

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2019-09

RESOLUTION NO. 34-2019

Title of Resolution: Amendments – Personnel Policies and Procedures Manual

Synopsis: A Resolution to amend the Cecil County Personnel Policies and Procedures Manual to comply with new provisions of federal law and to clarify existing policies regarding use of fleet vehicles and travel reimbursement across all departments and divisions of Cecil County government.

Introduced by: Council President on behalf of the County Executive

Introduced and order posted on: May 7, 2019

Consideration scheduled on: May 21, 2019

By: 
Council Manager

Notice of time and title of Resolution having been posted by May 7, 2019 at the County Administrative Building, 200 Chesapeake Blvd, Elkton, and consideration by the County Council of Cecil County having been scheduled on May 21, 2019.

By: 
Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.
~~Strike through~~ indicate matter deleted from existing ordinance.
Underlining indicates language added by amendment.
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1 **WHEREAS**, the Appendix, Chapter A384-2, Cecil County Code, Cecil County, authorizes the
2 County Council to change or repeal any or all of the provisions of said Cecil County, Maryland,
3 Personnel Policies and Procedures Manual at any time; and

4 **WHEREAS**, the County Executive now requests that the County Council adopt amendments to
5 the Cecil County Personnel Policies and Procedures Manual by revising said manual as more fully set
6 forth in Appendix A, a copy of which is attached hereto and incorporated by reference as if more fully
7 set forth herein.

8 **NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
9 **MARYLAND**, that that the Cecil County Personnel Policies and Procedures is amended in accordance
10 with Appendix A;

11 **AND BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND**, that
12 this Resolution shall take effect on July 1, 2019.

INTRODUCED: May 7, 2019

ADOPTED: May 21, 2019



President of the Council

ATTEST:


Council Manager

HR-004B: Overtime

Work may be performed on an overtime basis to meet emergencies or other work 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.

DEPARTMENT HEADS SHALL EXERCISE PROFESSIONAL DISCRETION IN THE UTILIZATION OF OVERTIME WITHIN THEIR DEPARTMENTS. TEMPORARY ADJUSTMENTS IN WORKING HOURS OR REALIGNMENT OF DUTIES WITHIN THE DEPARTMENT SHOULD BE CONSIDERED AS ALTERNATIVES TO THE USE OF OVERTIME. OVERTIME MAY BE APPROVED ONLY WHEN DEEMED NECESSARY IN THE DEPARTMENT HEAD'S PROFESSIONAL JUDGMENT CONSISTENT WITH THIS POLICY. OVERTIME SHALL BE CONSIDERED NECESSARY ONLY IN EMERGENCY SITUATIONS, WHERE ADDITIONAL EFFORT IS NEEDED TO COMPLETE A CRITICAL TASK UNDER TIME CONSTRAINTS. DEPARTMENT HEADS SHALL ENSURE THAT ALL OVERTIME HOURS ARE RECORDED ON THE EMPLOYEE'S TIME ENTRY AND APPROPRIATE DOCUMENTATION IS INCLUDED.

A QUARTERLY OVERTIME REPORT WILL BE PROVIDED TO THE DIRECTOR OF ADMINISTRATION BY THE FINANCE DEPARTMENT FOR REVIEW.

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* **cannot be taken in the same week, overtime will be paid** according to overtime rules as more fully set forth in this Policy.
 - *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.

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Roads, Landfill, Wastewater Operators, Facilities Management & Permits & Inspection Inspectors	Time & ½ paid for hours worked in excess of 40 hours in a single workweek; time taken off for holiday and personal floating holiday hours are counted as hours worked	All paid <i>absences</i> will be counted as hours worked	Automatic 2 hours in overtime compensation for any call out situation
Sworn Law Enforcement (Patrol) Officers	Time & ½ is paid for hours worked in excess of 8 hours in a single day; if employee works any hours on scheduled day off, time & ½ is paid for those hours	Not Applicable	Not Applicable
Correctional Officers	Time & ½ paid for hours worked in excess of 40 hours in a single workweek; time taken off for vacation, holiday, and personal floating holiday hours are counted as hours worked	Not Applicable	Not Applicable
Emergency Services <i>[effective pay period starting 07/03/10]</i> 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)	Time & ½ is paid for hours worked beyond 40; time taken off for vacation, sick, holiday and personal floating holiday hours are not counted as hours worked for calculation of overtime pay. NOTE: If on leave for the whole pay period, 84 hours will be charged to accruals (48 + 36). Maximum of 48 hours will be charged to leave accruals in one week.	When covering an open shift or attending mandatory training beyond the regularly scheduled workweek, compensation will be paid at time and ½. NOTE: Any training attended that is not mandatory will be paid at a straight rate of pay, unless hours worked are over 40 hours in the week training is attended.	Not Applicable
All other departments	Time & ½ paid for hours worked in excess of 40 hours in a single workweek. Time taken off for holiday and personal floating holiday are counted as hours worked	Not Applicable	Not Applicable

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HR-004H: COMPENSATORY TIME

BY DEFINITION, AN EXEMPT EMPLOYEE MAY WORK ANY NUMBER OF HOURS IN A SINGLE WORK WEEK AND NOT RECEIVE OVERTIME PAY. POSITIONS ARE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, COMPUTER/TECHNOLOGICAL POSITIONS, AND POSITIONS OTHERWISE EXEMPT FROM OVERTIME PAY. PROVIDING COMPENSATORY TIME TO EXEMPT EMPLOYEES AS A REWARD FOR WORKING EXTENDED HOURS DO NOT PLACE EMPLOYEES' EXEMPT STATUS AT RISK.

THE PURPOSE OF THIS POLICY IS TO SET FORTH THE PROCEDURE TO ESTABLISH GUIDELINES FOR THE ADMINISTRATION AND USE OF COMPENSATORY TIME. THE POLICY APPLIED TO ALL EXEMPT CECIL COUNTY EMPLOYEES AS AN INCENTIVE FOR WORKING ON AN EXTRAORDINARY PROJECT. THE ACCRUAL OF COMPENSATORY TIME IS LIMITED TO EMPLOYEES AT A GRADE 123 OR LOWER.

BEFORE COMPENSATORY TIME MAY BE APPROVED OR ACCRUED, THE EMPLOYEE MUST SIGN A COMPENSATORY TIME AGREEMENT. THE SIGNED COMPENSATORY TIME AGREEMENT WILL BE KEPT IN THE EMPLOYEE'S PERSONNEL FILE IN THE DEPARTMENT OF HUMAN RESOURCES.

ADMINISTRATION OF COMPENSATORY TIME: DEPARTMENT HEADS SHALL BE RESPONSIBLE FOR ADMINISTERING THE PROVISIONS OF THIS POLICY WITHIN THEIR RESPECTIVE DEPARTMENTS AND SHALL ENSURE THAT ALL COMPENSATORY TIME EARNED IS PROMPTLY REPORTED TO THE DEPARTMENT OF HUMAN RESOURCES.

- **DEPARTMENT HEADS SHALL EXERCISE EXTREME DISCRETION IN THE UTILIZATION OF COMPENSATORY TIME WITHIN THEIR DEPARTMENTS.**

THE DEPARTMENT HEAD MUST ENSURE THAT EXEMPT EMPLOYEES DO NOT PERFORM UNAUTHORIZED COMPENSATORY TIME WITHOUT PRIOR APPROVAL. FAILURE TO OBTAIN SUCH PRIOR APPROVAL MAY RESULT IN DISCIPLINARY ACTION.

USE OF COMPENSATORY TIME: EMPLOYEES MUST SCHEDULE COMPENSATORY TIME OFF IN ADVANCE WITH THEIR SUPERVISOR. THE GRANTING OF COMPENSATORY TIME IS AT THE DISCRETION OF THE SUPERVISOR AND IS SUBJECT TO THE BUSINESS NEEDS OF THE DEPARTMENT. THE USE OF COMPENSATORY TIME IS REQUESTED IN THE SAME MANNER AS VACATION, SICK AND PERSONAL LEAVE.

- **AN EMPLOYEE MUST USE COMPENSATORY TIME WITHIN A ROLLING 12-MONTH CALENDAR.**
- **COMPENSATORY TIME SHALL BE TAKEN BEFORE ANY VACATION OR PERSONAL LEAVE.**
- **EXEMPT EMPLOYEES MAY NOT ACCRUE MORE THAN 240 HOURS IN A ROLLING CALENDAR YEAR.**
- **A MAXIMUM OF 24 HOURS COMPENSATORY TIME MAY BE CARRIED OVER TO THE NEXT ROLLING CALENDAR YEAR.**
- **UPON AN EXEMPT EMPLOYEE'S TERMINATION, THERE WILL BE NO PAYOUT OF COMPENSATORY TIME IN EXCESS OF 24 HOURS.**

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HR-004I: TRAVEL COMPENSATION

EMPLOYEES REQUIRED TO TRAVEL IN A PRIVATELY OWNED CAR ON APPROVED COUNTY BUSINESS SHALL BE REIMBURSED FOR MILEAGE AT THE PREVAILING RATE SET BY THE COUNTY EXECUTIVE, AS WELL AS TOLLS AND PARKING. 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").

- **AN EMPLOYEE WILL NOT USE A PRIVATELY OWNED VEHICLE FOR COUNTY BUSINESS UNLESS THE VEHICLE IS INSURED IN ACCORDANCE WITH THE LAWS OF MARYLAND AND SUCH EMPLOYEE IS AN APPROVED AND INSURED DRIVER OF SUCH VEHICLE.**
- **IN THE EVENT OF AN ACCIDENT, THE PRIVATE INSURER SHALL BE RESPONSIBLE FOR PROVIDING A DEFENSE AND INDEMNIFICATION FOR ANY LIABILITY OF EMPLOYEE.**
- **EMPLOYEE SHALL PROMPTLY NOTIFY THE COUNTY'S RISK MANAGEMENT OF ANY ACCIDENT OR MISHAP THAT OCCURS DURING EMPLOYEE'S USE OF SUCH PRIVATE VEHICLE AND SHALL COMPLETE AN ACCIDENT REPORT AND PROVIDE WHATEVER OTHER INFORMATION ABOUT THE INCIDENT AS IS DEEMED NECESSARY AND APPROPRIATE. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL BE SUBJECT TO DISCIPLINARY ACTION.**
- **EMPLOYEES WHO OPT TO USE THEIR PERSONAL VEHICLE WHEN A COUNTY FLEET VEHICLE IS AVAILABLE WILL BE REIMBURSED AT ONE-HALF THE PREVAILING RATE SET BY THE COUNTY EXECUTIVE.**

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.~~

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- ~~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-004J: ON CALL STATUS

AT TIMES, EMPLOYEES ARE REQUIRED TO REMAIN "ON-CALL", MEANING THEY MUST BE AVAILABLE TO REPORT TO WORK AT A MOMENT'S NOTICE. THIS POLICY DEFINES THE CONDITIONS UNDER WHICH CECIL COUNTY EMPLOYEES MAY BE ADDITIONALLY COMPENSATED FOR BEING PLACED IN AN ON-CALL STATUS TO RESPOND TO CALLS TO DUTY DURING THEIR NON-DUTY TIME.

THE COUNTY WILL COMPENSATE EMPLOYEES WHO SERVE IN AN ON-CALL STATUS AND WHO ARE REQUIRED TO RESPOND TO A CALL TO DUTY WITHIN ONE HOUR OR LESS. A CALL TO DUTY MAY INCLUDE RESPONDING TELEPHONICALLY OR REPORTING TO A WORK SITE. WHILE THE COUNTY RECOGNIZES THAT THIS TIME MAY NOT BE CONSIDERED TO BE COMPENSABLE WORKING TIME UNDER THE PROVISIONS OF THE FAIR LABOR STANDARDS ACT, THE COUNTY DOES SO BECAUSE OF ANY SLIGHT INCONVENIENCE THIS MAY CREATE FOR EMPLOYEES.

THERE ARE MANY POSITIONS WHICH, BY THE NATURE OF THE JOB, REQUIRE AN EMPLOYEE TO BE CALLED TO WORK AT UNSCHEDULED TIMES, WHEN UNFORESEEN SITUATIONS OCCUR. IN MOST SITUATIONS, EMPLOYEES IN THESE POSITIONS DO NOT RECEIVE ADDITIONAL COMPENSATION UNTIL SUCH TIME AS THEY RESPOND TO A "CALL TO DUTY". HOWEVER, IN SOME CASES, EMPLOYEES ARE REQUIRED, AS A CONDITION OF EMPLOYMENT, TO RESPOND TO A CALL TO DUTY ON A SCHEDULED BASIS, WITHIN ONE HOUR OR LESS OF RECEIPT OF SUCH A CALL TO DUTY. IN SUCH INSTANCES THE EMPLOYEE WILL BE CONSIDERED TO BE IN AN ON-CALL STATUS. EMPLOYEES, WHO ARE UNABLE TO WORK DUE TO ILLNESS, CANNOT SERVE IN AN ON-CALL CAPACITY DURING THAT SAME 24-HOUR PERIOD.

EMPLOYEES WHO ARE SPECIFICALLY SCHEDULED BY THEIR APPOINTING AUTHORITY OR DEPARTMENT HEAD TO BE AVAILABLE TO RESPOND TO A CALL TO DUTY WITHIN ONE HOUR WILL BE COMPENSATED AT THE RATE OF \$125 PER WEEK WHEN SERVING IN AN ON-CALL STATUS:

- 1. DEPARTMENT HEADS WILL DEFINE THE DEPARTMENTS AND JOB TITLES ELIGIBLE FOR ON-CALL COMPENSATION, BASED ON OPERATIONAL NEEDS.**

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2. THE DIRECTOR WILL DECIDE SPECIFICALLY WHICH EMPLOYEE(S) WILL BE ASSIGNED TO ON-CALL STATUS.

3. ON-CALL STATUS CANNOT BE SCHEDULED CONCURRENTLY WITH REGULARLY SCHEDULED WORK HOURS.

4. EMPLOYEES WILL BE CONSIDERED ENGAGED BY THE COUNTY FROM THE TIME THEY LEAVE HOME (OR WHEN THEY RECEIVE THE CALL) UNTIL THE WORK IS COMPLETED. THIS TIME WILL BE CONSIDERED TIME WORKED AND WILL BE RECORDED AS SUCH ON THE TIME RECORD BY THE EMPLOYEE. CIRCUMSTANCES CAUSING AN INCREASE IN TRAVEL TIME SHOULD NOT BE INCLUDED IN THE TIME WORKED.

5. ON-CALL COMPENSATION WILL NOT BE MADE WHEN AN EMPLOYEE IS UTILIZING:

- VACATION LEAVE;**
- SICK LEAVE;**
- BEREAVEMENT LEAVE;**
- MILITARY LEAVE;**
- ADMINISTRATIVE LEAVE OR ON SUSPENSION.**

6. AN EMPLOYEE MAY LOSE ON-CALL COMPENSATION IF THEY DO NOT MEET THE FOLLOWING CRITERIA:

- WHEN CONTACTED, MUST ANSWER OR RETURN THE CALL WITHIN FIFTEEN (15) MINUTES;**
- ARRIVE IN THE WORK UNIT WITHIN 60 MINUTES OR LESS AFTER RECEIVING THE CALL IF REQUIRED;**
- ARRIVE IN A CONDITION “FIT” FOR DUTY.**

7. WHEN AN EMPLOYEE IS CALLED BACK TO THE OFFICE, WORK TIME WILL BE PAID AT THE EMPLOYEE’S REGULAR RATE OF PAY OR AT THE APPROPRIATE OVERTIME RATE IF THE EMPLOYEE HAS ALREADY WORKED THE REQUIRED HOURS;

8. EMPLOYEES SHALL NOT BE REQUIRED TO REMAIN AT THE OFFICE WHILE IN ON-CALL STATUS.

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