ii. The employee's supervisor shall transport the employee to the testing facility.
 - iii. The appropriate supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours from the time of the accident for alcohol testing, and within 32 hours for drug testing. If an alcohol test is not performed within two (2) hours of the accident, the supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
 - iv. Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.
 - v. An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying a supervisor of his/her location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

- vi. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- vii. In the rare event that the County is unable to perform a drug and alcohol test (i.e. employee is unconscious, employee is detained by law enforcement, etc.), the County may use drug and alcohol post accident test results administered by local law enforcement officials in lieu of the test. The local law enforcement official must have independent authority for the test and the employer must obtain the results in conformance within local law.
- d. An employee who receives a dilute negative post accident test result will be required to retest. In such cases, the employee will be placed on un-paid administrative leave until the results of the retest are obtained.

5. Return-to-Duty:

- a. When an employee is on extended leave for a period of 90 days or more, regardless of the reason, the employee will be required to take a pre-employment drug test and receive a negative test result prior to performing work.
- b. As noted, the County adheres to a **ZERO TOLERANCE** policy, meaning a verified positive drug screen and/or confirmed alcohol screen with an alcohol concentration of 0.02 or greater will result in immediate removal from all duties and termination of employment.

HR-010E: Work Place Violence

The County strictly prohibits violence, threats of violence and/or any other forms of physical or verbal intimidation by employees, regardless of whether it is directed against coworkers, applicants for employment, or a third party against a County employees. The County is committed to maintaining a safe work environment and has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

Definition: For the purpose of this policy the term “*work place violence*” means any act or behavior, or threat thereof, intending to cause physical or which reasonably would intend to cause physical, mental, or psychological harm to a person or property, which is committed by County employees or third parties against County employees in the *work place*. This shall include acts or threats via telecommunications devices and shall include violent illegal acts such as disorderly conduct, assault and reckless endangerment.

Prohibited Actions: (not all inclusive)

- Injuring another person physically;
- Engaging in behavior that creates a fear of injury to another person;
- Brandishing or using a weapon that is not required by the individual's *position* while on county premises or engaged in county business;
- Intentionally damaging personal and/or County-assigned property;
- Intimidation, which includes but is not limited to stalking or behavior intended to frighten or coerce;
- Threatening to injure an individual or to damage property, regardless of whether the party communicating the threat has the present or future ability to carry out the threat;
- Committing injurious acts motivated by, or related to, domestic violence or harassment; and
- Retaliating against any employee who, in good faith, reports a violation of this policy.

Procedures:

All employees as well as third parties (relatives, vendors, citizens, contract personnel, former County employees, etc.) should be treated with courtesy and respect. Suspicious individuals or activities should also be reported as soon as possible to a supervisor. If an employee sees or hears a commotion or disturbance near the work area, he or she should not intercede.

- A. When the accused is known to be a County employee, the following procedures shall apply:
1. Any employee who believes they are the victim (or witness) to *work place* violence is required to report the incident. If they believe there is immediate danger, they must call 911. If there is no immediate danger, and after assuring the employee's safety, a report must be made to the first-line supervisor and/or Department Head so the situation may be diffused and investigated immediately. If the Department Head is the alleged offender, the employee must report the situation directly to the Director of Administration.
 2. The Department Head or Director of Administration shall promptly take any steps necessary to diffuse the situation, and shall investigate and take *disciplinary action* if appropriate. The employee, who filed the complaint, as well as the alleged offender, shall be advised of the findings in writing.
 3. Employees are encouraged to file a written complaint to report *work place* violence, however, all complaints when known whether in writing or not, will be investigated. Accused employees shall have the right to submit a written statement which will become a part of the record of investigation. All complaints and internal investigation results will be held in confidence except to the extent necessary to diffuse, investigate, and take appropriate action.
 4. If discipline is determined to be warranted, the County disciplinary policies will be followed.
- B. When the accused is not believed to be a County employee, any employee who believes they are in immediate danger is encouraged to call 911 and report the incident to the police. Once the situation is diffused, the employee should follow the same steps in Section A1 above to notify the Department Head.

A supervisor who receives a report or has knowledge of *work place* violence must contact the Department of Human Resources immediately. Supervisors shall communicate the County's commitment to maintaining a *work place* that is free from any type of intimidating, hostile, or offensive behaviors. In addition, employees should be made aware of the emergency contact numbers for all relevant personnel. The Department of Human Resources will provide periodic training/education to all employees and will provide *information* in the *New Employee Orientation*.

Note: In the event that an employee is sent for Employee Assistance *counseling* as a result of a *work place* violence incident, the following applies: EAP counselors are prohibited by confidentiality regulations from disclosing *information* obtained from employees without written consent. An exception to this prohibition, however, is if an employee specifically threatens to harm themselves or another person. In that case, the counselor advises the employee that the *information* will be reported to appropriate authorities, regardless of whether a written consent is provided.

HR-010F: Tobacco Use

The County has established the following regulations regarding tobacco use, including the use of lighted tobacco, oral tobacco, or vaporized tobacco equipment, in the *work place*:

- ❑ Tobacco use is prohibited in all County-owned, leased, or operated facilities
- ❑ Tobacco use is prohibited in all County-owned or leased vehicles
- ❑ Tobacco use is prohibited inside all citizen dwellings and all commercial or industrial customer facilities serviced by County employees
- ❑ Tobacco use is permitted on County property in specific designated areas

Employees and visitors to County government facilities are expected to honor this policy.

Department Heads and supervisors are responsible for enforcing this policy in the areas under their supervision. Employees found in violation of this policy will be subject to corrective action, which may include discharge.

HR-010G: Protecting Employees

Some employees may have on-the-job exposures to blood or other potentially infectious materials. The County offers those employees training on preventing bloodborne infections. Additionally, the County offers certain vaccinations (such as Hepatitis B) to these employees at County's expense.

Policy #:	HR-011
Subject:	MISCELLANEOUS TOPICS
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-011A: Personal Appearance

The County expects employees to maintain a personal appearance that promotes a professional and favorable image of the County. Employees are expected to be dressed and groomed appropriate to work environment and assignments. Employees may be required to wear uniforms, safety shoes or other safety equipment while at work. Failure to do so may result in a safety violation resulting in disciplinary action. Employees in correctional *positions* may not wear any civilian clothing while on duty.

The County recognizes that some employees with limited access to the public may be permitted to dress casually in the work place. In addition, casual dress may be authorized by the *County Executive* as an incentive for participating in certain County-sponsored activities. Business casual dress is defined as neat, clean clothing without holes or tears and clothing which is not provocative sufficiently covers the body. Employees are not to wear clothing with written messages or depictions. Additionally, for employee protection, appropriate footwear that will protect an employee's feet is required.

Due to the variety of business conducted in County Departments, Department Heads may determine the dress code that is appropriate to the office using the guidelines cited here.

HR-011B: Confidentiality of Records, Hearings and Meetings

Personnel records, applications for employment or promotion, medical records, performance evaluations, disciplinary records, letters of reference, scholastic records and other documents related to employees of the County, or applicants for employment with the County, are confidential in nature unless otherwise stipulated in state or federal regulations and are only to be made available to the person in interest (or his/her legally designated representative) or to the duly elected or appointed officials who supervise the work of the person in interest; or to those involved in disciplinary proceedings, or in compliance with a summons from a court or administrative agency.

Disciplinary hearings, grievance hearings, screening committee meetings to review applicants for employment or other meetings of a similar nature involving employee issues are not open to the general public. Exceptions to these principles can only be made with the written consent of the person in interest and the mutual concurrence of the proper County authorities.

HR-011C: Employment References, Verification of Employment

Requests for employment references or employment verification for any County employee must be immediately referred to the Department of Human Resources. The Department of Human Resources will only respond to requests authorized by the subject employee. *Information* released will be limited to employee's date of hire, *position* title, and salary, unless the employee authorizes additional *information* in writing.

An employee who elects to serve as an employment reference for another County employee must be certain to state that such reference is being provided on a personal basis and not as an official representative of the County. Written references may not be provided on official County letterhead. The County assumes no liability for references made by an employee acting in an individual and personal capacity.

HR-011D: Reporting of Claims

Subject to certain limitations and circumstances, Maryland law requires the County to provide *information* to the public upon request. The County's loss control efforts are promoted by uniformity in responding to requests for *information* pertaining to litigation, claims and alleged losses. *Information* standards have been adopted for specific situations:

- ❑ Incident resulting in property damage and/or personal injury: Any employee involved in the incident and any employee witnesses complete a written report form and submit the forms to the Director of the Department (or the highest officer of the Department or Agency within which the employee is employed), with copies to the Risk & Safety Manager.
- ❑ Receipt of any notification of a filed or anticipated claim against the County or any of its departments: Any employee receiving notice of claim or suit papers should note the date of receipt on the papers, and immediately forward the documents to the Risk & Safety Manager with a copy to the County Attorney.
- ❑ Receipt of any summons to appear as a witness to testify or provide evidence or documents concerning any new or pending claim before any court or government agency: The employee should immediately contact the County Attorney and forward a copy of the summons to the County Attorney. (If the summons is relevant to a claim being defended by another attorney assigned by the County's insurance carrier, the employee shall instead contact the Risk & Safety Manager who shall forward the summons to the assigned defense counsel.)
- ❑ Receipt of any request for *information* involving any claim against the County, any of its departments or agencies (either verbal or in writing): The employee receiving the request should direct the requesting party to the County Attorney or to the Risk & Safety Manager. No *information* shall be provided without receiving approval from the County Attorney or assigned defense counsel. If such request is in writing, the written request shall immediately be forwarded to the County Attorney or assigned defense counsel for response.

HR-011E: Employee Incentive Program

Various incentive and reward programs may be approved by the *County Executive* to recognize employee customer service, performance or participation in County-sponsored activities.

HR-011F: Driver's Guidelines

Employees in some *positions* will be required to operate a County vehicle. Following is an overview of guidelines pertaining to operation of a County vehicle:

1. Employees operating County vehicles must have driving records approved by the Department of Human Resources, using the Motor Vehicle Administration's point system.
2. It is the responsibility of the employee to inform the supervisor and/or the Director of Human Resources of changes in the driving record.
3. The driving records of employees who operate County vehicles will be reviewed by the Department of Human Resources every two years, or as requested.
4. The Department of Human Resources will administer a driver's safety course for all employees who operate County vehicles; this course must be completed every two years or, as required.
5. Employees will remain eligible to operate County vehicles as long as they remain employed by the County, hold a valid driver's license, have no more than five points on their driving record, and follow all Cecil County Motor Vehicle Operators Regulations, as listed below.

HR-011G: Motor Vehicle Operators Regulations

The Director of Administration and Department Head will approve the need for a vehicle assigned to a person and whether the vehicle is assigned for take-home use. The vehicle, whether for use during working hours or for take-home use, is the property of the County and, therefore, subject to search or inspection at anytime by the appropriate management personnel.

1. Employees are responsible for obeying the laws of the state/jurisdiction in which you are driving.
2. No alcoholic beverages or drugs are permitted to be used or carried within the vehicle at any time.
3. Unauthorized personnel are not allowed to ride in or operate the vehicle at any time.
4. Employees are responsible for operating the vehicle in a safe manner. Abuse of the vehicle may lead to suspension or termination.
5. Accidents must be reported immediately to the following:
 - a) Police agency in the jurisdiction where the accident occurs;
 - b) Department Head and/or supervisor; and
 - c) Risk & Safety Manager
7. Report mechanical problems as soon as possible to the Department Head and/ or supervisor and take the vehicle to the vehicle maintenance contractor for any necessary repairs.
8. Maintain the appearance of the vehicle, including removing litter.
9. Use all factory-installed safety equipment in the manner intended.
10. The following point system will also be in place.

Status	Current Point Total	County Action
Valid	0, 1, 2, 3	Eligible to operate County motor vehicle
Valid	4, 5	Eligible to operate County motor vehicle; memorandum sent to Department Head/Elected Official making them aware of the situation and asking them to review it with employee.
Valid	6+	Cannot drive County motor vehicle. Memorandum sent to Department Head/Elected Official along with a copy of driving record. If not driving County vehicles limits an employee's ability to perform duties/ <i>position</i> , said employee will be terminated.

Policy #:	HR-012
Subject:	COMPUTING & ELECTRONIC COMMUNICATIONS
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-012A: Overview

This policy sets forth the County's administrative procedures relating to the access to and use of the County's computer, email, Internet, network infrastructure, and smart phones (County and personal) during work hours. By establishing this policy, the County seeks to:

1. To ensure that individual and group behavior is consistent with the County's expectations and requirements to any applicable legislation and/or regulation;
2. To ensure adequate and proper use of the County's systems, equipment and resources, so County business is carried out in a manner consistent with its mission; and
3. To provide those who are affected by this policy with the means and tools to fulfill tasks, perform work activities, and assume responsibilities in a fully effective manner.

HR-012B: Scope and Applicability

This policy shall apply to any user of the County's computer, email, Internet, Wi-Fi, smart phone and/or network systems including:

1. Any employee of the County;
2. Any person who uses the County's computer, email, Internet, Wi-Fi, smart phone and/or network systems in the course of a contract, an exchange of services, a mandate, a training period, a cooperative undertaking or otherwise;
3. Any person provided an access code or password by an authorized County representative for the purpose of using the computer, email, Internet, smart phone, and/or network systems; and
4. Any client, supplier, subcontractor, visitor, volunteer or other person using a computer, email, Internet, Wi-Fi, smart phone and/or network systems.

HR-012C: Definitions

For purposes of this Policy and unless the context obviously indicates another meaning, the following words and expressions shall have the following meaning:

Computer Resources and Computer System - Collectively or individually, hardware and *software*, as well as computer and telecommunications resources and Wide Area Network (WAN) equipment, provided to the user by the County. This also includes computer equipment, telecommunications equipment, *software*, networks, information systems, *information* and *data* (text, visual, audio or other), located in or on any computer equipment or accessory, email, Internet and/or network systems.

Email System - A system allowing the non-interactive communication of messages composed of text, *data*, images, or voice, between a sender and one or several receivers through telecommunications links.

Equipment - Any computer equipment or equipment which relates to the Computer System, including any computerized work station, computer, printer, monitor, cable, keyboard, as well as any accessory, including those used to receive, process, conserve, reproduce and transmit *information* or *data*; all email equipment or relating to the email system; and all equipment used to access or relating to the Internet and/or network systems.

Instant Messages - A type of communication enabling the user to create a private chat room with another individual in order to communicate in real time over Microsoft Outlook or the Internet, analogous to a telephone conversation but using text-based, not voice-based, communication.

Internet System - A system allowing access to the World Wide Web by telecommunications links using computer resources.

Network System - Video, voice and *data* network, including routers and storage devices, owned and/or maintained by the County.

Social Networking - a mediated communication that allows users to interact through chatting, send messages, email, video, voice chat, file share, participate in blogs and discussion groups.

User - Any guest, vendor, or person employed or contracted by the County or providing volunteer services to the County.

HR-012D: Ownership

For the purpose of this policy and notwithstanding the County's real legal status with regard to it, the computer system, or any part(s) thereof, which is made available to users shall be deemed to be the exclusive property of the County. Consequently, the user shall not have any right (real or presumed) of ownership, confidentiality, or privacy while using said system.

The County shall be deemed to be the exclusive owner of all *information*, messages, *data* and files in the computer system or emanating there from, in any form whatsoever (electronic, digital, printed, audio, video or other), whether or not such *information*, messages, *data* and files have been created, received or stored with the help of such system(s). Consequently, the user shall not have any right (real or presumed) to property, confidentiality, or privacy in regards to such *information*, messages, *data* and files.

HR-012E: Installation, Repair, Removal and Maintenance of Hardware & Software

Requests for service should be submitted to the Help Desk and will be scheduled by the Information Technology (IT) Department. Any after normal business hour emergencies require direct communication with the IT Department by calling (410) 996-5205. This will ensure that all tickets requesting software installations are properly licensed.

HR-012F: Personal Use

County owned and/or maintained computer systems are to be limited for County-related business. However, personal use is permitted so long as it conforms to this policy and is on the user's own time. Personal use is not to interfere with responsibilities or the performance of assigned duties and responsibilities. It shall not interfere with County operations or affect the efficiency or availability of the computer system. The user shall not have any right (real or presumed) to confidentiality or privacy in regards to such *information*, messages, *data*, and files.

Without prior approval from your supervisor and the IT Department, no personally owned equipment shall be connected to the County's network. IT will only support County-owned equipment.

HR-012G: Email Use

The County's internal email system allows a user to send and receive messages both internally and externally. All messages composed, sent, or received on the email system are and remain the property of the County. Sending and receiving email is limited to County related matters. The County reserves the right to review, audit, monitor, access, and disclose all messages created, sent, or received through the email system. The user shall not create offensive or disruptive messages. The user shall not attempt to send messages anonymously or through sites that render them anonymous and intercede, read, or delete another user's message. The confidentiality of any message should not be assumed by the user. The user must be aware that even if email messages are deleted they can be restored from the email archive server. Management may request access to employee's email account with due cause. The assignment of a County email address is a privilege that is not to be abused.

Any employee who violates this policy or uses the email system for improper purposes shall be subject to *disciplinary action* as outlined in the Policies and Procedures Manual for Cecil County up to and including termination.

Users should use the County-wide distribution (all users) list for County business only. Bulk advertisement and mass distribution is prohibited for the following list (but is not limited to):

Personal solicitations	Political announcements	Birthday notices
Birth announcements	Fundraiser announcements	
Chain letter	Religious propaganda	

Users shall not distribute County-wide or other system distribution lists of County employees email addresses to third parties under any circumstances.

Email Disclaimers - An email disclaimer will be automatically attached to all out going emails due to confidential *information* contained in messages.

Junk Mail & Virus Filtering - The County, as a means to protect its computer systems and *data*, will scan all incoming emails for viruses. In the event that a virus is found, that email will be blocked and deleted. Junk mail filtering occurs when either the subject line or text contains inappropriate words. Black listed addresses will also be filtered.

HR-012H: Prohibited Use

While accessing and using the County's computer system, users shall not, deliberately or negligently, commit an act, which constitutes illegal or unacceptable behavior. List includes, but is not limited to:

1. Obtain, attempt to obtain, allow, or tolerate unauthorized access to use someone else's access code or password to access the computer system unless performing authorized installation, repair and/or maintenance duties.
2. Use an access code or password to access the computer system other than by means of the County's computer resources or from a location other than ones from where the County performs its operations without prior approval from their immediate supervisor.
3. Reveal access code or password to a third party unless required for performance of authorized installation, repair and/or maintenance duties.
4. Conceal or disguise one's real identity, that of the workstation, the equipment used or account upon accessing or using the computer system.
5. Misuse computer related or other resources upon accessing or using the computer system. County resources will not be used for outside financial gain.
6. Encrypt, code, render invisible or render inaccessible any electronic message, computer file or dossier relating to County business.

7. Intentionally creating, installing, transferring or downloading viruses, files or *software* containing viruses, or files or *software* dangerous for the integrity of the computer system which would cause a failure, whether partial or total, temporary or permanent, or a deterioration of the performance of the computer system.
8. Engage in computer pirating including the exchange of pirated *software* or any other illegal computer activities. All software installs must be properly licensed.
9. Copy, reproduce, transmit, distribute, publish or participate in the copying, reproduction, transmission, distribution or publication of any work (literary or otherwise), *software*, *software* component or documentation relating thereto, unless the copyright holder has expressly given authorization to do so or unless the user has valid title to current license entitling them to make a back-up copy thereof.
10. Transmit, by telecommunications or otherwise, any *software* or other *information*, technical or otherwise, digital, opinions or documents (e.g. texts, images, audio, video, etc.) thereby violating laws relating to export controls.
11. Install any *software* or *software* component (including updates and *software* corrections), on any equipment or accessory on the computer system without the prior consent of the IT Department.
12. Modify, alter, or destroy *data*, *software*, *software* components, documents, *information* systems, and computer resources other than in the normal course of his/her functions or activities.
13. Access, publish, transmit, download, receive and send using via email or fax, print, copy, exchange or store or any support of any nature of digital *information*, opinions or documents (e.g. text, images, audio, video, etc.) which are harassing, discriminatory, abusive, offensive, inflammatory, malicious, threatening, hateful, violent, slanderous, fraudulent, racist, sexist, sexual, obscene, immoral or illegal. This specifically includes, but is not limited to, *information* related and described as the following:

Criminal Skills	Hate Speech	Violence
Weapons	Gambling	Drugs, Alcohol & Tobacco
Sexually Explicit	Nudity	Pornographic
Personal & Dating	Religious/Anti-Religious	Glamour & Intimate Apparel
Militants/Extremist	Computing/Internet Hacking	
14. Alter the hardware or *software* configuration of the computer system without prior consent of the IT Department.
15. Compromise or circumvent the security measures protecting the computer system, or exploit the weaknesses of such security measures, whether by direct or remote access.
16. Read or otherwise become informed of any electronic message or computer file destined to someone else without that person's permission.
17. Modify, alter or erase, or attempt to modify, alter, or erase all or part of the content of a computer or of a computer network belonging to someone else without the permission of such person.
18. Lead to believe, through signature of his/her messages or otherwise, that he/she is expressing an opinion on behalf of the the County unless duly authorized to do so.
19. Interfere with network performance by utilizing unnecessary bandwidth such as downloading sizable computer files, which may easily be obtained off-line. Examples of such include, but are not limited to: watching movies, streaming or using resources for non-County related business that significantly degrades the performance of other users.
20. Engage in virtual exchanges, such as on-line shopping, pyramid systems, or computer games, whether in real or deferred time, for purposes not benefiting the County. The County reserves the right to delete any such systems and/or games from any and all County owned and/or maintained computer systems. All on-line County purchases with a County credit card must have permission from an authorized County representative.
21. Send, publish, or provide access to any confidential *information* or document belonging to or concerning the County.

22. Access resources to use Commercial Instant Messages (IM) service (Commercial Instant Messaging services include but are not limited to, IM services provided by private/commercial companies, for non-County related matters.
23. Access and/or engage in chatting and social networking.
24. Undermine the reputation of the County, its employees, clients, subcontractors and/or suppliers.
25. Access the computer system for political, charitable, trade union, or personal financial gain purposes or for the purpose of soliciting or promoting propaganda.
26. Taking a physical printout of, or sending or forwarding a document, to an external address that is part of the County's assigned retention policy.
27. Outside of work, employees may not improperly represent themselves on any social media sites while affiliated with Cecil County Government.

HR-012I: Outside Use

It is the County's intent that any County owned and/or maintained computer equipment remain at the County location where assigned. However, upon need and authorization, a user may utilize computer equipment remotely, for the sole purpose of the County and on a temporary basis any equipment that may be required to perform County assigned duties and responsibilities, if doing so does not affect County operations nor the efficiency or the availability of the computer system.

In all cases of external use, users shall remain fully bound by the terms of this policy, shall be responsible for any equipment over which he/she is given control, and shall return any borrowed equipment to the County's place of business upon expiration of the time stated on the agreement with the IT Department.

HR-012J: User Obligations and Responsibilities

Users shall do the following:

1. Use the computer system in a prudent and conscientious manner, by respecting other users as well as their rights, reputation, privacy, obligations, needs and priorities.
2. Preserve any computer equipment from any dust, liquid, oily substance, paper clip or other debris which may hinder its proper operation.
3. Respect the access and use of internal and external networks and protect the integrity and confidentiality of the *information* and *data* of the computer system.
4. Request modification of his/her password, without delay, if he/she has reason to believe such password has become known to others.
5. Scrutinize any file downloaded with the anti-virus *software* provided by the County.
6. Regularly save important files on appropriate drive when required.
7. Respect the terms and conditions of the license of any relevant *software*.
8. Report to the IT Department any weak point which the user discovers or is aware of in regards to the security measures protecting the computer system.
9. Cooperate with the IT Department in order to facilitate the identification and correction of any flaw or problem affecting the access to or use of the computer system or the security thereof.
10. Report to his/her immediate supervisor any violation by anyone of any of the terms of this Policy including unauthorized use of his/her access code or password.
11. Subject to his/her constitutional rights, provide his/her full cooperation and any evidence required in the course of any investigation carried out by law enforcement personnel, the County's insurers, or by the County itself, in regards to the access or use of the computer system by the user or by any other person.

Users shall be responsible to the County in regards to all damages, losses or consequences:

1. Arising from an act carried out by any person to whom the User has voluntarily or negligently made an unauthorized disclosure of his/her access code or password allowing access to the computer system or the use thereof.

2. Caused, whether voluntarily or negligently, to any equipment of which the user has the custody and control.
3. Arising from the theft, loss or full or partial destruction of any equipment where such theft, loss, or destruction takes place in a location other than that in which the County carries out its operations and takes place when the user has the custody and control of such equipment.

HR-012K: Social Media

Personal Usage - The County respects and honors the First Amendment rights of its employees to speak out as citizens on matters of public concern and to post materials, comments or information on the internet or social media sites; however, a County employee whose social media or internet postings disrupt the County's ability to provide effective and efficient services to the public, or interfere with the County's operation or security, may be disciplined, up to and including termination, for such comments or postings.

Employees shall expect that any information created, transmitted, downloaded, exchanged or discussed in a public online forum may be accessed by the County or other authorities at any time without any prior notice. Any speech or image created as an alias or fake persona does not relieve nor shield the employee of any Cecil County policy. An exception may be made for work required of law enforcement activities.

Personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the County's personnel policies is required even in your personal use of social media. In particular, County personnel are prohibited from the following:

- o Speech or images containing vulgar, obscene, or sexually explicit activity or language;
- o Speech or images that ridicule, disparage or otherwise express bias against any race, any religion, or any protected class of individuals;
- o Speech or images that reflect behavior that would reasonably be considered reckless or irresponsible;
- o Speech or images that reflect negatively on the County; and,
- o Discussion of sensitive, confidential, proprietary or classified information.

Examples of social media or online postings which are inappropriate and for which an employee may be disciplined include, but are not limited to, posts or comments that:

- o Impair the performance of your duties;
- o Impair discipline and harmony among coworkers;
- o Impair working relationships of the County;
- o Interfere with County business or operations;
- o Disclose confidential or sensitive information; or,
- o Negatively affect the public perception of the County.

The employee shall be aware of their association with the County in online social networks. The employee shall assume that his/ her speech and related activities on social media sites will reflect upon the County. The employee shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment unless it is already public information. The employee shall ensure their profile and related content is consistent with the public trust associated with the position and consistent with County and departmental personnel policies.

The employee is prohibited from posting department logos, uniforms, or anything else identifying the department or County on a social media site or web page in a manner that reflects poor judgment or unprofessional actions.

The employee shall be aware that you may be subject to civil liability for:

- Publishing or posting false information that harms the reputation of another person, group or organization;
- Publishing or posting private facts and personal information about someone, without their permission, that has not been previously revealed to the public, is not of legitimate public concern and that would be offensive to a reasonable person;
- Using someone else's name, likeness or other personal attributes for an exploitative purpose and without that person's permission; or
- Publishing, without the permission of the owner, the creative work of another, trademarked work or certain confidential business information.

The employee shall be aware that the privacy settings on social media sites are constantly in flux, and shall never assume that information posted on such sites is private or protected. Moreover, social media and Internet usage shall never be considered anonymous.

Usage on Behalf of County Business - The decision to utilize social media technology is a business decision, not a technology-based decision. It must be made at the appropriate level for each department, considering its mission, objectives, capabilities, and potential benefits. The County expects all who participate in social media on behalf of the County, to understand and to follow these guidelines:

1. Professional expectations and guidelines for interacting with fellow employees, external customers and the media apply. Employees are responsible for anything posted to social media sites, especially as it applies to the County.
2. Protect confidential and proprietary information: Do not post confidential or privileged information about the County or its employees. Employees must still follow applicable Federal and State requirements. Adhere to all applicable County privacy and confidentiality policies including, sexual harassment, and discrimination and employee privacy. Employees who share confidential or privileged information do so at the risk of disciplinary action, which can include termination.
3. Respect copyright and fair use: When posting, be mindful of the copyright and intellectual property rights of others.
4. Do not use the copyrighted County seal or Department logos for endorsements. Do not use the copyrighted County seal or any other County images or iconography on personal social media sites. Do not use the County to promote a product, cause, political party or candidate.
5. Misuse of social media and prohibited activities include, but are not limited to:
 - a. Sending and responding to private messages that are not related to County business;
 - b. Engaging in vulgar or abusive language, personal attacks of any kind, or offensive terms targeting individuals or groups;
 - c. Endorsing commercial products, services, or entities;
 - d. Endorsing political parties, candidates, or groups;
 - e. Lobbying; and/or
 - f. Posting photos or videos that are not related to the mission of the County or its entities.

Government Social Media - If you post on behalf of the County, the following policies must be adhered to in addition to all policies and best practices listed above:

- Departments that would like to join social networks should contact the IT Department and/or the Public Information Officer to ensure coordination with other County sites and their content.
- If you are representing the County when posting on a social media platform, acknowledge who you are.
- Ensure that your agency sanctions official participation and representation on social media sites.
- Respect proprietary information, content, and confidentiality.
- Participation must comply with the County's Personnel Policies & Procedures Manual.

HR-012L: Telephone Use

Since a large part of our business is conducted on the telephone, it is essential to project a professional telephone manner at all times. Though we realize there are times an employee may need to use the telephone for personal reasons, please use good judgment in limiting the length and frequency of these calls.

County smart phones are for business purposes only, unless otherwise authorized by the Department Head. They are not to be used for non-work related communications except for in emergency situations. Employee must comply with all applicable laws regarding use of smart phones. Employees in possession of County smart phones are required to take appropriate precautions to prevent theft and vandalism. In the event it is determined that an employee has exceeded their rate plan minutes due to non-work related calls or texts, the employee will be responsible for paying the additional fees incurred following a review of the bill by the Department Head in conjunction with the Director of Human Resources. Payments are to be made to the Cecil County Finance Office within ten (10) days of notice. Continued abuse of personal calls may result in the phone being disconnected as well as other *disciplinary action*. Smart phone model and rate plan will be determined by the consensus of the immediate supervisor, budget manager, and purchasing agent based on business need and cost effectiveness.

Policies regarding the use of personal smart telephones are established by Department Heads and/ or supervisors. However, use of these devices should not interfere with conducting County business or providing professional customer service.

HR-012M: Retention Policies and Intellectual Property

While accessing and using the computer system, users shall at all times respect and protect intellectual property rights held by the County or by a third party, including copyrights, trademarks, industrial designs, patents, trade secrets, moral rights, contractual rights and licenses. Under no circumstances shall the user usurp or attempt to usurp all or part of such intellectual property rights, whether directly or indirectly and whether by copying or reproducing same or otherwise. Users shall understand and respect the Cecil County Retention Policies. Any documents that are assigned a retention policy must not be passed outside of the County without written consent of the County Administration Office.

HR-012N: Rights of the County

The County shall have full discretion to affect the following, without prior notice, if it does so in the ordinary course of its business and for legitimate reasons of management or of security:

1. Read, copy, reproduce, print, use, communicate, store, move, archive or destroy, in whole or in part, *information*, messages, files or *data* contained on the computer system or originating there from, whether or not such *information*, messages, files or *data* were created, received or stored by the user with the help of the computer system.
2. Monitor access to and use of the computer system by the user using any technical means whatsoever, whether such monitoring is carried out in real or non-real time and whether or not the user is aware of such monitoring.
3. Intercept or record any transmission, communication, or work session, even if the user is aware or not aware of such monitoring.
4. Access or open any encrypted, encoded, or password-protected message or file.
5. Temporarily or permanently interrupt access to and use of the computer system by the user if it is of the opinion that the actions of the user or the consequences of such actions are such that:
 - a. They are or are likely to be of a harassing, discriminatory, abusive, offensive, inflammatory, malicious, threatening, hateful, violent, slanderous, fraudulent, racist, sexist, sexual, obscene, immoral or illegal nature.
 - b. They harm or are likely to harm the reputation of the County, its employees, clients, or suppliers.
 - c. They infringe or are likely to infringe any intellectual property right, title, or interest belonging to the County or a third party.
 - d. They cause or are likely to cause damages to any third party, or to its reputation or property.
 - e. They cause or are likely to cause problems affecting the proper operation of the computer system or damages thereto.
 - f. They breach or are likely to breach one or more provisions of this Policy or of other applicable policies, guidelines, standards, methods, security rules or regulations.
6. Provide its full cooperation and any evidence required in the course of any investigation carried out by law enforcement personnel, the County's insurers, victim's insurers, or the victim, in regards to any criminal offense or civil fault alleged against the user or a third party in connection with access to or use of the computer system.

Under no circumstance shall the County be responsible towards the user for any damages, losses, or consequences resulting from:

1. A voluntary interruption or a failure of the computer system.
2. An improper or negligent use of the computer system by the user or a third party.
3. The use by the user of equipment belonging to him/her.

HR-012O: Disciplinary Actions

If a user fails to comply, in whole or in part, with one or more provisions of this Policy, the user may be subject to *disciplinary action* in accordance with the *disciplinary actions* outlined in this manual in addition to those imposed by law. Dismissal, at any time, is the sole discretion of the County.

Prior to imposing *disciplinary actions*, the County shall:

1. Provide the user in question with the opportunity to give his/her version of the events in regards to the improper behavior alleged against him/her and the circumstances surrounding such behavior; and
2. Take into account the following factors in regards to the improper behavior:
 - a. Seriousness thereof;
 - b. Damages caused;
 - c. Real or potential consequences to the County, its employees, clients, suppliers or property; and
 - d. Repetitive nature thereof.

If a violation of this policy is committed by a third party not subject to this manual or other contract, the County reserves the right to cancel and prohibit access to the computer system and any location where the County carries out its operations, and/or termination of business with the third party or the organization of which he/she forms a part.

In all cases, the County reserves the right to institute proceedings against the user in question to obtain reimbursement of any expenses incurred and compensation for damages suffered resulting from a violation of this policy.

HR-012P: Confidentiality

Users shall be aware that public record statutes are very broad in their application. Certain *information* contained in electronic format may require disclosure if a request for public information is made. The County will comply with any lawful administrative or judicial order requiring the production of electronic files or *data* stored on the computer system in response to legitimate requests for discovery of evidence in regards to litigation.

Policy #:	HR-013
Subject:	SUBSTANCE ABUSE PREVENTION POLICY FOR FTA SAFETY SENSITIVE EMPLOYEES
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-013A: Purpose, Applicability, Implementation & Training

1. Purpose

- 1.1 The County's Department of Community Services – Community Transit, provides public transit and para-transit services for the residents of Cecil County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the *work place* remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, the County declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 1.2 Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol free *work place* in compliance with the Drug Free Work Place Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing work place anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, that sets the standards for the collection and testing of urine and breath specimens.
- 1.3 In some cases, the County reserves the prerogative to utilize stricter policies or procedures than the U.S. Department of Transportation when such are believed to be in the best interest of the residents and employees of the County. Any provisions set forth in this policy that are included under the sole authority of Cecil County and are not provided under the authority of the above named Federal regulations are underlined indicating it is a requirement of the County for employment, and not required by the U.S. Department of Transportation.
- 1.4 It should be noted that the County adheres to a **ZERO TOLERANCE** policy, meaning a verified positive drug screen and/or confirmed positive alcohol screen with an alcohol concentration of 0.04 or greater will result in immediate removal from all duties, referral to a substance abuse professional, and up to and including termination of employment.

2. Applicability

- 2.1 This Policy is applicable to all safety sensitive employees (full- or part-time) when performing any transit-related business. A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any other transit employee who is required to hold a Commercial Drivers' License (CDL). Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety –sensitive *positions* that require the performance of one or more of the above mentioned duties is provided in this Policy. These *positions* are covered because the County has determined that the duties require or may require safety-sensitive duties. Supervisors are only safety-sensitive if they perform one of the above functions.

2.2 This Policy is also applicable to applicants and transferees, volunteers performing safety-sensitive duties, contractors, and grant recipients.

3. Implementation & Training

3.1 This Policy revision is effective November 7, 2007.

3.2 The Director, Department of Human Resources is the primary Designated Employer Representative (DER) for this Policy and the Senior Human Resources Manager is the Secondary DER. The DER is responsible for:

3.2.1 Scheduling drug and alcohol tests;

3.2.2 Coordinating/disseminating test results;

3.2.3 Managing procured services, including designating collection sites and assuring the integrity and compliance of delivered services;

3.2.4 Reviewing *data* and submitting reports;

3.2.5 Acting as central contact person for inquiries regarding this Policy or its implemented programs. Inquiries may be referred to subject matter experts for response;

3.2.6 Reviewing verified test results and initiating actions on behalf of the County.

3.3 The DER is responsible for identifying new safety-sensitive classifications and for providing all covered employees with copies of this Policy.

3.4 The DER is responsible for designing and delivering all required training and educational elements of the FTA regulations in a timely fashion to all covered employees/volunteers.

3.5 The DER is responsible for ensuring the ongoing compliance of the Policy with applicable laws and regulations (see "References").

3.6 Each new, transferred, and current covered employee will receive (and sign for) a copy of this document and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. Receipts are to be maintained and accounted for by the DER. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited substance use.

3.7 All supervisory personnel or company officials who are in a *position* to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probably drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech and performance indicators of probably alcohol misuse.

HR-013B: Glossary of Terms & Definitions

Accident: An occurrence associated with the operation of a revenue service vehicle even when not in revenue service or which requires a Commercial Drivers' License (CDL) to operate, if as a result of:

1. A fatality.
2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident, or
3. One or more vehicles or equipment incur disabling damage as the result of the occurrence and transported away from the scene by a tow truck or other vehicle.

For purpose of this definition, disabling damage means damage that precludes departure of any vehicle or equipment from the scene of the occurrence in its usual manner after simple repairs. Disabling damage includes damage to vehicles or equipment that could have been operated but would have been further damaged if so operated. It does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts; tire disablement without other damage even if no spare tire is available; or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

This definition represents the FTA threshold for an accident that would require post-accident drug and alcohol testing. Under its own authority, the County tests covered employees for all accidents requiring medical treatment or any vehicle, mobile equipment or property damage. For accidents that do not meet the FTA thresholds, the County will use non-DOT collection forms and procedures.

Adulterated Specimen: A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine. An adulterated specimen is considered a refusal to test, and subject to the same consequences as a positive test result.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device (EBT).

Alcohol Screening Test: An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol Use: The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol.

At Work Agreement: An agreement between the employee and the County which is signed after a negative return to duty test(s) and prior to being returned to work. It outlines the rehabilitation program, responsibilities and understanding of the employee as well as consequences for failure in the program.

Breath Alcohol Technician (BAT): A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Cancelled Test: A drug test that has been declared invalid by a Medical Review Officer. A cancelled test is neither positive nor negative.

Chain Of Custody: The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

Collector: A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Federal Drug Testing Custody and Control Form (CCF).

Covered Employee: Any employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (see Appendix A for listing of County covered employees).

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655, as amended.

Department of Transportation (DOT): Department of the Federal government which includes the U.S. Coast Guard, Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, Federal Motor Carrier Safety Administration, Research and Special Programs, and the Office of the Secretary of Transportation.

Dilute Specimen: A specimen with creatinine and specific gravity values that is lower than expected for human urine.

Disabling Damage: Damage that precludes the departure of any vehicle or equipment from the accident scene in its usual manner, after simple repairs. Disabling damage includes damage to vehicles or equipment that could have been operated, but would have been further damaged if so operated. But does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers, that makes them inoperative.

Drugs: The drugs for which tests are required under this part and DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.

Employer: A person or entity employing one or more employees (including an individual who is self-employed) subject to DOT agency regulations requiring compliance with 49 CFR Parts 49 and 655, as amended. The term includes an employer's officers, representatives, and management personnel.

Evidentiary Breath Testing Device (EBT): A device approved by the NHTSA for the evidential testing of breath alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Work Place Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part. (The HHS Mandatory Guidelines for Federal Work Place Drug Testing Programs are available on the Internet at <http://www.health.org/workplace> or from the Division of Work Place Programs, 5600 Fishers Lane, Rockwall II Building, Suite 815, Rockville, MD 20857.)

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant biomedical *information*.

Negative Dilute: A drug test result that is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative Test Result: A verified drug test result below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 for breath testing is a negative test result.

Performing a Safety Sensitive Function: A covered employee is considered to be performing a safety sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive Test Result: A positive drug test is the verified presence of an identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

Prohibited Drug: Marijuana, cocaine, opiate, codeine/morphine, phencyclidine, MDMA, or amphetamines at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Revenue Service Vehicle: Includes all transit vehicles that are used for passenger transportation service or that require a Commercial Drivers' License (CDL) to operate. Includes all ancillary vehicles used in support of the transit system.

Safety-Sensitive Functions: (a) the operation of a transit revenue service vehicle even when the vehicle is not in revenue service; (b) the operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers' License (CDL); (c) maintaining a revenue service vehicle or equipment used in revenue services; (d) controlling the movement of a revenue service vehicle; and (e) carrying a firearm for security purposes.

Specimen Bottle: The bottle that, after being sealed and labeled according to the procedures in this part, is used to hold the urine specimen during transportation to the laboratory.

Split Specimen: In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated specimen or substituted test result.

Substance Abuse Professional (SAP): A license physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted Specimen: Specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Test Refusal: The following are considered as a refusal to test:

- Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine or breath specimen for any required test.
- Failure to provide a sufficient amount of urine when directed and there is no adequate medical explanation for the failure.
- Failure to permit the observation or monitoring of the specimen collection when required to do so.
- Failure or decline to take an additional test when directed to do so by the employer or collector.
- Failure to undergo a medical examination when directed to do so by the MRO or employer.
- Failure to cooperate with any part of the testing process (e.g. refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- Failure to follow the observer's instructions during an observed collection, including instructions to raise your clothing above the waist, lower clothing and under garments, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- Admit to the collector or MRO that you adulterated or substituted the specimen.

Validity Testing: The evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of the validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

Verified Test: A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

HR-013C: Employee Compliance Requirements

1. General

- 1.1 U.S. DOT regulations 49 CFR parts 40 and 655, as amended, dictate that safety-sensitive employees must submit to drug and alcohol testing as set forth in the "Required Drug & Alcohol Testing" section of this Policy.
- 1.2 A safety-sensitive employee who refuses to cooperate with the "Drug & Alcohol Testing" section of this Policy shall be immediately removed from performing safety sensitive work, withheld from service, and referred to the "consequences of a positive/refusal to test" component of the "Drug & Alcohol Test Results" section of this Policy.

- 1.3 The consumption of alcohol while on duty, or within 4 hours of reporting for duty is prohibited.
- 1.4 FTA requirements authorize testing for alcohol and taking action on findings regardless of whether the alcohol was ingested as a beverage alcohol or in a medical or other preparation.
- 1.5 Observation of a safety-sensitive employee consuming alcohol at work or within 4 hours of reporting to perform a safety-sensitive duty is cause for reasonable suspicion testing under the "Drug & Alcohol Testing" section of this Policy. Since the consumption of alcohol under these conditions is a violation of the regulations regardless of the test results, the Department of Human Resources is to be advised of every case for disciplinary considerations.
- 1.6 Any safety-sensitive employee who advises the County of the use of alcohol during a period of on-call status will not be permitted to work.

2. Pre-Duty Use

- 2.1 Employees are prohibited from using alcohol within four (4) hours prior to performing safety-sensitive functions. Having actual knowledge that a covered employee has used alcohol within four (4) hours of performing a safety-sensitive function, the County shall not permit the employee to perform or continue to perform safety-sensitive functions.
- 2.2 On-call employees who have consumed alcohol must report the use of alcohol when notified to report for duty.
- 2.3 The County shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:
 - 2.3(1) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.
 - 2.3(2) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function. (The County considers this a reasonable suspicion test).

HR-013D: Covered Employees

All County safety-sensitive employees are subject to this policy. The Federal Transit Administration designates employees to be safety-sensitive if their classification requires them to perform any of the following duties:

- a. Operate a revenue service vehicle, including when not in service;
- b. Operate a non-revenue service vehicle when required to be operated by a holder of a commercial driver's license;
- c. Control the dispatch or movement of a revenue service vehicle;
- d. Maintain a revenue service vehicle or equipment used in revenue service;
- e. Carry a firearm for security purposes; or
- f. Supervisors whose duties require the performance of any of the above functions.

The County's *position* titles which meet FTA requirements and therefore are designated as safety-sensitive appear in the "Position Classification Listing" section of this Policy.

A volunteer is a covered employee if 1) the volunteer is required to hold a commercial driver's license to operator the vehicle; or 2) the volunteer performs a safety sensitive function for an entity and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

HR- 013E: Test Administration

1. Prohibited Substances

- 1.1 Under the Drug Free Work Place Act of 1988, any drug or substance identified in Schedule 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the *work place* unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy. Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine. Illegal use of these five drugs is prohibited at all times, and thus covered employees may be tested for these drugs any time that they are on duty.
- 1.2 Under certain conditions, when licit and/or other drug usage is suspected, the County reserves the right to perform an expanded drug-testing panel to include other substances. This testing will be conducted solely under the auspices of the the County's Substance Abuse Policy, and the specimen would be collected using non-DOT collection procedures and forms. For additional information concerning prescription and non-prescription medication usage, please refer to the Over-The-Counter and Prescription Drug Policy.
- 1.3 The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, under the County's authority, an employee must inform any physician prescribing medication that the employee is enrolled in a Drug Free Work Place Program.
- 1.4 Alcohol. The use of beverages containing alcohol (including any mouthwash, medication, food, candy, etc.) or any other substance such that alcohol is present in the body while performing safety-sensitive functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655, as amended, just before, during, or just after the performance of safety-sensitive functions. Under the County's authority, an alcohol test can be performed at any time a covered employee is on duty if reasonable suspicion exists.

2. Prohibited Conduct

- 2.1 All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2.2 Each covered employee is prohibited from consuming alcohol while performing safety-sensitive functions or while on-call to perform safety-sensitive functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline of up to and including termination.
- 2.3 The County shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- 2.4 Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- 2.5 No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post accident drug/alcohol test, whichever occurs first.
- 2.6 No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive functions.
- 2.7 The County, under its own authority, prohibits the consumption of alcohol at all times the employee is on duty, or any time the employee is in uniform.

- 2.8 Consistent with the Drug Free Work Place Act of 1988, all County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the *work place* including County premises, transit vehicles, while in uniform, or while on County business.
- 2.9 If an employee has reason to believe he or she is unfit to perform safety sensitive functions and voluntarily seeks treatment due to a drug and/or alcohol problem, the employee must contact the County's Designated Employer Representative and request a temporary leave from the performance of safety sensitive functions. The employee will be reassigned to a non-safety sensitive function, while under treatment. The employee will be tested prior to returning to duty after completing the Substance Abuse Professional's recommended treatment program and subsequent release to duty. The County will not consider a request for assistance with a drug and/or alcohol problem, after an employee is required to report for testing. In any case, the employee would still be required to submit to any requested drug and/or alcohol test, and subsequently be terminated if positive test results are received.

3. Drug Statute Conviction

Consistent with the Drug Free Work Place Act of 1988, all employees are required to notify the County's DER of any criminal drug statute conviction for a violation occurring in the *work place* within five (5) days after such conviction. Failure to comply with this provision shall result in *disciplinary action*.

HR-013F: Drug & Alcohol Testing

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40, as amended. All covered employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined below. All covered employees who have voluntarily sought assistance for problems with drugs or alcohol, will be tested prior to returning to duty after completion of the SAP's recommended treatment program and subsequent release to duty. Follow-up testing will be conducted for a period of one to five years, with at least six tests performed during the first year. The duration and frequency of the follow-up testing above the minimum requirements will be at the discretion of the SAP.

A drug test can be performed any time a covered employee is on duty. Under FTA authority, an alcohol test can be performed just before, during, or after the performance of a safety-sensitive function. Under the County's authority, an alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of on-going employment with the County. Any safety sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in this policy. Any covered employee who is suspected of providing false *information* in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employee's removal from duty and disciplined as outlined in the "Drug & Alcohol Test Results" section of this policy.

1. Drug Testing Procedures

- 1.1 Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

- 1.2 Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.
- 1.3 The collector shall be provided the following *information* when conducting a urine specimen collection:
 - a. Full name of the employee being tested;
 - b. Employee social security number;
 - c. Laboratory name and address (as pre-printed on the Chain of Custody);
 - d. Employer name, address, telephone number, and fax number;
 - e. Designated Employer Representative contact information;
 - f. MRO name, address, telephone number and fax number;
 - g. The DOT agency which regulates the employee's safety sensitive duties.
 - h. Test reason: pre-employment, random, reasonable suspicion, post-accident, return to duty, and follow-up;
 - i. Whether the test is to be observed or not;
- 1.4 After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 1.5 Under certain conditions, when illicit and/or other drug usage is suspected, the County reserves the right to perform an expanded drug-testing panel to include other substances. This testing will be conducted solely under the auspices of the County's Substance Abuse Policy, and the specimen would be collected using non-DOT collection procedures.
- 1.6 The test results from the HHS certified laboratory will be reported to the Medical Review Officer (MRO). The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive and reported to the County's DER. If a legitimate explanation is found, the MRO will report the test result as negative to the DER and no further action will be taken. If the test is invalid without a medical explanation, a re-test will be conducted under direct supervision.
- 1.7 Any covered employee who questions the results of a required drug test may request that the split specimen sample be tested. Employees do not have access to a test of their split specimen following an invalid result.
 - 1.7.1 The split sample test must be conducted at a second HHS certified laboratory with no affiliation with the laboratory that analyzed the primary specimen.

- 1.7.2 The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended.
 - 1.7.3 The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to substantiated facts that were beyond the control of the employee.
 - 1.7.4 The County will ensure the cost for the split specimen test is covered in order for a timely analysis of the sample; however the County will seek reimbursement for the split specimen sample test from the employee. While the employee is responsible for paying the cost of the split specimen testing, they will not be denied such based on inability to pay for the testing.
- 1.8 If the analysis of the split specimen sample fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct the County to retest the employee under direct observation.
- 1.9 The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split specimen will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the MRO. Positive primary specimens will be retained in frozen storage for one year and the split specimen will also be retained for one year.
- 1.10 Observed collections, consistent with 49 CFR Part 40, as amended, are performed under direct observation (by a person of the same gender) with no advance notice, and are required in the following circumstances:
- 1.10.1 All return to duty tests;
 - 1.10.2 All follow-up tests;
 - 1.10.3 The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the employer that there was not an adequate medical explanation for the result;
 - 1.10.4 The MRO reported that the original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed;
 - 1.10.5 The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative dilute and that a second collection must take place under direct supervision;
 - 1.10.6 Anytime the temperature on the original specimen was out of the accepted range of 90°-100°F;
 - 1.10.7 Anytime the collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
 - 1.10.8 Anytime the original specimen appeared to have been tampered with.
- When an employee is instructed to provide a specimen under direct observation they will be advised as to the reason, if known.
- 1.11 Dilute Negative: A covered employee or applicant who receives a dilute negative test result will be required to re-test and the result of the second test as the test result of record. The collection for second test will not be directly observed unless there is another reason for an observed collection to be conducted. Should the second test result in a negative dilute test result, the test will be considered a negative and no additional testing will be required unless direct to do so by the MRO.

2. Alcohol Testing Procedures

- 2.1 Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHTSA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen (15) minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA approved EBT operated by a trained BAT.
- 2.2 The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2.3 An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in the disciplinary section of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall be removed from duty for at least 24 hours and will be subject to the disciplinary consequences described in this policy. The employee will not be allowed to return to safety sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. An alcohol concentration of less than 0.02 will be considered a negative test.
- 2.4 The County affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test result is compromised, the test will be cancelled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 2.5 The alcohol testing form required by 49 CFR Part 40, as amended, shall be used for all FTA required testing. Failure of an employee to sign Step 2 will be considered a refusal to submit to testing.

3. Pre-Employment Testing

- 3.1 All applicants for covered transit *positions* shall undergo urine drug testing prior to performance of a safety sensitive function but not more than ninety (90) days prior to performing a safety sensitive duty.
 - 3.1.1 All offers of employment for covered *positions* shall be extended conditional upon the applicant passing a pre-employment drug test. An applicant shall not be hired into a covered *position* unless the applicant takes a drug test and receives a verified negative result.
 - 3.1.2 A non-covered employee shall not be placed, transferred or promoted into a covered *position* until the employee takes a drug test and receives a verified negative result. If the employee being placed, transferred or promoted into a covered *position* receives a verified positive drug test result, the employee shall be subject to discipline as outlined in the "Drug & Alcohol Test Results" section of this Policy.
 - 3.1.3 If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug test shall disqualify an applicant for employment for a period of at least two (2) years.

- 3.1.4 If an applicant or employee drug test is cancelled, the County shall require the employee or applicant to take another pre-employment drug test and receive a verified negative result.
- 3.1.5 When a covered employee is on extended leave for a period of ninety (90) days or more, regardless of the reason, the employee will be required to take a pre-employment drug test under 49 CFR Part 655, as amended, and receive a negative test result prior to performing safety sensitive functions.
- 3.2 Previous Employment Requirements. By Federal Regulation, the County must check on the drug and alcohol testing record of new employees it is intending to use to perform safety-sensitive functions.
 - 3.2.1 The County, after obtaining an applicants'/employees' written consent, utilizes a third party to request previous employment *information* about the employee. This requirement applies only to employees seeking to begin performing safety-sensitive functions for the first time (i.e., a new hire, an employee transfers into a safety-sensitive *position*). If the employee refuses to provide this written consent, the County must not permit the employee to perform safety-sensitive functions.
 - 3.2.2 The County, through a third party administrator, must request the *information* listed in this paragraph from DOT-regulated employers who have employed the applicant/employee during any period during the two (2) years before the date of the employee's application or transfer (or time period as may be amended under the regulations):
 - (1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
 - (2) Verified positive drug tests;
 - (3) Refusals to be tested (including verified adulterated or substituted drug test results);
 - (4) Other violations of DOT agency drug and alcohol testing regulations; and
 - (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have *information* about the return-do-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), the County must seek this *information* from the employee.
 - 3.2(2)a The *information* obtained from a previous employer includes any drug or alcohol test *information* obtained from previous employers under this section or other applicable DOT agency regulations.
 - 3.2(2)b If feasible, the County must obtain and review this *information* before the employee first performs safety-sensitive functions. If this is not feasible, the County must obtain and review the *information* as soon as possible. However, the County must not permit the employee to perform safety-sensitive functions after thirty (30) days from the date on which the employee first performed safety-sensitive functions, unless the County has obtained or made and documented a good faith effort to obtain this *information*.
 - 3.2(2)c If the County obtains *information* that the applicant has violated a DOT agency drug and alcohol regulation, the pre-employment process will not be continued.
 - 3.2(2)d Each of the employers from whom *information* is requested under paragraph (3.4.2) of this section must receive written consent for the release of the *information*.

- 3.2(2)e The employer requesting the *information* required under this section must maintain a written, confidential record of the *information* obtained or of the good faith efforts made to obtain the *information*. This *information* must be retained for three years from the date of the employee's first performance of safety-sensitive functions.
- 3.2(2)f The employee must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive functions covered by DOT agency drug and alcohol testing rules during the past two years.

4. Reasonable Suspicion Testing

- 4.1 All County covered employees will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting performance or safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odor that are consistent with possible drug use and/or alcohol misuse.
- 4.2 Reasonable suspicion referrals must be made by one supervisor who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. (Attachment A: Reasonable Suspicion Worksheet) Under FTA authority, a reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive function. However, under the County's authority, a reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- 4.3 The County shall be responsible for transporting the employee to the testing facility. The employee shall be placed on unpaid leave pending the test results. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on unpaid leave pending *disciplinary action*.
- 4.4 A written record of the observations that led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation prior to the release of the test results. This written record shall be submitted to the DER and attached to the forms reporting the test results. Please note that Reasonable Suspicion does not exist if it is based solely upon a supervisor's intuition or hunch.
- 4.5 If a reasonable suspicion alcohol test is required but not performed within two (2) hours, the reason for the delay must be documented. If not completed within eight (8) hours, attempts to administer an alcohol test shall cease. The documentation of delay must be maintained.

5. Post Accident Testing

- 5.1 All covered employees will be required to undergo drug and alcohol testing if they are involved in an accident with a transit revenue service vehicle or equipment or whose performance could have contributed to the accident, regardless of whether or not the vehicle or equipment is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle or equipment at the time of the accident and any other covered employee whose performance cannot be completely discounted as a contributing factor to the accident.

- 5.2 A post accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident. This includes all covered employees that are operating the vehicle or equipment at the time of the accident and any other covered employee whose performance cannot be completely discounted as a contributing factor to the accident.
- 5.3 Under its own authority, the County requires post accident drug and alcohol testing when medical treatment is obtained, or when there is damage to any vehicles, mobile equipment or property.
- 5.4 Post accident testing procedures include the following:
 - 5.4.1 As soon as practicable following an accident, as defined in this section, the supervisor investigating the accident will notify the employee operating the transit vehicle or equipment and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best *information* available at the time of the decision
 - 5.4.2 The covered employee's supervisor shall transport the employee to the testing facility.
 - 5.4.3 The appropriate supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours from the time of the accident for alcohol testing, and within 32 hours for drug testing. If an alcohol test is not performed within two (2) hours of the accident, the DER will document the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
 - 5.4.4 Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.
 - 5.4.5 An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying a supervisor of his/her location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
 - 5.4.6 Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
 - 5.4.7 In the rare event that the County is unable to perform a FTA drug and alcohol test (i.e. employee is unconscious, employee is detained by law enforcement, etc.), The County may use drug and alcohol post accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement official must have independent authority for the test and the employer must obtain the results in conformance within local law.

6. Random Testing

- 6.1 All covered employees will be subject to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
- 6.2 The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
- 6.3 The number of employees randomly selected for drug and alcohol testing during the calendar year shall not be less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations.

- 6.4 Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
- 6.5 Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random test can be performed just before, during, or just after the performance of a safety sensitive duty. Testing can occur during the beginning, middle or end of an employee's shift. However, under the County's authority, a random alcohol test may be performed any time the covered employee is on duty.
- 6.6 Employee's selected for testing are to "Immediately Proceed and Report without Delay" to the appropriate collection site. Employees selected for random testing will be given a testing appointment form to be presented at the collection site (Attachment B: Random Test Appointment).

7. Return-To-Duty Testing

- 7.1 As noted in Section HR-013G, the County adheres to a **ZERO TOLERANCE** policy, meaning a verified positive drug screen and/or confirmed alcohol screen with an alcohol concentration of 0.04 or greater will result in immediate removal from all duties, referral to a substance abuse professional, and termination of employment.
- 7.2 All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional (SAP) before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment required and is known to be drug and alcohol free and there are no undo concerns for public safety. In no circumstances will an employee be reinstated to the conduct of safety-sensitive functions prior to the completion of the treatment plan with negative tests. The cost for assessment and any subsequent treatment will be the sole responsibility of the employee.

8. Follow-Up Testing

Covered employees will be required to undergo frequent, unannounced drug and alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five (1-5) years with a minimum of six (6) tests performed the first year. The frequency and duration of the follow-up tests (beyond the minimum) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

HR-013G: Drug & Alcohol Test Results

1. Positive Test Results

- 1.1 Any covered employee that has a verified positive drug or alcohol test will be removed from his/her *safety-sensitive position*, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of safety-sensitive functions without the approval of the SAP.
- 1.2 A positive drug and/or alcohol test will also result in *disciplinary action* as specified herein:
 - 1.2.1 As soon as practicable after receiving notice of a verified positive drug or alcohol test, or a test refusal, the DER will contact the employee's supervisor to have the employee cease performing any safety-sensitive functions.

- 1.2.2 The employee shall be referred to a Substance Abuse Professional (SAP) for an assessment. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.
- 1.2.3 Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination. A test refusal includes the following circumstances:
- 1.2.3.1 A covered employee who consumes alcohol within eight (8) hours following involvement in an accident without first having submitted to a post accident drug/alcohol test.
 - 1.2.3.2 A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol testsA covered employee who is suspected of providing false *information* in connection with a drug test.
 - 1.2.3.3 A covered employee who provides an insufficient volume of urine specimen or breath sample without a valid medical explanation. The medical evaluation shall take place within five (5) days of the initial test attempt.
 - 1.2.3.4 A verbal or written declaration, obstructive behavior, or physical *absence* resulting in the inability to conduct the test within the specified time frame.
 - 1.2.3.5 A covered employee whose urine sample has been verified by the MRO as substitute or adulterated.
 - 1.2.3.6 A covered employee fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer (except for pre-employment tests).
 - 1.2.3.7 A covered employee fails to remain at the testing site until the testing process is complete.
 - 1.2.3.8 A covered employee fails to provide a urine specimen for any drug test required by CFR Part 40, as amended, or DOT agency regulations.
 - 1.2.3.9 A covered employee fails to permit the observation or monitoring of a specimen collection.
 - 1.2.3.10 A covered employee fails or declines to take a second test the employer or collector has directed you to take.
 - 1.2.3.11 A covered employee fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” or “shy lung” procedures.
 - 1.2.3.12 A covered employee fails to cooperate with any part of the testing process (e.g. refuses to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
 - 1.2.3.13 A covered employee fails to follow the observer’s instructions during an observed collection, including instructions to raise their clothing above the waist, lower clothing and under garments, and to turn around to permit the observer to determine if they have any type of prosthetic or other devise that could be used to interfere with the collection process;
 - 1.2.3.14 A covered employee possesses or wears a prosthetic or other devise that could be used to interfere with the collection process.
 - 1.2.3.15 A covered employee admits to the collector or MRO that they adulterated or substituted the specimen.
 - 1.2.3.16 Failure to sign Step 2 of the Alcohol Testing form.

- 1.3 The County has a **ZERO TOLERANCE** policy. A verified positive drug screen and/or confirmed positive alcohol screen with an alcohol concentration of 0.04 or greater will result in immediate removal from all duties, referral to a substance abuse professional, and termination of employment.
- 1.4 An alcohol test result of 0.02 to 0.039 BAC shall result in the removal of the employee from duty for 24 hours. The employee will not be permitted to return to safety-sensitive duty or his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of 0.02 to 0.039 BAC two or more times within a six month period, the employee will be removed from duty and referred to the SAP for assessment and treatment consistent with this Policy.
- 1.5 The cost of any treatment or rehabilitation services will be paid directly by the employee or his/her insurance provider. The employee will be permitted to take accrued Sick, Vacation or Personal Leave to participate in the SAP prescribed treatment program. If the employee has insufficient leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family Medical Leave Act.
- 1.6 In the event of a self-referral, *disciplinary action* against the employee shall include:
 - 1.6.1 Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement.
 - 1.6.2 Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from the County's employment. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and the employee has agreed to periodic unannounced follow-up testing as defined in this Policy.
 - 1.6.3 Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
 - 1.6.4 A self-referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered a positive test result in relation to the disciplinary section of this policy.
 - 1.6.5 Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral which results in a verified positive shall be considered a positive test result in relation to the disciplinary section of this policy.
- 1.7 Failure of an employee to report within five (5) days of a criminal drug statute conviction for a violation occurring in the *work place* shall result in termination.

HR-013H: Grievance and Appeal

The consequences specified by 49 CFR Part 655, as amended, for a positive test or test refusal is not subject to arbitration.

1. Proper Application Of The Policy

The County is dedicated to ensuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to *disciplinary action*, up to and including termination.

2. Information Disclosure

- 2.1 Drug and alcohol testing records shall be maintained by the DER and, except as provided below or by law, the results of any drug or alcohol test shall not be disclosed without express written consent of the tested employee.

- 2.1.1 The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.
- 2.1.2 Records of a verified positive drug or alcohol test result shall be released to the DER, department supervisor, and Senior Human Resources Manager on a need to know basis.
- 2.1.3 Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 2.1.4 Records of an employee's drug or alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug or alcohol test. The records will be released to the decision maker in the proceeding. The *information* will only be released with biding stipulation from the decision maker will make it available only to parties in the preceding.
- 2.1.5 Records will be released to the National Transportation Safety Board (NTSB) during an accident investigation.
- 2.1.6 Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 2.1.7 Records will be released if requested by a Federal, state or local safety agency with regulatory authority over the County or the employee.
- 2.1.8 If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of 49 CFR Part 40, as amended, necessary legal steps to contest the issuance of the order will be taken.
- 2.1.9 In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

HR-013I: Delegated Responsibilities

The County has procured the services of a professional Medical Review Officer (MRO) and Substance Abuse Professional (SAP) on behalf of this policy.

1. Medical Review Officer (MRO) responsibilities:

- 1.1 Compliance with 49 CFR Part 40 Procedures for Transportation Work Place Drug and Alcohol Testing Programs provisions, as amended.
- 1.2 Compliance with 49 CFR 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations provisions, as amended.
- 1.3 The Medical Review Officer's (MRO) single most important function is laboratory positive test result review and the determination of alternative medical explanations for positive results. The MRO must be a licensed physician with substance abuse disorder knowledge and has appropriate medical training to interpret and evaluate positive test results.

2. Substance Abuse Professional (SAP) responsibilities:

- 2.1 Compliance with 49 CFR Part 40 Procedures for Transportation Work Place Drug and Alcohol Testing Programs provisions, as amended.
- 2.2 Compliance with 49 CFR 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations provisions, as amended.
- 2.3 The SAP functions include:
 - 2.3.1 Making face-to-face clinical assessment and evaluation to determine what assistance is needed by the employee to resolve problems associated with alcohol and/or drug use;

- 2.3.2 Referring the employee to an appropriate education and/or treatment program;
- 2.3.3 Conducting face-to-face follow-up evaluation to determine if the employee has actively participated in the education and/or treatment program and has demonstrated successful compliance with the initial assessment and evaluation recommendations;
- 2.3.4 Providing the DER with a follow-up drug and/or alcohol testing plan for the employee; and;
- 2.3.5 Providing the employee and employer with recommendations for continuing education and/or treatment;
- 2.3.6 The SAP is not an advocate for the County or the employee. The SAP function is to protect the public interest in safety by professionally evaluating the employee and recommending appropriate education/treatment, follow-up tests, and aftercare.

HR-013J: Policy Contacts

Designated Employee Representative (DER)

Director of Human Resources Telephone: (410) 996-5250
Cecil County, Maryland
200 Chesapeake Blvd, Suite 2800
Elkton, MD 21921

Secondary Designated Employee Representative (DER)

Senior Human Resources Manager Telephone: (410) 996-5250
Cecil County, Maryland
200 Chesapeake Blvd, Suite 2800
Elkton, MD 21921

Medical Review Officer (MRO) - Medical review of drug test results will be provided by below listed MRO under contract with the County (as amended).

Occupational Medicine Telephone: (410) 620-5424
North Bay Professional Pavilion
360 E. Pulaski Highway, Third Floor
Elkton, MD 21921

SAMHSA Certified Laboratory - Certified laboratory testing will be provided by the below listed laboratory under contract with Cecil County, Maryland.

MedTox Laboratories, Inc. Telephone: (651) 636-7466
402 West County Road D
St. Paul, MN 55112

Substance Abuse Professional (SAP)

BUSINESS HEALTH SERVICES Telephone: (866) 765-3277

HR-013 K: Minimum Thresholds

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzolecgonine	100 ng/mL
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL
		Morphine	2000 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine ⁵	250 ng/mL
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL
		MDA ⁷	250 ng/mL
		MDEA ⁸	250 ng/mL

¹Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

²Morphine is the target analyte for codeine/morphine testing.

³Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

⁴Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

⁵To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

⁶Methylenedioxyamphetamine (MDMA).

⁷Methylenedioxyamphetamine (MDA).

⁸Methylenedioxyethylamphetamine (MDEA)

HR-013 L: FTA Safety Sensitive Employee Position Classifications Listing

Management/Staff

Cecil County Community Transit Employees

Policy #:	HR-014
Subject:	ALTERNATIVE WORK SCHEDULE POLICY
Effective Date:	July 1, 2018
Approved by:	County Executive & County Council

HR-014A: Compressed Work Schedule

The County endorses the use of flexible work schedules and encourages Departments to examine operations to determine whether such scheduling is appropriate and can serve a service-minded and useful purpose. Flexible work scheduling can be used to:

- Provide extended services to the public and other agencies;
- Increase the efficiency and effectiveness of the work force through optimum utilization;
- Provide employees with an opportunity to alter hours and schedule appointments on an assigned day off, within guidelines set by the Department Head.

While the County endorses the concept of flexible work schedules, it is intended that such schedules will be designed and implemented on a more or less permanent basis. Schedules should not vary on a daily basis to accommodate personal preferences.

Each department participating in the Alternative Work Schedule program will need to determine minimum staffing requirements in order to continue to be able to serve the public and internal customers appropriately. Minimum staffing levels will need to be reviewed and approved by the Director of Administration prior to starting Alternative Schedules.

Employees working a compressed work schedule should make every effort to schedule their appointments on their scheduled day off. *Non-exempt* employees may not work more than 40 hours in a week (unless overtime is approved in advance for a special project).

HR-014B: Hours of Work

While most County offices are ordinarily open for business Monday through Friday from 8:00 am to 4:30 pm., there are no standard hours of work for County employees due to the varied nature of County business. Hours of work will be established in each department and approved by the *Appointing Authority*. Core hours for most departments are 9 am – 3 pm each day.

HR-014C: Option I – 10 hour Compressed Time

Four (4) 10-hour workdays per week commencing between 7:00 and 8:30 a.m., incorporating a 30-minute unpaid meal break, and ending between 5:30 and 7:00 pm. This schedule results in one non-working day per workweek.

HR-014D: Option II - Flexible Time

This option allows staggered fixed arrival and departure times for individual employees within the parameters established by the supervisor to allow full coverage during the normal business hours. Employees may vary their arrival and departure times within established limits, provided they are present within the core time and work a standard number of hours per day and week. Examples of approved flex time are noted below:

- 7:00 a.m. - 3:30 p.m.
- 7:30 a.m. - 4:00 p.m.
- 8:00 a.m. - 4:30 p.m. Standard workday schedule**
- 8:30 a.m. - 5:00 p.m.
- 9:00 a.m. - 5:30 p.m.
- 9:30 a.m. - 6:00 p.m.
- 10:00 a.m. - 6:30 p.m.

This option requires the employee to select and maintain a flex schedule for a period of time that cannot be changed without prior approval; this is not a day-to-day schedule.

NOTE: This policy does not apply to the 24/7 operational departments or the Solid Waste Division.

HR-014E: Paid Leave

1. Service time and the accrual of Vacation, Sick, or Personal Leave will continue at the existing rates.
2. Employees who use Vacation, Sick, or Personal Leave will be charged the actual number of leave hours used, based on that day's scheduled work hours minus any hours worked.
3. Paid bereavement leave is limited to a maximum of either twenty-four (24) hours or eight (8) hours, based on applicability.
4. If an employee is eligible for paid jury leave, the number of hours served as juror will be based on that day's scheduled work hours up to eight (8) hours/day. Employees on a compressed time schedule will be required to use two hours of Vacation or Personal Leave if jury leave falls on a scheduled 10-hour workday.
5. Paid administrative leave while working as an election judge will be limited to eight (8) hours.
6. For each County holiday, eight hours of paid leave are awarded to each full-time employee. If a holiday falls on an employee's non-work day of the week, the employee's preceding work day or following work day within that work week may be used as the employee's holiday. This decision will be reached through discussion with the Department Head in advance of the holiday taking into consideration the minimum staffing requirements. Employees on a compressed time schedule will be required to use two hours of Vacation or Personal Leave if a holiday falls on a scheduled 10-hour workday.

HR-014F: Written Agreement

All alternative work scheduling agreements between employees and their *Appointing Authority* must be documented in writing and signed by both parties. The agreement should contain a description of the alternative work schedule, an acknowledgement by the employee that the provisions of this policy have been read and understood. Copies of the agreement should be distributed to the employee, the employee's immediate supervisor, and the Department of Human Resources.

Glossary of Terms

24-Hour Operation: Any department that has non-exempt employees required to provide continuous service on a 24-hour, 7-day/week basis to the public. Twenty-four/seven (24/7) employees are considered essential for the 24-Hour operation.

Absence: A time for which an employee is scheduled to work and fails to report for work, regardless of reason.

Accrued, Unused Vacation Leave: Benefit granted to employees to be used as vacation

Acting Pay Status: Temporary promotion or transfer

Appointing Authority: Elected Official with responsibilities for specific areas

At the Pleasure of: Unclassified employee not covered by the grievance procedures outlined in this manual and may be terminated at will.

Authorized Absence: An absence from any portion of the work period for which the employee has provided prior notification and/or written verification as requested to the supervisor and is not in violation of County policies.

Background Investigation: The screening process used for an individual being considered for hiring or for placement of an existing employee in a new position. Generally consists of verification of employment, verification of educational credentials, verification of identity, review of state and/or Federal criminal records and may include a credit check. All investigations performed are to confirm that the candidate meets all job-related criteria to perform the functions of the position and any pertinent regulatory standards.

Bloodborne Pathogens: Microorganisms in human blood that can cause disease in humans if exposure to the blood or contaminated materials is not appropriately controlled.

Classified System: Full time employees who are covered by the grievance procedures outlined in this manual.

Compensable: An on-the-job injury or illness determined to meet Workers' Compensation Commission regulations for eligibility for benefits.

Counseling: An informal discussion with an employee about a work performance or behavior problem that, if not corrected, could lead to disciplinary action.

County Council: A five-member council elected by the registered voters of the County in the manner provided by law effective November 2012 and every four years thereafter.

County Executive: Effective November 2012 and every four years thereafter shall be elected by the registered voters of the County in the manner provided by law.

Data: Any computer information, including, but not limited to, information that has been entered into a computer, stored in a computer, or retrieved from a computer. Examples would include spreadsheet and database entries.

Disability Retirement: Retirement following determination by a designee that the employee is unable to perform the essential function of the assigned position (own occupation) or any position (any occupation), depending on the definition of disability.

Disciplinary Action: A formal method of corrective action consisting of a private discussion of the offense, an explanation of the observed behavior and how it violates expected Standards of Conduct, and issuance of a written notice which is retained for a specified period in the employee's official personnel folder.

Early Retirement: Retirement at an earlier age and/or with less service than would provide the maximum pension benefit (without reduction).

Essential: An essential employee is a full-time, non-exempt employee who is required to respond to County emergencies outside of the normal workday and is deemed critical to the operation of County government during inclement weather or any other designated emergency where the work is of a nature which, if left unattended, could result in danger or damage to the property or person of a County resident or the traveling public. (These employees are defined by the Department Head.)

Essential Position Functions: Primary duties that an individual must be able to perform.

Exempt: Employees who are exempt from the minimum wage and overtime pay provisions of the U.S. Fair Labor Standards Act.

Harassment Prevention: A program of education, expectations-setting and role modeling of behaviors which demonstrate respect for individual employees regardless of gender and avoids work place actions which might be construed as harassment.

Information: Knowledge, in any form that has value to the County

Involuntary Termination: Termination from employment initiated by employer action.

Liberal Leave: Allows non-essential employees to use Personal or Vacation Leave if severe weather conditions and/or unforeseen emergencies prevent them from reporting to work on time or not at all. However, employee must report their tardiness or absence to their respective supervisor. Liberal leave is rendered by the County Executive in these conditions.

Mitigating Circumstances: Conditions or context related to a given offense that indicates a need to reduce the level of corrective action in the interest of fairness and objectivity. These may include consideration of an employee's long service and/or a history of otherwise satisfactory work performance.

New Employee Orientation: Introduction of County employment, benefits, training programs and procedures usually done on the first day of work for full-time employees.

Non-Essential: Non-essential employees are not required to report to work during inclement weather or designated emergency.

Non-Exempt: Employees who are not exempt from the minimum wage and overtime pay provisions of the U.S. Fair Labor Standards Act.

Offset Time: Time taken off in same workweek/pay period for time worked in excess of regular daily hours.

Paid Time Off (PTO) – Prorated time for regular part-time employees only.

Pay Grade: A level into which positions of the same or similar value are grouped for compensation purposes. All positions in a grade have the same pay range on applicable pay scale.

Pay Range: The base pay opportunity established for each position based on the position description, the position evaluation, internal equity and external market information from competitive pay surveys.

Pay Structure (Pay Scale): A series of pay ranges that progress in an orderly alignment from the lowest level to the highest level of covered positions.

Position: The total duties and responsibilities requiring the employment of a single employee. Also called a job.

Position Description: A summary of the most important features of a position, including the general nature of the work performed (duties and responsibilities) and level (i.e., skill, effort, responsibility and working conditions) of the work performed.

Position Specifications: A description of the employee's characteristics in terms of knowledge, skills, abilities and competencies required to competently perform a given position.

Pre-Employment Drug Testing: Following an offer of employment, a test is performed under strict laboratory collection and analysis regulations of a candidate's urine specimen for evidence of prior use of substances specified by Federal regulation.

Pre-Placement Medical Examination: Following an offer of employment, a review of a candidate's ability to fulfill the essential functions of a position with or without accommodation.

Qualified Individuals with Disabilities: A person with a disability, as defined by the Americans with Disabilities Act, or with a record of a disability, or who is perceived to have a disability, who can perform the essential functions of a position with or without accommodation

Qualifying Shift: Determined by the individual department based on operational needs.

Reclassification: A change in the rating of the position within the classification system.

Rolling 12-month Period: Twelve months measured backward from the date of event

Shift Accumulator: System used to record hours worked per week to verify 2080 hours per year. If employee works under 2080 hours, balance will be withdrawn from leave accruals. If employee works over 2080 hours, additional leave will be added to the employee's accruals.

Software: Any computer operating system or program, including web browser plug-ins, add-ons, and toolbars

Software Piracy: Utilizing software in violation of its licensing agreement.

Statutory Appointing Authority: Elected Officials including County Council, County Executive, Sheriff, State's Attorney and Administrative Judge for the Circuit Court

Summary Plan Description: A summary of the benefits provided by a plan subject to Employee Retirement Income Security Act (ERISA) regulations, which includes a description of the benefits, eligibility requirements, funding arrangements, claims procedures and participant rights within the plan.

Temporary Essential Employee: Full-time, non-exempt employee who is designated by a department/agency head as essential and is required to respond to an emergency.

Unauthorized Absence: Absence from any part of the work period for which the employee fails to properly notify supervision or fails to provide verification.

Unclassified Position: Serves at the pleasure of their respective Appointing Authority and are not covered by the grievance procedures outlined in this manual

Values: Principles, standards and/or qualities considered desirable and important for successful fulfillment of employment duties. These describe what is important to an organization, should guide employee behavior and form the basis for the organization's culture.

Work Place: Any County -owned, -controlled or -leased property or the site where County work is performed.