

ORDINANCE NO. 2024-12

WHEREAS, the Board of Commissioners of Carroll County, Maryland (“the Board”), has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland"; and

WHEREAS, the Board is charged under State law with the duty and responsibility for establishing comprehensive policies and programs to promote the health, safety, and general welfare of the inhabitants of the County and accordingly deems the subject amendment necessary to accomplish these duties and responsibilities; and

WHEREAS, the Carroll County Department of Human Resources recommended the proposed amendments at a Public Hearing held on November 7, 2024.

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of Carroll County, Maryland:

ARTICLE I. AMENDMENTS.

Chapter 36: “Personnel Code” is repealed in its entirety and is replaced by the attached revised Chapter 36: Personnel Code, Exhibit A.

Chapter 37: “Fire and Emergency Management” is repealed in its entirety and is replaced by the attached revised Chapter 37: Fire and Emergency Medical Services, Exhibit B.

ARTICLE II. SEVERABILITY.

Should any provision, section, paragraph, or subparagraph of this ordinance, including any code, or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

ARTICLE III. EFFECTIVE DATE.

This Ordinance shall become effective December 5, 2024.

ADOPTED 12/05/24

THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland

ATTEST:



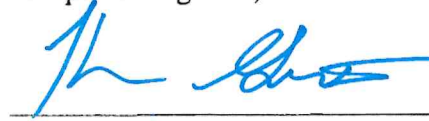
Vivian Daly, County Clerk



Kenneth A. Kiler, President



Joseph A. Vigliotti, Vice-President



Thomas S. Gordon III, Commissioner



Michael R. Guerin, Commissioner



Edward C. Rothstein, Commissioner

Approved for legal sufficiency:



Timothy C. Burke, County Attorney



CHAPTER 36: PERSONNEL CODE

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§ 36.001 AUTHORITY AND OBJECTIVE.

As authorized by the Local Government Article of the Annotated Code of Maryland, the County Commissioners have adopted this chapter in order to assure fair and equal treatment of county employees with regard to certain aspects of their employment. The County Commissioners may authorize or adopt additional policies and procedures, so long as they are consistent with this chapter or any amendments. However, if any resolution, policy, procedure, or practice relating to employment conditions conflicts with this chapter or any amendments, this chapter governs. The County Commissioners specifically reserve unto themselves as the legislative body the power to amend, alter, and repeal any or all parts of this chapter at any time, and there shall be no rights of property or contract created hereby that are not subject to that power, or which may be extended beyond the specific provisions of this chapter.

§ 36.002 SCOPE.

(A) **Applicability.** This chapter applies to employees of the County Commissioners including civilian employees of Carroll County Fire/EMS department. However, unless otherwise provided in division (B) below, it does not apply to elected officials; the County Administrator; County Attorney; Comptroller; Department Directors appointed by the County Commissioners; uniformed personnel of Carroll County Fire/EMS department, contractual employees; and members of any board or commission created by law, where the members are appointed by the County Commissioners for a specific term of office. This chapter also does not apply to any officer or employee of the Carroll County Board of Education, Circuit Court for Carroll County, Orphans' Court, Carroll County Health Department, Carroll County Soil Conservation District, Carroll County Public Library, Sheriff's Department, or State's Attorney's Office.

(B) **Special provisions.** With the exception of the following provisions, this chapter applies to the County Administrator; County Attorney; Comptroller; and Department Directors appointed by the County Commissioners: §§ 36.105, Probation; §§ 36.165 through 36.167, Discipline; and §§ 36.180 through 36.182, Grievances.

§ 36.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ABANDONMENT. An absence without approved leave for three consecutive working days.

ACTIVE EMPLOYEE. An employee working as scheduled or absent on approved, paid leave.

APPOINTED OFFICIAL. Official appointed by the County Commissioners including the County Administrator, County Attorney, Comptroller, and Directors. Employment is governed by employment contract.

BENEFIT ELIGIBLE PART-TIME EMPLOYEE. A part-time employee regularly scheduled to work at least 24 hours but less than 30 hours per week.

BUSINESS DAY. Monday through Friday, holidays excepted.

CHAPTER. The Carroll County Personnel Ordinance, as from time to time amended.

CONTRACTUAL EMPLOYEE. An employee who is hired to perform services as needed or for a specific project and is not classified as a regular employee.

DIRECTOR. A person who reports directly to the County Commissioners without an intervening level of supervision.

DISMISSAL. The involuntary separation of an employee from county service.

FULL-TIME. An employee regularly scheduled to work at least 30 hours per week.

GRIEVANCE. A complaint brought pursuant to §§ 36.180 through 36.182:

(1) By an employee, as defined in § 36.002 above, in relation to a dispute between the employee and the County that involves the employee's working conditions and application or interpretation of this chapter (except classification appeals as provided for in §§ 36.050 through 36.052, and performance and salary reviews as provided for in §§ 36.120);

(2) By any employee in response to disciplinary action against the employee; or

(3) As permitted by §§ 36.195.

HOLIDAY PAY. Pay provided on designated holidays equal to weekly base hours divided by number of workdays in a workweek.

HUMAN RESOURCES ("HR"). The Department of Human Resources or its successor agency.

INACTIVE EMPLOYEE. An employee not working as scheduled and absent on approved, unpaid leave, or receiving short-term disability or workers compensation.

LEAVE. An absence from work approved in accordance with this chapter.

PART-TIME EMPLOYEE. An employee regularly scheduled to work up to, but less than 30 hours per week.

REGULAR EMPLOYEE. An employee who has satisfactorily completed the initial probationary period and is hired for an indefinite period to fill a position continuing in nature or hired to perform services prescribed by a funding source other than Carroll County Government.

SENIORITY. Length of service based upon the original hire date with Carroll County Government.

SUPERVISOR. An employee designated by the County Commissioners to manage the performance of other employees, and who exercises independent judgment, making recommendations in such areas as hiring, performance reviews, promotion, discipline, and discharge.

WORKDAY. The individual employee's regularly scheduled work hours for the day.

WORKWEEK. The period extending from the 12:00 a.m. Thursday through 11:59 p.m. Wednesday each week.

DELEGATION OF AUTHORITY

§ 36.015 DEPARTMENT OF HUMAN RESOURCES.

The Department of Human Resources ("HR"), a staff office of the County Commissioners, has the following authority and responsibilities:

- (A) Administering this chapter;
- (B) Ensuring the County's compliance with all applicable laws regulating employment and benefits;
- (C) Administering the overall compensation programs and classification plan for County employees;
- (D) Informing employees of personnel policies and procedures;
- (E) Establishing and maintaining all personnel records for County employees;
- (F) Establishing and overseeing a progressive discipline program;
- (G) Providing employees with reasonable opportunities to review their individual personnel

files; and

(H) Consulting on policy recommendations and other personnel-related matters.

§ 36.016 MANAGEMENT.

(A) Management exercises those powers delegated by the County Commissioners.

(B) The County Commissioners retain complete authority to direct the actions of all personnel.

(C) Persons holding management positions are at all times required to meet the highest standards of efficiency, courtesy, fairness, and commitment to serving the citizens of the County.

(D) The County Commissioners may amend, add, or abolish any program, policy, benefit, ordinance, resolution, or privilege as they deem necessary to the public interest and the efficient operation of County government.

FILLING POSITIONS

§ 36.030 OBJECTIVE.

The County's objective is to recruit and select the most qualified individuals for County positions. Recruitment and selection shall be conducted to assure competition and provide equal employment opportunity. No consideration shall be given to any political or partisan endorsement for employment.

§ 36.031 VACANCIES.

(A) **Procedure.** All requisitions for filling vacancies shall be submitted to HR.

(B) **Filling vacancies.** When a position becomes vacant, unless the County Commissioners direct otherwise, HR shall post a notice of intent to fill the vacancy unless an employee within the Department in which the vacancy occurs meets the qualifications and is selected for the position.

§ 36.032 APPLICATIONS.

(A) **Procedure.** All applications for employment shall be submitted to HR. The County Commissioners encourage applications from and employment of qualified County employees and residents.

(B) **Rejection.** HR may reject any incomplete application. The County may also reject any application containing false information. Falsification of information during the

application or interview process is cause for an employee's dismissal at any time.

§ 36.033 SELECTION PROCESS.

- (A) **Screening.** Written, oral, or performance assessments may be used, separately or in combination, to test the applicant's ability to perform in the position. HR, in consultation with the Department, shall set the standards of performance testing and reject applicants who fail to meet them. HR shall refer applicants to the Department for interviewing consideration.
- (B) **Interviews.** The Department shall conduct interviews. HR must preapprove screening assessments administered by a Department. The Department shall select an applicant to fill the vacant position. The Department shall report the result of each interview to HR.
- (C) **Employment offer.** After the Department makes a selection, HR, in conjunction with the Department Director, shall make all offers of employment for County positions.

§ 36.034 PROMOTIONS.

- (A) **Objective.** Vacancies shall be filled by promotion of current employees when practicable, subject to the County's recruitment objective stated in § 36.030.
- (B) **Qualifications for promotion.** Selection of an employee for promotion shall be based on the employee's qualifications and job performance.

§ 36.035 TRANSFER.

- (A) **Intradepartmental transfer.** A Director, with HR approval, may transfer an employee within the department from one position to another in the same pay grade.
- (B) **Interdepartmental transfer.** An employee may be transferred from one Department to another Department, in a position of the same pay grade, with the approval of the Directors of both Departments involved and HR.

§ 36.036 COUNTY RESIDENCY.

Any individual selected by the County Commissioners to fill the position of County Administrator, Clerk to the County Commissioners, and County Attorney must be a registered voter and taxpayer in Carroll County. The Comptroller is required to be a resident of the State of Maryland. Department Directors are preferred to be a resident of Carroll County.

POSITION CLASSIFICATION SYSTEM

§ 36.050 PURPOSE.

The position classification system defines and identifies pay grades and positions.

§ 36.051 ADMINISTRATION.

HR maintains records of communication and actions affecting positions and pay grades, provides for regular review of all position classifications, and recommends amendments to the classification system.

§ 36.052 CLASSIFICATION OF POSITIONS.

(A) Procedure.

- (1) HR shall notify all supervisors of procedures and deadlines for information necessary for processing classification of positions.
- (2) On an annual basis HR shall review relevant and reliable data sources to monitor the salary movement of the market. A more in-depth market review to re-evaluate its overall market position and compensation plan shall be conducted every four years.
- (3) HR may evaluate positions when the description has changed and no longer accurately describes the current job duties. Review requests must be submitted to HR by the supervisor and with Director approval.
- (4) HR may review all position descriptions whenever a department, bureau, office or division is organized or reorganized, or other changes occur. HR shall require departments to review position descriptions periodically to assure accuracy.
- (5) Any pay changes resulting from the review of position descriptions shall take effect on a date determined by HR and the Director of the Department of Management and Budget, or its successor agency.
- (6) The analysis regarding the placement of positions in appropriate pay grades shall be based, among other things, on the relative difficulty and responsibility of the work; the prevailing pay rate for a comparable position in the public and private sectors in the vicinity; the relationships among positions within the County; the recruitment and retention experience of the County, and the County's financial position.

WAGE AND SALARY ADMINISTRATION

§ 36.065 ADMINISTRATION AND AMENDMENT OF PAY PLAN.

HR administers the County's pay plan and informs employees about pay plans approved by the County Commissioners. The County Commissioners must approve the adoption and amendment of any pay plan for County employees. The County Commissioners may establish, amend, or abolish salary schedules, pay grade assignments, or pay grades. HR shall perform an annual review of the County's pay plan. The pay plan sets forth the salary ranges for employees and salary adjustments such as market equity adjustments or merit pay increases.

§ 36.066 [RESERVED]

§ 36.067 ENTRANCE PAY RATE.

Generally, a new employee shall be paid the minimum rate of pay for the position. Exceptions may be granted upon the approval of the Director of Human Resources and/or the County Administrator.

§ 36.068 OTHER SALARY ADJUSTMENTS.

- (A) **Transfer.** When an employee is transferred from one position to another within the same pay grade, the pay rate shall be the same. Exceptions for change in pay rate may be granted upon the approval of the Director of Human Resources and/or the County Administrator.
- (B) **Promotion.** When an employee is promoted, the employee's current rate of pay shall be increased by 10% for the first pay grade, 7% for the second grade, and 3% for any additional grades, to a maximum promotion increase of 20%, or to the base of the new grade, whichever is higher. At no time may an employee be promoted to a rate above the maximum of their new pay grade.
- (C) **Demotion.** When an employee is voluntarily or involuntarily demoted, the employee's current rate of pay shall be decreased by 10% for the first grade, 7% for the second grade, and 3% for any additional grades, to a maximum demotion decrease of 20%, or to the maximum of the new grade, whichever is lower.
- (D) **Acting capacity.** When an employee is temporarily assigned to perform duties of a position with a higher pay grade, the employee's current rate of pay shall be increased by 10% for the first grade, 7% for the second grade, and 3% for any additional grades, if applicable, to a maximum promotion increase of 20%, or to the base of the acting grade, whichever is higher. At no time may an employee be promoted to a rate above the maximum of their new pay grade.

- (1) Acting capacity pay only applies to temporary assignments anticipated to be at least 30 consecutive days in duration and shall begin with the first full day of acting capacity.
- (2) An employee or appointed official promoted to the position after serving in acting capacity shall receive the promotion salary increase based on the pre-acting capacity pay rate; however, the salary, after promotion, shall not be less than the acting capacity pay rate.
- (3) When an employee or appointed official assumes responsibilities of a position in acting capacity that result in a change to the exempt or non-exempt status under the Fair Labor Standards Act (FLSA), the employee or appointed official shall be compensated accordingly.
- (4) The Director shall request and HR shall authorize and process acting capacity pay for employees.
- (5) At the conclusion of the acting capacity assignment, the employee will return to the position from which he/she was assigned and to the rate of pay in effect prior to the assignment plus any salary adjustments awarded.

(E) **Recall from layoff.** An employee recalled to work from layoff shall be compensated within the pay range for the position to which the employee returns.

§ 36.069 [RESERVED]

§ 36.070 OVERTIME PAY.

- (A) **In general.** Overtime is subject to budgetary considerations, and except in emergencies, must be approved in advance by the appropriate Director or designee.
- (B) **Regular pay.** A non-exempt employee under the Fair Labor Standards Act (FLSA) shall be compensated at the regular hourly pay rate for all hours worked and for which the employee has received paid leave through 40 hours each workweek.
- (C) **Overtime pay.** A non-exempt employee under the FLSA shall be compensated at one and one-half times the regular hourly pay rate for all hours the employee works in excess of 40 hours per workweek. In calculating the number of hours in a workweek, hours actually worked and annual, sick and safe and personal leave shall be counted.

§ 36.071 DEATH BENEFITS.

Upon the death of a full-time employee who has completed a minimum of one (1) year of full-time County service, the County shall pay the employee's estate or designated beneficiary a death benefit of one month's salary. This payment will equal one-twelfth of the annual pay.

§ 36.072 CALLBACK/ON-CALL PAY.

- (A) Directors may designate persons as emergency personnel based upon a demonstrated need or emergency, either generally or for specific events.
- (B) A non-exempt employee designated as emergency personnel who is called back to work outside of regular work hours shall be paid at the applicable hourly rate for a minimum of four hours. Subsequent callbacks occurring during the initial four-hour period are treated as part of the initial call back.
- (C) A non-exempt employee designated to an on-call status shall receive a stipend pursuant to current County policy.

§ 36.073 SHIFT DIFFERENTIAL PAY.

An employee regularly assigned to a full shift where the majority of hours worked are after 4:00 p.m. or before 8:00 a.m. shall be paid a premium pay called “shift differential pay” for the hours worked between 4:00 p.m. and 8:00 a.m. Leave hours are not compensated at the shift differential rate. Shift differential is considered a premium payment and not considered a part of base pay. Employees shall be compensated at five percent of their base hourly rate or seven- and one-half percent for overtime rate for hours worked between 4:00 p.m. and 8:00 a.m.

§ 36.074 HOLIDAY PAY.

The County Commissioners shall establish a schedule of holidays on an annual basis. When a County holiday occurs on a Saturday or Sunday, the holiday is observed on the Friday before or the Monday after the actual holiday, respectively.

- (A) Eligible employees receive holiday pay subject to the following:
 - (1) Full-time and benefit eligible part-time employees who are normally scheduled to work on the designated holiday but not required to do so will receive holiday pay, at their regular pay rate, equal to weekly base hours divided by number of workdays in a workweek.
 - (2) Full-time and benefit eligible part-time employees who are not scheduled to work on the designated holiday will receive holiday pay, at their regular pay rate, equal to weekly base hours divided by number of workdays in a workweek.
 - (3) If a non-exempt employee (with the exception of Emergency Communications Center employees) is required to work on an observed holiday, they will receive holiday pay and one and a half times their regular rate multiplied by the number of hours they worked on that day.

- a. Emergency Communications Center employees who are required to work on the actual holiday will receive holiday pay and one and half times their regular rate multiplied by the number of hours they worked on that day.
- (B) Eligible employees include regular full-time and benefit eligible part-time employees and employees on initial probation.
- (C) Employees on unpaid leave, including leave that is covered by workers compensation or short-term disability, are not eligible for holiday pay.
- (D) If an employee is required to report for work on a holiday, and is absent on the holiday without approved leave, the employee may forfeit holiday pay and may be otherwise disciplined.

ATTENDANCE AND LEAVE

§ 36.085 APPROVAL REQUIRED; INCREMENTS.

Use of leave requires supervisory approval and may be authorized in accordance with the provisions of this chapter and is subject to the operational requirements of the County. Leave may be used in quarter-hour increments. HR shall establish the procedure for crediting leave to an employee's account.

§ 36.087 ANNUAL LEAVE.

- (A) **Accrual rate.** Full-time and benefit eligible part-time employees, including those on initial probation, shall accrue annual leave at the rate of one-fifth of the employee's weekly base hours based on length of service up to the following:

<i>Years of Service</i>	<i>Hours of Annual Leave Accrued Per Year (40-hour workweek)</i>
Under 1	64
1 through 5	112
6 through 15	144
16 through 20	168
Over 20	192

- (B) **Accumulation.** An employee may carry a maximum accumulation up to 480 hours from one calendar year to the next. Maximum accumulation limit for those whose weekly base hours is less than forty (40) will be prorated. For purposes of this section, the calendar year ends on the last day of the last full pay period in December each year.

(C) **Separation of County employment.** A regular employee shall be paid for all annual leave accrued at the time of separation, up to the maximum accumulation limit. The rate of payment shall be based on the employee’s regular pay rate at the time of separation. Upon the death of a full-time employee, who has completed a minimum of one (1) year of full-time County service, the County shall pay the employee’s estate or designated beneficiary any accrued but unused annual leave up to the maximum accumulation limit. An employee who leaves County employment while on initial or extended initial probation is not compensated for annual leave.

§ 36.088 SICK & SAFE LEAVE.

- (A) **Accrual rate.** Employees accrue sick leave at the same rate as they accrue annual leave.
- (B) **Accumulation.** Employees hired prior to July 1, 2025, may carry an unlimited number of sick leave hours forward from one calendar year to the next. Employees hired July 1, 2025, or after may carry a maximum accumulation of 720 hours (prorated for those scheduled to a workweek of less than 40 hours) forward from one calendar year to the next. For purposes of this section, the calendar year ends on the last day of the last full pay period in December each year.
- (C) **Separation of County employment.** Upon separation of County employment, an employee will not be compensated for accumulated sick leave, unless authorized by the County Commissioners in any sick leave policy in effect at that time.
- (D) **Family Medical Leave Act.** In accordance with applicable Federal and State laws, HR will review and approve leave under the Family and Medical Leave Act (FMLA) for eligible employees.

§ 36.089 PERSONAL LEAVE.

- (A) **Number of hours.** Full-time and benefit eligible part-time employees shall receive up to 48 hours of paid personal leave each calendar year at the rate of 1/5 of the employee’s weekly base hours.
 - (1) During the first year of eligibility, new employees will receive up to forty-eight (48) hours of paid personal leave on a pro-rated basis up to the following:
 - (2)

<i>Month of Hire</i>	<i>Maximum Hours of Personal Leave (40-hour workweek)</i>
January through April	48
May through August	32
September through December	16

- (B) **Use and accumulation.** Personal leave must be used by the last day of the last pay period in December and shall not be carried forward to the next calendar year.
- (C) **Separation of County employment.** Upon separation of County employment, no employee will be compensated for unused personal leave.

§ 36.090 COMPENSATORY LEAVE.

- (A) Employees who are non-exempt from the provisions of the FLSA may choose to receive compensatory leave for each hour worked over their regularly scheduled work hours per workweek.
- (B) Non-exempt employees must choose compensatory leave in lieu of paid overtime prior to the beginning of the pay period. Employees must make their choice in writing on forms provided by HR or Payroll.
- (C) Compensatory leave shall be earned at the rate of one and one-half hours of compensatory leave for each hour worked over 40 hours. For a non-exempt employee whose regularly scheduled work hours are less than 40 per week, compensatory leave will be accrued on an hour-for-hour basis for hours worked up to 40.
- (D) Non-exempt employees may accumulate a maximum of 80 hours of compensatory leave. Compensatory hours below 80 do not expire and may be used and/or paid out as outlined in (E) and (F) below.
- (E) Compensatory leave must be approved in advance by an employee's immediate supervisor before it is accrued or used. Approval to use accrued compensatory leave shall be in accordance with the provisions of the FLSA as amended.
- (F) Upon becoming an exempt employee or separation of County employment, an employee shall be paid for all accumulated compensatory leave.

§ 36.091 ADMINISTRATIVE LEAVE.

Employees, including employees on initial probation, shall, with supervisory approval, be granted paid administrative leave in accordance with the following:

- (A) **Jury duty.** An employee called for jury duty shall receive jury leave for the period of jury service. If the employee's services are not required as a jury member on any part of a workday, the employee shall report to his or her supervisor for duty. The employee shall remit to the County the entire payment received for jury duty to receive Administrative Leave. Employee is not required to remit parking fees, meal allowance, or mileage payments which may be provided by the Court.

- (B) **Subpoenaed witness.** An employee subpoenaed to appear in a court action, before a grand jury, administrative agency, or for a deposition shall receive witness leave for the period covered by the subpoena. Employee is required to submit appropriate documentation to receive Administrative Leave award. This does not apply to an employee who is a party to the action or who is appearing as a paid witness.
- (C) **Military.** An employee who is a member of the Army, Navy, Air Force, Marine, Space Force or Coast Guard Reserve shall be granted military leave for military training or operations not to exceed 120 hours per County fiscal year and in accordance with Federal and State laws.
- (D) **Bereavement.**
- (1) An employee shall receive bereavement leave upon the death of an immediate family member, not to exceed five (5) regularly scheduled workdays.
 - a. For purposes of this section, immediate family members are defined as an employee's spouse, parent, or child (including in-laws and step).
 - (2) An employee shall receive up to three (3) workdays of bereavement leave for the death of a family member, other than immediate family.
 - a. For purposes of this section, family member, other than immediate family is defined as a sibling, grandparent, or grandchild (including in-laws and step).
 - (3) An employee shall receive up to one (1) workday of bereavement for the death of an extended family member.
 - a. For purposes of this section, extended family members are defined as a great-grandparent, great-grandchild, aunt, uncle, niece, or nephew (including in-laws and step).
 - (4) Bereavement leave need not be used as consecutive days.
 - (5) An employee shall, upon request, submit appropriate documentation to their supervisor.

§ 36.092 LEAVE OF ABSENCE WITHOUT PAY.

- (A) **Duration.** The duration of leave without pay shall be at the discretion of the Director, in consultation with HR, based on the reason for the request and the effect on County operations. All available and applicable leave must be exhausted prior to requesting leave without pay.

- (B) **Leave accrual.** When leave of absence without pay occurs for the duration of an entire pay period, no leave of any kind shall accrue during the pay period.
- (C) **Approval.** The leave must be requested and approved prior to the beginning of the absence except under extenuating circumstances. The Director and HR must approve all requests for leave without pay. The County may impose conditions and restrictions on approval of leave without pay.
- (D) **Return to active employment.** An employee who has been granted leave without pay must return to work by the date the leave expires. Failure of an employee to return to duty upon the expiration of his/her leave without pay may be interpreted as a resignation.

PROBATION

§ 36.105 INITIAL PROBATION.

- (A) **Duration.** All employees, with the exception of those hired for the Emergency Communications Center, shall be on probation for a minimum of six months following the employee's initial employment date. Employees hired for the Emergency Communication Center shall be on probation for a minimum of twelve months. The Director may extend initial probation for up to six additional months, using forms provided by HR. In no event shall the initial probationary period be extended more than an additional six (6) months.
- (B) **Rejection on initial probation.** A Director may reject an employee on initial probation at any time. An employee rejected on initial probation shall have no recourse through the grievance procedure. An employee rejected on initial probation shall receive 2 weeks' severance pay.
- (C) **Initial Probation Performance review.** At least two weeks before the end of an employee's initial probationary period, the employee's supervisor shall complete a performance review and forward it to HR. The supervisor shall not complete an Initial Probation performance review if the employee is to be rejected on probation. Failure to comply with this deadline may result in disciplinary action against the supervisor.

ANNUAL PERFORMANCE EVALUATIONS

§ 36.120 PURPOSE.

The employee performance evaluation program is to identify and evaluate employee strengths and weaknesses, and to provide feedback and support for employee success.

- (A) **In general.** The employee's supervisor normally completes the performance review with input and review from other appropriate managers, and the Director. The County

Commissioners evaluate Directors. All performance reviews shall be reviewed with the respective employee.

- (B) **Performance review criteria.** The employee's job description serves as the basis for performance review.
- (C) The supervisor shall conduct an annual performance review at least once per year but may conduct reviews more frequently.
- (D) An employee's performance review is not subject to the grievance procedure.

OUTSIDE EMPLOYMENT

§ 36.135 CONFLICTS WITH COUNTY EMPLOYMENT PROHIBITED.

An employee may not engage in outside employment that could create a conflict with the employee's County employment.

§ 36.136 NOTIFICATION OF OUTSIDE EMPLOYMENT; DETERMINATION OF CONFLICT.

An employee who engages in outside employment must complete the designated form to notify their supervisor, Director, HR, and Ethics Administrator. The supervisor, Director, HR, and Ethics Administrator shall review the outside employment request to determine if a potential conflict exists and if the mission of the agency could be adversely affected by the employment. If either the supervisor, Director, HR, or Ethics Administrator finds a potential conflict or adverse effect, the employee shall not engage in the outside employment. Employees will be notified of any denied outside employment requests.

SEPARATION OF EMPLOYMENT

§ 36.150 METHODS.

(A) Resignation.

- (1) To resign in good standing, an employee must file written notice of the resignation and its effective date with the employee's supervisor at least 14 calendar days before the resignation. Unless notice is waived by HR, failure to give appropriate notice may be cause for denying future County employment.
- (2) Upon written notice of resignation and its effective date, the Director may approve, but is not required to approve, the use of leave, in accordance with the provisions in §§ 36.085 through 36.092, Attendance and Leave. Any approved leave is not to exceed five (5) workdays including holidays, in the 14 calendar days prior to the employee's effective date of resignation.

(B) **Abandonment.** Separation of employment for abandonment shall occur automatically after an absence without approved leave for three (3) consecutive workdays. The employee may not grieve the determination of abandonment, except to prove that leave was authorized. The employee shall have the burden of so proving. An employee abandoning his or her position will not be paid out for any accrued, unused Annual, Sick and Safe or personal leave and shall not be eligible for reemployment with the County.

(C) **Dismissal.**

- (1) A supervisor recommending dismissal must meet with HR to discuss the recommendation and the reasons for dismissal.
- (2) The supervisor, with HR as a witness, shall meet with the employee to notify them of their dismissal and grievance rights.
- (3) An employee who has been dismissed may not be eligible for future employment with the County.

(D) **Layoff.** The County Commissioners reserve the right to lay employees off temporarily or permanently. Procedures for layoff will be determined at that time.

§ 36.151 EFFECT OF SEPARATION.

All rights, benefits, and privileges cease upon separation of County employment, unless Federal, State or local law provides otherwise. An employee returning to County service following separation receives no seniority privileges or credit for previous service unless otherwise granted by law or the County Administrator.

§ 36.152 EXIT INTERVIEWS.

HR shall offer a confidential exit interview to any departing employee. HR shall disclose the interview to the Department Director and/or County Administrator.

DISCIPLINE

§ 36.165 PURPOSE; TYPES OF DISCIPLINE.

The purpose of discipline is to effectively, consistently, and promptly modify employee behaviors, misconduct, and/or poor performance that is inconsistent with or counterproductive to effective, efficient, and safe County business operations. Supervisors may impose appropriate actions necessary, according to the circumstances of each case. Disciplinary actions include but are not limited to, verbal or written notices, suspension with or without pay, demotion, dismissal, or any other action deemed appropriate at the discretion of the supervisor and HR.

§ 36.166 PROGRESSIVE DISCIPLINE.

- (A) In most cases, but not all, supervisors shall impose a progression of disciplinary actions before recommending dismissal.
- (B) The County reserves the right to judge each case individually, based on such factors as the seriousness of infraction, work history, prior discipline, employee's knowledge/understanding of rules and procedures, mitigating circumstances, public and private conduct, and how others were treated under the same circumstances.
- (C) When a violation occurs warranting disciplinary action, a supervisor may issue disciplinary action in any of the steps outlined below depending on the seriousness of the offense. Prior to a suspension or dismissal, Human Resources must be consulted.
 - (1) **Verbal (documented) Warning** – for first offense or infractions of a minor nature.
 - (2) **Written Warning** – for infractions of a major nature or if the employee fails to correct shortcomings after a previous verbal warning.
 - (3) **Suspension** – for infractions of a major nature or if the employee fails to correct their shortcomings after a previous verbal and/or written warning. Employees may be placed directly on suspension based on the seriousness of the offense, the circumstances surrounding the disciplinary problem and the need to investigate the situation before determining the proper level of discipline to issue. Suspension may be issued with or without pay, in consultation with HR.
 - (4) **Dismissal** – if the employee fails to correct shortcomings after a previous verbal, written, and/or suspension or in lieu of the foregoing, an employee may be dismissed immediately after the occurrence of an infraction without a verbal and/or written warning and/or suspension if it is determined in conjunction with HR that the seriousness of the infraction warrants immediate dismissal.

§ 36.167 GRIEVANCES OF DISCIPLINARY ACTIONS.

An employee may grieve disciplinary actions in accordance with § 36.180.

GRIEVANCES

§ 36.180 PURPOSE.

Legitimate problems and differences of opinion may and will arise between the County as an employer and its employees. It is the responsibility of all department directors, supervisors, and administrators to establish and maintain a work climate within which an employee's grievance may be identified, presented, discussed, and given fair, prompt consideration.

A grievance is a formal, written complaint filed by an employee after an employee has

completed their probationary period. Grievances may be filed under the following circumstances:

- an employee believes they have been adversely affected by an alleged violation, misinterpretation, or improper application of established laws, rules, regulations, procedures, or policies, OR
- an improper, inequitable or unfair act in the administration of the personnel code, OR
- an involuntary demotion, suspensions of more than five (5) workdays, OR
- dismissal (directly to Grievance Review Board)

§ 36.181 PROCEDURE.

(A) Step One Grievance.

If an employee has a problem or misunderstanding as described above, the first step is to talk to their immediate supervisor within five (5) workdays of its occurrence or their knowledge of the occurrence. The supervisor will give the employee an opportunity to discuss the matter fully and should give an answer within three workdays following the discussion. The majority of problems can be resolved in this manner. If the problem or complaint is against an immediate supervisor, it should go immediately to the department director. In the event the problem or complaint is against a director it should go immediately to the County Administrator.

(B) Step Two Grievance.

In the event the problem or misunderstanding cannot be settled between the employee and their supervisor, the employee should describe their problem in writing and submit it to their department director or designee within three (3) workdays. Within three (3) workdays after receipt of the written documentation, the department director or designee will provide the employee a written response.

(C) Step Three Grievance.

If the department director or designee has not answered an employee's complaint to their satisfaction, they will have five (5) additional workdays to submit the complaint to the HR Director.

An appeal request may be emailed to the Director of HR or provided in writing containing a signature and must include a concise description of the action or decision being appealed, including the response received from the immediate supervisor and/or department director, the reason(s) why the employee disagrees with the action or decision, and the resolution requested.

The HR Director will provide a response in writing within five (5) workdays of receipt.

(D) Step Four Grievance.

If the HR director has not answered an employee's complaint to their satisfaction, they will have five additional workdays to submit an appeal request to the County Administrator.

An appeal request may be emailed to the County Administrator or provided in writing containing a signature and must include a concise description of the action or decision being appealed, including the responses received from the immediate supervisor, department director, and/or HR director, the reason(s) why the employee disagrees with the action or decision, and the resolution requested.

The County Administrator will render a decision in writing within ten (10) workdays of receipt.

The decision of the County Administrator is final and binding.

(E) Grievance Review Board

A grievance filed for dismissal from employment will go directly to the Grievance Review Board. The Grievance Review Board (GRB) will consist of the five (5) County Commissioners and may also include the County Administrator. The grievant shall have five (5) business days from dismissal.

To file an appeal, a grievant must submit to the County Administrator, in writing, their name, mailing address, department or office, position or title, the name of any designated legal representative selected by them to appear and/or speak on their behalf, and a concise description of the reasons why they disagree with the action or decision and the resolution requested.

Upon receipt of the appeal, the GRB may, at their discretion, conduct a hearing at which the grievant, as well as the County, shall be afforded the right to be represented by a legal representative at their own expense, the right to present witnesses and evidence, the right to cross-examine witnesses, and the right to present opening and closing arguments. Following such a hearing and/or a review of the written appeal, a written decision by the GRB shall be sent by certified mail, to the address provided by the grievant, within thirty (30) calendar days and shall be final and binding upon all parties of the appeal.

§ 36.182 OTHER CONSIDERATIONS.

- (A) There will be no discrimination or retaliation against anyone presenting a grievance or discussing a problem with supervisors or anyone in management.
- (B) Any time limit in the grievance process may be extended by agreement of both sides in advance of its expiration. If an employee fails to comply with any time limit in this chapter, the grievance will be dismissed. If the County fails to comply with any time limit in the

grievance process, the employee may proceed to the next step.

EQUAL OPPORTUNITY COMPLIANCE

§ 36.195 DISCRIMINATION AND SEXUAL HARASSMENT PROHIBITED.

The County does not discriminate or tolerate discrimination against any employee on the basis of age, religion, gender, gender identity, race, color, national origin, genetic information, sexual orientation, pregnancy or maternity, veteran status, marital status, physical or mental disability or any other status protected by Federal or State law. Likewise, the County does not tolerate sexual harassment or retaliation against any employee. An employee subjected to any form of discrimination, including sexual harassment or retaliation, is entitled to a prompt, fair resolution.



CHAPTER 37: FIRE AND EMERGENCY MEDICAL SERVICES

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§ 37.001 ESTABLISHMENT AND PURPOSE OF THE DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES.

(A) There is hereby established a department of the Carroll County government which shall be known as the Department of Fire and Emergency Medical Services (“the Department” or “DFEMS”).

(1) This Department shall consist of both career and volunteer members who operate under the authority of the Director/Chief and shall be responsible for the full scope of fire prevention, fire suppression, hazardous materials, emergency medical services and other related public safety functions provided to Carroll County and its municipalities.

(B) Participating individual volunteer fire and rescue organizations and the Carroll County Volunteer Emergency Services Association (“CCVESA”) shall operate as organizational components of the Department.
(Ord. 2020-06, passed 10-1-2020)

(C) There shall be an Emergency Services Advisory Council (ESAC) established to serve in an official advisory capacity to the DFEMS.

- (1) The method of selection of ESAC representatives shall be made by the Commissioners in accordance with county regulations governing Boards/commissions.
- (2) The ESAC shall meet at least annually with the Board of County Commissioners to discuss mutual concerns relative to the DFEMS.
- (3) The established ESAC bylaws shall serve as the operating parameters for ESAC.

§ 37.500 DIRECTOR/CHIEF OF THE DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES.

- (A) There shall be a Director/Chief (“the Director/Chief”) of the Department.
- (B) Subject to appointment by the County Commissioners, the Director/Chief shall have overall responsibility and full authority for all operations and administration of the Department and its career and volunteer organizational units with the advice and cooperation of any successor advisory board.
- (C) The Director/Chief shall perform the duties and carry out the responsibilities set forth in the established job description as authorized by the County and as may be amended from time to time.
- (D) The Director/Chief shall be directly responsible to the County Administrator and serve at the pleasure of the County Commissioners.
- (E) Each volunteer fire and rescue organization shall remain an independent, legally designated non-profit organization which shall be responsible for its own administrative affairs.
- (F) The Director/Chief shall be responsible to establish and enforce the rules, regulations, directives, and procedures of the Department and its organizational components.
- (G) The Director/Chief may be empowered by the county to carry out any responsibility of the county governing body as provided in the Code of Public Local Laws and Ordinances of Carroll County, § 3-206.
(Ord. 2020-06, passed 10-1-2020)

AUTHORITY, OBJECTIVE, AND SCOPE: DEFINITIONS

§ 37.501 AUTHORITY AND OBJECTIVE:

As authorized by the Local Government Article of the Annotated Code of Maryland, the County Commissioners have adopted this chapter in order to assure fair and equal treatment of county Fire and EMS department uniformed personnel with regard to certain aspects of their employment. The County Commissioners may authorize or adopt additional policies and procedures, so long as they are consistent with this chapter or any amendments. However, if any resolution, policy, procedure, or practice relating to employment conditions conflicts with this

chapter or any amendments, this chapter governs. The County Commissioners specifically reserve unto themselves as the legislative body the power to amend, alter, and repeal any or all parts of this chapter at any time, and there shall be no rights of property or contract created hereby that are not subject to that power, or which may be extended beyond the specific provision of this chapter.

§ 37.502 SCOPE.

Applicability. This chapter applies to uniformed personnel of the county Department of Fire and Emergency Medical Services (EMS). This chapter does not apply to the Director/Chief or civilian personnel. The Director/Chief shall be responsible for the enforcement of this chapter and shall be guided as directed by the County Commissioners and the County Administrator. Those areas relative to employment practices and policies not enumerated in this chapter shall be deferred to Chapter 36 which shall apply accordingly. This chapter has been created in order to address the specifics of functioning as a uniformed employee within the Department of Fire and EMS. It is the intent of this chapter to assure effective execution of prescribed duties in the provision of applicable services.

§ 37.503 DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

207(k) EMPLOYEE: A uniformed employee who possesses both firefighter certification as well as an EMS certification.

ABANDONMENT: An absence without approved leave for two (2) consecutive shifts for uniformed personnel with shift schedules, and three (3) consecutive shifts for uniformed personnel with daywork schedules.

ACTIVE EMPLOYEE: An employee working as scheduled or absent on approved leave.

BENEFIT ELIGIBLE PART-TIME EMPLOYEE: A part-time employee regularly scheduled to work at least 24 hours but less than 30 hours per week.

BUSINESS DAY: Monday through Friday, holidays excepted.

CALLBACK: A situation where a field vacancy requires an off-duty employee to fill that vacancy.

CHAPTER: The Carroll County Department of Fire & EMS Ordinance, as from time to time amended.

DFEMS: The Carroll County Department of Fire & Emergency Medical Services.

DIRECTOR/CHIEF: Appointed by the County Commissioners and is responsible for the command and administration of the Department of Fire & Emergency Medical Services.

DISMISSAL: The involuntary separation of a regular employee from county service.

ESSENTIAL EMPLOYEE: All uniformed personnel are considered essential employees.

FULL-TIME: An employee regularly scheduled to work at least 30 hours per week.

GENERAL ORDERS (GO): General orders shall be time sensitive administrative directives that are issued as needed to clarify specific information, operational practices relevant to DFEMS.

GRIEVANCE: A complaint brought pursuant to §§ 37.695 through 37.699:

(1) By an employee, as defined in § 37.502 above, in relation to a dispute between the employee and the county that involves the employee's working conditions and application or interpretation of this chapter (except classification appeals as provided for in §§ 37.552 through 37.554, and performance and salary reviews as provided for in § 37.630);

(2) By any employee in response to disciplinary action against the employee; or

(3) As permitted by §§ 37.714 and 37.715.

HOLIDAY PAY: An 8.5 hour day for 207(k) employees and one fifth of the work week for uniformed personnel with daywork schedule.

HUMAN RESOURCES (HR): The County Commissioners' agency that manages all personnel related matters for employees.

INACTIVE EMPLOYEE: An employee not working as scheduled and absent on approved, unpaid leave, or receiving short-term disability or workers compensation.

LEAVE: An absence from work approved in accordance with this chapter.

MANDATORY HOLDOVER: Any situation in field operations in which there is no relieving employee for a current on-duty employee and where the staffed position is essential to the operation of DFEMS.

MODIFIED DUTY ASSIGNMENT: Temporary assignment when employee is unable to perform the essential functions of his/her position.

NON-207(k) EMPLOYEE: A uniformed employee who possesses an EMS certification and works a shift schedule.

PART-TIME EMPLOYEE: An employee regularly scheduled to work up to, but less than 30 hours per week.

REGULAR EMPLOYEE: An employee who has satisfactorily completed the initial probationary period and is hired for an indefinite period to fill a position continuing in nature.

SENIORITY: Length of service based upon the original date of hire within the Department of Fire and EMS.

SHIFT SCHEDULE: Employees assigned to a 24/72 schedule.

STANDARD OPERATING PROCEDURES (SOPs): SOPs shall be area specific guidelines that delineate operational or administrative policies, practices or procedures under the scope and authority of Chapter 37.

SUPERVISOR: An employee who holds the rank of lieutenant or higher to manage the performance of other employees, and who exercises independent judgment, making recommendations in such areas as hiring, performance reviews, promotion, discipline, and discharge.

UNIFORMED EMPLOYEES: All Fire & EMS employees who are qualified operational responders who perform emergency operations.

UNIFORMED PERSONNEL WITH DAY WORK SCHEDULE: Employee's daily hours are one-fifth of weekly base hours (e.g., employees scheduled to work Monday through Friday).

WORKDAY: The individual employee's regularly scheduled work hours for the day.

WORKWEEK. The period extending from 12:00 a.m. Thursday through 11:59 p.m. Wednesday each week.

DELEGATION OF AUTHORITY

§ 37.518 DEPARTMENT OF FIRE & EMERGENCY MEDICAL SERVICES.

The Department of Fire & Emergency Medical Services (DFEMS) an operational component of the County Commissioners, has the following authority and responsibilities in conjunction with Human Resources:

- (A) Administering this chapter;
- (B) Ensuring compliance with all applicable laws regulating employment and benefits;
- (C) Informing employees of personnel policies and procedures;
- (D) Establishing and overseeing progressive discipline program for DFEMS employees;

(E) Providing employee with opportunities to review personnel files in Human Resources.

(F) Developing and maintaining of all policies, rules, regulations, standard operating procedures (SOPs), General Orders (GOs) and informational bulletins relevant to the operation of DFEMS.

§ 37.519 MANAGEMENT.

(A) Management exercises only those powers delegated by the County Commissioners.

(B) The County Commissioners retain complete authority to direct the actions of all personnel.

(C) Persons holding management positions are at all times required to meet the highest standards of efficiency, courtesy, fairness, and commitment to serving the citizens of the county.

(D) The County Commissioners may amend, add, or abolish any program, policy, benefit, ordinance, resolution, privilege as they deem necessary to the public interest and the efficient operation of County government.

FILLING POSITIONS

§ 37.534 OBJECTIVE.

The County's objective is to recruit and select the most qualified individuals for DFEMS positions. Recruitment and selection shall be conducted to assure competition and provide equal employment opportunity. No consideration shall be given to any political or partisan endorsement for employment.

§ 37.535 VACANCIES.

(A) **Procedure.** All requisitions for filling vacancies shall be submitted to HR.

(B) **Filling vacancies.** When a position becomes vacant, unless the Commissioners direct otherwise, HR shall post a notice of intent to fill the vacancy, unless an employee within the Department in which the vacancy occurs meets the qualifications and is selected for the position.

(C) **Vacancy Eligibility List.** Human Resources shall maintain an eligibility list of qualified applicants. Qualified applicants shall remain on the eligibility list for up to one year from application date. Vacancies may be hired from this list.

§ 37.536 PROMOTIONS.

(A) **Objective.** Vacancies shall be filled by promotion of current employees when practicable, subject to recruitment objective stated in §37.534.

(B) **Qualifications for promotion.** Selection of an employee for promotion shall be based on the employee's qualifications and job performance.

(C) Selection for promotion – In conjunction with Human Resources, candidates for promotion shall participate in a promotional process.

§ 37.537 TRANSFER.

(A) DFEMS may transfer an employee within the department from one position to another in the same pay grade.

(B) Transfers will typically be made when a vacancy exists and an employee has an appropriate transfer on file. Transfers shall be made based on an established transfer list and shall be determined based on when an employee submitted a transfer to a specific workplace.

POSITION CLASSIFICATION SYSTEM

§ 37.552 PURPOSE.

The position classification system defines and identifies pay grades and positions.

§ 37.553 ADMINISTRATION.

HR shall classify positions as necessary. HR shall maintain records of communication and actions affecting positions and pay grades, provides for regular review of all position classifications and recommends amendments to the classification system.

§ 37.554 CLASSIFICATION OF POSITIONS.

(A) Procedure.

(1) HR shall notify all supervisors of procedures and deadlines for information necessary for processing classification of positions.

(2) On an annual basis HR shall review relevant and reliable data sources to monitor the salary movement of the market. A more in-depth market review to re-evaluate its overall market position and compensation plan shall be conducted every four years.

(3) HR may evaluate positions when the description has changed and no longer accurately describes the current job duties. Review requests must be submitted to HR by the supervisor with Director/Chief approval.

- (4) HR may review all position descriptions whenever a department, bureau, office or division is organized or reorganized, or other changes occur. HR shall require departments to review position descriptions periodically to assure accuracy.
- (5) Any pay changes resulting from the review of position descriptions shall take effect on a date determined by HR and the Director of the Department of Management and Budget, or its successor agency.
- (6) The analysis regarding the placement of positions in appropriate pay grades shall be based, among other things, on the relative difficulty and responsibility of the work; the prevailing pay rate for a comparable position in the public and private sectors in the vicinity; the relationships among positions within the county; the recruitment and retention experience of the county, and the county's financial position.

WAGE AND SALARY ADMINISTRATION

§ 37.569 ADMINISTRATION AND AMENDMENT OF PAY PLAN.

HR administers the county's pay plan and informs employees about pay plans approved by the County Commissioners. The County Commissioners must approve the adoption and amendment of any pay plan for county employees. The County Commissioners may establish, amend, or abolish salary schedules, pay grade assignments, or pay grades. HR shall perform an annual review of the county's pay plan. The pay plan sets forth the salary ranges for employees and salary adjustments such as market equity adjustments or merit pay increases.

§ 37.570 ENTRANCE PAY RATE.

Generally, a new employee shall be paid the minimum rate of pay for the position. Exceptions may be granted upon the approval of the Director of Human Resources and/or the County Administrator:

- (A) Applicants who have three (3) years paid experience in a similar position in another career Fire/EMS department and meet the minimum qualifications may qualify for a lateral entrance pay rate.

§ 37.571 OTHER SALARY ADJUSTMENTS.

- (A) **Transfer.** When an employee is transferred from one position to another within the same pay grade, the pay rate shall be the same. Exceptions for change in pay rate may be granted upon the approval of the Director of Human Resources and/or the County Administrator.
- (B) **Proficiency Advancement.** When an employee achieves the necessary skills to become proficient in a position in a higher pay grade (i.e., a Firefighter/EMT who becomes qualified as a Fire Apparatus Driver/Operator, a Fire Apparatus Driver/Operator that becomes qualified as a Paramedic or Paramedic/Firefighter or a Paramedic that becomes qualified as a Firefighter/Paramedic), the employee's current rate of pay shall be increased

by 5% or to the base of the new grade, whichever is greater. At no time may an employee receive a proficiency advancement to a rate above the maximum of their new pay grade.

- (C) **Promotion.** When an employee is promoted to the rank of Lieutenant or Captain, the employee's current rate of pay shall be increased by 10% for the first pay grade, 7% for the second grade, and 3% for any additional grades, to a maximum promotion increase of 20%, or to the base of the new grade, whichever is higher. At no time may an employee be promoted to a rate above the maximum of their new pay grade.
- (D) **Demotion.** When an employee is voluntarily or involuntarily demoted, the employee's current rate of pay shall be decreased by 10% for the first grade, 7% for the second grade, and 3% for any additional grades, to a maximum demotion decrease of 20%, or to the maximum of the new grade, whichever is lower.
- (E) **Acting capacity.** When an employee is temporarily assigned to perform duties of a position with a higher pay grade, the employee's current rate of pay shall be increased to the base of the acting pay grade. The acting assignment can be on a short-term basis (i.e., for a shift) or a long-term basis (i.e. ongoing for an extended absence). Acting capacity pay may not exceed the maximum pay rate for the temporary position's assigned pay grade.
- (1) Acting capacity pay only applies to temporary assignments anticipated to be at least 30 consecutive days in duration and shall begin with the first full day of acting capacity.
 - (2) An employee or appointed official promoted to the position after serving in acting capacity shall receive the promotion salary increase based on the pre-acting capacity pay rate; however, the salary, after promotion, shall not be less than the acting capacity pay rate.
 - (3) When an employee or appointed official assumes responsibilities of a position in acting capacity that result in a change to the exempt or non-exempt status under the Fair Labor Standards Act (FLSA), the employee or appointed official shall be compensated accordingly.
 - (4) The Director/Chief shall request, and HR shall authorize and process acting capacity pay for employees. The County Commissioners shall authorize acting capacity pay for appointed officials.
 - (5) At the conclusion of the acting capacity assignment, the employee will return to the position from which he/she was assigned and to the rate of pay in effect prior to the assignment plus any salary adjustments awarded.

§ 37.572 OVERTIME PAY.

- (A) Overtime must be authorized in advance, except in emergencies, by the Director/Chief or designee, subject to budgetary considerations.

(1) Overtime shall be paid for any time worked in excess of 84 hours within the 14-day work period for Fair Labor Standards Act (FLSA) defined 207(k) employees.

(2) Non-207(k) qualified employees and uniformed personnel with daywork schedule shall receive overtime pay for any hours worked in excess of 40 hours per workweek.

(B) Exempt employees. An exempt employee under the FLSA shall be ineligible for overtime pay or compensatory time.

(C) A non-exempt employee under the FLSA shall be compensated for overtime at one and one-half times the regular hourly pay rate. In calculating the number of hours in a workweek, hours actually worked and annual, sick and safe and personal leave shall be counted.

§ 37.576 DEATH BENEFITS.

Upon the death of an employee who has completed a minimum of a one (1) year of full-time county service, the county shall pay the employee's estate or designated beneficiary a death benefit of one month's salary. This payment will equal one-twelfth of the annual pay.

In the case of a line of duty death, the county will follow the United States Department of Justice death benefit program guidelines.

§ 37.577 HOLIDAY PAY.

(A) Uniformed personnel shall be compensated for all County holidays as they occur throughout the calendar year. Holidays will be paid in the pay period in which they occur at base pay.

(B) Uniformed personnel with daywork schedule shall receive holiday pay for all County Commissioner determined holidays.

(C) For purposes of computation of compensation, a holiday is defined as an 8.5-hour day for 207(k) and non-207(k) employees and one fifth of the work week for uniformed personnel with daywork schedule.

(D) Employees on unpaid leave, including leave that is covered by workers compensation or short-term disability, are not eligible for holiday pay.

(E) If an employee is required to report for work on a holiday, and is absent on the holiday without approved leave, the employee may forfeit holiday pay and may be otherwise disciplined.

ATTENDANCE AND LEAVE

§ 37.591 APPROVAL REQUIRED; INCREMENTS.

Use of Leave requires supervisory approval and may be authorized in accordance with the provisions of this chapter and is subject to the operational requirements of the county. Leave may be used in four-hour increments for DFEMS uniformed personnel. HR shall establish the procedure for crediting leave to an employee’s account. For 207(k) and non-207(k) employees, one day of leave accrual equals 8.5 hours.

§ 37.593 ANNUAL LEAVE.

- (A) **Accrual rate.** Full-time and benefit eligible part-time employees, including those on initial probation, shall accrue annual leave at the rate of one-fifth of the employee’s weekly base hours for uniformed personnel with day work schedule and as an 8.5-hour day for 207(k) and non-207(k) employees based on length of service up to the following:

Years of Service	Hours of Annual Leave Accrued Per Year (Average 42-hours per week)
Under 1	68
1 through 5	119
6 through 15	153
16 through 20	178.5
Over 20	204

- (B) **Accumulation.** An employee may carry a maximum accumulation of 510 hours forward from one calendar year to the next. Maximum accumulation limit for those whose weekly base hours is less than forty-two (42) will be prorated. For purposes of this section, the calendar year ends on the last day of the last full pay period in December each year.
- (C) **Separation of county employment.** A regular employee shall be paid for all annual leave accrued at the time of separation, up to the maximum accumulation limit. The rate of payment shall be based on the employee’s regular pay rate at the time of separation. Upon the death of a full-time employee who has completed a minimum of one (1) year of full-time County service, the County shall pay the employee’s estate or designated beneficiary any accrued but unused annual leave up to the maximum accumulation limit. An employee who leaves county employment while on initial or extended initial probation is not compensated for annual leave.

- (D) Use of leave by DFEMS employees shall be guided by the applicable DFEMS SOP.

§ 37.594 SICK & SAFE LEAVE.

- (A) **Accrual rate.** Employees accrue sick & safe leave at the same rate as they accrue annual leave.

- (B) **Accumulation.** Employees hired prior to July 1, 2025, may carry an unlimited number of sick leave hours forward from one calendar year to the next. Employees hired after July 1, 2025, may carry a maximum accumulation of 765 hours (prorated for those scheduled to a workweek of less than 42 hours) forward from one calendar year to the next. For purposes of this section, the calendar year ends on the last day of the last full pay period in December each year.
- (C) **Separation of county employment.** Upon separation of county employment, an employee will not be compensated for accumulated sick & safe leave, unless the County Commissioners authorize otherwise in any sick leave policy in effect at that time.
- (D) **Family Medical Leave Act.** In accordance with applicable federal and state laws, HR will review and approve leave under the Family and Medical Leave Act (FMLA) for eligible employees.

§ 37.595 PERSONAL LEAVE.

- (A) **Number of hours.** Full-time and benefit eligible part-time employees shall receive up to 51 hours of paid personal leave each calendar year at the rate of one fifth of the employee's weekly base hours for uniformed personnel with daywork schedule and as an 8.5-hour day for 207(k) and non-207(k) employees.
 - (1) During the first year of eligibility, new employees will receive paid personal leave on a pro-rated basis up to the following:

Month of Hire	Maximum Hours of Personal Leave (42-hour workweek)
January through April	51
May through August	34
September through December	17

- (B) **Use and accumulation.** Personal leave must be used by the last day of the last pay period in December and shall not be carried forward to the next calendar year.
- (C) **Separation of county employment.** Upon separation of county employment, no employee will be compensated for unused personal leave.

§ 37.596 COMPENSATORY LEAVE.

- (A) DFEMS non-exempt employees may choose compensatory leave in lieu of paid overtime. Employees must make their choice in writing on forms provided by HR or Payroll and prior to the beginning of the pay period.

- (B) Compensatory leave shall be earned at the rate of one and one-half hours of compensatory leave for each hour worked over 40 hours for non-207(k) and uniformed personnel with daywork schedule and after 84 hours for 207(k) employees.
- (C) Non-exempt employees may accumulate a maximum of 120 hours of compensatory leave. Compensatory hours below 120 do not expire and may be used and/or paid out as outlined in (D) and (E) below.
- (D) Compensatory leave must be approved in advance by an employee's immediate supervisor before it is accrued or used. Approval to use accrued compensatory leave shall be in accordance with the provisions of the FLSA as amended.
- (E) Upon becoming an exempt employee or separation of county employment, an employee shall be paid for all accumulated compensatory leave.

§ 37.597 ADMINISTRATIVE LEAVE.

Employees, including employees on initial probation, shall, with supervisory approval, be granted paid administrative leave in accordance with the following:

- (A) **Jury duty.** An employee called for jury duty shall receive jury leave for the period of jury service. If the employee's services are not required as a jury member on any part of a workday, the employee shall report to his or her supervisor for duty. The employee shall remit to the county the entire payment received for jury duty to receive administrative leave. Employee is not required to remit parking fees, meal allowance, or mileage payments which may be provided by the Court.
- (B) **Subpoenaed witness.** An employee subpoenaed to appear in a court action, before a grand jury, administrative agency, or for a deposition shall receive witness leave for the period covered by the subpoena. Employee is required to submit appropriate documentation to receive administrative leave award. This does not apply to an employee who is a party to the action or who is appearing as a paid witness.
- (C) **Military.** An employee who is a member of the Army, Navy, Air Force, Marine, Space Force, or Coast Guard Reserve shall be granted military leave for military training or operations not to exceed 127.5 hours per county fiscal year and in accordance with Federal and State laws.
- (D) **Bereavement.** An employee shall receive Bereavement Leave in accordance with the following:

	Uniformed Personnel with Shift Schedule	Uniformed Personnel with Daywork Schedule
Immediate Family Members	48 hours	40 hours
Other than Immediate Family Members	24 hours	24 hours
Extended	12 hours	8 hours

- (1) For purposes of this section, immediate family members are defined as an employee's spouse, parent, or child (including in-laws and step).
- (2) For purposes of this section, family member, other than immediate family is defined as a sibling, grandparent, or grandchild (including in-laws and step).
- (3) For purposes of this section, an extended family member is defined as a great-grandparent, great-grandchild, aunt, uncle, niece, or nephew (including in-laws and step).
- (4) Bereavement leave need not be used as consecutive days.
- (5) An employee shall, upon request, submit appropriate documentation to their supervisor.

§ 37.598 LEAVE OF ABSENCE WITHOUT PAY.

- (A) **Duration.** The duration of leave without pay shall be at the discretion of the Director/Chief or other designated management personnel, in consultation with HR, based on the reason for the request and the effect on county operations. All available and applicable leave must be exhausted prior to requesting leave without pay.
- (B) **Leave accrual.** When leave of absence without pay occurs for the duration of an entire pay period, no leave of any kind shall accrue during the pay period.
- (C) **Approval.** The leave must be requested and approved prior to the beginning of the leave except under extenuating circumstances. The Director/Chief and HR must approve all requests for leave without pay. The County may impose conditions and restrictions on approval of leave without pay.
- (D) **Return to active employment.** An employee who has been granted leave without pay must return to work by the date the leave expires. Failure of an employee to return to duty upon the expiration of his/her leave without pay may be interpreted as a resignation.

PROBATION

§ 37.613 INITIAL PROBATION.

- (A) **Duration.** All employees shall be on probation for a minimum of twelve months following the employee's initial hire date into a position covered under this chapter. The Director/Chief may extend initial probation for up to an additional twelve (12) months after concurrence with HR.
- (B) **Rejection on initial probation.** The Director/Chief may reject an employee on initial probation at any time. An employee rejected on initial probation shall have no recourse

through the grievance procedure. An employee rejected on initial probation shall receive two weeks' severance pay.

- (C) **Initial Probation.** At least two weeks before the end of an employee's initial probationary period, the employee's supervisor shall complete an Initial Probation performance review and forward it to the Director/Chief who shall review and forward to HR. The supervisor shall not complete a performance review if the employee is to be rejected on probation, instead they shall file documentation with validation for separation from employment.

ANNUAL PERFORMANCE EVALUATIONS

§ 37.629 PURPOSE.

The employee performance review program is to identify and evaluate employee strengths and weaknesses and to provide feedback and support for employee success.

- (A) **In general.** The employee's supervisor normally completes the performance review with input and review from other appropriate supervisors, managers and the Director/Chief. All performance reviews shall be reviewed with the respective employee.
- (B) **Performance review criteria.** The employee's job description serves as the basis for performance review.
- (C) The supervisor shall conduct an annual performance review at least once per year but may conduct reviews more frequently.
- (D) An employee's performance review is not subject to the grievance procedure.

OUTSIDE EMPLOYMENT

§ 37.645 CONFLICTS WITH COUNTY EMPLOYMENT PROHIBITED.

An employee may not engage in outside employment that could create a conflict with the employee's county employment.

§ 37.646 NOTIFICATION OF OUTSIDE EMPLOYMENT; DETERMINATION OF CONFLICT.

An employee who engages in outside employment must complete the designated form to notify their supervisor and Director/Chief, HR and Ethics Administrator. The supervisor, Director/Chief, HR and Ethics Administrator shall review the outside employment request to determine if a potential conflict exists and if the mission of the agency could be adversely affected by the employment. If either the supervisor, Director/Chief, HR, or Ethics Administrator finds a potential conflict or adverse effect, the employee shall not engage in the outside employment. Employees will be notified of any denied outside employment requests.

- (A) Any outside employment related to Fire/EMS activities shall be evaluated for FLSA application and liability.

SEPARATION OF EMPLOYMENT

§ 37.661 METHODS.

(A) Resignation.

- (1) To resign in good standing, an employee must file written notice of the resignation and its effective date with the employee's supervisor at least 14 calendar days before the resignation. Unless notice is waived, failure to give appropriate notice may be cause for denying future county employment.
- (2) Upon written notice of resignation and its effective date, the Director/Chief may approve, but is not required to approve, the use of leave, in accordance with the provisions in §§ 37.591 through 37.598, Attendance and Leave. Any approved leave is not to exceed three (3) workdays for uniformed personnel with shift schedules, and five (5) workdays, including holidays, for uniformed personnel with daywork schedules, in the 14 calendar days prior to the employee's effective date of resignation.

(B) **Abandonment.** Separation of employment for abandonment shall occur automatically, after an absence without approved leave for two (2) consecutive shifts for uniformed personnel with shift schedules (except under validated extenuating circumstances). For uniformed personnel with daywork schedules, this shall apply following three (3) consecutive shifts. The employee may not grieve the determination of abandonment, except to prove that leave was authorized. The employee shall have the burden of so proving. An employee abandoning his or her position will not be paid out for any accrued, unused annual, sick and safe or personal leave and shall not be eligible for reemployment with the county.

(C) **Loss of Credentials.** Should an employee lose any required certifications/licenses (except under validated extenuating circumstances), they shall be recommended for immediate separation.

(D) Dismissal.

- (1) A supervisor recommending dismissal must first discuss with the Director/Chief or designee. They should then discuss the recommendation and the reasons for dismissal with HR.
- (2) The supervisor and Director/Chief or designee, with HR as a witness, shall meet with the employee to notify them of their dismissal and grievance rights.
- (3) An employee who has been dismissed may not be eligible for future employment with the county.

- (E) **Layoff.** The County Commissioners reserve the right to lay employees off temporarily or permanently. Procedures for layoff will be determined at that time.

§ 37.662 EFFECT OF SEPARATION.

All rights, benefits, and privileges cease upon separation of County employment, unless Federal, State or local law provides otherwise. An employee returning to County service following separation receives no seniority privileges or credit for previous service unless otherwise granted by law or the County Administrator.

§ 37.663 EXIT INTERVIEWS.

HR shall offer a confidential exit interview with any departing employee. HR shall disclose interview to DFEMS and/or County Administrator.

DISCIPLINE

§ 37.677 PURPOSE; TYPES OF DISCIPLINE.

The purpose of discipline is to effectively, consistently, and timely modify employee behaviors, misconduct, and/or poor performance that is inconsistent with or counterproductive to effective, efficient, and safe County business operations. Supervisors may impose appropriate actions necessary, according to the circumstances of each case. Disciplinary actions include but are not limited to, verbal or written notices, suspension with or without pay, , transfer within the department, demotion, dismissal, or any other action deemed appropriate at the discretion of DFEMS management and HR.

§ 37.678 PROGRESSIVE DISCIPLINE.

- (A) In most cases, but not all, supervisors shall impose a progression of disciplinary actions before recommending dismissal.
- (B) The County reserves the right to judge each case individually, based on such factors as the seriousness of infraction, work history, prior discipline, employee's knowledge/understanding of rules and procedures, mitigating circumstances, public and private conduct, and how others were treated under the same circumstances.
- (C) Progressive Discipline for the DFEMS shall be administered as defined under the applicable SOP which shall serve as the policy for its administration.

§ 37.679 GRIEVANCES OF DISCIPLINARY ACTIONS.

An employee may grieve disciplinary actions in accordance with §§ 37.695 through 37.697.

GRIEVANCES

§ 37.695 PURPOSE

Legitimate problems and differences of opinion may and will arise between the County as an employer and its employees. It is the responsibility of the Director/Chief of Fire/EMS and supervisors to establish and maintain a work climate within which an employee's grievance may be identified, presented, discussed, and given fair, prompt consideration.

A grievance is a formal, written complaint filed by an employee after an employee has completed their probationary period. Grievances may be filed under the following circumstances:

- an employee believes they have been adversely affected by an alleged violation, misinterpretation, or improper application of established laws, rules, regulations, procedures, or policies, OR
- an improper, inequitable or unfair act in the administration of the personnel code, OR
- involuntary demotions, suspensions of more than 5 workdays,
- dismissals. (directly to Grievance Review Board)

§ 37.696 PROCEDURE

(A) Step One Grievance.

If an employee has a problem or misunderstanding as described above, the first step is to talk to their immediate supervisor within five (5) workdays of its occurrence or their knowledge of the occurrence. The supervisor will give the employee an opportunity to discuss the matter fully and should give an answer within three workdays following the discussion. The majority of problems can be resolved in this manner.

If the problem or complaint is against an immediate supervisor, it should go immediately to the department director. In the event the problem or complaint is against a director it should go immediately to the County Administrator.

(B) Step Two Grievance.

In the event the problem or misunderstanding cannot be settled between the employee and their supervisor, the employee should describe their problem in writing and submit it to the Director/Chief or designee within three (3) workdays. Within three (3) workdays after receipt of the written documentation, the Director/Chief or designee will provide the employee a written response.

(C) Step Three Grievance.

If the Director/Chief or designee has not answered an employee's complaint to their satisfaction, they will have five (5) additional workdays to submit the complaint to the HR Director.

An appeal request may be emailed to the Director of HR or provided in writing containing

a signature and must include a concise description of the action or decision being appealed, including the response received from the immediate supervisor and/or department director, the reason(s) why the employee disagrees with the action or decision, and the resolution requested.

The HR Director will provide a response in writing within five (5) workdays of receipt.

(D) Step Four Grievance.

If the HR director has not answered an employee's complaint to their satisfaction, they will have five additional workdays to submit an appeal request to the County Administrator.

An appeal request may be emailed to the County Administrator or provided in writing containing a signature and must include a concise description of the action or decision being appealed, including the responses received from the immediate supervisor, department director, and/or HR director, the reason(s) why the employee disagrees with the action or decision, and the resolution requested.

The County Administrator will render a decision in writing within ten (10) workdays of receipt.

The decision of the County Administrator is final and binding.

(E) Grievance Review Board

A grievance filed for dismissal from employment will go directly to the Grievance Review Board. The Grievance Review Board (GRB) will consist of the five (5) County Commissioners and may also include the County Administrator. The grievant shall have five (5) business days from dismissal.

To file an appeal, a grievant must submit to the County Administrator, in writing, their name, mailing address, department or office, position or title, the name of any designated legal representative selected by them to appear and/or speak on their behalf, and a concise description of the reasons why they disagree with the action or decision and the resolution requested.

Upon receipt of the appeal, the GRB may, at their discretion, conduct a hearing at which the grievant, as well as the County, shall be afforded the right to be represented by a legal representative at their own expense, the right to present witnesses and evidence, the right to cross-examine witnesses, and the right to present opening and closing arguments. Following such a hearing and/or a review of the written appeal, a written decision by the GRB shall be sent by certified mail, to the address provided by the grievant, within thirty (30) calendar days and shall be final and binding upon all parties of the appeal.

§ 37.697 OTHER CONSIDERATIONS

(A) There will be no discrimination or retaliation against anyone presenting a grievance or

discussing a problem with supervisors or anyone in management.

- (B) Any time limit in the grievance process may be extended by agreement of both sides in advance of its expiration. If an employee fails to comply with any time limit in this chapter, the grievance will be dismissed. If the County fails to comply with any time limit in the grievance process, the employee may proceed to the next step.

EQUAL OPPORTUNITY COMPLIANCE

§ 37.714 DISCRIMINATION AND SEXUAL HARASSMENT PROHIBITED.

The county does not discriminate or tolerate discrimination against any employee/volunteer member on the basis of age, religion, gender, gender identity, race, color, national origin, genetic information, sexual orientation, pregnancy or maternity, veteran status, marital status, physical or mental disability or any other status protected by federal or state law. Likewise, the county does not tolerate sexual harassment or retaliation against any employee/volunteer member. An employee subjected to any form of discrimination, including sexual harassment or retaliation, is entitled to a prompt, fair resolution.

§ 37.715 DEVELOPMENT OF POLICIES AND PROGRAM IMPLEMENTATION.

HR shall develop policies governing equal opportunity compliance. DFEMS in coordination with HR shall implement policies that will contain procedures to resolve complaints and expedite resolutions.